

**LEGISLATIVE HEARING ON H.R. 2409; H.R. 5452;  
H.R. 5538; H.R. 5644; H.R. 5649; AND H.R. 5882**

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**HEARING**  
BEFORE THE  
**SUBCOMMITTEE ON ECONOMIC  
OPPORTUNITY**  
OF THE  
**COMMITTEE ON VETERANS' AFFAIRS**  
**U.S. HOUSE OF REPRESENTATIVES**  
**ONE HUNDRED FIFTEENTH CONGRESS**  
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**Wednesday, May 23, 2018**

COMMITTEE ON VETERANS' AFFAIRS,  
U. S. HOUSE OF REPRESENTATIVES,  
*Washington, D.C.*

The Subcommittees met, pursuant to notice, at 10:02 a.m., in Room 334, Cannon House Office Building, Hon. Jodey Arrington [Chairman of the Subcommittee] presiding.

Present: Representatives Arrington, Bilirakis, and O'Rourke.  
Also Present: Representatives Roe, Brownley, and Peters.

**OPENING STATEMENT OF JODEY ARRINGTON, CHAIRMAN**

Mr. ARRINGTON. Good morning, everyone. The Subcommittee will now come to order.

As we head into Memorial Day, I am looking forward to this legislative hearing and these pieces of policy meant to improve upon the lives of those who have raised their right hand to serve our country.

I want to thank all of you for joining us today to discuss six very important pieces of legislation pending before the Subcommittee with the intentions of benefitting, obviously, the lives of our heroes, our servicemembers, our veterans, and their families.

The bills brought forth by our colleagues today would improve the services and economic opportunities for our veterans, and would make changes to the servicemember Civil Relief Act for when Reservists and National Guardsman are called upon to serve; when a servicemember dies in the line of duty and the subsequent effects to their surviving spouse in terms of their housing lease.

They will also make necessary reforms to the Vocational Rehabilitation and Employment Program, to ensure that all of those who have served and are eligible for the program are able to reap the benefits from the program.

I will let our colleagues who introduced these pieces of legislation discuss their bills in greater detail, but I do want to briefly discuss my bill. And I hesitate to say my bill, before Chairman Wenstrup, or former Chairman Wenstrup, and the ranking Member, and so many others have contributed to this. So I would say our bill that is on the agenda that we introduced.

And it is one for me that when I think about all the money we invest to make our fellow citizens part of the greatest fighting machine the world has ever known and to make them warriors, and

then when they come back and they assimilate back into our society as civilians after active duty, I mean, what small amount of resource, time, and effort we spend in that process. So I can't think of a more important reform or policy to focus on that the Transition Assistance Program.

My bill, or our bill, the Navy Seal Chief Petty Officer William "Bill" Mulder Transition Improvement Act of 2018, is named in memory of my high school friend, who was a decorated Navy Seal. Bill was a true American hero who returned after his service to an internal struggle based on the mental and physical toll that his active duty took on him, that unfortunately our men and women in uniform understand all too well.

This bill would overhaul the servicemember's transition from active duty service to civilian life, it would improve upon each touch point in the servicemember's transition with the interagency efforts of the Department of Defense, Labor, Veterans Affairs, and their partner agencies who are also engaged in this effort.

While there have been improvements over the years to the TAP program, more needs to be done to engage the servicemembers earlier, prior to their separation, and to improve that warm handover, as we call it, from active duty to veteran status, with the involvement of both Federal entities and community programs that understand the needs of the veteran at the local level when they return home. This bill is another step towards reducing the struggles of unemployment, homelessness, suicide when those who have worn the uniform return home.

We owe it to Bill and to all of our military to do everything we can to properly equip them for civilian life, just as we have equipped them for their military careers.

As I have said since day one, as we worked to develop this legislative package, an ounce of prevention is better than a pound of intervention, and I am thankful to all of my colleagues who played a role in creating this bill.

I also want to thank the Federal agencies, community programs, and other veteran stakeholders who were involved along the way. I look forward to discussing all of the bills before us today. I appreciate, again, the Members on both sides of the aisle who are attending today to testify on their bills.

Mr. ARRINGTON. I will now yield to my friend and ranking Member, Mr. O'Rourke, for any opening comments he might have.

**OPENING STATEMENT OF BETO O'ROURKE, RANKING  
MEMBER**

Mr. O'ROURKE. Thank you, Mr. Chairman.

And I will share with you something that I share with my constituents when they are looking for some encouragement in their government in some very tough and trying times for many, I tell them about this Committee and the fact that just about any issue that we work on is done on a bipartisan basis. There is no Republican or Democratic bill to increase access for mental health care for veterans, to improve the Transition Assistance Program, to fulfill our commitment, our end of the bargain for those who put their lives on the line for this country.

Legislation that just passed last week in the House of Representatives that made significant changes to a number of programs, including the Caregiver Program, to ensure parity for pre- and post-9/11 veterans and their family members who care for them really makes me proud. And it is something that it is not sensational or provocative enough, so it doesn't make the headlines, doesn't grab everyone's attention, but it is a story that needs to be shared, because there is work being done.

And the Members who are about to testify and share the bills that they have worked on with their staffs are part of that story. And having reviewed these bills with our team, I am very encouraged by what is being brought forward, and look forward to supporting it and getting a little bit more information from the Members who put them together.

Lastly, I will tell you that you have just been exceptional in your leadership on this Transition Assistance Program. You held a field hearing in West Texas, at Texas Tech in Lubbock. Texas Tech has become a leader in this, trying to define the example of how you successfully integrate people after they have served.

And Dr. Wenstrup has been incredibly powerful and eloquent on this need to have purpose and fulfillment in your life after you come back from battle or combat or service. And through an education, through a career, through knowing what you are going to do next, which this TAP program can be so effective in, I think we can do far better for those who have served this country.

So I am very grateful to be working on this Committee with you and the other colleagues here. I am grateful for those not on the Committee who are about to testify and share their ideas for bills, and look forward to supporting them. And with the Chairman's help, Chairman Roe and Ranking Member Walz, getting these on the floor as quickly as possible, so we can continue to move forward.

So, thanks for bringing this hearing together. I look forward to hearing what everyone has to say.

I yield back.

Mr. ARRINGTON. Well said and I agree, and I knew when they announced that I was going to serve with the ranking Member from the great State of Texas we were going to do some great things. That is a joke—not a joke, but a joke.

Let me now recognize our colleagues at the table. But before we do that, actually, let's yield to our fellow Committee Members who also have bills on the agenda. Ms. Brownley, thank you for being here, and for your interest and for your legislation. We will begin with you to discuss H.R. 5452, and you are now recognized for 5 minutes.

#### **OPENING STATEMENT OF HONORABLE JULIA BROWNLEY**

Ms. BROWNLEY. Thank you, Mr. Chairman, and Ranking Member O'Rourke, and Members of the Subcommittee. Thank you for the opportunity to testify today in support of my bill, H.R. 5452, the Reduce Unemployment for Veterans of All Ages Act.

I appreciate the Subcommittee's commitment to improving the VA's various veteran employment programs, including the Transition Assistance Program and the Vocational Rehabilitation Pro-

gram. These programs provide the wraparound support, education, and services that help veterans get and keep meaningful work after their service. As a proud Member of this Committee and a co-chair of the Reinvesting in our Returning Heroes Task Force, I share that same mission.

My bill today makes one simple, but powerful change to the VA's Vocational Rehabilitation and Employment Program, also known as Chapter 31.

As you know, the VA currently runs the Chapter 31 program to help veterans obtain employment and achieve maximum independence through job training, employment accommodations, resume development, and job-seeking skills coaching. In fiscal year 2016, nearly 30,000 veterans developed a new plan of service through vocational rehabilitation, and 11,500 veterans secured and maintained suitable employment or completed an independent living program.

Eligibility for this program, however, expires 12 years after separating from military service. Not all veterans with service-connected disabilities are aware of their possible eligibility when separating from their service and some may not need VR&E until later in their career. According to DAV Resolution No. 250, not all disabled veterans are under the impression that they need vocational rehabilitation until later, after the current 12-year excludes them from the benefit that they need and would otherwise have been entitled to.

The fact is, we need to address veteran unemployment at all ages and ensure America's heroes have the support they need in the 21st century economy. Currently, 60 percent of unemployed veterans, more than 270,000 former servicemembers, are over the age of 45. Older veterans have outstanding experience and technical skills, and we need to do more to help these veterans succeed in the labor market. This unfair cap on Chapter 31 harms the ability of older veterans to access employment services. This bill would lift this arbitrary limit, and ensure veterans get the support they have earned and deserve.

Like the caregiver program, this arbitrary cap forces the VA to treat two veterans who have the same service-connected disability differently simply because of how long ago they served. We worked in a bipartisan way to fix that unfairness in the caregiver program and we should do the same here with Chapter 31.

H.R. 5452 is supported by the VSOs as a commonsense solution to simplify the program and help get more veterans back to work.

So I thank the Chairman and the ranking Member for holding this hearing. Unfortunately, I have to go to a markup in T&I and will have to leave you, but I appreciate your focus and attention on all of the bills before us today, and your efforts to make all of our veterans successful in the workplace.

So, thank you very much.

[THE PREPARED STATEMENT OF JULIA BROWNLEY APPEARS IN THE APPENDIX]

Mr. ARRINGTON. Thank you, Ms. Brownley. Thank you for your leadership on the Committee and your commitment to our veterans.



Before I yield to our colleague Mr. Peters, I would like to say that are fortunate and blessed to have our Chairman with us at this legislative hearing, and I would just like to ask if you had anything. So I just yield as much time as you may need, Mr. Chairman.

**OPENING STATEMENT OF HONORABLE PHIL ROE, CHAIRMAN,  
FULL COMMITTEE ON VETERANS AFFAIRS**

Mr. ROE. Thank you, Mr. Chairman, and I don't need a lot of time. And, Mr. O'Rourke, thank you for letting me be here today.

But I have a special guest that I would like to introduce, and I would like to ask Molly Hale, if Molly would stand up, she is back over here. Molly is on Capitol Hill today working or representing, and I see another maybe person that is also doing that here, Youth Foster Day. And what we have are foster youths who have really had a tough time and been placed in foster care. And I don't know how anybody would pick me for a mentor, but anyway she got the short straw, Molly did today.

[Laughter.]

Mr. ROE. And she will be with us and they have a luncheon later today. And I think are you with—yeah, why don't you stand up also. I don't know your name. But these young people have overcome tremendous obstacles in their lives and really are amazing young people. And Molly has lost both of her parents and was in foster care. She has now finished her first year of college at East Tennessee State University, I think she had 38 semester hours the first year, it would kind of overwhelm me to have that many, and is doing a great job

And I just wanted to give a shout-out to both these young people here today and, with that, I will yield back, Mr. Chairman.

Mr. ARRINGTON. Thank you, yeah.

[Applause.]

Mr. ARRINGTON. We are delighted that you are here with us and we are very proud of you, and we will see if you can suffer through a legislative hearing and test your patience.

[Laughter.]

Mr. ARRINGTON. Let's now ask our colleague Mr. Peters to discuss his bill, H.R. 5538.

Mr. Peters, you are now recognized for 5 minutes.

**OPENING STATEMENT OF HONORABLE SCOTT PETERS**

Mr. PETERS. Thank you, Mr. Chairman. And thank you, Mr. Chairman, we certainly welcome the guests today. I appreciate your allowing me to testify today for my bill, the Reserve Component Vocational Rehabilitation Parity Act.

Let me thank first General Jack Bergman, who joined me to introduce this bill, and five of our Committee colleagues who cosponsored the bill. And I also want to thank the Committee staff, who always does great work as well.

So many Guardsmen and Reservists have realized they don't qualify for all their benefits since the Department of Defense began using their new authority to call up Reserve components for involuntary service. The new authority unintentionally excludes these Guardsmen and Reservists in a way in which I will talk about.

Thankfully, Ranking Member Walz and Mr. Palazzo have taken the lead to secure benefits for them, and we passed a few important fixes in the Forever GI Bill last year. One unresolved issue is access to vocational rehabilitation.

So this VA program provides critical job training that helps servicemembers and veterans find their career path after they have completed their service. Upon separation, there is a rule that veterans need to use their vocational rehab benefits within 12 years, they need the time to consider when and whether to take advantage of that benefit. But on separation from active duty, as you know, Reservists can be called to spend some of those months or years deployed.

So currently two Reservists serving side-by-side in active duty may not have access to the same amount of time to take advantage of the benefits, because the Reservists who volunteered under current law to serve will have the vocational rehab benefit time, the 12-year extended while they are deployed, but the Reservists who is involuntarily deployed does not get that extension. So it is really a distinction with no reason, it is a simple fix.

The Guardsmen and Reservists who served honorably in missions to support combat zones, they have provided the same service, they have earned the same employment and education benefits as any other Reservists through their service. There is no reason to create a distinction between those who volunteered and those who were called on involuntarily.

So my bill would just ensure Reservists and Guardsmen will have access to that full 12-year window to use their vocational rehab benefits.

I am proud that the bill, it is a simple bill, is supported by the National Guard Association of the United States and the Reserve Officers Association. Mr. Chairman, I ask unanimous consent that their letters of support be added to the record.

Mr. ARRINGTON. No objection.

Mr. PETERS. I also want to commend my colleague Ms. Brownley for her work to ensure veterans of all ages have access to vocational rehab in the future, but in the meantime this bill provides some certainty for the Guardsmen and Reservists who need this fix now.

I appreciate your attention today. I hope you will support the legislation. And I yield back the remainder of my time.

Mr. ARRINGTON. Thank you, Mr. Peters, again for your leadership on the Committee and your passion for serving our veterans.

And now we will turn our attention to our panelists. It is an honor to be joined at the table by our colleagues Dr. Wenstrup of Ohio, Ms. Bustos of Illinois, and Mr. Costello from Pennsylvania. Thank you all for being here and we will recognize each of you for 5 minutes to talk about your respective bills.

Dr. Wenstrup, we are going to miss you on the Committee. Congratulations. I know your heart will always be with our veterans and you will always be working with this Committee, and we need you over there at Ways and Means.

So we will begin with you, Mr. Wenstrup, you are recognized now for 5 minutes.

**STATEMENT OF HONORABLE BRAD WENSTRUP**

Mr. WENSTRUP. Well, thank you, Mr. Chairman. I want to say from sitting down here, it looks a little different. You all look so big up there, I'm telling you.

[Laughter.]

Mr. WENSTRUP. But I see that I am replaced ably and deservedly by an outstanding veteran, Brian Mast, but I also want to say what a privilege it has been to be on this Committee for 6 years and to serve under Chairman Roe, and to serve with each and every one of you.

What you said before, Mr. O'Rourke, is very true, this Committee gets a lot of things done and works very well together and I appreciate it, and I appreciate the staff that I have had the honor to serve with as well.

But I want to thank you, Mr. Chairman, for yielding and thank this Committee for the opportunity to testify today on an important piece of legislation.

One of the most important things Congress can do to help returning servicemembers reintegrate back into civilian life is to support and prioritize programs that help them find meaningful employment or education and training opportunities. Unfortunately, the structure of the VA can detract and distract from this mission.

Currently, the Veterans Benefits Administration is responsible for all benefits of which the bulk of resources and attention go towards disability compensation, pension claims, and the backlog that they face. The primary focus on these benefits has resulted, I believe unintentionally, in a lack of attention on other benefits, and especially those surrounding economic opportunity.

That is why just last month Representative Mark Takano and I introduced the Veterans Education Transition and Opportunity Prioritization Plan, known as VET OPP Act of 2018. This bill would create veterans Economic Opportunity and Transition administration at VA, headed by a new Under Secretary for Economic Opportunity and Transition. Under the bill, all the VA's education and training, transition, home loan, and veterans owned and operated small business verifications would be placed under the new Economic Opportunity and Transition administration.

It is important to note that the bill would require this new administration to be created within existing resources to avoid growing Government or adding new bureaucracy at VA.

This is an opportunity to shift focus, to make a difference in our veterans' lives and to make economic opportunity programs that empower our veterans more effective.

For decades, the VA has prioritized other benefits and services at the expense of these programs that empower our veterans to successfully transition and continue to be self-sustainable. This bill is about highlighting economic opportunity programs and elevating them to a higher level, a level I believe they deserve. Our veterans return from war with skills that are applicable to the civilian world; they are strong, dependable leaders, and our commitment to programs that promote opportunities and success reinforces those abilities.

The one percent of Americans defending our freedom deserve a solid path after service, one that comes with high quality education and employment opportunities, and this bill furthers that mission.

And with that, Mr. Chairman, I yield back.

Mr. ARRINGTON. Thank you, Dr. Wenstrup.

Now, Mrs. Bustos, we recognize you for 5 minutes.

#### **STATEMENT OF HONORABLE CHERI BUSTOS**

Mrs. BUSTOS. Very good. Thank you so much, Mr. Chairman and Mr. Ranking Member.

And I really like how you started out this meeting by talking about bipartisanship, that is we need obviously a lot more of that, and I am proud with the fact that what I am going to be talking about is bipartisan with this gentleman right here, a Colonel, a doctor, and a Member of Congress. And we are here to offer bipartisan legislation to support widows and widowers of our fallen heroes by allowing them to terminate residential leases without penalty in the wake of a servicemember's death.

This is how I became aware of this issue. We have a woman who lives in Farmington, Illinois, which is in my congressional district, named Kylie Riney. Her life and her family's lives were forever changed on October 19th of 2016 when her husband, Douglas Riney, who was a Sergeant in the military, tragically died when he was defending our freedoms in Kabul, Afghanistan.

Kylie and her two little kids, James and Ella, were living in Texas at the time because Sergeant Riney's assignment was in Fort Hood before he deployed to Operation Freedom's Sentinel. After her husband's death, Kylie chose to move back to her home state of Illinois to be surrounded by her family as they were mourning this inconceivable loss. But in the wake of this tragedy, their landlord refused to allow Kylie to terminate the lease that she and her husband had signed. Unbelievable.

The families of our fallen heroes have already sacrificed far too much, and we should be doing everything in our power to ensure that grieving spouses receive the support that they need. For this reason, I was proud to introduce this commonsense, bipartisan bill that we call the Gold Star Spouses Leasing Relief Act, and I am proud that we were able to do this together with Congressman Wenstrup.

Currently, the Servicemembers Civil Relief Act protects servicemembers from lease termination fees when they deploy or receive a permanent change of station. Our legislation very narrowly extends this law's residential leasing protections in order to protect the surviving spouses of servicemembers who are killed while serving. So that is what this part of it does.

Spouses of servicemembers are already protected under several sections of the Servicemembers Civil Relief Act, including the sections on land rights, taxes, and voter registration. This bill would not dramatically expand this law, it would simply make sure that it is there for surviving spouses when they need it most.

I can hardly think of anything worse than taking advantage of a grieving widow whose spouse made the ultimate sacrifice for our country. So I really do hope that we can pass this commonsense legislation to ensure this does not happen again.

And with that, I yield back the balance of my time. Thank you, Mr. Chairman, and thank you, Mr. Ranking Member.

[THE PREPARED STATEMENT OF CHERI BUSTOS APPEARS IN THE APPENDIX]

Mr. ARRINGTON. Thank you, Mrs. Bustos. We appreciate you identifying a gap and supporting families, especially surviving spouses of servicemembers, so bless you for that.

Now we will ask Mr. Costello to talk about his bill. You are recognized for 5 minutes.

#### **STATEMENT OF HONORABLE RYAN COSTELLO**

Mr. COSTELLO. Thank you, Mr. Chairman.

At the inception of my comments, I just want to echo what Mr. O'Rourke said about this Committee, which I had the distinction of serving on in my first term, as a Committee that you can go home to your district and share with your constituents that you are doing good things in a bipartisan fashion, and the politics doesn't make its way into here. And with Chairman Miller departing, I see that Chairman Roe has filled ably in furthering that attitude and spirit and reputation of this Committee.

And I applaud all those who have bills here to be discussed this morning. I would like to speak on behalf of my legislation, H.R. 2409, which would eliminate unnecessary burdens on servicemembers and their families during a change of duty or deployment. This is a bipartisan bill that would offer servicemembers the flexibility to terminate pay TV or Internet contracts while deployed.

Under these unique circumstances, we can agree that men and women who serve should not have to navigate costly and time-consuming, and oftentimes very, very annoying cancellation fees and policies. By updating the Servicemembers Civil Relief Act, servicemembers would be able to end pay TV and Internet service contracts without incurring early termination fees when they have military orders to move or deploy.

It is important to note that there are similar relief provisions in some states and certain businesses do voluntarily waive early termination fees. This legislation would enact a Federal solution, so that all our Nation's servicemembers and their families are provided uniform assistance.

We all agree that the men and women who sacrifice so much to serve our country deserve the best possible service when they come home and when they are preparing to deploy. That is why I introduced this legislation.

I would also just like to remark in closing, when I discussed Chairman Roe and his tenure as Chairman, also that extends to the staff here, council and Committee staff who do an excellent job. They should be applauded for their hard work. I know that my colleagues regularly do point them out and I just wanted to do that as well, because we are all in this together. I think this Committee really is the shining star on the hill or however that term goes in terms of demonstrating how Congress should work.

I thank you for the opportunity to speak with you about supporting H.R. 2409 and yield back.

Mr. ARRINGTON. Mr. Costello, again thank you for your leadership and service on this Committee and your commitment to our veterans, and thank you for your time and for coming here today. You are now excused as we recognize the second panel of witnesses today.

I want to welcome Ms. Margarita Devlin, Principal Deputy Under Secretary for Benefits at the Department of Veterans Affairs; Mr. John Kamin, Assistant Director for the Veterans Employment and Education Division of The American Legion; Ms. Lauren Augustine, Vice President of Government Affairs at Student Veterans of America; and Ms. Rebecca Burgess, Program Management for the Program on American Citizenship at the American Enterprise Institute.

Thank you all for being here and each of you will be recognized for 5 minutes. Ms. Devlin, let's start with you.

#### **STATEMENT OF MARGARITA DEVLIN**

Ms. DEVLIN. Good morning, Chairman Arrington, Ranking Member O'Rourke, and the Members of the Subcommittee. I am pleased to be here to talk about the views the Department of Veterans Affairs has on pending legislation, including H.R. 2409, H.R. 5452, H.R. 5538, H.R. 5644, H.R. 5649, and a bill authorizing lease termination under the Servicemembers Civil Relief Act.

VA supports 5538, which amends Chapter 38 to provide the inclusion of additional periods of active duty service for charges to veteran's entitlement during periods of postponed participation in VR&E programs.

We support this bill because it would ensure that members of the Reserve component who are involuntarily activated receive the same benefits and protections as other individuals who are involuntarily activated.

H.R. 5644 would establish the Veterans Economic Opportunity and Transition Administration, or VEOTA, to administer programs that provide assistance related to economic opportunity for veterans, and their dependents and survivors. VEOTA would be responsible for the following VA programs: vocational rehabilitation and employment; educational assistance; veterans home loan programs; verification of small businesses owned and controlled by veterans, including the administration of the database of veteran-owned businesses; the Transition Assistance Program; and any other programs deemed appropriate by VA.

While VA appreciates the Committee's focus on improving services and resources offered by those programs, we do not support this bill.

The current VBA structure appropriately reflects the Under Secretary for Benefits' overall responsibility for veterans benefit programs that include programs related to economic opportunity and transition, as well as compensation, pension, survivor benefits, and insurance.

VA is in the process of modernizing the entire organization. To achieve modernization, VA recognizes that the Department must fundamentally change the way it operates. This requires the delayering of oversight offices and concentrating resources on front-line, veteran-facing, and veteran-serving positions. The addition of

another administration would increase oversight for programs that are currently in place, contrary to the modernization efforts that are underway.

H.R. 5649 would seek to improve transition assistance to servicemembers and veterans under the Transition Assistance Program, or TAP, through improved private-public partnerships, authorization of studies, and other changes. VA appreciates the Subcommittee's interest in TAP and shares the desire to make sure the program serves as many transitioning servicemembers as possible, and as effectively as possible.

To that end, the interagency TAP team has currently initiated several evaluations and studies, which will provide additional information needed to make evidence-based decisions on what we should do to make improvements and how those improvements should be made. We look forward to working with you in the Subcommittee on improving TAP once we have completed these evaluations that are already in progress, so that we can make evidence-based decisions.

With respect to H.R. 5452, VA supports the objectives of this bill, which are designed to reduce unemployment for veterans of all ages. However, we cannot support this bill because we do not consider it necessary. Currently, Title 38 requires that VR&E benefits and services must be utilized within 12 years, this is true. However, there are other sections of Title 38 and VA regulations, which authorize the extension of this eligibility period for veterans for a variety of reasons, including, but not limited to medical conditions, character of discharge, not having had a service-connected disability rating during that time period, and other reasons. There are many exclusions which allow us to extend that time period. In addition, the ETD may be waived as needed for veterans who are determined to have a serious employment handicap.

Because we have all of these protections in place to help those veterans who are past their 12-year eligibility period, but have rehabilitation needs, we believe we are already working to accomplish the goals of this bill.

With respect to H.R. 2409, VA defers to DoD or DOJ on the draft lease termination bill, because these bills fall outside of VA's jurisdiction.

Thank you, Chairman Arrington and Ranking Member O'Rourke, for the opportunity to present our views on these bills, and this concludes my testimony and I look forward to engaging in conversation as you have questions.

[THE PREPARED STATEMENT OF MARGARITA DEVLIN APPEARS IN THE APPENDIX]

Mr. ARRINGTON. Thank you, Ms. Devlin.

Mr. Kamin, you are now recognized for 5 minutes.

#### STATEMENT OF JOHN KAMIN

Mr. KAMIN. Thank you, Mr. Chairman, ranking Member and distinguished Members of this Subcommittee. On behalf of National Commander Denise Rohan and the 2 million members of the The American Legion, we thank you for the opportunity to testify on these bills.

Due to the allotted time available, I will briefly speak on two pieces of legislation, and conclude with remarks on a recent change to GI Bill eligibility that may affect the educational opportunity of thousands of veterans.

I will begin with H.R. 5649, the Navy Seal Chief Petty Officer William Mulder Transition Improvement Act of 2018. H.R. 5649 marks a strong improvement of TAP, the largest reorganization of which since 2011. Specifically, this bill would be restructuring TAP to allow servicemembers to choose specific career-oriented tracks that best suit their post-service plans and would require that servicemembers take part in one-on-one counseling prior to separation. It would also authorize a 5-year pilot program that would provide matching grant funds to community providers that offer wrap-around transition services to veterans and transitioning servicemembers.

Specifically, The American Legion is pleased to see that language from H.R. 4835 has been included in this bill. In 2012, The American Legion helped push the Off-Base Transition Training Pilot Program that would extend the TAP programs to veterans and their spouses in a community-based setting. Overall, course ratings by participants were high; however, the pilot program expired in January of 2015. We look forward to seeing it relaunched.

Next, we move on to H.R. 5644, the Veterans Education, Transition, and Opportunity Prioritization Plan. The American Legion's national executive committee has recently examined this issue and determined that the proposal is of such historical magnitude that the appropriate course of action is to present it to our national convention this summer after careful study and consideration. This prudence is warranted, at the very least for us to present our concerns directly to the Department of Veterans Affairs.

As to the nature of these concerns, one needs to look no further back than this Subcommittee's vocational rehabilitation hearing last week. In this hearing, VA senior staff explained rather candidly that a \$12 million contract to update VR&E's IT was botched. That happens. What they could not identify or explain under considerable duress was any party's responsibility for the error.

This is not the fault of the VA staffers who bore the brunt of these questions, but it is telling evidence of systemic and structural barriers to effective governance.

The American Enterprise Institute has made a passionate case for fourth administration in its recently released report, but further questions certainly need to be answered. Who is our champion? What will be the implication on how to untie the web of IT issues affecting vocational rehabilitation and education, and how will this affect long-time budgeting?

These questions warrant continued discussion and analysis, but the central question upon which the future of the VA will pivot is whether or not investing in the economic opportunity of veterans is a tier one priority for the VA. If so, who is communicating these issues to the Secretary? Who can inform the Secretary of these issues with Voc-Rehab? Who is making policy determinations on the practice of VA home loan mortgage churning?

Who can share with the Secretary the success of the GI Bill and perhaps explain that it should not be the responsibility of the Stu-



dent Veterans of America to foot the bill for research approving the success? Who can share with the Secretary the optimism that America is preparing its veterans to be future leaders and pledge that every investment made in them is meticulously calibrated to account for the volatile developments in housing, education, and employment markets?

The irony is that this issue demands nothing more than the VA believe as strongly in the future of these veterans as the rest of the country does. The VA we want is the VA that recognizes that veterans are more than health, benefits, and cemeteries.

The VA may have a plan for how this could be realized without a fourth administration and, to that end, we welcome their response.

In closing, I ask for this Subcommittee's indulgence in explaining a positive development on the subject of GI Bill eligibility. Up until two weeks ago, it had been The American Legion's understanding that the only way to secure post-9/11 GI Bill eligibility for Army Reservists was active duty deployments. Then we discovered, with the help of our friends at the Enlisted National Guard Association, a document published by our Army Human Resources Command, titled MILPER 17-059. This message declared a change in interpretation of service qualifying for the post-9/11 GI Bill to include active duty training under 12301d orders. While this is exciting news to share, I cannot tell you how a Reserve servicemember would become aware of this eligibility without rifling through U.S. Code and DoD regulations.

We have to do a better job about disseminating this information to our Reserve servicemembers. The Department of Defense, the VA, and, yes, even The American Legion and our fellow VSOs.

We usually end testimony by saying you can always count on the legion for support. However, today we are calling for your support encouraging the VA and the Department of Defense to raise awareness of this eligibility to support these often neglected servicemembers.

Thank you for your time and I look forward to your questions.

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

Mr. ARRINGTON. Thank you, Mr. Kamin.

Ms. Augustine, you are now recognized for 5 minutes.

#### **STATEMENT OF LAUREN AUGUSTINE**

Ms. AUGUSTINE. Chairman Arrington, Ranking Member O'Rourke, and Members of the Subcommittee, thank you for inviting Student Veterans of America to submit our testimony on the pending legislation before you today. With over 1500 chapters, representing more than 700,000 student veterans in schools across the country, we are pleased to share the perspective of those directly impacted by the subjects of transition and economic opportunity before you today.

SVA strongly supports H.R. 5644, the VET OPP Act, which would create the Veterans Economic Opportunity and Transition Administration at the Department of Veterans Affairs. We applaud this Committee for considering such a proactive change to VA's cur-

rent bureaucratic structure which would truly prioritize empowerment, education, and economic opportunity within the halls of VA, and across the veteran community.

We believe this transformational change is necessary to, first, increase accountability. Chairman Arrington, you said it best yourself just last week during a hearing on the VR&E Program: we need a quarterback. To build on your analogy, right now there is a strong roster of directors and Under Secretaries who are successfully carrying the ball down the field for economic opportunity programs, much like receivers and running backs. But all receivers still need a quarterback, someone to call the plays, read the field and make adjustments, and to take the tough questions after the game when things do not go as expected.

And while we appreciate the new Under Secretary of Benefits being installed just last week, we believe this proposal is still necessary to provide more direct accountability for those programs it would encompass.

Second, elevate the power of economic opportunity for veterans. Elevating economic opportunity sends a powerful message that an empowered life is prioritized by VA at the same level of things like health care and burial benefits, instead of simply being part of the bottom-heavy Veterans Benefits Administration.

Third, it establishes a more direct counterpart for cross-agency efforts. A myriad of Government agencies routinely interacts with VA on economic opportunity programs and initiatives. Providing these agencies with an Under Secretary to coordinate and champion such cross-agency efforts will lead to greater Government efficiency.

Fourth, it supports whole health. VA's whole health initiative aims to shift the focus from what's the matter to what matters most to veterans. Economic opportunity programs directly support building on this concept by focusing on things that can help veterans achieve educational, employment, and home ownership goals, but these programs need a stronger champion in the VA structure.

A long list of tradition and post-9/11 military and Veterans Service Organizations have supported this concept in the past and continue to do so today. We are eager to work with this Congress and the President to finally make it a reality.

SVA also supports H.R. 5649, the Navy Seal Chief Petty Officer William "Bill" Mulder Transition Improvement Act, which would improve the Transition Assistance Program.

Important improvements to TAP have been highlighted through participation in roundtables this Committee hosted and other convenings over the past year. We are pleased to see a majority of those bold initiatives included in this transformational piece of legislation.

Specifically, we applaud the Committee for including attention to, one, transition pathways. This would require the military services to establish a minimum of three transition pathways to be used as part of the individualized counseling during TAP. This is an important improvement that will catalyze the success of separating servicemembers and is a distinct shift from the current approach where individuals receive instruction almost exclusively based on rank.

Two, support for veterans and spouses. This bill would reauthorize a pilot program that allowed veterans and spouses to attend the Department of Labor workshop at off-base locations. This is an important recognition that access to the information in TAP seminars after separation for spouses and veterans can help improve the transition process.

Next, to the importance of community impact. The bill proposes a 5-year pilot program to help community providers fund innovative transition services. These initiatives appropriately recognize the importance of local communities in the transition process, and we applaud the acknowledgment of community-based impact.

And, finally, the need for greater data. This bill proposes several data collection and report requirements, which will provide further clarity on the overall impact of TAP and provide information that can be used to refine the program's effectiveness. We strongly applaud this Committee for including each component and look forward to reviewing the information for years to come.

On curriculum, this bill would improve and modernize the curriculum and structure of TAP by authorizing a servicemember to choose one of the two-day tracks focused on education, vocational training, employment, or entrepreneurship as part of their 5-day training. This is different from the current structure that has a mandated 5-day course with the option to add an additional 2-day track. While we appreciate the mandate of a 2-day track, which do provide tailored information based on a servicemember's transition plan, we have concerns they would replace instead of supplement the current 5-day curriculum.

Thank you for the opportunity to testify on these issues, and thank you for making the success of student veterans and the importance of economic opportunity for all veterans and their families a top priority.

[THE PREPARED STATEMENT OF LAUREN AUGUSTINE APPEARS IN THE APPENDIX]

Mr. ARRINGTON. Thank you, Ms. Augustine.

Finally, Ms. Burgess, you are recognized for 5 minutes.

#### **STATEMENT OF REBECCA BURGESS**

Ms. BURGESS. Chairman Arrington, Ranking Member O'Rourke, and distinguished Members of the Subcommittee, thank you for the opportunity to appear today as you consider measures to uplift our Nation's veterans in their transition from war to successful civilian lives, it is an honor.

Veterans are the permanent ambassadors of national service. How we publicly portray veterans relates to how society conceptualizes military service, including what happens to an individual during that service. In an all-volunteer force, reputation is key to the attractiveness of joining a profession that can end in death or permanent disability. Those who choose to wear the Nation's uniform, as well as those who choose not to, are influenced by how well Congress and VA care for veterans' post-service reputations as their physical bodies.

The types of legislation that Congress passes, and programs and benefits the VA prioritizes, powerfully shape the veteran narrative.

Crucially, it influences veterans' own perception of their identity and worth in the post-service context.

The proposed VET OPP Act reflects how veterans grow their post-service identity in a whole-health manner. It recognizes that having a fourth high-level institutional VA mechanism, Veterans Economic Opportunity and Transition Administration, headed by its own Under Secretary, can light the pathway to success for post-service veterans similarly to how DoD mechanisms involving training, a sense of purpose, and a shared community shape young civilians into successful soldiers.

A little less than half of the entire military are 25 years old and younger. Developmentally speaking, this is emerging adulthood, a period of rapid development involving key struggles surrounding personal identity. The military offers concrete answers to common existential questions, reinforcing them through experience during this normative period.

Positive self-regard cultivated during military service becomes a focal point of the psychological changes marking the period of transition out of the military. Research from Columbia University reveals that veterans experience grief-like symptoms at the loss of their military identity, which in turn augments all the stressors of a life transition when facing the initial instability of civilian life, and lacking the order and purpose that characterizes their service.

We tend to call this experience of veteran transition stress PTSD and erroneously believe the majority of all post-9/11 veterans have a mental health disorder. Unfortunately, since funded research at VAs and MTFs prioritize PTSD research, and since most well-intentioned veteran legislation post-9/11 emphasizes mental health disorders, potential employers and veterans themselves are trapped in the inaccurate and harmful broken veteran narrative cycle.

Over half of employers believe that veterans don't have successful careers after the military, that veterans don't pursue a college or vocational school degree. Sixty two percent believe veterans need to acquire more hard and soft skills. Veterans themselves tend to agree that they need soft skills. Both nearly unanimously agree on the benefit of internship or apprenticeship programs for veterans as they seek to reenter the civilian workforce, and post-9/11 veterans especially see education as crucial to their continued success.

The VA currently has a suite of educational assistance, vocational rehabilitation and employment, and education and career counseling programs, which make accessible tools veterans need to progress from war to work, but these are at the bottom of the totem pole within the Veteran Benefits Administration.

The VA's nearly century-old structural design impedes its own ability to help veterans achieve success. Its manufacturing economy outlook, which informs its 1917-based disability model, marks as a perverse incentive against veterans entering the workforce. With VBA's energies directed towards its backlog of its disability claims, its institutional resources are concentrated on the disability system to the unsurprising neglect of its education and economic programs.

One small example. If you visit the Office of Employment and Economic Impact Web site under VBA, it tells you it is no longer available and to look elsewhere. Coincidentally, a majority of veterans' report navigating the VA's administrations and benefits is

their top challenge in their transition to civilian life. The very VA economic opportunity programs veterans stand most to profit by are operating with a proverbial millstone around their necks.

In the 21st century information age, education is key to employment, and employment is the door to a successful transition to civilian life. Education and employment combine to give veterans the tool to reforge civilian identities stronger even than their military ones. The psychic rewards of work, productivity, and a career cannot be underestimated, which is corroborated by the true veteran narrative.

Empirical data shows how veterans with increased levels of education are wealthier, healthier, and more civically engaged than even their civilian peers. Additional research establishes the links between these outcomes reduced rates of dependence, disability, and criminality. This is the veteran narrative that should predominate.

The VET OPP Act can trigger this narrative shift as Congress elevates existing VA Economic Opportunity and Transition Assistance Programs, shifting them structurally into a fourth VA administration. The goal of such programs should be to enable soldiers to be fully functional members of society, animated by a strong civilian identity.

Thank you for the honor of this opportunity. I look forward to your questions.

[THE PREPARED STATEMENT OF REBECCA BURGESS APPEARS IN THE APPENDIX]

Mr. ARRINGTON. Thank you, Ms. Burgess. I am going to yield 5 minutes to myself to begin the discussion and line of questions.

Let's pick up where you left off on this fourth admin bill. I am loathe to tell an executive how to organize, and what specific strategies and tactic to deploy. I would focus on results, and I would focus on what success looks like, and then I would measure that, and then we would hold them accountable as the governing committee over the VA Administration.

I think that is the way this ought to work, but I must say I am very concerned with the lack of continuity and political leadership at the VA. I bring this up repeatedly. I don't know. Part of the problem may be the Senate is not doing their job to move these things through for our President. I think every President, whether you are Republican or Democrat, they ought to have their folks in place so that they can be judged at the end of their term whether they fulfilled their commitments and promises, but you can very—not very easily hold people accountable when you are not allowing them to put their teams in place.

Maybe there are other factors, but I know it is a big gap in the accountability chain, up to this governing board. And so this is intriguing to me, this fourth admin position because I think the political leadership is the gap. If they are not in place, if there is not continuity, then it is very difficult for us. We can call the career folks up and we can beat on them when we are unhappy with some failure in the system, and all too often that is what is happening.

For example, Voc Rehab. Recently we had an oversight hearing, and the Voc Rehab and Education Program is so critically impor-

tant, as you said, to change the narrative and to empower our veterans, and we know the benefits. They are quantifiable on how much more people make, and the happiness, healthy, sort of, quality of life improvements are all measurable.

But they are still—their case managers are still stuck in the 1990s in terms of how they keep records and manage the process. They are using the Big Chief notebook and the No. 2 pencil, literally. They are using paper. And when they implemented a system recently, or as recently as a couple years ago, they were trying to build some new fan dangled case management system instead of just taking ones off the shelf that are already deployed even at the VA, and working.

They wasted \$12 million, and so that is an—and you know, the people that we called here for the hearing, you know, they weren't part of it because they—just acting as this, or they are temporarily filling this, and you can never—you try to wind your way around the VA to find out who is there and who is accountable. And it is just—it is the most frustrating experience, and it is repeated almost at every hearing, oversight hearing that I am involved in, and I am sick of it.

I do think for accountability purposes you already have the VBA, the National Cemetery Administration, the VHA, you already have an Under Secretary, political leadership, but there is this void on the VR&E.

So it seems to me, to complete this scope of responsibility and authority at the political level, we ought to have that Under Secretary created. It is not just for accountability, although that would be the top of mine for me because of the waste, is support. I am not sure that not having a seat at the table with the Secretary, and not being able to articulate to the Secretary the needs and the opportunities doesn't leave the VR&E the stepchild of the VA, and I am concerned about that.

We have three people, Ms. Devlin, with all due respect, and I know you are representing your agency's views not your own personal, but why wouldn't this be a good thing? A budget neutral, put a—we are spending billions upon billions more every year to support our veterans. Why not have more control, more oversight, more accountability, and more support for an important area?

Maybe the longest question in the history of the VA Committee, but Ms. Devlin, please explain why that doesn't make sense to our three other panelists and everybody else on this Committee.

Ms. DEVLIN. Chairman Arrington, thank you so much for that question. I will make a couple of comments.

First of all, Dr. Paul Lawrence has, as you indicated, has come onboard as our Under Secretary for Benefits, and one of his top priorities—you heard his testimony, probably, about his three priorities, and one of them is to ensure that we shape the way we deliver benefits to best honor the service that our men and women have served our country. And he has prioritized these economic opportunity business lines.

In fact, he and I watched the VR&E hearing last week together, and made notes on some of the issues that came up. He is meeting with the chief information officer, the person that is acting over IT, very immediately. He is meeting with all of the directors over the

business lines. He is meeting, in fact today, with the education service director to get an update on the Colmery Act because one of his main concerns coming in is, are we on track with implementing the Colmery Act? Are there any obstacles, or are there any hurdles that we need to overcome, because he will be personally engaged in helping with that.

With respect to Voc Rehab and Employment, we have dug in and tried to understand better what the issues have been, with being able to report accountability in that program. We do actually have accountability measures in the VR&E program. I can report to you what those measures are and how we are doing should you be interested in that.

But as we look at the organizational transformation that VA has been undertaking under this Administration, we are looking to actually delayer and debureau—reduce the amount of bureaucracy, not increase the amount of bureaucracy. And while it is a flat number that is proposed in this, in this sense that we would not grow VA but we would use the same numbers, you have infrastructure that plays in when you build another Under Secretary for Benefits and all that that entails. So some of that infrastructure would come from other positions that could have been direct-serving positions.

And then finally, I would say to you that maybe we need to actually look at the layers of oversight that are in place now, and maybe they are not positioned correctly. Maybe we need to look at the split between the field operational leadership and the business line operational—the business line leadership and maybe those two shouldn't be separate. Maybe that is part of the problem, is that we have that divide in how the program oversight is conducted.

So that is one of our priorities that we are looking at, and we don't believe that creating a whole other administration is necessary.

Mr. ARRINGTON. Well, nothing has worked up until now. So I am skeptical, but I am out of time, and I want to respect my colleague, Mr. Bilirakis, and recognize him for 5 minutes.

Mr. BILIRAKIS. Mr. Chairman, if you want more time—

Mr. ARRINGTON. I will get it—I promise you—

Mr. BILIRAKIS [continued]. —you will get back.

Mr. ARRINGTON [continued]. —that is the benefit of being the—

Mr. BILIRAKIS. You will get back to it.

Mr. ARRINGTON [continued]. —Chairman. I am going to get them.

Mr. BILIRAKIS. You are the Chairman.

Mr. ARRINGTON. I am going to get back to it.

Mr. BILIRAKIS. You are the Chairman—

Mr. ARRINGTON. Thank you.

Mr. BILIRAKIS [continued]. —so all right. No problem.

Mr. Kamin, see, I know that the American Legion has indicated their support for the TAP Bill, H.R. 5649, but I want to get your perspective and insight on this, again, very important bill.

How can we work with DoD to ensure that servicemembers are able to attend the TAP whenever they want, throughout their program, their military careers? There is language in the bill that allows this, I understand, but how can we ensure that servicemembers are allowed to attend the classes during their military career, and then also if they want to attend the classes, maybe

the same classes, over again? So I think that is so very important that they have the flexibility. If you can answer that question, I would appreciate it.

Mr. KAMIN. Yes, thank you, sir, for that question and you are right. It is an important issue when it comes to structuring TAP to meet the demands of the servicemember and not the other way around.

Mr. BILIRAKIS. Right.

Mr. KAMIN. The biggest challenge, I think, with TAP we see is an edifice that is developing around language that often references the military life cycle model, and that we need TAP over the course of a life cycle for servicemembers. And while that sounds nice, it is very tough to imagine how that impacts the ground level soldiers, marines, and sailors who are in the middle of theater deployments, the middle of extended training. You have to—you will get introduced with TAP. Who is going to do that? Are TAP counselors going to be coming—going out to the field with them?

I have yet to see any integration when it comes to TAP counselors and servicemembers on the ground and on the company level. That being said, the bill does make an important step when it comes to the one-on-one counseling.

There is a litany of evidence that suggests that mentorship is much more, can be much more critical than just a class. A class is passive learning. Mentorship you are engaging. So by meeting with the TAP counselor one-on-one beforehand, they can come to better understanding about what they—what right path they want to take, and if they have any concerns or questions, that can be answered before going into TAP.

I have often referenced the story about a marine who told me that one of his—he was a company commander. One of his marines wanted to go to college, and he was really excited. He was going to get out in a month, and the problem was it was February. And his commander asked him, “Well, have you applied?” because usually the deadlines are around, you know, November/December, and the marine’s face turned white as a ghost because he had no idea. And that is how servicemembers can end up going to unscrupulous institutions who say, “Oh, we will enroll you. Don’t worry about that. We have a rolling admission in our for-profit school,” and that makes it that much more important.

We see, from the counseling side that they can get that more in advance, so they can structure their separation plan, in advance before that TAP class already happens.

Mr. BILIRAKIS. Very good. Thank you.

Ms. Augustine, please share with us why it is important that we improve a servicemember’s transition from active duty to civilian life, and how the chairman’s TAP bill, again H.R. 5649, which I strongly support, proposes key changes that will positively impact overall outcomes for individuals separating from the military? If you can go into some detail, I would appreciate it.

Ms. AUGUSTINE. Absolutely. Thank you for that question.

A successful transition is important for a number of reasons, the most important being that veterans are the ambassadors of the all-volunteer force, and if we successfully transition veterans into schools, into employment, into whatever their pathway is after



their military service may be, we now have empowered individuals who are speaking to the benefits of service. That can have prolonged impacts on the positive ability to continue sustaining the all-volunteer force.

It also—it fulfills our obligation to those who serve to make sure that because of their service, we afford them the opportunity for an education, employment, pathways that speak to the level of importance of their service. Those two are probably the most important reasons why we support the TAP bill and want to see the TAP program continue to be strengthened and improved.

Mr. BILIRAKIS. Okay. Very good. And I wouldn't mind meeting with you in my office to get some further suggestions on how we can improve it, because this is something that is very important to me and to my constituents. And I have a veteran's advisory group and we have been working on this issue for the last year. So please don't hesitate to come and see me, please. Thank you.

Ms. AUGUSTINE. I will do, sir. Thank you.

Mr. BILIRAKIS. Thank you. And I yield back,

Mr. Chairman.

Mr. ARRINGTON. Thank you, Mr. Bilirakis, and I appreciate all the groundwork that you laid in advance of this TAP reform legislation. It has made it all the more efficient to move through the process to get to where it is today. I am very proud of it because I really—you know, it is very much a, sort of, west Texas principle that, you know, you wouldn't ask something from somebody, especially something so great as to be willing to sacrifice your life on the front end, and make sure that they had the support to do what you are asking them on the front end, and then, just kind of, when they are—when you have gotten what you want out them, what you needed out them, you just kind of, “Thanks,” and send them off along their way. I think that is not just a west Texas principle. That is not American.

That is not—that is just—as my BLAW professor used to say at Texas Tech, “That ain't right.” The “Ain't Right” meter is way over here on that one, and so let's—and I am not under any illusion that this is the silver bullet, you know, that will solve all the problems that our veterans face when they return home, with respect to incarceration, and unemployment, and suicide, and addiction. But to get at those things earlier, to have a profile after an assessment that is meaningful, it is real assessment.

And we do it, again, early enough that we can begin to wrap around the services that—and support that they need. Not a “One size fits all,” but as we have attempted to do, have individualized plans, and identify those who are the highest risk. We know what presents as the highest risk of veterans, or servicemembers, transitioning. Let's get ahead of it.

Let's care as much about them at that transition stage, as we do when we are transitioning them as warriors, from citizen to warrior. Now, from warrior to citizen, and leverage all those awesome new skills and training that they have so they would be even better than they would have been, had they not had that experience in their communities and in the workforce.

So obviously, I have—it has taken me a year,

Mr. Bilirakis, but I have finally found the thing that I think will make the greatest difference in my tenure. If I am chair for just one congress, this is that thing. I think that 9/11—post-9/11 GI bill is working wonderfully. I mean, we can always make tweaks to it, but I mean, the Home Loan Program, I mean, it works well. This needed vast improvement. I think we have created some vast or structural transformational improvements.

Now, I understand, Ms. Devlin, and I really enjoyed working with you, by the way. That is how I soften you up before I hit you with this question. And I, sincerely I did. I mean, we did this together, did we not? We got everybody around the table. We got all the stakeholders, and we walked through this together. Nobody—we didn't do this top down to anybody. We did it with you and the Labor Department, and Defense, et cetera.

But you have said in your testimony that the VA has already been working on these improvements that I have mentioned and there are others. How long have you been working on that? I must say, one of the oft quoted responses to this Committee, since I have been here is, "We are working on it. We are studying it. We are assessing it." And I have very little confidence, not because of you but because of the bureaucracy over there, that that study, and assessment, and "We are working on it," ever results in any tangible action.

Well, I want action. Veterans want action. They need action. So tell me how long have you been working on this, and do you really think you are going to do anything unless we codify this and memorialize some of the things you are doing in this piece of legislation?

Ms. DEVLIN. Thank you. I am happy to address your question.

This has been years in the making. As you know, I have been involved in the Transition Assistance Program for just a little over a year, and one of the things that I discovered coming into my new role a little over a year ago was that while we were talking about a military life cycle, VA had actually not implemented any military life cycle modules yet. And while we were talking about doing a post-transition survey of veterans, we had not actually implemented a survey.

So one of my main priorities when I got into that job was to carry those things through. I am happy to report that the survey instrument is ready for deployment pending OMB's approval. It has gone through the 60-day Federal Register notice and the 30—it is in the 30-day comment period right now, which ends the end of this month. So subject to OMB's review and approval of the survey, we will be ready to deploy the survey.

And that is important because we—one of the things I realized early on, I talked to veterans, right, recently transitioned veterans about their problems, their issues, their concerns, but one of the things I realized is when I talked to servicemembers who were approaching transition, they had absolutely no idea what they were about to embark on with their transition. They had no real expectations of what this process was going to be like.

So when we revamped our VA portion of the Transition Assistance Program course, we emphasized, "Here is what the transition means for you. Here are the decisions you need to make, the ac-

tions you will need to take for a successful transition.” And we did that based on feedback that we got anecdotally from servicemembers or veterans, but what we need is real feedback.

We need these survey results so that we can actually take a veteran who has recently transitioned and ask them questions such as, “What is your current situation with respect to employment? Your finances? Your family situation? Your health?” A very holistic view, and also, asking them to reflect back. “Now, reflect back on your Transition Program experience. Did those things help you? And if you had to change something, what would you tell us we should change?”

So we are moving forward on that, on the military life cycle models. We have a program designed to teach the servicemember about community resources, and that is on target to be ready for deployment to the DoD, in collaboration with DoD and DOL, by December of this year.

Mr. ARRINGTON. How long has the TAP program been in existence?

Ms. DEVLIN. In its earliest form, it was in the early 1990s. I believe it was 1991 where it was optional.

Mr. ARRINGTON. Okay.

Ms. DEVLIN. But in 2011, the VOW Act made it mandatory, and that is really the program that you see today, which was implemented in its full capacity around 2013, 2014. And that is the mandatory five-day program with the additional tracks that you see today. So it is pretty recent.

Mr. ARRINGTON. So 2011 to '18. Several years, and we haven't had an evaluation instrument to say if this is working or not. We are spending hundreds of millions of dollars. I don't know exactly. How much do we spend on TAP exactly? I have that somewhere, but just roughly?

Ms. DEVLIN. Well, given that it is multiple agencies, I couldn't answer that for you in full.

Mr. ARRINGTON. How much does the VA spend on it?

Ms. DEVLIN. Could I get back to you—

Mr. ARRINGTON. Yeah.

Ms. DEVLIN [continued]. —for the record? I don't—

Mr. ARRINGTON. I have looked at it.

Ms. DEVLIN [continued]. —want to give you an inaccurate number.

Mr. ARRINGTON. It is—

Ms. DEVLIN. I don't want to give you a ballpark number and have it be wrong.

Mr. ARRINGTON. Let me just be—it is hundreds of millions of dollars.

Ms. DEVLIN. It is multi-million dollar, yes.

Mr. ARRINGTON. Okay. Multi-hundred million—

Ms. DEVLIN. Yes.

Mr. ARRINGTON [continued]. —dollars that we spend.

Ms. DEVLIN. It is.

Mr. ARRINGTON. And we have been doing this for several years and we still don't know—I got to tell you, again, it is the bane of my existence on this Committee to have programs that feel good, seem right, and if done well, produce higher salaries for people who

go through that than who don't, et cetera. But I want to trace it back to whether that program actually had that effect, and what part of that program—and I know you do, too. But the reason we are going to do this is because we have had several years to have such an instrument.

I am not blaming you. I know you just got there and so this is about the VA, but the reason why I am so strong about making these changes now is because with my experience, I don't know if you are going to be there next year. And if they have been doing this for several years, and if people, you know, come in and out of these jobs because I think continuity is a real problem, then I am going to plow forward with you and your input, and there is a lot of room for making necessary decisions where there is great latitude by you and your colleagues at the VA.

So we frame it, but you are going to have to build it, and we are going to have to count on you guys and trust you all to build it well. I just want to be clear. I have only been here for a year, and I have got earlier transition—and I want you to make note of this because I want your response. Earlier transition engagement with the veteran. Okay? Earlier engagement in the process. Not just 90 days out. Let's assess them, and let's include a more comprehensive assessment.

Maybe the problem isn't the skill sets. Maybe they have PTSD. Maybe they have something in the way of mental health that has to be addressed before they can ever get there. So it doesn't matter how much—they could get a Ph.D., it won't matter. They could have the greatest training, it won't matter.

So let's have a more comprehensive assessment. Let's have individualized plans. Let's have a better curricula for them, and more focused, and targeted on their specific needs. Let's connect them to the community, to community organizations that do a great job, not only giving them the support and services but just—because they are on ground zero with them at home. And that is a community that they can connect with. There is great psychological, not just practical, advantages. And then, measure the results, as you talked about with that evaluation.

Is there anything that I just articulated in the way of the framework for this TAP reform that you disagree with? I mean, in principle?

Ms. DEVLIN. No, sir. In principle, I agree with everything that you have said. As a rehabilitation counselor by training, early intervention is critical. Individualized care and planning is critical to the individual. A comprehensive approach to a holistic life transition is very critical. Those—in principle—

Mr. ARRINGTON. Well, thank you.

Ms. DEVLIN [continued]. —yes, all those things are correct.

Mr. ARRINGTON. Well, I must say, we wouldn't have come up with this without your input, and I want to make note of that, but I also want to make note that it has been several years. I have been here a year, and we are ready to take action on this. Again, that is not because of me, but it is because I am not going to wait and study this more, and the veterans don't want to wait. They deserve better, and I do appreciate all your help.

Now, Mr. Kamin, why don't you comment on TAP? I mean, we have included veterans' organizations in this. How do you rank TAP as a way to get at some of these challenges that our veterans face when they come back, and has it been working well? Do you think we need to reform it like we are reforming it? What are we missing? What would you like to reiterate or emphasize that you have heard today?

Mr. KAMIN. Well, I think there are two things that, kind of, stand out to me on TAP that I would look at for future changes or maybe stuff to consider moving forward.

Mr. ARRINGTON. Yeah.

Mr. KAMIN. Number one is the influence of IT and high tech on this, and where that could fit in with the greater system. When we have brought up the idea of making TAP online, that is—there is a right way and an absolutely wrong way, and I feel like the trend now is towards the wrong way, which is a module online where you put your CAT card in your computer, and tap your course the way you would do with e-learning. And then you are done, then it is gone.

And the second way is putting it to your hands. A push to TAP options that could meet—so when you do—when it does hit you that, “Oh, no. This is coming up. What am I going to do for my resume, that TAP is right at your fingertips?”

And I think that the proper investment to that is going to make a long-term difference because ultimately, we have a very short ceiling when it comes to TAP, where we can count on the majority of people attending that class to maybe not be there entirely, for their attention span, because they have other things on their mind. That has always been the trend in TAP.

So we work to hone that like you would a diamond, to make sure it is as perfect as possible because we know that they are not going to be fully engaged and finding ways to draw that out is important.

The other thing I would say is that one of the areas that I think has been missing on TAP is there is the stress that comes in transition for financial and for economic opportunity, but there is also a little bit of a stress on the soul itself, where you lose your sense of purpose, and “What am I going to do afterwards? I am not feeling the sense of value that I was when I was in charge of a squad or team.”

And rediscovering that is a crucial part of every single veteran's transition. And I think the best way that TAP can incorporate that is with VSOs, to let them know, “Welcome home. You are not alone,” and re-engaging them in the community through peer-to-peer mentorship the way that Legion posts do, the way that SVA chapters do, is a critical part of this for them to go into the civilian world and rediscover their sense of purpose and community engagement.

Mr. ARRINGTON. That is very well said, and

Ms. Devlin, we have talked about that last point. I think that is a great point.

So let's keep working to make improvements, and the ink isn't dry. I am open. I just want to make it as effective and meaningful as we can, and then we will keep hammering away as we implement the evaluation. We will actually know what parts are working

and what—by listening to the customer, right? Not because I have the great idea or because you do. It is because the customer will tell us, and that customer is our veteran.

Ms. Augustine, any comments about TAP and how we can, you know, are we on the mark here? Are we missing something we should include?

Ms. AUGUSTINE. Yes, sir.

I will point to three things. First being, SVA views TAP as the capstone of your transition experience, not the starting point. So to your point about we should be transitioning earlier, or allowing that transition to start earlier is something that we wholeheartedly agree with.

The second being that, sort of, good business practices to double down on your successes. And right now, we are seeing veterans in higher education succeeding greatly. We are also seeing employment numbers continue to drop for veterans. So doubling down on the work of TAP and making sure that we are giving the equipment, and the curriculum, and the tools that TAP needs to continue driving that success is vitally important to, not just veterans, but to the American economy.

And then the third, I would like to build on what my colleague was saying about well-being being an often-overlooked aspect of TAP that I think we, as a larger community, have started to examine and really focus on what we can do to build that. And I think that in this bill, the commitment to grow, a connection with community programs is a solid solution to that answer.

So thank you for providing this bill. We look forward to working with you on it as well.

Mr. ARRINGTON. You know, you mentioned something, and so did Mr. Kamin, about these veterans. You know, Bill Mulder whose namesake that we have honored here with this reform, the guy I went to high school with. You know, this is probably not politically correct, but we used to say he was such a stud. I mean, he played football. He was tough, and he was fun, and he was beloved by all. He was, kind of like a, almost a hero even at that stage.

I mean, you just knew he was going to do something great, and when I found out he was a Navy Seal, I thought, "My God. America is safer today because Bill Mulder is protecting us." And I thought, "Boy, if we have—if Navy Seals are made up of a bunch of Bill Mulders, I would—I pity the enemy on the other side."

I was very blessed to talk to him as I was transitioning into my role, in my new role as a Member of Congress. And—because I was trying to connect with another Navy Seal, Scott Taylor, who is my colleague and a new Member, and Bill was so gracious to connect me. But you know, he was on his way out, and this is what he was—it seemed like what he was born, certainly trained, to do, and he did it well.

And according to his colleagues and to all the ways he was honored in the military, and decorated as such, he did it as well as anybody has ever done it. And then he was thinking about coming back into civilian life because he was forced to think about those things, and it just—I just couldn't imagine, but I could sense, you know, what does a guy do who is a warrior who does that for his entire career, and is a leader among the warriors, and then he is

popped back into just the everyday life of a civilian? That is just really difficult.

And again, whether it is the physical wear and tear, or the mental and emotional, you just can't stick them back in like that without some of the things that we are trying to do. So I don't know why I tell you that except that, you know, he is on my mind, and I pray that this is a big step to helping Bill Mulders out there who are in that transition phase.

Anything, Ms. Burgess, you want to comment on? I know your focus has been more on that fourth admin. I think you get programs that we make the right investment in, that we define success and measure it, and then put accountability? Now, you might have a shot at actually serving the customer. What are your thoughts?

Ms. BURGESS. Mr. Chairman, I absolutely believe so.

I also think that the fourth administration, along with the TAPS legislation, are actually two parts of a really excellent, really powerful punch because they are showing that there is this way towards transition, and then it will help actually focus on those transition elements.

Also, to just the point of the identity. This is the question I think everyone has been circling around today, and the question of identity is just as powerful and needing to be formed once you go out of the service as when you enter. And civil society itself is weaker today.

You know, the Robert Putnam's of the world have all the information on that, and so we do need to enforce and almost put a little bit more into the path of veterans, all of the different elements that they can take. So that if it is like a St. Lawrence Seaway, we are not emptying in the water in the lochs. We are actually filling that—the water so that the ships can move forward.

So thank you, very much.

Mr. ARRINGTON. Can you imagine—and we won't ever get there, probably, but can you imagine if we spent the time and resources that we do on the front-end training them on the back-end to, sort of, refocus them? Can you imagine what our society would be with these returning warriors who are acclimated and prepared to reintegrate, and what they would contribute to young people in their communities, in the churches, at schools? Can you even—I mean, that is pretty powerful to me.

I hope we get it right. I think we have gotten a lot right. Let's keep working together, and let's keep perfecting it even beyond the implementation. Okay?

Ms. Devlin, again, I want to thank you for your candor and your contribution to the process, along with your other colleagues at the VA, DOL, and Defense, and let's go forth and do really good things for our veterans. How about it? Okay. I think I have to read something here. Can I just skip to this? Okay.

I ask unanimous consent that written statements from the U.S. Department of Defense, U.S. Department of Justice, Tragedy Assistance Program for Survivors, and Paralyzed Veterans of America being submitted into the hearing record. Without objection, so ordered.

Finally, I ask unanimous consent that all Members have five legislative days to revise and extend their remarks, and include extraneous material on any of the bills under consideration this morning.

Without objection, so ordered.

I hope you all have a nice Memorial Day, and we are adjourned.

[Whereupon, at 11:21 a.m., the Subcommittee was adjourned.]



## A P P E N D I X

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### **Prepared Statement of The Honorable Julia Brownley**

Chairman Arrington, Ranking Member O'Rourke, and Members of the Subcommittee, thank you for the opportunity to testify today in support of my bill,

H.R. 5452, the Reduce Unemployment for Veterans of All Ages Act.

I appreciate the Subcommittee's commitment to improving the VA's various veteran employment programs, including the Transition Assistance Program and the Vocational Rehabilitation Program. These programs provide the wraparound support, education, and services that help veterans get and keep meaningful work after their service. As a proud member of this Committee, and a co-chair of the Reinvesting in Our Returning Heroes Task Force, I share that same mission.

My bill today makes one simple but powerful change to the VA's Vocational Rehabilitation and Employment Program (VR&E), also known as Chapter 31.

As you know, the VA currently runs the Chapter 31 program to help veterans obtain employment and achieve maximum independence through job training, employment accommodations, resume development, and job seeking skills coaching. In Fiscal Year 2016, nearly 30,000 veterans developed a new plan of service through Vocational Rehabilitation, and 11,500 veterans secured and maintained suitable employment, or completed an independent living program.

Eligibility for this program however, expires 12 years after separating from military service. Not all veterans with service-connected disabilities are aware of their possible eligibility when separating from their service. And some may not need VR&E until later in their career. According to DAV Resolution No. 250: "not all disabled veterans are under the impression that they need vocational rehabilitation until later, after the current 12-year rule excludes them from the benefit that they need and would otherwise have been entitled to."

The fact is, we need to address veteran unemployment at all ages, and ensure America's heroes have the support they need in the 21st Century economy.

Currently 60% of unemployed veterans (more than 270,000 former servicemembers) are over the age of 45. Older veterans have outstanding experience and technical skills, and we need to do more to help these veterans succeed in the labor market. This unfair cap on Chapter 31 harms the ability of older veterans to access employment services.

The Reduce Unemployment for Veterans of All Ages Act would lift this arbitrary limit and ensure veterans get the support they have earned and deserve. Like the Program of Comprehensive Assistance for Family Caregivers (Caregiver Program), this arbitrary cap forces the VA to treat two veterans, who have the same service-connected disability, differently, simply because of how long ago they served. We worked in a bipartisan way to fix that unfairness in the Caregiver Program, and we should do the same with Chapter 31.

H.R. 5452 is supported by the VSOs as a common-sense solution to simplify the program and help get more veterans back to work. I thank the Chairman and Ranking Member for holding this hearing, I look forward to working with you to advance this bill, and am happy to answer any questions.

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### **Prepared Statement of Congresswoman Cheri Bustos**

H.R. 5882, the Gold Star Spouses Leasing Relief Act

Thank you, Chairman Arrington and Ranking Member O'Rourke, for allowing me to testify today.

I am here to speak in support of my bipartisan legislation, the Gold Star Spouses Leasing Relief Act, which would provide additional support for the widows and widowers of our fallen heroes by allowing them to terminate residential leases without penalty in the wake of the servicemember's death.

This issue first came to my attention when I met a Gold Star spouse, Kylie Riney, of Farmington, Illinois. Kylie's life was forever changed on October 19, 2016, when her husband, Sgt. Douglas Riney, tragically died defending our freedoms in Kabul, Afghanistan.

Kylie and her two young children, James and Elea, were living in Texas at the time, where Sgt. Riney had been assigned to the 3rd Cavalry Regiment at Fort Hood. They moved there before his first of two deployments in support of Operation Freedom's Sentinel.

After her husband's death, Kylie chose to move back to their home state of Illinois to be surrounded by family as they mourned this inconceivable loss. But in the wake of this tragedy, their landlord refused to allow Kylie to terminate the lease she and her husband had signed.

The families of our fallen heroes have already sacrificed far too much, and we should do everything in our power to ensure grieving spouses receive the support they need without having to jump through any more hoops. For this reason, I was proud to introduce H.R. 5882, the Gold Star Spouses Lease Relief Act with Congressman Brad Wenstrup, an Army Reserve officer and Iraq War veteran, as my co-sponsor.

Currently, the Servicemembers Civil Relief Act (SCRA) protects servicemembers from lease termination fees when they deploy or receive a permanent change of station. Our legislation narrowly extends that law's residential leasing protections to apply to the surviving spouses of servicemembers who are killed while serving.

Spouses of servicemembers are already protected under several sections of the SCRA, including those pertaining to land rights, tax treatment and voter registration. This narrow addition does not introduce any new categories or definitions to the SCRA and would only apply to residential leases to which the servicemember was a party.

State legislators introduced similar legislation in the Illinois General Assembly, where it passed the House and Senate unanimously and is currently awaiting the Governor's signature. But, since so many of our military families cross state lines to serve, we need federal legislation to ensure that all Gold Star spouses are protected.

I can't think of anything worse than taking advantage of a grieving widow whose spouse made the ultimate sacrifice for our country. I hope we can pass this common sense legislation to ensure this does not happen again.

Thank you, Chairman Arrington and Ranking Member O'Rourke for your consideration.

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### **Prepared Statement of Margarita Devlin**

Good morning, Mr. Chairman, Ranking Member O'Rourke, and other Members of the Subcommittee. I am pleased to be here today to provide the views of the Department of Veterans Affairs (VA) on pending legislation, including H.R. 2409, H.R. 5452, H.R. 5538, H.R. 5644, H.R. 5649 and a bill authorizing lease termination under the Servicemembers Civil Relief Act.

#### **H.R. 2409**

H.R. 2409 would amend section 305A of the Servicemembers Civil Relief Act (50 U.S.C. § 3956) to authorize Servicemembers to terminate their cable, satellite television, and Internet access service contracts while deployed, in addition to the current authorization for termination of telephone or mobile phone service.

VA defers to the Department of Defense (DoD) and/or Department of Justice (DOJ), as the subject matter of this bill is outside of VA's responsibilities and jurisdiction and has no impact on or cost for VA.

#### **H.R. 5452**

H.R. 5452, the Reduce Unemployment for Veterans of All Ages Act of 2018, would eliminate the eligibility termination date (ETD) for access to Vocational Rehabilitation and Employment (VR&E) benefits and services by repealing 38 U.S.C. § 3103.

While VA supports the objective of this proposal, which is designed to reduce unemployment for Veterans of all ages, VA does not support this bill because we do not consider it necessary. Currently 38 U.S.C. § 3103(a) requires that VR&E benefits and services must be utilized within 12 years of a Veteran being discharged or released from active service. The last day of this 12-year period is referred to as the ETD. However, section 3103 and VA regulations (38 C.F.R. §§ 21.42 through 21.46) authorize the extension of the ETD for Veterans for a variety of reasons, e.g., a medical condition prohibited participation, character of discharge was a bar to benefits,

a compensable service-connected disability rating was not established, to allow the Veteran to achieve goals of independent living services, and recall to active duty service prohibited participation.

In addition, the ETD may be waived, as needed, for Veterans who are determined to have a serious employment handicap (SEH) to ensure rehabilitation. Data for the period fiscal year (FY) 2014 to present indicates that, on average, 76% of VR&E participants have an SEH determination. Lastly, recent data for FY 2017 indicate that approximately 86% percent of VR&E applicants apply for VR&E benefits and services within the ETD period.

Benefit costs or savings that would be associated with this bill have not yet been determined.

#### **H.R. 5538**

H.R. 5538 proposes to amend 38 U.S.C. § 3105 to provide for the inclusion of certain additional periods of active duty service for purposes of suspending charges to Veteran's entitlement to VA educational assistance during periods of suspended participation in VR&E programs.

The bill would amend 38 U.S.C. § 3105(e)(2) to include Servicemembers ordered to active duty pursuant to 10 U.S.C. §§ 12304a and 12304b, which allow for the involuntary activation of certain members of the Reserve Component (RC). The inclusion of these authorities ensures that when participation in a VR&E program is suspended due to activation, the Veteran's entitlement period is not reduced, nor is this period counted toward the aggregate 48-month period for entitlement to all VA educational assistance programs, as governed by 38 U.S.C. § 3695.

VA does not interpret current section 3105(e)(2) to include 10 U.S.C. § 12304a or § 12304b. Current section 3105(e)(2) relates to the charge against entitlement for the payment of subsistence allowance to Veterans who had to discontinue participation in a VR&E program because they were called to active duty under 10 U.S.C. § 12304 (but not under 10 U.S.C. § 12304a or § 12304b).

VA supports this bill, which would ensure that members of the RC who are involuntarily activated under the authority of 10 U.S.C. §§ 12304a or 12304b receive the same benefits and protections as other individuals who are involuntarily activated.

No mandatory or benefits costs would be associated with the draft bill.

#### **H.R. 5644**

H.R. 5644 would establish in VA the Veterans Economic Opportunity and Transition Administration (VEOTA) to administer programs that provide assistance related to economic opportunity for Veterans and their dependents and survivors. VEOTA would be responsible for the following VA programs: vocational rehabilitation and employment; educational assistance; Veterans' housing loans and related programs; verification of small businesses owned and controlled by Veterans, including the administration of the database of Veteran-owned businesses; Transition Assistance Program; and any other programs determined appropriate by VA.

The effective date of this draft bill, if enacted, would be October 1, 2019. For FY 2019 and FY 2020, the number of full-time equivalent employees authorized for the Veterans Benefits Administration (VBA) and the new administration would not be allowed to exceed 22,791.

While VA appreciates the Committee's focus on improving services and resources offered by these programs, we do not support this bill. The current VBA structure appropriately reflects the Under Secretary for Benefits' overall responsibility for Veterans benefit programs that include programs related to economic opportunity and transition, as well as compensation, pension, survivors' benefits, and insurance.

The service delivery of Veterans benefit programs related to economic opportunity has continued to improve year after year under the leadership of the Under Secretary for Benefits. There was a 33% increase in the number of VR&E Chapter 31 applicants from FY 2013 to FY 2017, with a corresponding increase of 17% in VR&E Chapter 31 participants. VR&E processed 107,200 Chapter 31 claims for entitlement in an average of 54 days in FY 2017. While most Veterans are in the program on average five or more years, in FY 2017 VR&E counselors achieved over 15,000 positive outcomes, to include successfully assisting over 12,000 Veterans in the achievement of their rehabilitation goals, with a 6.5% increase in employment rehabilitations from FY 2016.

VA has paid over \$86 billion in Post-9/11 GI Bill benefits to over 1.9 million individuals to date since the program's inception in 2009. Since the beginning of FY 2018, VA Education Service has processed original claims in an average of 21 days, below the 28-day goal, and processed supplemental claims in an average of 12 days, below the 14-day goal.

The Home Loan Guaranty program has over 3 million VA home loans on the books and has guaranteed record-breaking numbers of loans for the past three consecutive years, guaranteeing more than 740,000 in FY 2017 alone, which is almost 2,700 loans each business day. Additionally, VA's foreclosure and seriously delinquent inventories have led the industry for the past 40 quarters straight at an average .89 percent and 2.22 percent, respectively.

The Office of Small and Disadvantaged Business Utilization (OSDBU) currently reports directly to the Secretary or Deputy Secretary. OSDBU's mission is to advocate for the maximum practicable participation of small, small-disadvantaged, Veteran-owned, women-owned, and Historically Underutilized Business Zone businesses in contracts awarded by VA and in subcontracts awarded by VA's prime contractors. This bill would move OSDBU's Center for Verification and Evaluation (CVE) program to the new administration. CVE administers the verification program required for service-disabled Veteran-owned small businesses and Veteran-owned small businesses and maintains the Vendor Information Pages database. There is some concern that moving this major aspect of the program from OSDBU to a new administration may result in a redundancy of efforts.

Furthermore, VA is in the process of modernizing the entire organization. In order to achieve modernization, the Secretary recognized that the Department must fundamentally change the way it operates. This requires the layering of oversight offices and concentrating resources in front-line Veteran-facing and Veteran-serving positions. The addition of another administration would increase oversight for programs that are currently in place, contrary to the modernization efforts that are underway. Maintaining a constant staffing level would mean the new employee requirements for oversight and administration would come at the expense of front-line Veteran-facing and Veteran-serving positions.

Section 3(a) of the bill would add a new section 306A titled "Under Secretary for Veterans Economic Opportunity and Transition" to title 38, United States Code. New section 306A(a) would make the Under Secretary for Veterans Economic Opportunity and Transition a Presidential appointee position, requiring the advice and consent of the Senate. The Under Secretary would be appointed without regard to political affiliation and solely based on demonstrated ability in information technology and the administration of programs within VEOTA or similar programs.

New section 306A(b) would state that the Under Secretary for Veterans Economic Opportunity and Transition is directly responsible to the Secretary of Veterans Affairs for the operations of VEOTA.

New section 306A(c) would state that the Secretary of Veterans Affairs shall establish a commission to recommend individuals to the President for appointment to the position when a vacancy arises. The commission would recommend to the Secretary at least three individuals for appointment to the position. The Secretary would forward the recommendations to the President and the Committees on Veterans' Affairs of the Senate and House of Representatives with any comments. The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions would serve as the executive secretary of the commission.

No mandatory costs would be associated with the bill. While there would be no benefit costs associated with the bill, the appropriation language for the Readjustment Benefits account and the Credit Reform account would have to change to reflect the title of the new administration.

#### **H.R. 5649**

H.R. 5649 would seek to improve transition assistance to Servicemembers and Veterans under the Transition Assistance Program (TAP) through improved private-public partnership, authorization of studies, and other changes.

VA appreciates the Subcommittee's interest in TAP and shares its desire to make sure that the program serves as many transitioning Servicemembers as possible, in the most effective way possible. To that end, the TAP interagency team currently has several interagency evaluations under way. These studies will provide us with the information needed to make evidence-based decisions as to what improvements should be made, and how best to make them. While we believe that legislation to mandate additional evaluations is premature at this time, we look forward to working with the Congress to improve TAP once we have completed these evaluations already in progress.

Sections 101 and 102 of the bill would focus on the contents of TAP to improve the individualization of and access to TAP and transition resources for Servicemembers. The bill would direct DoD, the Department of Labor (DOL), and VA to establish at least three individualized pathways to TAP for Servicemembers based on potential risk factors for Servicemembers' unsuccessful transition. The risk

factors listed in the legislation include rank and type of separation from service, among others. Servicemembers would also be provided with a curated list of community resources to assist in establishing community and social connections. VA believes that Servicemembers would benefit from individualized transition planning based on their unique risk factors. Participation in training on employment preparation, education, vocational training or entrepreneurship would increase the chances of success for transitioning Servicemembers and better prepare them for effective transition and reintegration.

Title II would provide additional authorities that would help improve the effectiveness of TAP. Section 201 of the bill would mandate access to the National Directory of New Hires for VA and DOL. This access would allow the Departments to better track employment outcomes of transitioned Servicemembers and understand the effectiveness of TAP. Section 202 would reauthorize DOL's pilot program for off-base transition training for Veterans who have already transitioned and their spouses. VA defers to DOL with respect to this section of the bill. Section 203 would authorize VA to make grants to eligible organizations to assist transitioned Servicemembers and their spouses. DOL and VA note that grant programs related to employment are generally under the purview of the Secretary of Labor, therefore placement at DOL would be most appropriate. This would help to ensure that services are complementary and not duplicative of those available through the workforce system.

Finally, sections 204, 205, and 206 would mandate three studies of TAP. Section 204 would require a study of community programs providing transition services, section 205 would require a one-year independent assessment of TAP, and section 206 would require a five-year longitudinal study. VA has already begun development of a post-transition longitudinal study which will survey Veterans over time to gain detailed information about their outcomes and their evaluations of how the TAP program helped them to prepare for the transition to civilian life.

VA does not anticipate any additional costs to implement sections 101, 102, and 204. For section 205, VA anticipates a cost of \$2.2 million in FY 2019. For section 206 VA anticipates a cost of \$3.1 million over five years.

#### **Draft Lease Termination Bill**

The draft bill would amend section 305(a) of the Servicemembers Civil Relief Act (50 U.S.C § 3955) to authorize a surviving spouse to terminate a contract to lease a residence when the Servicemember-lessee dies while in military service. VA defers to DoD and/or DOJ on this bill.

This concludes my testimony. We appreciate the opportunity to present our views on these bills and look forward to answering any questions the Committee may have.

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#### **Prepared Statement of John Kamin**

Chairman Arrington, Ranking Member O'Rourke, and distinguished members of the Subcommittee, on behalf of National Commander Denise Rohan and the 2 million members of The American Legion, the country's largest patriotic wartime veterans service organization, we thank you for the opportunity to testify on the following pending and draft legislation.

#### **H.R. 2409**

To allow servicemembers to terminate their cable, satellite television, and Internet access service contracts while deployed.

The American Legion has been the leading veterans' advocacy organization since its inception in 1919. For example, such advocacy resulted in the creation and full passage of the Servicemembers Civil Relief Act (SCRA) and the original GI Bill. Over the past few decades, the SCRA has been updated by the United States Congress to reflect societal changes.

H.R. 2409 would amend the SCRA to allow a servicemember the ability to terminate a cellular telephone service, telephone exchange service, internet service, or multichannel video programming service contract. The servicemember may at any time after the date they receive military orders to relocate for at least 90 days to a location that does not support such a service to terminate their contract.

The American Legion supports extending these additional protections to servicemembers to protect them while they are deployed. Early termination of contracts related to internet access, satellite television, and cable television can range between \$100-\$250, resulting in unnecessary, unintended, and expensive costs incurred by servicemembers who are obeying duly authorized orders. Such costs often

coincide with negative credit reports which further increases difficulties for the servicemember, ultimately negatively impacting their ability to perform his or her duty. Beyond the immediate implications, the future ability of the individual or family to realize the American dream and own a home is jeopardized by the resulting punitive credit rates.

Resolution No. 342, Support and Strengthen the Servicemembers Civil Relief Act (SCRA) urges Congress to amend the SCRA to increase protections for members of the armed forces, and their families, acting under duly authorized orders. These protections should apply, but not be limited, to servicemembers on deployment and temporary duty assignment orders. Congress should also increase protections against fees, fines and the resulting negative credit reporting due to early terminations.<sup>1</sup>

The American Legion supports passage of H.R. 2409

#### **H.R. 5452**

To amend title 38, United States Code, to extend the eligibility period for veterans to enroll in certain vocational rehabilitation programs.

In the aftermath of Operation Iraqi Freedom and Operation Enduring Freedom deployments, the number of servicemembers, National Guard members, and Reservists who separate from active duty with service-connected disabilities has risen. The Department of Veterans Affairs' (VA) Vocational Rehabilitation and Employment (VR&E) Program provides comprehensive services and assistance to veterans with service-connected disabilities and employment handicaps enabling them to achieve maximum independence in daily living, to become employable, and to obtain and maintain suitable employment.

However, the basic period of eligibility for VR&E benefits is limited to 12 years from the date of separation from the military or the date the veteran was first notified by the VA of a service-connected disability rating. This bill would eliminate the 12 year limitation to participate in the program, therefore extending opportunities and resources to veterans. Based on American Legion case studies, several years ago The American Legion passed a resolution calling on Congress to lift the delimiting date for participation in the program. We have found that many servicemembers and veterans do not understand their eligibility for VR&E services and the benefits of the program until later in life when they become disabled to the extent that their disabilities create an employment barrier.

Resolution No. 336: Support Legislation that Would Change the 12-Year Delimiting Date for Eligibility to Chapter 31 Benefits supports eliminating the 12-year expiration date for chapter 31 benefits.<sup>2</sup>

The American Legion supports H.R. 5452.

#### **H.R. 5538**

To amend title 38, United States Code, to provide for the inclusion of certain additional periods of active duty service for purposes of suspending charges to veterans' entitlement to educational assistance under the laws administered by the Secretary of Veterans Affairs during periods of suspended participation in vocational rehabilitation programs.

Under current law, the Department of Defense can authorize the involuntary activation of up to 60,000 troops for up to a year to support preplanned operations of a combatant commander per 12304b authority. However, Reservists involuntarily mobilized under this law do not accrue service time to become eligible for all benefits. While the Harry W. Colmery Veterans Education Improvement Act of 2017 corrected this inequity for education benefits, vocational rehabilitation benefits still faced the potential to be disrupted by 12304b activations. This bill would extend vocational rehabilitation services, including career and academic guidance on using Department of Veterans Affairs benefits to achieve career goals, to all servicemembers who deploy for preplanned missions under 12304b orders.

Resolution No. 20: GI Bill Fairness for Wounded Servicemembers and Activated National Guard and Reservists supports providing benefits to servicemembers activated under 12304b orders.<sup>3</sup>

The American Legion supports H.R. 5538.

<sup>1</sup>American Legion Resolution No. 342 (2016): Support and Strengthen the Servicemembers Civil Relief Act (SCRA)

<sup>2</sup>American Legion Resolution No. 336: Support Legislation that Would Change the 12-Year Delimiting Date for Eligibility to Chapter 31 Benefits

<sup>3</sup>American Legion Resolution No. 20: GI Bill Fairness for Wounded Servicemembers and Activated National Guard and Reservists

**H.R. 5644, the “VET OPP Act”**

To amend title 38, United States Code, to establish the Veterans Economic Opportunity and Transition Administration, and for other purposes.

This bill would move existing Department of Veterans Affairs (VA) economic opportunity and transition programs - like the vocational rehabilitation and employment programs, educational assistance programs, home loans, and the Transition Assistance Program - and their support staff from under the Veterans Benefit Administration (VBA) to a newly formed Veterans Economic Opportunity and Transition Administration (VEOTA). It would also create an Undersecretary for Veterans Economic Opportunity and Transition who is directly accountable for all VEOTA programs, outcomes, and interaction with relevant government agencies.

The American Legion shares the sentiment of many in Congress and among the Veteran Service Organizations that VA must provide greater focus on the economic concerns of our veterans, and ensure that its employment, education, and housing services meet the standards of excellence its veterans deserve.

The American Legion has long been concerned that programs in the VA that provide assistance related to economic opportunity to veterans, their dependents, and survivors have been overlooked. Reports from the field have confirmed an ongoing trend of economic programs competing with the claims and appeals backlog for relevancy and funding.

Since the recession, VA's current Office of Economic Opportunity (OEO) has taken on more responsibilities in veteran's employment programming. OEO has piloted and demonstrated success for many programs, from public-private partnerships for apprenticeships and employment to the creation of VA for Vets and the Veterans Employment Service Offices (VESO). VA's Center for Verification and Examination (CVE) has grown exponentially and curates an extensive database of verified veteran-owned small businesses. The landscape of education benefits has evolved rapidly from the Montgomery to the Post-9/11 GI Bill and the considerable implementation requirements of the Harry W. Colmery Veterans Educational Assistance Act. More veterans are using VA educational and vocational rehabilitation benefits to go to school than a decade ago, which led to the creation of VetSuccess on Campus (VSOC) to cater to the growing student veteran population.

The American Legion does not have a resolution or position on H.R. 5644.

**H.R. 5649, Navy SEAL Chief Petty Officer William ‘Bill’ Mulder (Ret.)****Transition Improvement Act of 2018**

To amend titles 10 and 38, United States Code, to amend the Social Security Act, and to direct the Secretaries of Veterans Affairs, Defense, Labor, and Homeland Security, and the Administrator of the Small Business Administration, to take certain actions to improve transition assistance to members of the Armed Forces who separate, retire, or are discharged from the Armed Forces, and for other purposes.

H.R. 5649 would make improvements to the Transition Assistance Program (TAP) and the overall transition process for servicemembers to include more of a focus on career opportunities and entrepreneurship. This bill would represent the largest reorganization of TAP since 2011. Specifically, H.R. 5649 would restructure TAP to require servicemembers to choose specific career-oriented tracks that best suit their post-service plans and would require that servicemembers take part in one-on-one counseling a year prior to separation to evaluate which transition pathway suits them best. It would also authorize a five-year pilot program that would provide matching grant funds to community providers that offer wraparound transition services to veterans and transitioning servicemembers. Finally, the bill would require a third-party entity to conduct an independent assessment of the TAP curriculum and require a separate longitudinal study on the efficacy of TAP and long-term outcomes for veterans.

TAP is a joint program administered by the U.S. Departments of Defense (DoD), Department of Labor (DoL) and Veterans Affairs (VA) and is charged with providing veterans a successful transition from military to civilian life.

The goal of TAP is to ease the adjustment of separating servicemembers during the difficult transition from active-duty into civilian life by offering job search assistance, medical/health services, the advising of available benefits, and other related counseling. The American Legion believes strongly that TAP represents an important step toward providing transitioning servicemembers, and their families, with the information they need to successfully transition into civilian life.

TAP is now mandated for all servicemembers and optional for their spouses. However, TAP provides a tremendous amount of information, which at times can be extremely intricate, overwhelming, or even superfluous to a particular participant.

DoL's portion, which is three-days long, is responsible for most of that information. The American Legion recommends that the course be mandated for servicemembers at different intervals of their careers prior to separation or transitioning into the civilian sector along with pre-counseling for those servicemembers intending to leave the military.

H.R. 5649 would establish three counseling pathways to tailor TAP to meet the specific needs of servicemembers. There is a vast difference between a transitioning servicemember who served one enlistment in contrast to a transitioning servicemember who is retiring after 20 years of service. This includes, but is not limited to, servicemembers who are being separated for medical reasons and/or other unexpected reasons.

TAP is presently five-days long with an optional two-day class. According to a November 2017 GAO report, less than 15 percent of transitioning servicemembers have attended the two-day classes.<sup>4</sup> In a recent 2018 survey conducted by the America's Warrior Partnership - Empowering Communities To Empower Veterans, 33.1 percent of veterans are seeking access to obtaining employment, and 33.1 percent of veterans are seeking access to educational benefits.<sup>5</sup> This data has shown that not all servicemembers join the workforce, pursue higher education, or entrepreneurship. Not every servicemember transitions for the same reason, so allowing transitioning servicemembers to select which track they desire to attend will allow them to focus more on their specific pathway (employment, education, entrepreneurship).

Servicemembers should be given the opportunity to attend any of the tracks they desire. Congress should require that the DoD submit a report of servicemembers who have attended TAP, broken down in three areas: 1) attended TAP counseling under their chosen track; 2) attended the other two optional tracks; and 3) those who have not attended TAP counseling.

The American Legion appreciates that H.R. 5649 will require an independent assessment of the effectiveness of TAP. The purpose of this assessment is to ensure that transitioning servicemembers are receiving the right skills and training needed to complete a seamless transition from the military to the civilian sector.

Furthermore, The American Legion is pleased to see that language from H.R. 4835 has been included in this bill. In 2012, The American Legion helped push for expansion of TAP to those who had already separated from service. In response, Congress passed the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (P.L. 112-260, Section 301). Provisions in this act authorized an Off-Base Transition Training (OBTT) pilot program that would extend the TAP programs to veterans and their spouses in a community-based setting. The law required the pilot program to be established by DoL in a minimum of three states, with selection favoring states with "high rates of unemployment among veterans." DoL ultimately conducted 21, three-day workshops in Georgia, Washington, and West Virginia. Overall course ratings by participants were high. The OBTT pilot program expired in January of 2015.<sup>6</sup>

The inclusion of language from H.R. 4835 would provide for a new five-year pilot program and establish 50 centers across the country to expand access to job resources and ensure DoL provides classes with job-training information. The expansion of this program will give our veterans and their spouses the support they deserve.

The American Legion supports the Navy SEAL Chief Petty Officer William 'Bill' Mulder (Ret.) Transition Improvement Act of 2018 through Resolution No. 70: Improve Transition Assistance Program, which urges Congress to thoroughly review the TAP for maximum effectiveness in helping servicemembers transition to civilian life and find gainful employment, while encouraging cooperation and inclusion of nationally accredited service organizations in their program.<sup>7</sup>

The American Legion supports H.R. 5649.

#### **Draft Bill**

To amend the Servicemembers Civil Relief Act to provide for the termination by a spouse of a lessee of certain leases when the lessee dies while in military service.

This draft bill would provide Servicemember Civil Relief Act (SCRA) protections to Gold Star families for the termination of lease agreements. SCRA allows

<sup>4</sup> GAO Report (Nov. 2017) Transitioning Veterans: DOD Needs to Improve Performance Reporting and Monitoring for the Transition Assistance Program

<sup>5</sup> <https://americaswarriorpartnership.org/wp-content/uploads/2018/05/Annual-Survey-Report-2018.compressed.pdf>

<sup>6</sup> <https://fas.org/sgp/crs/natsec/IF10347.pdf>

<sup>7</sup> American Legion Resolution No. 70 (2016): Improve Transition Assistance Program



servicemembers to terminate certain lease agreements based on military service. Traditionally, this has been of the highest utility to military family planning for servicemembers preparing to depart for extended deployments. Unfortunately, these protections are immediately withdrawn from military families in the event of a servicemember's death. This is because SCRA provides protections to servicemembers "up until the date the servicemember is released from military service (i.e. active duty service) or dies while in military service" [50 U.S.C. App. § 511(3)].

The practical impact of this is Gold Star families being bound to lease agreements made before the loss of their loved one. This draft bill affords those families, who have made the ultimate sacrifice, the decency of the financial protections their servicemember earned.

Resolution No. 342, Support and Strengthen the Servicemembers Civil Relief Act (SCRA) urges Congress to amend the Servicemembers Civil Relief Act to include additional protections for members of the Armed Forces, and their families.<sup>8</sup>

The American Legion supports this Draft Bill as written.

### Conclusion

In closing, The American Legion supports the changes to these important programs; such as removing the statutory time limits to VR&E, extending protections under SCRA for contracts and leases, and modifying TAPS. Further, The American Legion is committed to working with the Department of Veterans Affairs and this Subcommittee to ensure that America's veterans are provided with the highest level of employment and educational assistance.

Chairman Arrington, Ranking Member O'Rourke, and distinguished members of this Subcommittee, The American Legion thanks this Subcommittee for holding this important hearing and for the opportunity to explain the views of the 2 million members of this organization. For additional information regarding this testimony, please contact Mr. Jon Espinoza, Legislative Associate of The American Legion's Legislative Division at (202) 861-2700 or [jespinoza@legion.org](mailto:jespinoza@legion.org)

### Prepared Statement of Lauren Augustine

#### LEGISLATIVE HEARING ON THE TOPICS OF: "TRANSITION AND ECONOMIC OPPORTUNITY"

Chairman Arrington, Ranking Member O'Rourke and Members of the Committee:

Thank you for inviting Student Veterans of America (SVA) to submit our testimony on the pending legislation related to veteran transition and economic opportunity. With more than 1,500 chapters representing the more than 1.1 million student veterans in schools across the country, we are pleased to share the perspective of those directly impacted by the subjects before this committee.

Established in 2008, SVA has grown to become a force and voice for the interests of veterans in higher education. With a myriad of programs supporting their success, rigorous research on ways to improve the landscape, and advocacy throughout the nation. We place the student veteran at the top of our organizational pyramid. As the future leaders of this country and some of the most successful students in higher education, fostering the success of veterans in school is paramount to their preparation for productive and impactful lives.<sup>1</sup>

Edward Everett, our nation's 20th Secretary of State, and the former President of Harvard University was famously quoted as stating, "Education is a better safeguard of liberty than a standing army." While we have the finest military that the world has ever known, the sentiment remains; the importance of education to our nation's national security continues to be critical. Today, we will discuss several topics up for consideration in front of this body.

#### H.R. 5452, Reduce Unemployment for Veterans of All Ages Act

This bill proposes to eliminate the current twelve-year period of eligibility for the Vocational Rehabilitation and Employment (VR&E) program.

<sup>8</sup>American Legion Resolution No. 342 (2016): Support and Strengthen the Servicemembers Civil Relief Act (SCRA)

<sup>1</sup>Shane, Leo. Military Times. Report: Young vets are more successful than their civilian peers. July 29, 2017. <https://www.militarytimes.com/veterans/2017/07/29/report-young-vets-are-more-successful-than-their-civilian-peers/>

VR&E has been an important component of veterans' reintegration since Congress instituted a veterans' benefits system upon U.S. entry into World War I in 1917.<sup>2</sup> It also remains one of the top areas of discussion when we talk with student veterans across the country, as highlighted in a recent oversight hearing before this committee<sup>3</sup>.

Last summer, thanks largely to this committee, the Forever GI Bill removed the fifteen-year eligibility window for the Post-9/11 GI Bill and made it a benefit of service no longer tied to a specific conflict.<sup>4</sup> We see a similar intent in this legislation, which would provide greater access to rehabilitation and employment services empowering the economic opportunity potential of eligible veterans.

SVA generally supports the intent to expand the VR&E program beyond the current twelve-year window as a means to simplify program eligibility, which currently provides an often-confusing and arbitrary number of reasons to extend the twelve-year window. However, we have concerns on expanding the current VR&E program without a comprehensive program review, a resolution to the IT system concerns, and sufficient funding to meet the current and potential program participation and administration costs, as discussed in previous testimony before this committee<sup>5</sup>. We look forward to continuing to work with this committee on this issue and welcome additional conversations on how to achieve a stronger VR&E program.

#### **H.R. 5538, Reserve Component Vocational Rehabilitation Parity Act**

This bill would add additional mobilization codes used by the Department of Defense (DoD) to 38 U.S.C. 3105(e)(2) (Title 38).

The section of Title 38 amended in this bill applies to the discontinuation of VR&E subsistence allowance payments when Reserve component service members are called to active duty. While most mobilization codes are already listed, SVA supports the inclusion of the additional codes - 12304a and 12304b - to address gaps in benefit administration caused by bureaucratic nuances.

We believe this builds on the efforts to rectify inequities in benefit and program administration included as part of the Forever GI Bill, which added additional mobilization codes for the purposes of calculating Post-9/11 GI Bill benefit eligibility.<sup>6</sup> In addition to considering this specific language, we encourage the inclusion of all mobilization orders in future legislation or regulation to proactively reduce similar unintentional bureaucratic discrepancies in benefit and program administration.

#### **H.R. 5644, Veterans' Education, Transition, and Opportunity Prioritization Plan Act of 2018**

The Veterans Economic Opportunity and Transition Administration Act of 2018, or VET OPP Act, would establish an Under Secretary of Economic Opportunity at VA, aligning the programs in the Office of Economic Opportunity (OEO) presently under the Veterans Benefits Administration (VBA) into a distinct lane within VA known as the Economic Opportunity and Transition Administration.

The Department of Veterans Affairs (VA) previously expressed publicly that, "Economic competitiveness isn't just about employment; it encompasses overall employment, wealth, independent living, housing, career mobility and educational attainment. VA is proud to work alongside employment experts at the Department of Labor and policy leaders in DoD to ensure we are in alignment with relevant trends and services they offer to transitioning service members and veterans."<sup>7</sup> With economic opportunity as a stated priority of VA, we strongly support the establishment of an Under Secretary of Economic Opportunity at VA, who would report directly

<sup>2</sup>Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars, The Independent Budget - Veterans Agenda for the 115th Congress (Policy Recommendations for Congress and the Administration), 120, <http://www.independentbudget.org/2018/FY18-IB.pdf> (last visited Apr. 30, 2018).

<sup>3</sup>Vangellow, Cassandra. Testimony for Oversight Hearing on the Topic of "A Review of VA's Vocational Rehabilitation and Employment Program." May 17, 2018, House Committee on Veterans' Affairs Subcommittee on Economic Opportunity, <https://veterans.house.gov/calendar/eventsingle.aspx?EventID=2160>.

<sup>4</sup>Harry W. Colmery Veterans Education Assistance Act of 2017 **4108**. Pub. L. 115-48. (2017). <https://www.congress.gov/bill/115th-congress/house-bill/3218>?

<sup>5</sup>Vangellow, Cassandra. Testimony for Oversight Hearing on the Topic of "A Review of VA's Vocational Rehabilitation and Employment Program." May 17, 2018, House Committee on Veterans' Affairs Subcommittee on Economic Opportunity, <https://veterans.house.gov/calendar/eventsingle.aspx?EventID=2160>.

<sup>6</sup>Harry W. Colmery Veterans Education Assistance Act of 2017 **4108**. Pub. L. 115-48. (2017). <https://www.congress.gov/bill/115th-congress/house-bill/3218>?

<sup>7</sup>Department of Veterans Affairs, "Understanding Economic Competitiveness in Relation to Their Non-Veteran Counterparts." Accessed March 16, 2018. <https://www.data.va.gov/story/economic-opportunities-veterans>.

to the Secretary. Responsibilities of this new division at VA would include the administration of housing loan guaranty and related programs, vocational rehabilitation and employment (VR&E), education assistance programs, and transition programs (see Appendix A for detailed division of applicable programs).

At present, these programs are buried within the bureaucracy of VA and lack a true champion at the level of leadership these programs warrant. Over the past century, VA has evolved to focus on compensating veterans for loss, yet realities and advances of the 21st century and beyond demands the additional goal of empowering veterans to excel post-service. Importantly this will also advance our nation's goals of enhancing economic competitiveness by focusing on veteran contributions to business and industry, communities, and preparing them through the best education programs in our country. To truly achieve "whole health" for veterans in the future economy, it is imperative we afford VA the opportunity to enrich the lives of veterans through the primacy of VA's economic opportunity programs. During several recent House Committee on Veterans' Affairs hearings, we've articulated our commitment to elevating the economic opportunity programs at VA and identified the need to address a lack of resource-focus on economic opportunity programs within the greater scope of the <sup>8</sup>overall <sup>9</sup>VA budget <sup>10</sup>.

This proposal would de-layer and simplify some of the bureaucracy of VA. It would limit the number of full-time employees to the current footprint of these programs, thereby curbing any expansion of government while still providing economic opportunity and transition programs an accountable champion. Functionally, it would convert the role of the Deputy Under Secretary of Economic Opportunity into a political appointment as an Under Secretary. The outcomes would be numerous:

- **Increases Accountability.** As of this hearing, there is currently no Deputy Under Secretary of Economic Opportunity. When Congress, other federal agencies, and external partners seek accountability, there is effectively nobody to "answer the mail." This proposal would provide for greater accountability and access to issues that empower veterans. It further prevents these issues from being reduced in priority; at present, VA has given no indication that there is any intention of filling the Deputy Under Secretary of Economic Opportunity role, effectively going the opposite direction of this proposal.
- **Elevates Economic Opportunity Issues.** Directly relevant to President Trump's Executive Order 13822, "Supporting Our Veterans during Their Transition from Uniformed Services to Civilian Life."<sup>11</sup> This proposal supports the importance of transition, education, employment, and well-being. Further, it sends a strong message to veterans and the American public that economic opportunity issues truly matter and are important enough to have the leadership of an Under Secretary. Giving a national voice to issues like home ownership, education, training, and employment is a critically important measure.
- **Reduces Bureaucracy.** Bureaucracy at VA has historically led to serious national challenges, and keeping economic opportunity issues buried at the bottom of the Veterans Benefits Administration (VBA) is not the answer. The lack of a clear response from VA on several basic questions regarding economic opportunity programs at recent hearings underscores the importance of leadership in this area and was a direct result of a structure not functioning to benefit the end user.<sup>12</sup> This proposal flattens the bureaucracy of VA in favor of the vet-

<sup>8</sup>Hubbard, William. Testimony for Legislative Hearing on the Topic of "Legislative Hearing on H.R. 1206, H.R. 3023, H.R. 3940, H.R. 4451, H.R. 4830, H.R. 4835, H.R. 5044, and a draft bill entitled, 'VA Home Loan Improvement Act of 2018.'" March 20, 2018, House Committee on Veterans' Affairs Subcommittee on Economic Opportunity, <https://docs.house.gov/meetings/VR/VR10/20180320/108011/HHRG-115-VR10-Wstate-HubbardW-20180320.pdf>.

<sup>9</sup>Augustine, Lauren. Testimony for Legislative Hearing on the Topic of "U.S. Department of Veterans Affairs Fiscal Year 2019 Budget: Veterans Benefits Administration and the Board of Veterans' Appeals." March 15, 2018, House Committee on Veterans' Affairs Subcommittees on Disability Assistance and Memorial Affairs, Economic Opportunity, <http://docs.house.gov/meetings/VR/VR09/20180315/106968/HHRG-115-VR09-Wstate-AugustineL-20180315.pdf>.

<sup>10</sup>Vangellow, Cassandra. Testimony for Oversight Hearing on the Topic of "A Review of VA's Vocational Rehabilitation and Employment Program." May 17, 2018, House Committee on Veterans' Affairs Subcommittee on Economic Opportunity, <https://veterans.house.gov/calendar/eventsingle.aspx?EventID=2160>.

<sup>11</sup>Executive Order 13822. Supporting Our Veterans During Their Transition From Uniformed Service to Civilian Life. January 9, 2018. <https://www.federalregister.gov/documents/2018/01/12/2018-00630/supporting-our-veterans-during-their-transition-from-uniformed-service-to-civilian-life>

<sup>12</sup>In a House Veterans Affairs Committee budget hearing on March 15, 2018, when asked to provide an approximation of how much time is spent focusing on each division of the Veterans

eran, versus creating additional layers in the current “chain of command.” One need only to review the recent budget submission to see the bureaucracy of VA is not conducive to resources being devoted to these issues consistent with the needs of veterans.<sup>13</sup>

- Establishes Direct Counterpart. The Department of Labor (DoL) and the Department of Defense (DoD) presently lack a direct counterpart within VA for the programs that overlap the agencies and any significant initiative must achieve multiple layers of approval before moving ahead. This proposal provides DoD and DoL with a political appointee who can move important programs into the modern age, while supporting their missions more broadly for positive, holistic cross-agency solutions.
- Supports “Whole Health.” A tragically elastic narrative exists around veterans as either “broken or damaged.” In reality, the vast majority of veterans are like many other Americans-hard-working, community-oriented neighbors who want what’s best for their families. Creation of an Under Secretary of Economic Opportunity will empower veterans to be successful as they transition through improved education programs and better employment opportunities. One of the major challenges facing veterans today is “transition stress,” an issue an Under Secretary of Economic Opportunity would be keen to address.<sup>14</sup> With better service and stronger outcomes, more veterans will be apt to “Choose VA.”

Voices of opposition to the importance of elevating these issues through the creation of an Under Secretary of Economic Opportunity exist. Their concerns have been over “increased resource costs and creation of redundant roles.” Interestingly, the proposal would achieve the exact opposite effect. With a capped footprint, no significant increase in costs should occur as our proposal intends, unless the implementation at VA diverges from the concept’s intent. Others have cited giving current leaders at VA the chance to address and elevate these issues through their own work. This viewpoint is misguided and short-sighted; personality-dependent success is not a long-term solution to these structural challenges.

When previously introduced in the 114th Congress, veterans’ organizations came out in force to support the fourth administration concept, including The Disabled American Veterans (DAV), The Veterans of Foreign Wars (VFW), The American Legion, Vietnam Veterans of America (VVA), and Iraq and Afghanistan Veterans of America (IAVA).<sup>15</sup> Today, the current proposal further simplifies the concept of a Veteran Economic Opportunity and Transition Administration by having no intention of statutorily affecting the DoL VETS program, a valued partner for transition and employment programs like VR&E. Additional veterans’ organizations have stepped up to share their support for the current concept including: The Travis Manion Foundation (TMF), The Mission Continues, The Retired Enlisted Association (TREA), High Ground Veterans Advocacy, and Veteran Education Success (VES). The Independent Budget, an authoritative annual presentation of recommended funding levels produced by American Veterans (AMVETS), DAV, Paralyzed Veterans of America (PVA), and VFW has called for this change for years.<sup>16</sup> While some prefer the status quo, we recognize that bold initiatives are required to ensure our country delivers the best outcomes possible for veterans.

The American Enterprise Institute (AEI) makes a compelling argument for restructuring VA in a piece titled, “Economic Opportunity, Transition Assistance, and the 21st-Century Veteran: The Case for a Fourth VA Administration.”<sup>17</sup> Their research demonstrates that legislative language related to veterans creates a powerful and sustained narrative related to this population; notably, language consistent with a “deficit model,” or words such as ‘broken’, ‘wounded’, ‘helpless’, etc., damages

Benefits Administration, senior VA leadership shared, “I don’t know if I could answer that correctly”; panel members representing VA were unable to provide a clear response as to the purpose of the Vocational Rehabilitation and Employment program; several additional responses to Member questions failed to provide informative replies.

<sup>13</sup> U.S. Department of Veterans Affairs, Office of Budget. FY 2019 Budget Submission. <https://www.va.gov/budget/products.asp>

<sup>14</sup> Clark, James. For Most Vets, PTSD Isn’t the Problem, ‘Transition Stress’ Is. Here’s What It Means, January 25, 2018, <http://taskandpurpose.com/what-is-transition-stress/>

<sup>15</sup> United States. Cong. House. Committee on Veterans Affairs. Legislative Hearing on H.R. 356; H.R. 832; H.R. 1994; H.R. 2133; H.R. 2275; H.R. 2344; H.R. 2360; H.R. 2361; and a draft bill. Hearings, June 2, 2007. 114th Cong. 1st sess.

<sup>16</sup> The Independent Budget for the Department of Veterans Affairs Budget (FY2012), 112th Congress, <http://www.independentbudget.org/2012/IB—FY2012.pdf>

<sup>17</sup> Burgess, Rebecca. American Enterprise Institute (2018). “Economic Opportunity, Transition Assistance, and the 21st-Century Veteran: The Case for a Fourth VA Administration,” <http://www.aei.org/wp-content/uploads/2018/03/Economic-Opportunity-Transition-Assistance-and-the-21st-Century-Veteran.pdf>.

overall perceptions of this population wreaking further havoc on a wider audience of veterans. Conversely, language consistent with an “asset model,” such as ‘civic asset,’ ‘successful,’ ‘leaders,’ etc., has the effect of improving the likelihood of achieving positive transition and long-range experiences. This proposal is strongly in favor of a positive narrative of veterans, as it proposes elevating issue areas the public widely views as empowering such as education, employment, home ownership, and others.

Several important questions related to this proposal are worth considering, including the specific programs within VA this will truly impact (refer to Appendix A); any effects on interagency partnerships with DoD, DoL, SBA, and others; and the opportunity this presents for greater public-private partnerships with the private sector including corporate America and academia. We encourage this committee to consider investing significant data authorities in this office to be able to effectively track-and one day predict-the true impact empowered veterans have on the country’s economic health. For example, it’s known that the Servicemen’s Readjustment Act of 1944, known as the original GI Bill, had an economic output of \$7 for every \$1 dollar invested in that program.<sup>18</sup> Insights such as these will be vital to establishing the long-term understanding of these programs. Further, we recommend this office produce a consolidated annual report reviewing program efficacy, tracking key metrics tied to outcomes instead of outputs.

VA proudly cites the VA, “has a mission to help veterans maximize their economic competitiveness and thus, increase the number of economic opportunities for veterans and their families.”<sup>19</sup> This proposal will maximize the notion that the VA publicly espouses in empowering veterans to lead successful lives. The 1996 Congressional Commission on Servicemembers and Veterans Transition Assistance once stated, “If employment is the door to a successful transition to civilian life, education will be the key to employment in the information age.”<sup>20</sup> Future generations of veterans are counting on the success of this proposal, and we are eager to work with this Congress and President Trump in making it a reality.

**H.R. 5649, Navy SEAL Chief Petty Officer William Bill Mulder (Ret.) Transition Improvement Act**

During the past several years, we have studied the issue of transition from the military to civilian life in great depth. This testimony is the result of in-depth feedback from recently transitioned service members and a comprehensive review of the curriculum and process. The topic of transition is not limited to the delivery of Transition Assistance Program (TAP) seminars, but for the purposes of the proposed legislation, we will limit discussion to TAP.

The November 2017 Government Accountability Office (GAO) report on TAP made it abundantly clear that serious gaps existed in the program. Originally implemented in 1991 after being established in the 1990 National Defense Reauthorization Act, TAP has gone through dozens of improvements throughout the years, including most recently this <sup>21</sup>past <sup>22</sup>winte<sup>23</sup>r. The programs are vastly improved from prior iterations, though several important enhancements can be done to make the transition to civilian life significantly more impactful. This legislation proposes key changes that will positively impact overall outcomes for individuals separating from the military, including the sections identified below.

Pathways. This would require the military services to establish a minimum of three transition pathways to be used as part of the individualized counseling that military services would provide service members. Further, GAO would be required to complete a review of the design and implementation of these individualized pathways. Exiting service members would also receive a copy of their joint service transcript (JST) of training and military experience. This is an important improvement

<sup>18</sup> 100th United States Congress, Joint Economic Committee, Subcommittee on Education and Health of the Joint Economic Committee. “A Cost-Benefit Analysis of Government Investment in Post-Secondary Education Under the World War II GI Bill,” December 14, 1988.

<sup>19</sup> Department of Veterans Affairs, Understanding Economic Competitiveness in Relation to Their Non-Veteran Counterparts. Accessed March 16, 2018. <https://www.data.va.gov/story/economic-opportunities-veterans>.

<sup>20</sup> <https://ntrl.ntis.gov/NTRL/dashboard/searchResults/titleDetail/PB2006113212.xhtml>

<sup>21</sup> GAO, TRANSITIONING VETERANS: DOD Needs to Improve Performance Reporting and Monitoring for the Transition Assistance Program, GAO 18-23, (Washington, D.C.; November 2017).

<sup>22</sup> National Defense Reauthorization Act of 1990, Section 502, “Other Transition Benefits and Services.” <https://www.gpo.gov/fdsys/pkg/STATUTE-104/pdf/STATUTE-104-Pg1485.pdf>.

<sup>23</sup> Senior VA officials facilitated the opportunity for select participants from various veteran organizations to attend the pilot implementation of the new TAP curriculum related to VA benefits seminars I and II in January and February of 2018.

that will catalyze the success of separating service members and is a distinct shift from the current approach where individuals receive instruction almost exclusively and arbitrarily based on junior or senior rank.

**Curriculum.** The bill would improve and modernize the curriculum and structure of TAP by authorizing a service member to choose one of the two-day tracks to include as part of their five-day training, different from the current structure that has a mandated five-day course with optional additional two-day tracks. As identified in the November 2017 GAO report, the so-called “optional tracks” were significantly and detrimentally underutilized.<sup>24</sup> Despite being misleadingly labeled as “optional,” the information available through these tracks provides critical knowledge for the successful pursuit of post-military success. For example, the Accessing Higher Education module is best utilized with sufficient time to apply to school, and to enhance choice for veterans by providing them the best information on how to connect education to career and transition goals. Taken too late, the effectiveness of the module’s information is greatly diminished and may delay the service member’s attendance at a school by several semesters.<sup>25</sup>

While we appreciate the mandate of these tracks, we have serious concerns they would replace, instead of supplement, the current five-day curriculum. Further, we encourage the committee to amend Section 102 subsection (f), subpart (D) to reflect the addition of “at least one” in the language, to read, “Two days of instruction regarding at least one topic selected by the member from the following subjects.” In some cases, taking several of these tracks in compliment may offer the separating service members a significant advantage as they exit the military, and they should have the opportunity to pursue several different tracks if deemed valuable.

**Supporting Spouses.** The bill would also reauthorize the off-base TAP pilot that was originally authorized by Section 301 of PL 112–260.<sup>26</sup> This pilot would authorize the teaching of the DoL employment workshop at off-base locations, such as local high schools, community centers, and other locations for veterans and their spouses. The proposal would authorize the program for an additional five years at a minimum of 50 locations across the country. This is an important recognition that access to the information in TAP seminars after separation for spouses and veterans can help improve the transition process. Indeed, when the family unit is successful, the transition process is vastly improved. We would further request this committee to consider including language that would encourage spouses to attend the on-base TAP seminars with their service member to improve the effectiveness of the program.

**Community Impact.** The bill proposes a five-year pilot program that would provide up to \$10 million in matching grant funds to help community providers fund innovative transition services such as resume assistance, interview training, job recruitment training, and related services. The bill would prioritize funds for programs that operate as a community “hub” and a single point of contact for all services for one community, with organizations applying for funding in consultation with VA and DoL. Further, the bill proposes authorizing VA, in consultation with state entities that provide services to retired, separated, or discharged service members, to enter into a contract with a non-federal party to study and identify community providers who provide effective and efficient transition services to service members. These initiatives appropriately recognize the importance of local communities in the transition process, and we applaud the acknowledgement of community-based impact.

**Data and Research.** Most importantly, this bill proposes a one-year independent assessment of the effectiveness of TAP, which would be performed no later than three months after the bill’s enactment in consultation with VA, DoD, DoL, and SBA. The assessment would require the expertise of a third-party entity with experience in teaching adult learners to perform a comprehensive review of the entire military life cycle, career readiness standards, the definition of TAP, examination of service member feedback, and other data. Furthermore, the bill proposes a longitudinal study on the changes proposed to TAP, including a review of the Federal Directory of New Hires, the database used to track the employment outcomes of transitioning service members.

<sup>24</sup> GAO, TRANSITIONING VETERANS: DOD Needs to Improve Performance Reporting and Monitoring for the Transition Assistance Program, GAO 18-23, (Washington, D.C.; November 2017).

<sup>25</sup> Joint Knowledge Online, “Accessing Higher Education Module,” TGPS-US009. <http://jko.jten.mil/courses/tap/TGPS%20Stand-alone%20Training/CourseWare/TGPS-US009—Stand-alone/launch.html>.

<sup>26</sup> 112th Congress, PL 112-260, Section 301 “Off-base transition training for veterans and their spouses.” <https://www.congress.gov/112/plaws/publ260/PLAW-112publ260.pdf>.

Finally, the bill proposes requiring DoD to provide an annual report to the House and Senate Committees on Veterans' Affairs and Armed Services on the number of service members who attend TAP and data on which of the tracks are being utilized. Each of these proposed components will provide further clarity on the overall impact of TAP and provide information that can be used to refine the program's effectiveness—we strongly applaud this committee for including each component and look forward to reviewing the information in years to come. One of the major flaws of TAP has been the lack of data and analysis on the outcomes of the program, and these studies will provide critical knowledge to fill the gaps. We propose a minor technical change to Section 205, subsection (a), subpart (5) to modify the language to read, “whether TAP effectively supports the families of veterans making the transition to civilian life;” versus the current language, “addresses the challenges faced by.”

Important improvements to TAP have been highlighted through participation in roundtables this committee hosted and as a leader of the “Pre-Separation” component of the joint VA–DoD Military-Civilian Transition (MCT) convenings over the past year. We are pleased to see a majority of these bold initiatives included in this transformational piece of legislation. We continue to emphasize the importance of providing transition information to service members as early as their recruitment into the military. We are proud to have worked with this committee and thank Chairman Arrington for his leadership on this topic.

The success of veterans in higher education is no mistake or coincidence. Research consistently demonstrates this unique population of non-traditional students is far outpacing their peers in many measures of academic performance.<sup>28</sup> Further, this success in higher education begets success in careers, in communities, and promotes family financial stability, holistic well-being, and provides the all-volunteer force with powerful tools for recruitment and retention when recruits know military service prepares them for success after service. At our 10th annual national conference, the President and CEO of SVA, Jared Lyon, shared the story behind the quote on our anniversary challenge coin., “Some attribute the following text to Thucydides and others note that it’s a paraphrase of a book written by Sir William Francis Butler from the late 1800’s. The reality, either way, rings as true today as it ever has, and the phrase goes like this, ‘The nation that makes a great distinction between its scholars and its warriors will have its thinking done by cowards and its fighting done by fools.’”<sup>28</sup>

We thank the Chairman, Ranking Member, and the Committee members for your time, attention, and devotion to the cause of veterans in higher education. As always, we welcome your feedback and questions, and we look forward to continuing to work with this committee, the House Veterans' Affairs Committee, and the entire Congress to ensure the success of all generations of veterans through education.

#### **Prepared Statement of Lauren Augustine**

After graduating from Virginia Tech, Lauren enlisted in the U.S. Army, quickly rising to the rank of sergeant, and served 12 months in Iraq with the First Infantry Division. She has worked as a senior legislative associate for Iraq and Afghanistan Veterans of America, a legislative representative for the American Federation of Government Employees, and the director of government relations for Got Your 6.

In these positions she advocated on behalf of veterans, their families, and the services and benefits provided by the VA. In recognition of her advocacy work, Lauren was named to the HillVets Top 100 in 2015 and awarded the Excellence by An Up and Coming Practitioner award from the Women in Professional Advocacy in 2016. She was also appointed to the Joint Leadership Council of Veteran Service Organizations for the Commonwealth of Virginia by Governor McAuliffe in 2016.

#### **APPENDIX A**

Under Secretary of Economic Opportunity

Areas proposed to move to Economic Opportunity Administration:

Education Service: Administers VA’s education programs that provide education and training benefits to eligible Active Duty, National Guard, and Reserve Servicemembers, Veterans, and dependents.

<sup>27</sup> Cate, C.A., Lyon, J.S., Schmeling, J., & Bogue, B.Y. (2017). National Veteran Education Success Tracker: A Report on the Academic Success of Student Veterans Using the Post-9/11 GI Bill. Student Veterans of America, Washington, D.C., <http://invest.studentveterans.org/wp-content/uploads/2017/03/NVEST-Report—FINAL.pdf>.

<sup>28</sup> Jared Lyon, Defining Our Future: Today’s Scholars, Tomorrow’s Leaders, Jan. 5, 2018, <https://www.linkedin.com/pulse/defining-our-future-todays-scholars-tomorrows-leaders-jared-lyon>

**Loan Guaranty Service:** Provides oversight of the VA Guaranteed Home Loan Program that guarantees home loans in varying amounts. Ensures Veteran's rights are protected when purchasing a home under this program. Oversees administration of specially adapted housing grants for certain severely disabled Servicemembers and Veterans so they can adapt or acquire suitable housing.

**Vocational Rehabilitation & Employment (VR&E) Service:** Assists Servicemembers and Veterans with service-connected disabilities to prepare for, obtain, and maintain suitable employment; start their own business; or receive independent-living services. Oversees their education and provides career counseling to help guide career paths and ensure the most effective use of VA benefits.

**Employment and Economic Impact:** The Office of Employment and Economic Impact is dedicated to helping transitioning Servicemembers, Veterans, and their families take advantage of the benefits they have earned to connect with meaningful careers and achieve long-term economic success; oversees transition assistance (shifted from Benefits Assistance Service).

Areas that would remain under Veterans Benefits Administration:

**Compensation Service:** Oversees the delivery of disability compensation, a tax-free monetary benefit paid to Veterans with disabilities that are the result of a disease or injury incurred or aggravated during active military service.

**Pension and Fiduciary Service:** Provides program oversight that helps wartime Veterans, their families, and survivors with financial challenges by providing supplemental income through Veterans Pension, Death Pension, and Dependency and Indemnity Compensation. Protects the benefits paid to our most vulnerable beneficiaries who, because of disease, injury, or infirmities of advanced age, are unable to manage their VA benefits.

**Insurance Service:** Maintains life insurance programs that give financial security and peace of mind for Servicemembers, Veterans, and their families.

**Benefits Assistance Service:** Facilitates outreach, web/social media communications, and public contact services across the administration, and ensures quality and training for VBA employees who engage with Servicemembers, Veterans, and their families through client services such as the National Call Center.

**Appeals Management Center:** Processes most appeals that have been returned to VBA by the Board of Veterans Appeals.

**Office of Business Process Integration:** Ensures VBA's strategic needs and requirements for business and data systems are properly documented, integrated, and communicated.

**Veterans Benefits Management System Program Office:** Developing an end-to-end paperless claims processing system that incorporates improved business processes with technology.

**Records Management Center:** Houses most service treatment records forwarded by the Department of Defense (DoD) to VA.

**Office of Field Operations:** Provides operational oversight to over five district offices and 56 regional benefit offices within the United States, Puerto Rico, and the Philippines. The five district offices include the North Atlantic District, Philadelphia, PA; Southeast District, Nashville, TN; Midwest District, St. Louis, MO; Continental District, Lakewood, CO; and Pacific District, Phoenix, AZ.

### **Prepared Statement of Rebecca Burgess**

Chairman Arrington, Ranking Member O'Rourke, and distinguished members of this Subcommittee:

Thank you for the opportunity to appear in this role today, as you consider tangible measures for Congress to take to uplift all our nation's veterans—both present and future—in their transition from war to work and to successful civilian lives. It is an honor.

Veterans are the unacknowledged permanent ambassadors of military and even national service. How we publicly portray veterans directly relates to how society conceptualizes military service and what happens to an individual during that service. In an all-volunteer force, reputation is key to the attractiveness of joining a profession in which death and permanent disability are distinct possibilities. To encourage young men and women to join its ranks, since 1973 the Department of Defense (DOD) has necessarily relied on programs and benefits provided by the Department of Veterans Affairs (VA). Those who have chosen to wear the nation's uniform, as well as those who have chosen not to wear it, just as much have been influenced by how Congress and the VA have cared for veterans' reputations as their physical bodies. The types of legislation surrounding veterans that Congress passes, and the



types of programs and benefits that the VA prioritizes, powerfully shape the national narrative about veterans and influence veterans' own perception of their identity in the post-service context. The tenor of veteran legislation is a crucial factor for the post-service growth of all veterans and for their healthy and successful transition to civilianhood.

#### **A VA for Veterans: Flexible Methods, Inflexible Goal**

Well before the then Veterans Administration in 1959 took as its motto words from the final paragraph of President Abraham Lincoln's resonant Second Inaugural Address-

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow, and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations<sup>1</sup>

-the American nation recognized that it has had a duty to provide some measure of honor and care to those who have fought on its behalf.<sup>2</sup>

Before we had the United States of America, we had legislation providing modest pensions to those veterans disabled in the defense of their colony.<sup>3</sup> The early practice of granting only disability pensions to war veterans grew to include professional or vocational training after World War I and college tuition assistance and low-interest home loans after World War II. Throughout the 19th and 20th centuries, the changing face of industrialized society, technologies of war, and beliefs about the role of government have expanded each generation's understanding of its debt to soldiers. At the same time, Franklin D. Roosevelt's New Deal and Lyndon B. Johnson's Great Society programs expanded the paradigm of the government's obligations to all citizens. With the GI Bill of 1966, the card deck of veterans' benefits was made available to all who have served in uniform, whether during war or peacetime.<sup>4</sup>

Unfortunately, scandal plagued nearly all iterations of the expanding federal programs and benefits for veterans. Fraud, overspending, and waste nearly ended the relatively modest veterans' pension program in 1820. The same trio of ills showed up in post-Civil War veterans programs. This influenced Congress to establish the Veterans Bureau in 1921, to consolidate existing veterans programs managed by the Bureau of War Risk Insurance, Public Health Service, and the Federal Board of Vocational Education. President Warren Harding nominated Colonel Charles Forbes to lead the bureau, and Congress tasked him with building hospitals. Forbes promptly squandered the bureau's budget, was relieved of his duties, and found himself serving time at Leavenworth Penitentiary.<sup>5</sup>

Brigadier General Frank T. Hines stepped into the breach and attempted reform, reorganizing the Veterans' Bureau into six services-medical and rehabilitation, claims and insurance, finance, supply, planning, and control. By 1930, in the midst of the Great Depression and feeling political heat from the American Legion and Veterans of Foreign Wars, President Herbert Hoover decided that more was nec-

<sup>1</sup> Abraham Lincoln, "Second Inaugural Address," March 4, 1865, <http://avalon.law.yale.edu/19th-century/lincoln2.asp>.

<sup>2</sup> US Department of Veterans Affairs, "The Origin of the VA Motto: Lincoln's Second Inaugural Address," <https://www.va.gov/opa/publications/celebrate/vamotto.pdf>.

<sup>3</sup> In 1636, Plymouth was the first colony in America to pass veteran pension legislation. The Continental Congress in 1776 passed a pension law that was supposed to provide half pay for life in cases of loss of limb or other serious disability, but it was up to the individual states to pay it and the Continental Congress had no enforcement mechanism to ensure that the states did so. After the ratification of the US Constitution, the first Congress continued the pension law passed by the Continental Congress by passing the first federal pension legislation. President James Monroe expanded veteran pension legislation to include pensions for the "aged poor" with the Revolutionary War Pension Act in 1818. This laid the groundwork for how the military service-related benefits system would evolve. For more in-depth treatments of this topic, see US Department of Veterans Affairs, "VA History in Brief," <https://www.va.gov/opa/publications/archives/docs/history-in-brief.pdf>. See also Rebecca Burgess, "After Johnny's Marched Home: Military Veterans and the Shaping of American Politics," *American Interest*, <https://www.the-american-interest.com/2015/11/11/after-johnnys-marched-home/>; Rebecca Burgess, "Beyond the 'Broken Veteran': A History of America's Relationship with its Ex-Soldiers," *War on the Rocks*, March 7, 2018, <https://warontherocks.com/2018/03/beyond-the-broken-veteran-a-history-of-americas-relationship-with-its-ex-soldiers/>; and Rebecca Burgess, "Our Veterans Deserve Better," *InsideSources*, November 10, 2017. <http://www.insidesources.com/veterans-deserve-better/>.

<sup>4</sup> There are still restrictions in place preventing veterans who have an "Other Than Honorable Discharge" from accessing the whole panoply of VA programs and benefits, as well as certain former members of the National Guard and Reserves. For further discussion of the GI Bill of 1966, see Burgess, "After Johnny's Marched Home."

<sup>5</sup> US Department of Veterans Affairs, "VA History in Brief," <https://www.va.gov/opa/publications/archives/docs/history-in-brief.pdf>.

essary to “coordinate Government activities affecting war veterans.” He created the Veterans Administration as an independent federal administration, consolidating all veterans programs under its purview and maintaining its distinction from the Department of Defense. The Bonus March still happened, two years later.<sup>6</sup>

Hoover’s reorganization initiated the VA’s current three major administrations and made the Veterans Health Administration the face of the VA. Under his administration, the VA overshot the veteran demand for hospital beds. The glut fueled the VA practice of expanding health care benefits to veterans without service-connected injuries, in part so as not to lose congressional appropriations. That often-overlooked decision still fuels the contemporary debate about whether there should be parameters set, and where, to what “providing care” for veterans means for the now Cabinet-level VA and the federal government.<sup>7</sup> This applies as much to the Veterans Health Administration as it does to its Benefits Administration (VBA), which I shall expand on momentarily.

The point of this historical sketch is to highlight how the VA has frequently altered its formal shape or structure and has recalibrated its scope and programmatic offerings in its required quest to care for those “who shall have born the battle.” But it has not often done so with a clear purpose or vision.

No one piece of legislation created the VA, rather it has morphed into its present form through a series of reactive measures and personality-driven initiatives and in response to directives issued by successive Congresses and White House administrations, not to mention its own scandals. Without a conscious and strategic focus, perhaps it is inevitable then that the VA has remained mired in a 20th-century model that gages workforce participation through a manufacturing economy lens and that the VBA in particular continues to operate under a 1917-based disability model. That it has remained so mired undercuts the VA’s mission to care for veterans.

A somnolent 20th-century VA cannot energize 21st-century veterans who must and who want to participate in the information and knowledge economy. H.R. 5644, the Veterans’ Education, Transition, and Opportunity Prioritization Plan Act of 2018, or VET OPP Act, is a rare opportunity for policymakers to assess the capabilities of the VA’s existing programs and structure and strategically align both with current veterans’ needs in light of the contemporary economy and society. In focusing on restructuring the VBA to prioritize already existing educational and economic opportunity programs in their own Veterans Economic Opportunity and Transition Administration (VEOTA), and under the leadership of a specially designated undersecretary, policymakers send a powerful signal to veterans and society that veterans are national assets who continue to deserve investment in after their military service. In turn, this positive legislative narrative has the power to combat the harmful and inaccurate “broken veteran” narrative.<sup>8</sup>

### **How the VET OPP Act Answers 21st-Century Veterans’ Needs**

Twenty-first-century realities demand a reassessment of how the VA enacts measures to assist veterans in their transition from war to work. While the VA already recognizes that their approach, based on the whole-health model, must “empower[ ] and equip[ ] people to take charge of their health and well-being, and to live their life to the fullest,”<sup>9</sup> it also acknowledges that VA facilities are “a system designed around points of medical care primarily focused on disease management” but that “just piling more into clinical care is not the answer—not for clinicians and not for veterans.”<sup>10</sup> The VA encourages looking at “the big picture.”<sup>11</sup>

Appointing an under secretary for veterans economic opportunity is looking at the big picture of veterans post-service. Efforts to expand and maintain access to mental health services for veterans should never be denigrated, but for the 19 out of 20 veterans who successfully transition out of military service, it is the tangible benefits of education and vocational training, home loans, and small business loans that pro-

<sup>6</sup>US Department of Veterans Affairs, “VA History in Brief.”

<sup>7</sup>See Jessica Adler, “Burdens of War: Creating the United States Veterans’ Health System” (Johns Hopkins University Press, 2017), <https://jhupbooks.press.jhu.edu/content/burdens-war>.

<sup>8</sup>Rebecca Burgess, “Economic Opportunity, Transition Assistance, and the 21st Century Veteran: The Case for a Fourth VA Administration,” AEI, March 2018, <http://www.aei.org/publication/economic-opportunity-transition-assistance-and-the-21st-century-veteran-the-case-for-a-fourth-va-administration/>.

<sup>9</sup>US Department of Veterans Affairs, “A Whole Health System Serving Veterans,” March 23, 2017, <https://www.va.gov/PATIENTCENTEREDCARE/features/A—Whole—Health—System—Serving—Veterans.asp>.

<sup>10</sup>US Department of Veterans Affairs, “A Whole Health System Serving Veterans.”

<sup>11</sup>US Department of Veterans Affairs, “About Whole Health,” <https://www.va.gov/PATIENTCENTEREDCARE/explore/about-whole-health.asp>.

vide them the hand up to take charge of their lives.<sup>12</sup> Research anchored in US census data has consistently shown that veterans who avail themselves of their post-service education benefits and earn degrees have increased wages (even relative to their civilian peers), which improves health, wellness, financial stability, and overall family stability.<sup>13</sup> Additional research establishes the links between these outcomes; reduced rates of dependence, disability, and criminality; and increased rates of civic participation.<sup>14</sup>

However, the VA seems disinterested in this good news, even though post-9/11 veterans believe education is key to future success and the chronicled success of the VA's educational and other readjustment benefit programs. This is reflected in the VA's nearly century-old structural design, which is impeding its own ability to help veterans achieve post-service success. A majority of veterans also consistently report that navigating the VA's administrations and benefits is their top challenge in transitioning to civilian life.<sup>15</sup>

This has particular bearing on the VA's economic opportunity programs, which have been lumped together with the VA's much more visible disability and pension benefit programs under the purview of the Veterans Benefit Administration (VBA). The VBA is struggling with a well-publicized backlog of nearly half a million disability claims.<sup>16</sup> Overwhelmingly, the VBA's institutional resources are concentrated on the disability system to the unsurprising neglect of its education and economic programs.

Among other things, the VBA is tasked with delivering the Forever GI Bill to veterans. As the latest iteration of the GI Bill, the Harry W. Colmery Veterans Educational Assistance Act of 2017, or the Forever GI Bill, perpetuates one of the most recognizably successful transition assistance and social assistance government programs in American history.<sup>17</sup> Despite such proven success, the government has not demonstrated much interest in harnessing the power of the Forever GI Bill to provide transition assistance for veterans. Nor is it harnessing its own institutional power to implement the Forever GI Bill: In a December 2017 congressional hearing on the bill's implementation, numerous testimonies revealed that it was a bungled mess because of both limited information technology capabilities and institutional sclerosis.<sup>18</sup>

The VA's high-potential economic opportunity programs are being smothered by the disability programs in the VBA. Established in 1917, the disability system the VA uses is an industrial age-focused model that is 60-plus years behind the information age. It views a service-connected condition only through the terms of a permanent earnings loss and works as a perverse incentive against veterans entering the

<sup>12</sup> Lewis, testimony before the Subcommittee on Economic Opportunity.

<sup>13</sup> Institute for Veterans and Military Families and Student Veterans of America, "Student Veterans: A Valuable Asset to Higher Education," June 2017, <https://ivmf.syracuse.edu/wp-content/uploads/2017/09/Student-Veterans-Valuable-9.8.17-NEW.pdf>. See also Paul Taylor and Rick Fry, "The Rising Cost of Not Going to College," Pew Research Center, February 11, 2014, <http://www.pewsocialtrends.org/files/2014/02/SDT-higher-ed-FINAL-02-11-2014.pdf>; Laura W. Perna, "The Private Benefits of Higher Education: An Examination of the Earnings Premium," *Research in Higher Education* 44, no. 4 (2003): 451-72; Sandy Baum, Jennifer Ma, and Kathleen Payea, *Education Pays: The Benefits of Higher Education for Individuals and Society*, College Board Advocacy & Policy Center, 2010, <https://trends.collegeboard.org/sites/default/files/education-pays-2010-full-report.pdf>; and AEI/Brookings Working Group on Poverty and Opportunity, *Opportunity, Responsibility, and Security: A Consensus Plan for Reducing Poverty and Restoring the American Dream*, American Enterprise Institute and Brookings Institution, December 3, 2015, <https://www.aei.org/publication/opportunity-responsibility-and-security/>.

<sup>14</sup> See Nicholas Eberstadt, *Men Without Work: America's Invisible Crisis* (West Conshohocken, PA: Templeton Press, 2016).

<sup>15</sup> Corri Zoli, Rosalinda Maury, and Daniel Fay, *Missing Perspectives: Servicemembers' Transition from Service to Civilian Life*, Institute for Veterans and Military Families, Syracuse University, November 2015, <https://ivmf.syracuse.edu/article/missing-perspectives-service-members-transition-from-service-to-civilian-life-forward/>.

<sup>16</sup> Nicole Ogrysko, "Congress Takes Another Shot at Fixing Outdated, Lengthy Veterans Appeals Process," *Federal News Radio*, May 2, 2017, <https://federalnewsradio.com/veterans-affairs/2017/05/congress-takes-another-shot-at-fixing-outdated-lengthy-veterans-appeals-process/>.

<sup>17</sup> US Department of Veterans Affairs, "History and Timeline," <https://www.benefits.va.gov/gibill/history.asp>; Congressional Research Service, *GI Bills Enacted Prior to 2008 and Related Veterans' Education Assistance Programs: A Primer*, October 6, 2017, <https://www.everycrsreport.com/files/20171006-R42785-0725bac1b4aa2ba9114163d90e28a8f569e9a7d9.pdf>; and Melissa Murray, "When War Is Work: The G.I. Bill, Citizenship, and the Civic Generation," *California Law Review* 96, no. 967 (2008), <http://scholarship.law.berkeley.edu/californialawreview/vol96/iss4/3>.

<sup>18</sup> Robert M. Worley II, William Hubbard, and Kathleen Moakler, "An Update on the Implementation of the Forever GI Bill, the Harry W. Colmery Educational Assistance Act of 2017," testimony before Committee on Veterans' Affairs, US House of Representatives, December 12, 2017, <https://veterans.house.gov/calendar/eventsingle.aspx?EventID=2006>.

workforce. This automatically undercuts the economic opportunity programs. Consequently, the very VA programs veterans stand most to profit by are operating with the proverbial millstone around their necks.

Given the current atmosphere of concern about veterans' successful reintegration into civil society, juxtaposed against the VA's acknowledged need to modernize, sound public policy requires some VA reorganization of its benefits programs currently within VBA. As it currently stands, at the structural bottom of the VBA totem pole, obstructed from the VBA under secretary's view, reside the economic opportunity and transition assisting programs.

Given the demonstrated need and desires of veterans, and the VA's own stated priorities, this is an ideal moment to place the VA's economic opportunity programs under the authority of an under secretary for veterans economic opportunity and transition assistance, as outlined in the VET OPP Act. In creating the position, Congress and the president would enable the VA to instigate a minor structural reorganization that would yield major positive outcomes.

The VEOTA would be charged with administering all the VA programs that provide assistance related to economic opportunity to veterans, their dependents, and survivors. This would include the existing educational assistance programs, vocational rehabilitation and employment programs, education and career counseling programs, veterans' housing loan and related programs, veterans' business loan programs, the database of veteran-owned businesses, and the broadly defined transition assistance program, which the VA shares responsibility for with the Departments of Labor, Defense, and Homeland Security.<sup>19</sup>

A collection of these programs already falls under the Office of Economic Opportunity (OEO) in the VBA. Created in 2011, the OEO was established to oversee Education Service, Vocational Rehabilitation and Employment Service, Loan Guaranty Service, and the Office of Employment and Economic Impact. According to the current Functional Organization Manual, this office is one of seven reporting to the under secretary of benefits leading the VBA. Even a quick perusal of the manual reveals a Forbidden Forest of bureaucratic layers—both within the VA and the VBA—that is preventing the OEO from much progress in meeting its stated goal to “coordinat[e] initiatives, projects, and procedural changes” within the VA and across government by “promot[ing] economic opportunities for Veterans.”<sup>20</sup>

Establishing the VEOTA would streamline and energize existing VA programs with a documented history of successful outcomes. It is not an excuse to grow government bureaucracy. It is a practical solution to the VA's structural difficulties in delivering promised benefits to veterans. It emphasizes how positive growth for the veteran can occur through the post-service transition. It provides a concrete way for the VA to meet its own stated goals of providing a whole-health model of care for veterans. And it caters to veterans' demonstrated needs for economic opportunity, to enable post-service growth and well-being in the 21st century.

#### **Transition Assistance in the Whole-Health Model of Care**

More than 20 years ago, the 1996 Congressional Commission on Servicemembers and Veterans Transition Assistance conducted the most comprehensive review of veterans' benefits since the Bradley Commission in 1956. Since many of the benefits and services were established in the waning days of World War II, Congress tasked the commission to examine everything meant to help service members transition to civilian life. The commission was then to propose modernizing measures and improvements, including consolidating and eliminating the administering organizations.<sup>21</sup>

The commission acknowledged the success of the original GI Bill's education and employment provisions. These included traditional education assistance and vocational training for nondisabled veterans; rehabilitation training; home, business, and farm loans; job counseling and employment placement services; and an unemployment benefit. But the commission bridged the post-Industrial Revolution time span between 1944 and 1996 with a declaration: “If employment is the door to a successful transition to civilian life, education will be the key to employment in the information age.”<sup>22</sup> Still in a pre-9/11, pre-War on Terror atmosphere, the commis-

<sup>19</sup> See 10 USC § 1144, <https://www.law.cornell.edu/uscode/text/10/1144>.

<sup>20</sup> US Department of Veterans Affairs, Functional Organization Manual v4.0: Description of Organization Structure, Missions, Functions, Activities and Authorities, 2017, <https://www.va.gov/VA-Functional-Organization-Manual-Version-4.pdf>.

<sup>21</sup> Veterans' Benefits Improvements Act of 1996, Pub. L. 104-275 (1996), <https://www.gpo.gov/fdsys/pkg/PLAW-104publ275/content-detail.html>.

<sup>22</sup> Congressional Commission on Servicemembers and Veterans Transition Assistance, “Congressional Commission on Servicemembers and Veterans Transition Assistance Final Report,”

sion was concerned that the 20th-century structural system of benefits the VA oversaw was outmatched by the actual needs of veterans in the 21st century.

The commission found “in some cases, benefits and services have become so outdated, and program management so ineffective that they break faith with those who served, and currently serve, their Nation in uniform.”<sup>23</sup> The commission therefore distinguished between benefits and services that directly help service members readjust to civilian life and those that offered mitigated or delayed compensation “for the hardships of military duty,”<sup>24</sup> opportunities lost or deferred by performing military service, or treatment or rehabilitation for injuries incurred while on active duty.

The nation and its veterans historically have shifted emphasis between these types of programs according to the concerns of the moment. After World War I, the 1918 Smith-Sears Veterans Rehabilitation Act, also known as the Soldiers Rehabilitation Act, recognized the demands that a rapidly growing manufacturing economy placed on individuals’ commercial abilities. It emphasized vocational rehabilitation courses for injured soldiers, so that they could return to their old jobs or enter new occupations and “carry on a gainful occupation.”<sup>25</sup> This was bookended by compensation legislation specifically addressing financial and personal opportunities perceived to be lost by performing military service.<sup>26</sup>

As already described, the post-World War II GI Bill further shifted post-service benefits toward education in general. In fact, the Congressional Research Service dates the VA’s education assistance benefits as beginning with the 1944 bill.<sup>27</sup> The Congressional Research Service notes that a consistent theme of all GI Bill-type programs since 1944 is to “promote development of work-related skills to facilitate entry or re-entry into the civilian workforce.”<sup>28</sup> It is this theme that the 1996 Transition Commission stresses.

“Returning to private life after serving in the military is a very complex undertaking,” former Deputy Under Secretary of Defense (Military Community and Family Policy) Leslye Arsht observed in response to the Transition Commission recommendations. “To assist them in doing so, we must empower servicemembers with the tools and information they need to fashion individual solutions to the challenges they will face in civilian life.”<sup>29</sup> Anthony Principi, the former chairman of the Transition Commission and former VA secretary, added: “The ultimate measure of successful transition from military to civilian life is long-term, sustained employment.”<sup>30</sup>

Ten years after the Transition Commission was formed, both Arsht and Principi were concerned that the VA’s suite of resources was still tailored to “the needs of

January 14, 1999, 3, <https://ntrl.ntis.gov/NTRL/dashboard/searchResults/titleDetail/PB2006113212.xhtml>.

<sup>23</sup> Congressional Commission on Servicemembers and Veterans Transition Assistance, “Congressional Commission on Servicemembers and Veterans Transition Assistance Final Report,” 1.

<sup>24</sup> Congressional Commission on Servicemembers and Veterans Transition Assistance, “Congressional Commission on Servicemembers and Veterans Transition Assistance Final Report,” 1.

<sup>25</sup> Smith-Sears Veterans Rehabilitation Act, Pub. L. 65–178 (1918).

<sup>26</sup> US Department of Veterans Affairs, VA History in Brief, <https://www.va.gov/opa/publications/archives/docs/history—in—brief.pdf>. Jennifer D. Keene offers a more detailed discussion of the link between World War I veterans and government-sponsored compensation for perceived wages and opportunities lost by military service that has much to do with the conscripted nature of much of the American Expeditionary Forces. “By 1920, veterans increasingly agreed, as one told Theodore Roosevelt Jr., that during the war ‘they were in the country’s employ at the request of the country.’ To those who asked, Roosevelt did his best to explain their reasoning. ‘To begin with in considering this problem you must take as a premise the draft,’ he noted. During the war, the federal government had decided who worked in civilian society and who entered the military. Civilian workers had received the highest wages in American history while citizen-soldiers labored for thirty dollars a month. . . . In veterans’ eyes, the government now had the postwar responsibility of compensating soldiers fairly. ‘All we seek is justice,’ explained one veteran, ‘and justice likewise demands that some of these [war] profits be now conscripted to pay this debt to the returned soldier.’” Jennifer D. Keene, *Doughboys, the Great War, and the Remaking of America* (Baltimore, MD: John Hopkins University Press, 2001), 161–78.

<sup>27</sup> Congressional Research Service, “GI Bills Enacted Prior to 2008 and Related Veterans’ Educational Assistance Programs.”

<sup>28</sup> Congressional Research Service, “GI Bills Enacted Prior to 2008 and Related Veterans’ Educational Assistance Programs,” 1.

<sup>29</sup> Leslye A. Arsht, testimony before the Subcommittee on Economic Opportunity Oversight, Committee on Veterans’ Affairs, US House of Representatives, December 7, 2006, <https://www.gpo.gov/fdsys/pkg/CHRG-109hhr31325/html/CHRG-109hhr31325.htm>.

<sup>30</sup> Anthony J. Principi, testimony before the Subcommittee on Economic Opportunity Oversight, Committee on Veterans’ Affairs, US House of Representatives, December 7, 2006, 6, <https://www.gpo.gov/fdsys/pkg/CHRG-109hhr31325/pdf/CHRG-109hhr31325.pdf>.

a century gone by.”<sup>31</sup> Rather than helping veterans reenter an economy based on manufacturing and agriculture, the VA needed to orient its programs toward a services- and information-dominated economy. Furthermore, the VA needed to be taking into account the fault line that seemed to have developed between those who volunteered to serve and decision makers in government, business, labor, academia, and the media, as the Gulf War and post-9/11 conflicts reinforced America’s reliance on a professional all-volunteer force and avoidance of conscription. Echoing the Transition Commission, Arshat and Principi emphasized that, with this in mind, Congress, the DOD, and the VA needed to especially rethink education assistance as a benefit of service to potential recruits.<sup>32</sup>

Beyond anecdotal evidence that this remains true in 2018, a wealth of scholarship and empirical data gathered from diverse surveys reinforces how pivotal the framing of the VA’s education benefits is for the VA’s message of 21st-century economic opportunity for veterans.<sup>33</sup> It is equally pivotal for civilian employers and the taxpayer community at large to see veterans as a unique national resource in order for the nation to capitalize on its investment in its soldiers’ training and development. It is illuminating in this regard to examine veteran employment through the lens of the military-civilian divide. This reveals how education is the crossroads for both veterans and employers.

Two decades of veteran employment research show that both individual- and group-level factors, involving psychological elements for the person and cultural elements tied to group functioning, work to “ease or impede” veterans’ successful transition from the military to civilian workforce.<sup>34</sup> This is bidirectional, reflecting both the veteran employee’s and the civilian employer’s perspectives. The veteran perceives his or her transition as having to negotiate military-civilian identities while navigating a civilian society and integrating into a civilian workforce.<sup>35</sup> The employer may or may not know how to translate the veterans’ military skills and experience to the workplace (generally the employer does not feel adequate to do this), but he or she does believe that the veteran lacks communication skills.<sup>36</sup> A majority of potential employers express openness to hiring veterans yet also some concern about veterans as employees, often linked to their perceived lack of translatable skills but sometimes linked to the “broken veteran” narrative.<sup>37</sup>

In summary, the majority of potential employers believe veterans need more training or additional education, particularly in “soft skills” such as communication, before they are ready for careers in the civilian sector. Veterans tend to agree with this assessment, while 50 percent of current service members believe their military experience and skills are easily transferable to the private sector. Regardless, both veterans and employers nearly unanimously agree on the benefit of internship or apprenticeship programs for veterans as they seek to reenter the civilian workforce—both traditional employment learning paths.<sup>38</sup> And, as already noted, post-9/11 veterans especially see education as crucial to their continued success.<sup>39</sup>

<sup>31</sup> Congressional Commission on Servicemembers and Veterans Transition Assistance, “Congressional Commission on Servicemembers and Veterans Transition Assistance Final Report.”

<sup>32</sup> Congressional Commission on Servicemembers and Veterans Transition Assistance, “Congressional Commission on Servicemembers and Veterans Transition Assistance Final Report.”

<sup>33</sup> Hazel R. Atuel et al., “Veteran Employment in the 21st Century,” in *The Civilian Lives of U.S. Veterans: Issues and Identities*, vol. 1, eds. Louis Hicks, Eugenia L. Weiss, and Jose E. Coll (Santa Barbara, CA: Praeger, 2017), 161–79.

<sup>34</sup> Atuel et al., “Veteran Employment in the 21st Century.”

<sup>35</sup> Forces in Mind Trust, “The Transition Mapping Study: Understanding the Transition Process for Service Personnel Returning to Civilian Life,” August 2013, <http://www.fim-trust.org/wp-content/uploads/2015/01/20130810-TMS-Report.pdf>.

<sup>36</sup> Martin Berman-Gorvine, “Skills Translation Crucial for Hiring Veterans,” Berkshire Associates, October 2, 2017, <https://www.berkshireassociates.com/balanceview/skills-translation-crucial-for-hiring-veterans>. See also Nicholas J. Armstrong et al., Implementation Assessment of Executive Order 13518—The Veterans Employment Initiative, Syracuse University, Institute for Veterans and Military Families, 2017, <https://ivmf.syracuse.edu/wp-content/uploads/2017/12/OPM-REPORT-Veterans-Employment-InitiativeFINAL-DIGITAL12.13.17-4.pdf>; and P. Wesley Routon, “The Effect of 21st Century Military Service on Civilian Labor and Educational Outcomes,” *Journal of Labor Research* 35, no. 15 (2014): 15–38, <https://doi.org/10.1007/s12122-013-9170-4>.

<sup>37</sup> Sara Kintzle et al., Exploring the Economic & Employment Challenges Facing U.S. Veterans: A Qualitative Study of Volunteers of America Service Providers & Veteran Clients, University of Southern California Center for Innovation and Research on Veterans & Military Families, 2015, <https://www.voa.org/pdf-files/a-study-of-volunteers-of-america-service-providers-and-veteran-clients>.

<sup>38</sup> Edelman Insights, “2017 Veterans’ Well-Being Survey: Focus on Employment, Education and Health,” October 2017, <https://www.slideshare.net/EdelmanInsights/2017-veterans-wellbeing-survey>.

<sup>39</sup> Zoli, Maury, and Fay, Missing Perspectives.

Truly, as the Transition Commission noted, education is the key to employment in the 21st century, and employment is the door to a successful transition to civilian life. Given this reality, it behooves the nation to “provide transitioning service members with the means and opportunity to succeed in their civilian lives and to invest their talent and ability in the American economy.”<sup>40</sup> Existing VA programs already have the infrastructure to do this. All that is lacking is a structural reorientation of these programs in alignment with 21st-century realities.

The national discussion surrounding veterans does not need to cling to outdated and inaccurate portrayals of their abilities and their service experience. But so long as national institutions and legislation imply that veterans are broken, through a monotone emphasis on clinical mental health resources being the only resources to safely transition veterans to civilian status, such an impression will persist. And it will persist in damaging the very population those resources are designed to help.

### **Conclusion: Reorienting the Veteran Narrative**

Public office holders, military and civilian observers, and veterans agree that the transition to being a civilian is fraught with difficulties in our contemporary society. Legislators have responded primarily by passing legislation that emphasizes mental health, despite the supermajority of veterans suffering from transition stress rather than adverse mental health issues. President Trump has also responded by issuing an executive order that calls for expanding access to mental health resources for veterans but opens the door to numerous additional approaches to support veterans in their transition to civil society.

While mental health resources for veterans are essential, they represent only one element of a whole-health model of care. Economic opportunity programs represent the counterweight to clinical mental health resources. Naturally clustered around education benefits, economic opportunity programs signal post-service personal growth and economic and social wellness. Both veterans and employers believe that education is key to successful civilian employment, and empirical data shore up that belief by showing how veterans with increased levels of education are wealthier, healthier, and more civically engaged than even their civilian peers over the life course.

This is the veteran narrative that should dominate in our society. Legislation that emphasizes the possibility-likelihood even-of post-service growth through its focus on educational and economic opportunity programs has the trendsetting power to shift the veteran narrative toward a positive veteran image. Congress can initiate this shift by legislating a structural reorganization within the VA that establishes an under secretary for veterans economic opportunity, with the authority to guide already existing VA educational and economic opportunity programs toward 21st-century needs and desired outcomes.

In a 24/7 media-driven culture that accosts us every day in every way, how we publicly portray veterans is directly related to the image of military service and what happens to an individual during that service. Ultimately, Congress has the responsibility to consider this and address it seriously. They have the constitutional responsibility to ensure that the nation is defended adequately, as much as the responsibility to care for the reputations and physical bodies of those “who have borne the battle.”<sup>41</sup>

Thank you again for the honor of this opportunity. I look forward to answering any questions from the committee.

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## **Statements For The Record**

### **THE DEPARTMENT OF DEFENSE**

Chairman Arrington, Ranking Member O’Rourke, and members of the Subcommittee, the Department of Defense (DoD) appreciates the opportunity to provide this statement for the record addressing legislation pending before the Subcommittee. This statement will focus on only those bills that will affect DoD; we defer to the Department of Veterans Affairs to provide responses on those bills with no significant DoD impacts.

<sup>40</sup> Congressional Commission on Servicemembers and Veterans Transition Assistance, “Congressional Commission on Servicemembers and Veterans Transition Assistance Final Report,” 2.

<sup>41</sup> Abraham Lincoln, “Second Inaugural Address,” March 4, 1865, <http://avalon.law.yale.edu/19th-century/lincoln2.asp>.

**H.R. 5649, Navy SEAL Chief Petty Officer William “Bill” Mulder (Ret.) Transition Improvement Act of 2018**

This bill amends titles 10 and 38, U.S. Code and directs the Secretaries of Veterans Affairs, Defense, Labor, and Homeland Security, and the Administrator of the Small Business Administration to take certain actions to improve transition assistance to members of the Armed Forces who separate, retire, or are discharged from the Armed Forces and for other purposes.

The Department objects to this proposed legislation due to significant concerns identified during our review. Current interagency data and Service member feedback availability indicates that the Transition Assistance Program (TAP) works well in meeting the needs of our transitioning Service members. Despite anecdotal comments, the Department has yet to see strong data or evidence to the contrary that would indicate the need to revamp TAP with remedial legislation. Further, we have several interagency evaluation efforts underway (for example, a quasi-experimental study led by the Department of Labor, a long-term outcomes study led by Army, and a Post-Separation Assessment led by the Department of Veterans Affairs) that will provide even more robust evidence to determine what improvements should be made to the TAP. Therefore, this proposed legislation is premature and likely unnecessary for improving Service member transition outcomes. While refinements and improvements can always be made to programs (we continue to update this program annually), changes must be founded on evidence-based decision making. As such, we urge Congress to allow time for the TAP interagency governance team to collect and analyze the data from our currently in-progress interagency evaluation efforts, before any mandated changes to the TAP be enacted.

DoD and its partners are extremely careful when implementing changes that impact approximately 200,000 transitioning Service members (including National Guard and Reserve) each year. The Department strongly recommends making program changes that uses evidence-based decisions, centered on program evaluation efforts. When changes are implemented, we prefer to experimentally evaluate TAP changes via a pilot study before full-scale implementation. If the pilot confirms the proposed changes result in a more positive outcome for transitioning Service members, we would then implement them more broadly.

**H.R. 2409, Servicemembers Civil Relief Act Amendment to Terminate Service Contracts**

This bill amends the Servicemembers Civil Relief Act (SCRA) to allow a Service member to terminate a commercial mobile, telephone exchange, Internet access, or multichannel video programming service contract at any time after the date the service member receives military orders to relocate for at least 90 days to a location that does not support such service contract. The Department supports this provision. Currently, the law permits Service members to terminate vehicular and property leases as well as cellular telephone service or telephone exchange service contracts. This provision is a common sense expansion that ensures Service members are not forced to continue paying costly service contracts when they are required to move because of military obligations before completion of those service contracts.

**Service members Civil Relief Act Amendment to Terminate Leases by Spouse**

This amendment to the SCRA allows for the termination by a spouse of a lessee of certain leases when the lessee dies while in military service. The Department supports this provision. Spouses often move to locations they would not otherwise relocate to because of the military orders of their Service member spouse. When the Service member dies in military service, the spouse may be forced to pay costly leases that they entered into only because of their spouse’s military service. This provision would rectify the issue and provide relief to a grieving spouse from leases that are no longer necessary following an active duty spouse’s death.

The Department of Defense thanks the Subcommittee for the opportunity to submit a testimony for the record. We’re grateful for your continuing support of our Service members and Veterans.

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**U.S. DEPARTMENT OF JUSTICE**

Chairman Arrington, Ranking Member Walz, and distinguished Members of the Subcommittee, thank you for the opportunity to present the views of the Department of Justice (“Department”) on pending legislation amending the Servicemembers Civil Relief Act (“SCRA”), 50 U.S.C. § 3901, et seq.



The Justice Department is proud to serve our nation's men and women in uniform, who make great personal sacrifices in service to our country. The Department is committed to protecting servicemembers' rights by prioritizing vigorous enforcement of the SCRA. The SCRA provides protections for military members as they enter active duty and covers such issues as mortgage foreclosures, default judgments, vehicle repossessions, lease and other contract terminations, and interest rates, among other protections.

These protections are in place because servicemembers should not have to worry that during their military service their cars will be repossessed, their homes will be foreclosed on, or their spouses and children will be evicted. Over the past decade, the Department's SCRA enforcement efforts have resulted in over \$467 million in monetary relief awarded to over 119,000 servicemembers.

In addition to our enforcement work under the SCRA, the Department has launched the Servicemembers and Veterans Initiative ("Initiative"). The Initiative's goal is to coordinate and expand the Department's existing efforts to protect servicemembers and veterans through outreach, enforcement assistance, and training. Since January 1, 2017, the Initiative has presented on the SCRA, veteran employments rights, and other Department efforts related to servicemembers and veterans at 27 events nationwide attended by approximately 3,725 servicemembers and legal professionals across all five branches of the military.

#### **H.R. 2409**

To allow servicemembers to terminate their cable, satellite television, and Internet access service contracts while deployed.

Section 3956 of the SCRA, 50 U.S.C. § 3956, currently allows servicemembers to terminate cellular telephone service contracts if they receive orders to relocate for a period of at least 90 days to a location that does not support the contract. H.R. 2409 would expand this protection to allow servicemembers to also terminate cable, satellite television, and Internet access services, provided the same conditions are met.

The Department of Justice supports the goals of H.R. 2409, which would improve the SCRA by updating the legislation to contemplate newer technologies used by servicemembers.

We look forward to working with the Subcommittee on any technical assistance needed to advance this important amendment.

#### **H.R. \_\_\_\_\_**

To amend the Servicemembers Civil Relief Act to provide for the termination by spouse of a lessee of certain leases when the lessee dies while in military service.

Section 3955 of the SCRA, 50 U.S.C. § 3955, currently permits servicemembers to terminate residential leases "at any time after . . . the date of the lessee's military orders." 50 U.S.C. §3955(a)(1). This protection applies to individuals who enter military service and servicemembers who, "while in military service, execute[] a lease and thereafter receive[] military orders for a permanent change of station or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 90 days." *Id.* at § 3955(b)(1). Proposed bill H.R. \_\_\_\_\_ would amend Section 3955 to permit the spouse of a fallen servicemember to terminate a residential lease entered into by that servicemember if that military member died while in military service. The ability to terminate such a lease would exist for the one-year period beginning on the date of the servicemember's death.

The Department supports the goals of this draft bill. We look forward to working with the Subcommittee on any technical assistance needed to advance this important amendment.

The Department appreciates the opportunity to submit its views on servicemembers civil rights legislation currently pending before the Subcommittee. We stand ready to provide any technical assistance on the bills discussed above and will strive to work with the Subcommittee in advancing important legislative efforts to strengthen the SCRA.

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#### **NATIONAL GUARD ASSOCIATION OF THE UNITED STATES, INC.**

March 27, 2018

The Honorable Scott Peters  
United States House of Representatives  
1122 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Jack Bergman  
 United States House of Representatives  
 414 Cannon House Office Building  
 Washington, D.C. 20515

Dear Congressman Peters and Congressman Bergman,

On behalf of the 45,000 members of the National Guard Association of the United States (NGAUS) and the nearly 500,000 soldiers and ainnen of the National Guard, please accept our sincere thanks for your leadership in introducing the Reserve Component Vocational Rehabilitation Parity Act. NGAUS strongly supports this bill.

The Reserve Component Vocational Rehabilitation Parity Act is a commonsense, bipartisan solution to provide Guardsmen and Reservists, who deploy under 12304b orders, the ability to extend their eligibility in the Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) services. The proposed legislation aims to remove the current 12-year cap on servicemembers access to VR&E services, which assist our Guardsmen with job training, resume development, and job-seeking skills coaching.

Your proposed legislation will significantly help to correct the numerous benefits not afforded to members of the National Guard under 12304b orders. Furthermore, the Reserve Component Vocational Rehabilitation Parity Act strives to aid Guardsmen as they make the transition from the military to civilian careers.

We urge the passage of this vitally important bill to ensure benefit parity for Guardsmen while simultaneously providing them tools for success in their post-military careers. We look forward to continuing to work with you and your staffs to ensure the passage of the Reserve Component Vocational Rehabilitation Parity Act. Thank you, as always , for your continued support of the men and women of the National Guard.

Sincerely,

Brigadier General (Ret.)  
 President, NGAUS

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#### PARALYZED VETERANS OF AMERICA

Chairman Arrington, Ranking Member O'Rourke, and members of the Subcommittee, Paralyzed Veterans of America (PVA) would like to thank you for the opportunity to submit our views on legislation pending before the Subcommittee.

##### **H.R. 2409**

PVA supports H.R. 2409, which would allow servicemembers to terminate their cable, satellite television, and internet access service contracts while deployed. Currently, the Servicemembers Civil Relief Act allows servicemembers to cancel their mobile phone service if they are deployed or receive relocation orders to an area not covered by their current provider. H.R. 2409 would extend that protection to servicemembers' contracts for cable, satellite television, and internet access. As a result of this legislation, providers would be required to refund any prepaid fees and prohibited from assessing any early termination costs. This bill would help servicemembers by relieving them of these financial concerns when planning for a relocation or deployment.

##### **H.R. 5452, the "Reduce Unemployment for Veterans of All Ages Act of 2018"**

PVA strongly supports H.R. 5452, the "Reduce Unemployment for Veterans of All Ages Act of 2018," which would eliminate the 12-year limit on eligibility for VA's Vocational Rehabilitation and Employment (VR&E) services. A veteran's eligibility period for receiving services from VR&E is for a 12-year period beginning on either: (1) the date of separation from military service, or (2) the date the veteran receives a VA disability rating. In order to receive services, a veteran must need vocational rehabilitation to overcome employment barriers due to a service-connected disability.

The current 12-year delimiting date is insufficient to meet the vocational rehabilitation needs of veterans who have incurred significant disabilities. Many conditions worsen overtime and increase disability-related limitations. At any time in their lives, veterans with service-connected disabilities should be able to access VR&E services to allow them to return to work. Unnecessarily limiting access to VR&E services sentences these veterans to a lifetime of decreased opportunities.

##### **H.R. 5538**

PVA supports H.R. 5538, a bill that would expand the types of active duty mobilizations for which VA may not penalize a veteran who must subsequently suspend or discontinue participation in VA's VR&E program. Ensuring access to VR&E services is critical to helping veterans with disabilities return to and remain in the workforce. Expanding 38 U.S.C. § 3105 to include periods of activation in response to a major disaster or emergency and preplanned missions in support of a combatant command will protect more veterans in their pursuit of assistance through VR&E.

**H.R. 5644, the "Veterans' Education, Transition, and Opportunity Prioritization Plan Act of 2018 (VET OPP Act)"**

PVA strongly supports H.R. 5644, the "Veterans' Education, Transition, and Opportunity Prioritization Plan Act of 2018 (VET OPP Act)." This legislation would create a new administration within VA that would include the agency's education, training, employment, and other programs focused on helping veterans as they transition to civilian life. The 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 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, these programs are absolutely 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 the Veterans Benefits Administration (VBA). VBA 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 VBA 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. This will increase program efficiencies by ensuring programs coordinate their efforts.

**H.R. 5649, the "Navy SEAL Chief Petty Officer William 'Bill' Mulder (Ret.) Transition Improvement Act of 2018"**

PVA supports H.R. 5649, the "Navy SEAL Chief Petty Officer William 'Bill' Mulder (Ret.) Transition Improvement Act of 2018." This bill would make the first significant changes to the Transition Assistance Program (TAP) since 2011. The proposed reforms would require transitioning servicemembers to focus on training that will better assist them in preparing for their individual journeys following their service. Instead of a blanket policy, these new pathways will be designed to address the needs of servicemembers based on several factors including disability, character of discharge, and health (including mental health). Specific training opportunities include preparation for employment, education, vocational training, and entrepreneurship. Servicemembers would also be required to take part in transition counseling a year prior to separation.

For veterans who have experienced a catastrophic disability, the transition from military service begins abruptly. The needs of these veterans as they transition must be carefully considered as they must be informed of not only the compensation and health benefits and services available to them through VA but also the options available for helping them to transition into some type of meaningful employment. We are pleased to see that the pathways take into account not only a servicemembers' disability, but also other life factors that can impact their future choices and opportunities.

More effort is needed, however, to help veterans transitioning after acquiring a catastrophic disability to be fully aware of the opportunities still available to them. Servicemembers who are catastrophically injured and enter into the Integrated Disability Evaluation System (IDES) can be forced to endure long wait times until they are discharged keeping them from receiving thousands of dollars in disability bene-

fits from VA and delaying their transition to work or education. These delays can cause veterans to lose hope and hinder movement forward.

This legislation would also make other changes designed to ensure greater access to TAP training, test the efficacy of community providers assisting in transition, and evaluate the success of TAP's content and process. Specifically, it would authorize a five-year pilot to help community organizations in providing transition services. It would also require an independent assessment of the TAP curriculum to make sure that it is effective and commission a five-year longitudinal study to determine whether changes made to TAP increase veterans' transition success.

The longitudinal study provides a real opportunity to also determine the impact that disability has on transition. PVA fully supported the creation of a longitudinal study for clients of VA's VR&E program. We believe that it could be helpful to make connections between veterans who complete TAP and who also participate in VR&E. Such a view would allow for a truly long-term view of the ability of veterans with catastrophic disabilities to reintegrate into the workforce and their communities.

*Draft legislation, a bill to amend the Servicemembers Civil Relief Act to provide for the termination by a spouse of a lessee of certain leases when the lessee dies while in military service*

PVA supports the intent of the draft legislation which would allow a spouse to terminate certain leases held by a servicemember spouse who dies while in military service. Currently, the Servicemembers Civil Relief Act allows for automotive and property leases to be terminated if the servicemember receives relocation orders. The draft bill would allow these leases to be terminated by the spouse of a servicemember if the servicemember dies during his or her military service.

Although PVA supports the draft language, we believe that spouses of servicemembers who sustain catastrophic injuries during service should also be provided the option to terminate their leases. For example, when a servicemember sustains a spinal cord injury, he or she could spend over a year in rehabilitation facilities, possibly not in the same area where a leased property is located. Furthermore, a car or property could be completely inaccessible for someone needing the use of a wheelchair. Under these circumstances, these automotive and/or property leases could create an undue hardship on the spouse of the servicemember since it could add more financial responsibilities for the spouse to address.

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### **TRAGEDY ASSISTANCE PROGRAM FOR SURVIVORS (TAPS)**

Tragedy Assistance Program for Survivors (TAPS) is the national 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, case work assistance, connections to community-based care, and a 24/7 resource and information helpline for all who have been affected by a death in the Armed Forces. Services are provided to families at no cost to them. We do all of this without financial support from the Department of Defense. TAPS is funded by the generosity of the American people.

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 75,000 bereaved surviving family members. For more information, please visit [www.TAPS.org](http://www.TAPS.org).

TAPS currently receives no government grants or funding.

Chairman Arrington, Ranking Member O'Rourke and distinguished members of the Economic Opportunity Subcommittee of the House Veterans' Affairs Committee, 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) and the Department of Veterans Affairs (VA), Department of Education (DoED), state governments 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 illness or disease.

TAPS offers this statement today in support of a draft bill entitled "To amend the Servicemembers Civil Relief Act to provide for the termination by a spouse of a lessee of certain leases when the lessee dies while in military service."

TAPS is the national nonprofit organization providing comfort, care and resources to all those grieving the death of a military loved one. We do this through TAPS' four pillars of support:

Peer-Based Emotional Support brings together military survivors at Seminars, Retreats, Camps, and Expeditions. Since 1994, TAPS has provided over 75,000 grieving military families with a safe and comforting environment where, through peer connections, hope is found, healing begins and critical coping skills are acquired, establishing a healthy foundation for life after loss.

National Military Survivor Helpline stands ready around the clock, staffed by trained peer professionals, as a critical lifeline for military survivors. Over 15,000 per year are given attention and compassionate care, delivering comfort and connection to the comprehensive resources of TAPS.

Community Based Care offers critical connections for the 14+ new bereaved survivors who come to TAPS each day. In addition to all TAPS provides, comfort is delivered close to home through access to the following:

- appropriate local grief and trauma support services;
- unlimited free clinical grief counseling for all;
- online grief and trauma support groups and services; and access to TAPS publications and resources.

Casework Assistance provides survivors guidance in navigating the often-complex network of government benefits, as well as access to emergency financial assistance in cases of hardship. Families of the fallen can connect to all available public and private resources, including education benefits for children and widows, state benefits and services, and private assistance for surviving military families.

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 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, the reserve forces, and 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 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 thanks you for the opportunity to provide this statement for the record in support of this important legislation.

