

Pending Legislation

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Statement of

Patrick Murray, Director
National Legislative Service
Veterans of Foreign Wars of the United States

Before the

United States House of Representatives
Committee on Veterans' Affairs
Subcommittee on Economic Opportunity

With Respect To

Pending Legislation

WASHINGTON, D.C.

Chairman Van Orden, Ranking Member Levin, and members of the subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW)

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and its Auxiliary, thank you for the opportunity to provide our remarks on legislation pending before this subcommittee.

H.R. 491, Return Home to Housing Act

The VFW supports this proposal to increase the rate of per diem payments for furnishing services to homeless veterans. The purpose of the transitional housing component of this program is to promote the development and provision of supportive housing and services with the goal of helping homeless veterans achieve residential stability, increase their skill levels and/or income, and obtain greater self-determination. We also believe amending the code to allow for usage in response to an emergency is a strong addition to this program. This change would allow programs to assist veterans whose needs may be exacerbated by emergencies or natural disasters.

H.R. 3848, Housing our Military Veterans Effectively Act

The VFW understands the goal of this proposal, but does not fully support it at this time and has suggestions for improvements. We appreciate the rate increase for domiciliary care provided to State Homes but are concerned the rate for placement into permanent housing is reduced in this proposal. We recommend both portions be increased due to the rising costs associated with housing homeless veterans. We understand this proposal also provides a waiver of the maximum grant rate, but VA has not effectively utilized waivers in the past so we do not have confidence they would be applied correctly where needed. We believe a simplified change in the rates instead of providing waiver authority would be better for the program recipients who need additional resources.

The VFW has questions about Section 3 of this proposal to modify the authority of Public Law 114-226 by removing the requirement for the Department of Veterans Affairs (VA) to comply with all federal laws relating to leases and land use on the West Los Angeles Campus. At this time, we are unaware of a particular burden that prohibits VA or its lessees from following the law, and we do not have any reason to support overturning this requirement.

The VFW supports Section 4 of this proposal to authorize the use of certain funds for improved flexibility in assisting homeless veterans. However, we believe this authority should be permanent rather than just temporarily extended into next year. At a hearing before this subcommittee on March 30, 2023, representatives from VA described how instrumental these authorities were for housing veterans in need. We recommend amending this language to mirror that of H.R. 645, *Healthy Foundations for Homeless Veterans Act*, which would provide the flexibility VA needs to effectively provide services for homeless veterans.

H.R. 3874, Veterans Education Assistance Improvement Act

The VFW supports this draft legislation that would provide improvements to VA educational assistance programs. Section 2 of the proposal would permit a student veteran to enroll in courses during the final semester of a degree program for a less than half-time course load—referred to as rounding out—and continue to receive full VA housing benefits. Many student veterans register for nontraditional or irregular course loads during a semester to balance their various responsibilities. Others may begin a new course of study after military service with some academic credit obtained during prior attendance. Accordingly, some student veterans end up taking a less than half-time course load during their final semester. This legislation would allow student veterans to focus on the completion of their studies without the burden of additional unnecessary requirements to continue receiving full VA education benefits. Additionally, it could potentially save the government money by not requiring student veterans to receive additional credits in order to reach the threshold for full housing stipends.

Section 3 of this proposal would provide schools with a six-month period to implement any new VA educational assistance program rulemaking. The VFW strongly supports this provision as it would allow schools to implement program changes outside of peak times such as enrollment and registration. Providing this flexibility may help ensure continued participation in the programs by eliminating the perception that implementing changes is too cumbersome and, therefore, not worth the time and effort.

Additionally, the VFW suggests that VA adopts a “Master Calendar” similar to the calendar

used by the Department of Education (20 U.S. Code § 1089) for standard regulation changes. This would set dates for when certain changes would be implemented for education regulations, for example by June 1, or the changes would fall to the next year. We believe the relevant parts of the Master Calendar should be adopted for VA education-related benefits in order to ease the burden of regulation changes put upon schools.

Section 4 of this proposal would extend the time from one business day to two business days that schools have to complete risk-based surveys. Such surveys provide VA and State Approving Agencies (SAAs) a way to review and mitigate potential fraud, waste, and abuse. A short turnaround is meant to avoid giving time for schools to fabricate data. School officials indicated that a timeframe of only one day is not feasible, but extending the period of notice to two business days would enable them to provide all the necessary information to VA.

The VFW supports Section 5 of this proposal that would repeal the requirement for schools to provide students receiving VA education benefits with a personalized “shopping sheet.” Within the language of the Forever GI Bill, Section 1018 codified in the statute that schools must provide students with a timely personalized Financial Aid Shopping Sheet covering the total cost of an education program. The goal was to inform students who are eligible to receive VA education benefits of the potential eligibility for federal financial aid before turning to private student loans or alternative financing. While this was a well-intended initiative, unfortunately, school officials have told the VFW that this requirement is too burdensome and often unrealistic. Schools may not be able to provide accurate estimates in the timeframe needed for veterans to make cost comparisons or to be in compliance with the law.

In addition, financial estimates for students who receive Chapter 35 benefits, as in VA education benefits for dependents and survivors, may not be accurate. Under Section 702 of the Veterans Choice Act (P.L 113-146), public schools must offer these students in-state tuition, which is a requirement to receive GI Bill payments. For students applying out of state, their in-state status would not begin until they have moved to the school dormitory or other in-state housing. This is another example of a financial estimate that can be inaccurate and cause schools to be out of compliance, which is another reason to remove this requirement.

Lastly, the VFW supports Section 6 of this legislation to provide educational institutions with multi-year waivers to have accredited courses and programs approved by VA. Yearly approvals are cumbersome for schools and a multi-year waiver would provide them the necessary flexibility to seek course approval periodically as courses change or evolve.

Discussion Draft, Transcript Assurance for Heroes Act

The VFW supports the goal of this proposal to provide digital official transcripts, but we would like clarification language added to address what is considered a “digital format.” Student veterans could definitely benefit from digital copies of official transcripts, but depending on what is required, certain schools may not be able to accommodate that requirement with their existing resources. Ensuring students have access to records via a portable storage device such as a thumb drive is a reasonable requirement. However, requiring schools to enroll in online records management platforms such as the Parchment education verification system could be expensive and burdensome for smaller schools with a small number of VA beneficiaries in attendance. Most large schools that have numerous VA beneficiaries may already have certain digital records systems. However, smaller schools with fewer resources may not be able to take on the burden of expensive electronic platforms and may choose to withdraw from VA education programs instead of spending more money to meet additional requirements. For this reason, we would like clarification of congressional intent before fully supporting this proposal.

Discussion Draft, TAP Promotion Act

The VFW supports this legislation to authorize accredited representatives to promote the enrollment in VA benefit programs as part of the military Transition Assistance Program (TAP). The VFW believes this proposal to direct VA to develop a tailored pre-separation benefits course in which accredited representatives actively participate, and to incorporate representatives into its current TAP presentation would be substantive improvements to the current curriculum. We believe that VA must utilize accredited representatives as tools in their TAP toolkit to the maximum practical extent, ensuring veterans have access to competent, accountable, and free representation in the VA benefits process.

One of the best resources at service members' disposal during transition is the VA Benefits Delivery at Discharge (BDD) program through which individuals can file expedited VA disability claims before leaving active duty. Service members can use the BDD pre-discharge claims program to submit their compensation claims and complete associated medical evaluations before leaving service, thereby enabling VA to provide disability ratings upon or shortly after discharge. Individuals who participate in the BDD program are subsequently better positioned to engage VA benefits and services after leaving the military. This means transitioning service members can minimize gaps in essential care like mental health counseling and medication management upon discharge.

The VFW believes there is incalculable value in incorporating VA-accredited representatives into the TAP curriculum. Specifically, we would like to see these representatives utilized as complementary course instruments that cover VA benefits and services where practical, with a particular emphasis on those that can be applied for prior to separation or retirement. This approach would mitigate instances of service members missing critical benefits-related details while enabling more to act on information without needing to find a representative in their free time outside of TAP.

Currently, there is a lack of equitable access for service members to utilize BDD services depending on which base they are stationed. Unequal access leads to fewer service members being connected to their benefits upon separation, thereby endangering connections to VA services like mental health care and economic opportunity benefits. The VFW proudly supports this proposal to enhance access to quality benefits information as well as competent accredited representatives across TAP, and we look forward to working with this subcommittee to advance this legislation.

Discussion Draft, Servicemember Employment Protection Act of 2023

The VFW supports this draft legislation that offers several solutions to improve reemployment rights, including under the Uniformed Services Employment and Reemployment Rights Act (USERRA), for service members who temporarily leave their employment when called to active duty military service. USERRA shields National Guard and Reserve members from job loss and missed promotions when they are called to active duty or mobilized on federal orders for more than thirty consecutive days. While USERRA was drafted to be comprehensive in nature, that has not stopped bad actors from evading

the protections it offers service members.

The VFW appreciates that this draft bill includes removing the immunity clause for certain federal agencies, so they would also be required to comply with USERRA in the reemployment of any of their staff who serve in the National Guard or Reserve. This bill would also require a review of the Department of Labor's *Veterans' Employment and Training Service Investigations Manual: USERRA, VEOA, and VP*, and to report revisions to Congress. This would provide much-needed transparency and a better understanding of the changes made to these processes.

One related issue that the bill does not address but that concerns the VFW is the continuing issue of forced arbitration clauses leveraged against service members in employment contracts. Forced arbitration clauses often require military personnel to preliminarily waive the protections afforded to them under USERRA. Frequently included in the fine print of contracts and electronic click-through agreements, these clauses force service members to agree to binding arbitration before any wrongdoing has occurred. As arbiters are generally hired and paid for by the entities with which service members enter contracts, members effectively submit blindly to proceedings that are biased in favor of the other party. Non-disclosure agreements are also employed, prohibiting those affected from seeking damages in civil court.

The widespread use of forced arbitration clauses in service members' financial and employment contracts is alarming to the VFW as these devious practices endanger the financial well-being of our force. Financial security impacts service members' ability to satisfy their basic needs and those of their families, and is imperative for those working in sensitive positions that require security clearances. No military member should have to blindly accept arbitration as a condition of any contract. We urge Congress to pass legislation to make the use of binding arbitration optional for military personnel.

Discussion Draft, To amend title 38, to establish certain employment and reemployment rights for spouses of members of the uniformed services

This legislation aims to provide a military spouse with certain reemployment protections in

the event of absence due to a change in the permanent duty station of the service member. As a resolutions-based organization, the VFW does not currently have a position on this issue. However, we are concerned that this proposal may not be feasible and could have the unintended effect of deterring employers from hiring military spouses.

Discussion Draft, Isakson-Roe Education Oversight Expansion Act

The VFW understands the goal of this proposal is to require schools to submit notifications of actions taken against them, but we feel this is unnecessary. Schools that are placed in heightened cash monitoring status by SAAs are already reported to VA by the SAAs themselves. Schools that have punitive actions taken against them by State Attorneys General are already reported by those entities. This proposal is redundant and duplicative. This is an example of requiring schools to agree to new requirements in order to receive GI Bill funds.

In recent years many schools have voluntarily withdrawn from VA benefits programs because of the requirement to adhere to many cumbersome regulations. It is time we closely examine these burdens we have collectively placed schools that are already compliant. This proposal is the latest example of unnecessary requirements without consideration of the workload required to accomplish these tasks.

Chairman Van Orden, this concludes my testimony. Again, the VFW thanks you and Ranking Member Levin for the opportunity to testify on these important issues before this subcommittee. I am prepared to take any questions you or the subcommittee members may have.

Information Required by Rule XI2(g)(4) of the House of Representatives

Pursuant to Rule XI2(g)(4) of the House of Representatives, the VFW has not received any federal grants in Fiscal Year 2023, nor has it received any federal grants in the two previous Fiscal Years.

The VFW has not received payments or contracts from any foreign governments in the current year or preceding two calendar years.