"LEGISLATIVE HEARING ON H.R. 456; H.R. 473; H.R. 474; H.R. 475; H.R. 476; H.R. 643; H.R. 1038; H.R. 1141; H.R. 1187; H.R. 1313; H.R. 1382"

HEARING

BEFORE THE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

OF THE

COMMITTEE ON VETERANS' AFFAIRS U.S. HOUSE OF REPRESENTATIVES

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Tuesday, March 24, 2015

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:30 p.m., in Room 334, Cannon House Office Building, Hon. Brad Wenstrup [chairman of the subcommittee] presiding.

Present: Representatives Wenstrup, Zeldin, Costello, Radewagen, Bost, Miller, Bilirakis, Takano, Titus, Rice, and McNerney.

OPENING STATEMENT OF CHAIRMAN BRAD WENSTRUP

Dr. WENSTRUP. Good afternoon, everyone.

The Subcommittee will come to order. Before we begin, I would like to ask unanimous consent that our colleagues, Chairman Miller and Mr. Bilirakis, be allowed to sit at the dais to make opening statements and ask questions.

Hearing no objection, so ordered.

I want to thank you all for joining us here today to discuss legislation pending before the subcommittee concerning education benefits and employment programs for our return servicemembers and veterans. This afternoon we have 11 important pieces of legislation before us. I will focus my remarks on three of these bills which I introduced earlier this year.

The first is H.R. 474, the Homeless Veterans' Reintegration Programs Reauthorization Act of 2015. The Homeless Veterans' Reintegration Program, HVRP, provides grants to programs with employment and training services for homeless veterans. H.R. 474 would reauthorize HVRP until 2020 and would ensure that veterans who are homeless and participating in the HUD VASH voucher program, as well as veterans who are transitioning from incarceration are also eligible for services provided by HVRP.

My second bill, H.R. 475, the G.I. Bill Processing Improvement Act of 2015 would make several changes to improve processing of G.I. Bill claims. The centerpiece of this legislation is to authorize additional funding for new IT projects to ensure that all original education claims are processed electronically. This is an issue the subcommittee has been tracking for several years, and as I said at

our hearing last week, it is imperative that VA finish the job and complete the long-term solution. This bill also has a provision that would extend by a year, the July 1st deadline, for schools to comply with the in-state tuition provision in the Choice Act.

VA, state legislatures and the SAA seem to be making good progress as we approach this deadline in the coming months, but I am interested to hear from our witnesses today as to whether they believe this extension is needed. If it is not needed, I would intend to remove this provision from the bill at our subcommittee markup.

My final bill is H.R. 476, the G.I. Bill Quality Enhancement Act of 2015, which makes several changes to the role of the state approving agencies and how schools are approved for G.I. Bill benefits. This bill was based on legislative changes proposed by the National Association of State Approving Agencies, and I want to thank Dr. Wescott and General Worley for working together to bring this proposal forward. The main focus of this bill would be to increase oversight of G.I. Bill programs and strengthen the role of the SAA for decades to come.

I understand that there have been concerns raised by some related to the flight school provision in the bill that I would like to address. While I believe that flight training is a noble and worthwhile education, it was never the intention of the Post-9/11 G.I. Bill to allow some schools to charge in some cases, almost $900,000 in tuition and fees for one veteran. By capping tuition and fees for public flight schools at the same cap as other private, nonprofit schools, we would be leveling the playing field for all student veterans.

I would also like to address the concerns that have been raised regarding Section 3 of the bill relating to the States' ability to set their own standards and criteria for G.I. Bill approval. While I don't have any problem with States setting their own reasonable criteria for approval of an educational program, an authority granted to the States currently under federal law, they should and must do so in a fair and equitable way across all schools. Ensuring a fair and level playing field for all schools, regardless of the type of school, is what this section is striving to accomplish, nothing more.

Some may say that we are trying to protect bad schools and undermining States' rights, and I would remind everyone this is a federal benefit, not a state benefit, and if the SAA in that state or the VA believes that a school is not providing their student veterans with a quality education at a good value, then they should withdraw that school's approval immediately. But to impart one set of standards on one group of schools while excluding another group of schools with a similar student population, as well as similar student outcomes is not fair. It is not good government, and is simply not right.

With that being said, I am eager to discuss each of the 11 pieces of legislation before us today, and I am grateful to my colleagues who have introduced these bills and to our witnesses for being here to discuss them with us and I look forward to a productive and meaningful discussion.

I will now yield to my colleague, Ranking Member Takano, for any opening statement that he may have.

Mr. TAKANO. Thank you, Mr. Chairman.

OPENING STATEMENT OF RANKING MEMBER MARK TAKANO

Today, we are examining 11 bills, five of which directly relate to veterans education benefits. As a former educator, I enjoy my time on this committee precisely because we all share an interest as to how education helps veterans successfully transition into civilian life. I believe that the majority of these bills move us towards this subcommittee's purpose, increasing economic opportunity for our nation's veterans.

The G.I. Bill Fairness Act, which I introduced, would close a gap faced by our National Guardsmen and Reservists who have been called and then recalled to war throughout operations in Iraq and Afghanistan. I was shocked when I first heard that brave men and women with combat injuries, who are receiving medical treatment on active duty military orders, are not allowed to count their recovery time towards earning education benefits. This is a no-brainer, a cost of war, let's do the right thing by these injured servicemen, servicemembers, and give them the benefits they need and deserve. I am happy to hear the Department of Defense agrees this is the right thing to do.

I also want to recognize several of my colleagues' bills. Ms. Rice has introduced her first bill as a representative, the BRAVE Act, which requires VA to consider the number of veteran employees a contractor has before giving them new work with the VA. I am confident her legislation will result in the number of jobs available to veterans and I applaud her efforts in getting right to work for veterans on Capitol Hill—I am speaking about you, Ms. Rice, as you are walking in. Mr. McNerney's bill, the Service Disabled Veteran Owned Small Business Relief Act, also allows surviving spouses to retain their deceased spouses preferred status of their businesses for three years. And Mr. Murphy's bill, the Reducing Barriers for Veterans Education Act, will help veterans pay for their college application fees. I strongly support all of these pieces of legislation.

I generally agree with the legislation being offered for scrutiny today, but there is one provision in H.R. 476, the G.I. Bill Education Quality Enhancement Act that infringes on States' rights to govern their educational institutions. I fear that this provision will have serious negative impacts on our veterans. Director Worley and I agree that States should retain the right to implement additional standards for schools that educate and train our veterans as they see fit, as is the case under current law. In fact, I believe it was through these additional standards that the California Department of Veterans Affairs was able to suspend and ultimately withdraw approval for Corinthian Colleges, Inc., a company that was shut down after the Department of Education found widespread abusive and deceptive practices. I am concerned that the provision in H.R. 476 would hinder our States' ability to protect veterans from predatory schools, particularly those that take veterans' money for the benefit of their shareholders and leave our heroes with unsustainable debt and worthless degrees.

Mr. Chairman, this bill is otherwise important for veterans and taxpayers, but on behalf of California veterans, I ask you to reconsider this provision.

I yield back, Mr. Chairman. I look forward to a good hearing.

[THE PREPARED STATEMENT OF RANKING MEMBER MARK TAKANO APPEARS IN THE APPENDIX]

Dr. WENSTRUP. Thank you, Mr. Takano.

Next we have Mr. Zeldin to discuss his bill, H.R. 1187. You are now recognized for five minutes.

Mr. ZELDIN. Thank you, Mr. Chairman.

It is great to—I appreciate you bringing this bill up for the Committee's consideration. In some parts of the country, the real estate markets are a little bit higher than others. I represent New York's 1st Congressional District on the east end of Long Island. And what we are experiencing is that over the course of the last several years, due to a change made as part of the 2009 Stimulus Package, thousands of veterans were able to qualify for VA home loans due to a change that then expired at the end of 2014. This bill would eliminate the loan limit or the maximum guarantee amount of a loan that the VA can guarantee for a veteran.

There are several places around the country where a veteran is not able to use their VA home guarantee benefits because of the lower maximum guaranty amount that went into place January 1st of 2015, when the old higher loan limits statutorily expired.

Thank you for bringing this bill to the Committee for consideration.

Dr. WENSTRUP. Thank you, Mr. Zeldin.

Next, we have Ms. Rice to discuss her bill, H.R. 1382, and you are now recognized for five minutes.

Ms. RICE. Thank you, Mr. Chairman, and thank you, Ranking Member Takano, for holding this hearing.

I am grateful for the opportunity to serve on this subcommittee, and I look forward to working together to solve problems for all of our veterans and ensure they have the opportunities they need to succeed in civilian life.

And one of the bills we will discuss today is H.R. 1382, otherwise known as the BRAVE Act, the Boosting Rates of American Veteran Employment Act, which I introduced last week. This bill would authorize the VA secretary, when awarding contracts, to give preference to companies with high concentrations of veteran employees, reward companies that actively employee veterans, and creating an incentive for other companies to do so the same.

I want to thank my lead co-sponsor, Congressman Paul Cook from California, for his support. I also want to thank our original co-sponsors, Ranking Member Takano and Congresswoman Radewagen, as well as our colleagues on the full committee, Congressman Abraham and Congresswoman Kuster. It is very important to me that the first bill I have introduced in the House have balanced bipartisan support, and it is even more important to our veterans that we work together in a bipartisan way to solve problems for the men and women who have served our country.

And one of the biggest problems facing our veterans right now, especially those who served in Iraq and Afghanistan, is finding good jobs in civilian life. We have seen progress in event years, but the unemployment rate among post-9/11 veterans is still higher than the national average and that is completely unacceptable. Our veterans have received the best training in the world. They have

unique skills and experience that can't be acquired, anywhere but in the United States military. They have what it takes to excel in civilian workforce and they don't need charity. They don't need a handout; they just need the opportunity.

The BRAVE Act will reward companies that provide that opportunity. It gives them an advantage in securing federal contacts and that creates an incentive for other contractors to step up and do the same, to make it a priority, to actively invest in our veterans. And I have no doubt that as contractors hire more veterans, they will realize that that is a smart investment. That is really what all of this is about. We don't just want to hire veterans because it is the right thing to do, we want them to realize it is a smart investment. We want them to recognize that it is in their own self-interest to actively hire men and women who are highly trained, highly skilled, and know how to get the job done, whatever the job is. That is the goal. That is how we will solve this problem and ensure that every single man and woman who served our country can find a good job and succeed in civilian life. And passing the BRAVE Act will help us get there.

I want to thank the witnesses who have taken the time today to join us today. I look forward to hearing your testimony and I am eager to work with you to advance this legislation and to help advance our veterans' careers and education in any way that we can.

Thank you very much, Mr. Chairman.

Dr. WENSTRUP. Thank you, Ms. Rice.

Next we have Mr. Costello to discuss H.R. 1038. You are now recognized for five minutes.

Mr. COSTELLO. Thank you, Mr. Chairman.

Chairman Wenstrup, Ranking Member Takano, it is my pleasure to testify on behalf of my legislation, H.R. 1038, the Ensuring VA Employee Accountability Act. This is a commonsense effort to ensure greater employee accountability within the Department of Veterans Affairs and I respectfully request my colleagues here today support the passage of this legislation.

We all agree that our veterans deserve the best service and care possible and it is our responsibility to ensure that care is being provided by the employees responsible. The VA's disciplinary actions for their personnel are carried out in a tiered system and the two most commonly used are the lower-tiered actions, admonishments and reprimands. As the VA continues to review the findings of the recent Inspector General's investigation related to data manipulation, backlogs, and wait times, it is apparent in the limited reports the VA provides to Congress on adverse actions that a greater number of admonishments and reprimands are being issued to at-fault employees.

However, in the current policy, these disciplinary actions remain in an employee's file for only three years and are then deleted. This policy prevents the keeping of complete employee files and does not allow the poor performers within the VA to be tracked or be held accountable. Veterans expect that if an employee's actions warrant a removal, then the correct disciplinary action should be administered, not simply getting a temporary written warning; therefore, as the VA continues to issue these lower-tiered disciplinary actions more heavily than others, it is important that the personnel actions

remain in the employee's record while employed at the VA. It is only right to ensure that if a VA employee has illustrated a pattern of disciplinary misbehavior, that a full and complete employee file be considered when an employee is reviewed for bonuses, promotions or advancements.

This will do just that. It will require all reprimands and admonishments remain in the VA employee's file as long as they are employed at the VA. That being said, nothing in this bill imposes new employee penalties or would affect the existing process for a VA employee to appeal a disciplinary action. This is simply another tool for the secretary to hold employees accountable throughout their tenure at the VA. It will ensure that the VA maintains good complete employee records and holds those who care for our veterans accountable. It will also ensure our veterans receive the care they deserve and have earned.

I would respectfully call on my colleagues to join me in supporting this legislation to promote transparency and accountability where it is greatly needed.

Thank you, I yield back.

Dr. WENSTRUP. Thank you, Mr. Costello.

Next, we have Mr. McNerney to discuss his bill, H.R. 1313. You are now recognized for five minutes.

Mr. MCNERNEY. I want to thank the Chairman.

Just imagine the scenario, you are a spouse of a service connected disabled business owner and you are doing well, you are supporting your family, you are supporting a couple other employees and all of a sudden your spouse dies in a car accident or something that is not related to a service disability, all of a sudden you lose your status; you are laying off your employees; you are seeing your kids go without decent meals, without clothes. I mean that is not acceptable.

What my bill does is it extends that disability rating for three years which gives the spouse enough time to establish the business without the rating. So that is what my bill does. I urge my colleagues to support it, and I yield back.

Dr. WENSTRUP. Well, thank you, Mr. McNerney.

Mr. Murphy, you are now recognized.

STATEMENT OF HON. PATRICK MURPHY

Mr. MURPHY. Thank you, Mr. Chairman, Mr. Ranking Member, Members of the Committee, for having me here. It is nice to be on this side of things; it is a different view.

It is an honor to be here to discuss this important piece of legislation that I introduced with my colleague, Mr. Luke Messer. One of the greatest honors of my time here in Congress was visiting our brave men and women in Afghanistan serving our country. I had the opportunity to see firsthand the extraordinary work they are doing for this country day in and day out. These men and women are putting their lives on the line for us.

Our grateful nation works to expand opportunities when they return home. To that end, the Post-9/11 G.I. Bill changed the lives of veterans across this country; however, veterans in my district in Florida still tell me they face significant challenges when they return home. One key obstacle to applying to undergraduate, grad-

uate and vocational colleges, while tuition and fees are covered under the Post-9/11 G.I. Bill, the application fees are not. According to the National Association for College Admission Counseling, average fees for an undergraduate institution are around $40. Graduate school applications can be as high as $275. For a veteran returning home after months or years of active duty service, covering those costs can be extremely difficult.

Based on the incredible bipartisan work on this committee here and its dedicated membership, I know you all share my belief that we should look for opportunities to make the lives of our heroes easier, not more complicated. And for this reason, I have introduced the Reducing Barriers for Veterans Education Act to address the issue of college application fees. This legislation would make college application costs eligible for payment under the Post-9/11 G.I., bill giving our veterans the option to use up to $750 of their Post-9/11 G.I. benefits to cover application costs.

This would open the doors for veterans in Florida and across the country who are unable to cover these costs on their own. When we talk about cutting spending and balancing the budget, it is to protect key investments. The American people entrust us with their hard-earned tax dollars with the hope that we will give it a good return. That return on investment that we get for facilitating access to college and graduate school for our brave men and women couldn't be greater.

Even still, the costs of these application fees would be offset, counting against the existing Post-9/11 G.I. benefits. This isn't about creating a new entitlement; this is about tearing down unnecessary barriers that stand between those willing to give it all for their country and then go on to get an education. This bipartisan legislation has the support of over 100 members of Congress and veteran service organizations including The American Legion, Student Veterans of America, and the Military Officers Association of America.

This is legislation that should be signed into law. It is the right thing to do and more than anything, it is something that will make a real impact on veterans in every congressional district. Again, I appreciate the opportunity to discuss this legislation with you today and I look forward to continuing to support your good work and improving the lives of veterans. Thank you.

Dr. WENSTRUP. Well, thank you, Mr. Murphy.

Unless there are any questions for our colleague, you are excused.

Dr. WENSTRUP. I now invite our second panel to the table. First we have Mr. Aleks Morosky, deputy director of the national legislative service at the Veterans of Foreign Wars of the United States; Mr. Christopher Neiweem, legislative associate at the Iraq and Afghanistan Veterans of America; Mr. Steve Gonzalez, assistant director of the national veteran employment & education division at The American Legion; and also Dr. Joseph Wescott, president of the National Association of State Approving Agencies. I thank you all for being here, for your service to our nation in uniform, and for your hard work and advocacy for veterans.

Mr. Morosky, we will begin with you. You are now recognized for five minutes.

STATEMENT OF MR. ALEKS MOROSKY

Mr. MOROSKY. Chairman Wenstrup, Ranking Member Takano, and Members of the Subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States and our auxiliaries, I would like to thank you for the opportunity to testify on today's pending legislation.

The VFW supports the Reducing Barriers for Veterans Education Act. Believing that veterans should not face any unnecessary barriers when accessing their benefits and that allowing them to use a small portion of their entitlement to defray college application costs is fully consistent with the intent of the Post-9/11 G.I. Bill.

The VFW supports the Increasing the Department of Veterans Affairs Accountability to Veterans Act. No employee should be able to commit a serious crime and then opt to retire without consequence. We believe VA needs the authority to take quick and decisive action against all senior managers who perpetuate wrongdoing, while ensuring that all SES employees have proper training and performance evaluation systems in place so that they will be the leaders the VA needs them to be.

The VFW fully supports the Homeless Veterans' Reintegration Program Reauthorization Act. VA has taken great strides in achieving the goal of ending veterans' homelessness, but before it can be realized, VA homelessness programs must continue.

The VFW supports all provisions of the G.I. Bill Processing Improvement Act, except Section 3, which would delay the implementation of in-state tuition protections for one year. At this point, we are confident that most states should be able to meet the July 1st, 2015 deadline. We also note that VA has the authority to grant waivers to individual states with legitimate reasons for needing more time. Considering these factors, we now believe that the original implementation date should remain in effect in order to encourage all states to continue to make progress towards full implementation as quickly as possible.

The VFW supports the G.I. Bill Education Quality Enhancement Act which would make important reforms to the way state approving agencies and VA approve courses of education. These reforms include codifying the authority of SAAs to inspect and approve non-college degree programs at not-for-profit schools; the requirement to apply uniform criteria when approving all categories of educational programs; placing reasonable caps on the amount of tuition and fees that may be paid for flight training; and adjusting the way compliance surveys are conducted. These are consistent with VFW recommendations from previous hearings, and we thank Chairman Wenstrup for introducing this bill.

The VFW supports the Veterans Education Survey Act to commission a survey of student veterans currently using their earned G.I. Bill benefits. Student veterans, particularly those who enroll in non-traditional programs, usually start their studies on a part-time basis while serving in the military or they bring a significant number of transfer credits into their programs after completing military service, meaning they are never considered first-time, full-time students, and thus, are never tracked by the Department of Education. Without statistically valid information on student vet-

eran experience or student veteran outcomes, it is impossible to know how student veterans are actually faring in higher education.

The VFW fully supports the Ensuring VA Employee Accountability Act. Currently an employee who is reprimanded and is granted a transfer will start their new position with a clean slate. This allows the bad mark to go unrecognized on their next evaluation, which inhibits accountability and passively condones poor performance. Employees must be held accountable for their actions and this legislation goes a long way towards achieving that goal.

The VFW supports the G.I. Bill Fairness Act which would require VA to consider time spent by members of the Reserve component receiving medical care for service-connected injuries for the purposes of determining eligibility for the Post-9/11 G.I. Bill. We believe the time it takes to recuperate from service-connected injuries is still time in service to this country and that Reservists and Guardsmen should be recognized for their sacrifice.

Furthermore, we urge Congress to address another inequity that we have identified in Post-9/11 G.I. Bill eligibility determination. The VFW believes that any member of the Armed Forces who is wounded in action should be deemed 100 percent eligible, regardless of how long they served on active duty.

The VFW supports H.R. 1187, believing that veterans should not be limited by arbitrary caps when selecting a location to purchase a home. Since the rate of default on VA-backed loans is significantly lower than that of the national average, approving mortgages for higher amounts will not adversely affect veterans or financial institutions, but will help veterans secure home loans in all geographic areas.

The VFW also supports the Service Disabled Veteran Owned Small Business Relief Act. Current law only allows the surviving spouse to temporarily continue operating a service disabled veteran owned business if the veteran was 100 percent disabled or died from service-connected disability. This is a necessary protection that allows for a transition period for the bereaved spouse to restructure the business as necessary. The VFW believes that this protection should be extended to all surviving spouses under the SDVOSB program.

Finally, the VFW supports the BRAVE Act, which would allow VA to give preference to prospective contractors based on the percentage of veterans their companies employ. Such a policy would potentially incentivize companies to hire more veterans. The VFW believes that such incentives are still necessary in light of the fact that the unemployment rate for current era veterans continues to outpace that of the nation at large.

Chairman Wenstrup, Ranking Member Takano, thank you, and I look forward to any questions you or any other members of the subcommittee may have.

[THE PREPARED STATEMENT OF MR. ALEKS MOROSKY APPEARS IN THE APPENDIX]

Dr. WENSTRUP. Thank you, Mr. Morosky.

If I may indulge the panel for just a few moments here, at this time, I would like to yield to Chairman Miller of the full committee to discuss his bill, H.R. 473.

Chairman Miller, you are now recognized.

OPENING STATEMENT OF FULL COMMITTEE CHAIRMAN JEFF MILLER

Mr. MILLER. Thank you very much, Mr. Chairman.

I apologize for being late. I was in an intelligence hearing on the defense intelligence budget and was asking some questions that you and I both are very interested in. Thank you for yielding to me for just a moment. I want to thank you and the ranking member for allowing me an opportunity to speak on behalf of my bill, H.R. 473, Increasing the Department of Veterans Affairs Accountability to Veterans Act of 2015.

First, let me start by recognizing the tens of thousands of people that work at the Department of Veterans Affairs that are dedicated, that go to work every day that do what they do for the right reason, both senior managers and rank and file personnel. But the past year has been very tumultuous for VA and I know that a lot of distrust has arisen between the American public and the Department, and I want to emphasize that H.R. 473 is in no way intended to disparage the hard-working employees, as I said, that go to work every day to do the right thing. In fact, my bill is meant to help them, as well as the Department as a whole, by assisting the secretary in his effort to turn around the VA, to turn a new page at the Department, if you will.

Last Congress, we were successful in passing into law a tool the secretary needed to weed out the bad managers within the Department and hold senior executives accountable when warranted, and I think we can all agree that this tool was a very important and necessary one, but it is not the only means to enhance accountability at the Department. True accountability and a change in culture cannot happen over night and cannot happen with just one piece of legislation, which is why I introduced H.R. 473, to bring additional reform to VA. Without a continued change in culture, the Department will not become the agency that our veterans deserve.

My bill would do several things, but I am going to touch on just a few important aspects of the bill at this time. First, it would allow the secretary to reduce an SES employee's retirement only upon their conviction of a felony that influenced their performance at work. I believe that this is a common sense measure, as it should not require an act of treason or an act of terrorism before an employee's retirement can be reduced, as the current law currently states.

H.R. 473 would also make changes to the performance review system for SES employees and would require the secretary to rate the senior executives in a tiered system, as opposed to just placing everyone in the top two categories. Not a single senior executive was placed in a category lower than fully successful for the past couple of years, and I think that we can all agree that after the scandal that arose last summer, that is not an accurate depiction of the performance of all senior managers within the Department.

And, Members, my bill would also reinforce the foundations of the original intent of the Senior Executive Service by requiring senior executives to move every five years to a new position. This is to ensure that best practices are spread throughout the agency and the country and to improve leadership across all facilities.

Finally, my bill would limit the amount of time that a senior executive employee may be placed on paid administrative leave to 14 days. It is ridiculous that VA is paying employees to sit at home for almost a year in some cases at the taxpayers' expense; that should not be the common practice for VA, but, unfortunately, we have seen it in far too many cases. It is easier to send someone home indefinitely and continue paying them instead of making a personnel decision.

The secretary has the authority to make great strides to improve accountability following the biggest scandal in the Department's history, but more needs to be done. We must continue to work together to change the culture at VA. It is what both veterans and the American taxpayers deserve. And I know many are concerned that continuing to impose personnel measures on VA employees that are not applicable to the rest of the federal government will only disincentivize good workers from coming to the Department, but I think the opposite is true. Good workers want to work in good agencies with other hard-working employees and want to know that bad actors will be held fully accountable.

I believe that giving the secretary these further tools will only enhance the culture at VA and ultimately improve the care provided to our country's veterans. At the end of the day, that is the job of this committee; our primary mission is to support our veterans. Everything else should take second place.

I would ask my colleagues to support this bill, and I thank you, Mr. Chairman, and Mr. Takano, the Ranking Member, for including my legislation into today's agenda, and I yield back.

Dr. WENSTRUP. Thank you, Mr. Chairman.

Next, Mr. Bilirakis, you are recognized for five minutes to discuss your bill.

Mr. BILIRAKIS. I appreciate it. Thank you very much, Mr. Chairman, for holding this hearing and, obviously, hearing my bill, H.R. 643, the Veterans Education Survey Act of 2015.

The challenges our nation's heroes face do not end on the battlefield, but continue as they make their transition to civilian life. America has always been the land of opportunity and it is our responsibility that our veterans are equipped with the necessary resources to pursue that happiness. The brave men and women of our U.S. Armed Forces have answered the call to protect the liberties that we enjoy on a daily basis. Likewise, we must answer the call for veterans.

Through the G.I. Bill, veterans can utilize these benefits to work towards college degrees and certificates, correspondence courses, apprenticeships, on-the-job training programs, and vocational flight training programs. Additionally, these programs provide assistance in covering costs from a myriad of education-related expenditures. These education and training programs have been credited with successfully transitioning and readjusting returning servicemembers for generations; however, we must strive to do more and find ways to improve this important program.

Since the enactment of the Post-9/11 Veterans Education Assistance Act of 2008, over one million of our nation's veterans have participated in this program. By fiscal year 2011, the Post-9/11 GI Bill had the largest number of participants and highest total obli-

gations when compared to previous versions of the GI Bill since 1984. The VA provided nearly $10 billion for that fiscal year in education benefits for veterans and beneficiaries, with the majority of these benefits applied to the Post-9/11 GI Bill program.

An obstacle we continue to encounter when discussing the GI Bill is a lack of data available regarding its participants. It is critical to understand how these programs affect veterans, so that we may continue to provide the best assistance we can.

Recently, the economic opportunities subcommittee held a hearing titled, "A Review of Higher Education Opportunities for the Newest Generation of Veterans." In this hearing, various veterans service organizations and witnesses highlighted the value in presenting such benefits to our transitioning service members.

For example, the School Advocates for Veterans Education and Success, so it is called SAVES, they stated, "In our eyes the most important question is, how do we know how well veterans are doing on our campus?" To answer those questions, we must measure the strengths and weaknesses, the successes and failures of our programs, both quantitatively and qualitatively. In order to give the best opportunities to our veterans, we must be prepared to address new needs as they are identified, and continue to find ways to improve both the effectiveness and delivery of these resources.

Veterans service organizations seeing this firsthand have stressed to Congress the necessity of collecting comprehensive data. The American Legion stated before Congress that current outcomes are based on incomplete data and recommended redefining VA's data points in measuring success indicators across the population.

To ensure that our nation's veterans' progression into civilian life is a top priority, I have introduced the Veterans Education Surveys Act of 2015. My bill, H.R. 643, would create a pathway to continued success by surveying veterans using their education-assistance benefits.

The survey would be an extensive study conducted by a third-party non-government entity using a statistically valid sample of individuals utilizing the educational programs. The information would encompass all possible factors that could contribute to the effectiveness of these programs. This survey would prove beneficial to VA and Congress by providing a better understanding of what improvements will be most impactful to the success of these individuals using the education-assistance programs.

I want to thank our witnesses today for being here, as well as those that provided testimonies for the record. I want to especially thank the American Legion, the VFW, the School Advocates for Veterans' Education and Success, the Iraq and Afghanistan Veterans of America, and the Paralyzed Veterans of America for their support of the Veterans Education Survey Act.

I encourage my colleagues on this committee to support this bipartisan piece of legislation. Please co-sponsor the legislation as well. We can all agree that those who dedicated their lives to serving our country should have the resources they need to successfully transition into civilian life. Let us honor that commitment and get this done for our veterans, our heroes.

Thank you again, Mr. Chairman. And I yield back.

Dr. WENSTRUP. Thank you, Mr. Bilirakis.

Mr. Neiweem, you are now recognized for five minutes.

STATEMENT OF CHRISTOPHER NEIWEEM

Mr. NEIWEEM. Thank you, Mr. Chairman.

Chairman Wenstrup, Ranking Member Takano, and distinguished members of the subcommittee, on behalf of Iraq and Afghanistan Veterans of America and our nearly 400,000 members and supporters, we would like to extend our gratitude for the opportunity to share with you our views and recommendations regarding these important pieces of legislation. Specifically, the following bills.

H.R. 475. This bill would provide the needed funding and support to keep VA's administration of education programs to a standard veterans will require over the next decade. Last week, I appeared before this committee with survey data collected by IAVA members that showed late payments continue to occur with respect to the Post-9/11 GI Bill program. This legislation is necessary to continue to improve and modernize the services that VA is currently providing and will move toward preventing these problems from occurring in the future.

Broadening electronic automation functionality and enhancing technological capabilities are the only way to make sure that the disbursement of education benefit checks keeps pace with current technological capabilities. The timeliness of benefit delivery to veterans over the next decade will greatly depend on efficient IT technology platforms.

IAVA supports this bill and appreciates the resources it will provide to VA to better assist in getting education benefit payments right the first time.

In regard to H.R. 474, this legislation will extend needed housing benefit programs for veterans for an additional five years. Additionally, this bill will make needed changes required to maintain support for veterans currently being served by HUD–VASH vouchers.

Allowing veterans access to housing support and job training programs greatly increases his or her chances for success when transitioning to full-time work and a long-term residential option. IAVA supports this bill.

In regard to H.R. 1141, this bill would consider time spent by reserve components healing from injuries in DOD facilities as good towards Post-9/11 GI Bill program eligibility. When reservists who are deployed overseas return stateside and their Title 10 orders expire, his or her time counted towards their eligibility for Post-9/11 benefits is not counted. This would fix this inequity. There is no reason that an injury should reduce accrual of education benefits and IAVA strongly supports the legislation.

In regard to H.R. 476, the chief solution this legislation would provide is capping the payments that are currently being provided to some private flight schools at $20,235.02. In the last several months, it has come to our attention that some student veterans have taken flight training and have been charged excessive fees that have been paid under their GI Bill benefits. This measure provides a commonsense cost control for extremely high fees that upon examination are well above the costs intended for the instruction received.

In learning more about some of these scenarios and in working with the committee, we agree Section 4 is necessary to protect VA education benefits from abuse. IAVA strongly supports this legislation.

H.R. 643. This legislation would require a non-government entity to conduct a survey of veterans' views and experiences utilizing their education benefits. The information that the survey intends to capture is broad and would go a long way to identifying how support programs are working from the view of the customers that matter most, the veterans.

Additionally, these surveys would solicit views on TAP participation and potential barriers or obstacles that prevent veterans from making use of their benefits for those that have not participated in VA education benefit programs. The focus on each person's individual experience is the best way to know how many nations' programs are or are not helping them in achieving their educational/employment objectives. And this survey would be more comprehensive and go further than current survey efforts that are underway currently at VA. IAVA strongly supports this legislation.

In regard to H.R. 473, the accountability measure, Chairman Miller's bill is of great interest to IAVA and we are continuing to examine how its potential enactment could impact the department and our members, more importantly. There is no question of accountability failures at the Phoenix VA Medical Center last summer and that this committee and VSO/MSO stakeholders must aggressively promote policies that make certain those actions that included the maintenance of secret waiting lists for veterans who waited for care are never repeated.

We support the intent of this bill and look forward to a closer examination of how federal policy across the U.S. Government compares with these recommendations for the Department of Veterans Affairs. Additionally, IAVA will engage with the VA to identify how its implementation would impact the employment culture and retention mission of the department.

We strongly appreciate Chairman Miller's staunch commitment to making sure our veterans are receiving the best care our nation can deliver and we will continue to closely study and monitor this measure. As such, while we support many of the provisions of this bill, we require more time and study before issuing full support.

Lastly, in closing, Mr. Chairman, H.R. 1187. This bill would adjust the VA Home Loan guarantee restrictions currently set at 25 percent of the loan and allow more flexibility in VA in determining its commitment. Providing VA this flexibility and removing the cap could be the difference between a veteran securing a loan to buy the home that they always envisioned.

I am a little over time here, Mr. Chairman. I will close by saying IAVA supports these bills and I am happy to answer any questions you or the members of the committee have.

[The prepared statement of Mr. Neiweem appears in the Appendix]

Dr. WENSTRUP. Well, thank you, Mr. Neiweem.

Mr. Gonzalez, you are now recognized for five minutes.

STATEMENT OF STEVE GONZALEZ

Mr. GONZALEZ. Good afternoon, Chairman Wenstrup, Ranking Member Takano, and distinguished members of the subcommittee.

On behalf of our national commander, Mike Helm, and the 2.3 million members of the American Legion, we thank you for this opportunity to testify regarding the American Legion's position on pending legislation before the subcommittee.

In sum, we are generally supportive of the proposed legislation. Here I will highlight two where we differ somewhat.

We support H.R. 475, the GI Bill Processing Improvement Act of 2015, sponsored by Chairman Wenstrup, except for Section 3. The American Legion was gratified that the Veterans' Choice Act contained among its provisions one which effectively requires public universities and colleges that participate in the Post-9/11 GI Bill to provide in-state tuition to veterans and dependents using those GI Bill benefits. Many states either currently assist all or certain veterans by recognizing them as in-state students for purposes of attending a public education institution or are in the process of making the rule changes necessary to comply with the in-state tuition provision.

In addition, VA has the authority to waive for a year those states which cannot meet the current July 1, 2015 implementation date to allow them additional time to become compliant. Therefore, we don't see the necessity of delaying by a year to July 1, 2016 the implementation of this important change.

Turning now to Chairman Miller's bill, H.R. 473, Increase in the Department of Veterans Affairs Accountability to Veterans Act. Reacting to the firing of Phoenix VA Healthcare System director in November of last year, the national commander of the American Legion, Mike Helm, noted, "This is one long overdue step in a journey that is far from over."

Unfortunately, as we all soon discovered after the story broke last April, this problem was not isolated to Phoenix, it was widespread. And we expect to see additional consequences, even criminal charges, if they are warranted, for anyone who knowingly misled veterans and denied them access to medical services. The American Legion believes it is important to ensure there is accountability at all levels within VA and that the process is completely transparent.

Where VA employees are found to have engaged in wrongdoing, the American Legion supports the appointment of a special prosecutor to be assigned to investigate and vigorously prosecute any VA employees engaged in fraudulent practices designed to improperly award bonuses or other financial or meritorious awards to the perpetrator.

While those in the senior executive service can and should receive performance bonuses when their performance is exemplary, the American Legion believes any bonuses need to be tied clearly to quantitative and qualitative measures. There must be an open process for determining these awards that all state quotas can examine to determine the propriety of the awarded bonuses.

This legislation, while it is helpful towards achieving these ends in some ways, has some sections which still raise concerns about the manner of their implementation. The American Legion sup-

ports increased accountability and those employees found guilty of having committed crimes at the expenses of veterans entrusted to their care should never profit from these crimes. To achieve bonuses based on manipulation and lies undercuts any trust with the veterans' community. Requiring additional transparency about SES performance outcomes is also laudable and supported by the American Legion.

Where this legislation dives into creating a specific new performance appraisal system, the American Legion has concerns. While the goal of reforming the performance system is admirable and needed, their concerns at this level of specificity may lead towards over management of this task. While VA can and must reform this area, the American Legion is wary of dictating the shape of that reform into too many and too detailed a manner.

The American Legion does support open discussion on this process and hopes this proposal can at least be a starting point for working with all parties from VA to Congress until the state quotas determine a system that enforces accountability and fairness in the bonus system.

The American Legion recognizes the importance of reforming the bonus system and indeed the management culture within VA, and applauds the initial efforts by VA Secretary Bob McDonald to begin that process, as well as the diligence of this committee to direct oversight efforts towards that task.

This legislation has great intentions and the portions related to adding transparency to the system and preventing from profiting at the cost of veterans are strong. With further work, perhaps more of the legislation could be supported and the American Legion looks forward to working with this committee to ensure impactful legislation is passed towards this end.

In conclusion, I appreciate the opportunity to present the American Legion's views and look forward to any questions you may have.

[THE PREPARED STATEMENT OF STEVE GONZALEZ APPEARS IN THE APPENDIX]

Dr. WENSTRUP. Thank you, Mr. Gonzalez.

Dr. Wescott, you are now recognized for five minutes.

STATEMENT OF DR. JOSEPH W. WESCOTT. ACCOMPANIED BY: TIMOTHY FREEMAN, LEGISLATIVE DIRECTOR, NASAA

Dr. WESCOTT. Chairman Wenstrup, Ranking Member Takano, and members of the Subcommittee on Economic Opportunity, I am pleased to appear before you today on behalf of the over 55 member agencies of the National Association of State Approving Agencies and appreciate the opportunity to provide comments on bills pending before this committee.

I am accompanied today by Timothy Freeman, who is the NASAA Legislative Director.

NASAA supports the provisions of H.R. 475, Section 2, that would pay for changes and improvements made to VA information technology systems, so that all original and supplemental Chapter 33 claims are adjudicated electronically. Indeed, for the last two years we have worked side by side with our VA partners to redesign the compliant survey process, so that corrections to claims

generated during those visits would be handled utilizing the VA automation system and not paper referrals.

NASAA also supports the extension of the effective date of Section 702(b) as set forward in Section 3 of H.R. 475. But we are hopeful that the efforts of SAAs and other stakeholders in this endeavor will result in full compliance by all schools within the prescribed deadline. We do recognize the need to account for those situations in which an extension of waiver might be needed.

I am pleased to report to the committee that state approving agencies through NASAA have taken a leading role in assisting their individual states in becoming compliant with Section 702. We have established a page in the member section of our national Web site to continuously and closely monitor the status of the adoption of Section 702 requirements within the individual states.

Likewise, we have provided in our Web site language approved by VA legal counsel and/or the legislative language used to bring states within compliance. Though only seven states were compliant with the requirements of the law as of yesterday, states are working diligently to meet the requirements of the federal law. NASAA is committed to working with our VA partners to ensure that the waiver process which is established is equitable and timely, and we will not shrink from the responsibility or ignore the opportunity to help our states become compliant.

NASAA strongly supports H.R. 476, which clarifies and codifies state approval authority and oversight over all non-federal facilities by identifying SAAs as the primary entity responsible for approval, suspension and withdrawal. The bill does not do away with the idea of deemed approved degree programs at certain accredited institutions of higher education. Rather, it would maintain the intent of the statute by adhering to an expeditious list of approval criteria for those programs.

In addition, this bill will expand 3675 to cover all accredited programs not already covered under 3672, while maintaining all previous approval criteria for private for-profit institutions.

H.R. 476 also provides measures to improve cost control for aviation degrees offered by colleges and universities. These programs frequently involve a contracted flight school which may or may not be approved by a state approving agency. This section would limit Chapter 33 payments for flight programs at public institutions to the prevailing cap, presently just over $20,200.

Finally, the bill mandates appropriate changes to the manner in which we perform compliance surveys. These changes in the law allow for a manageable mission in which VA, with the assistance of SAA partners, can conduct compliance surveys on a regularly scheduled basis at the majority of approved institutions while allowing for continued waiver of those institutions with a demonstrated record of compliance. These changes would allow for flexibility to adjust resources towards specific high-risk educational institutions as needs arise, allowing both VA and SAAs to be proactive to risks identified through the new complaint system, and would allow SAAs to provide needed technical assistance and training visits to schools.

Mr. Chairman, last year's SAAs increased the number of compliance visits we conducted by 17 percent over the previous year and we conducted more than 50 percent of the visits accomplished.

Mr. Chairman, I pledge to you that we will not fail in our critical mission and in our commitment to safeguard the public trust, to protect the GI Bill and to defend the future of those who have nobly defended us.

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

[THE PREPARED STATEMENT OF JOSEPH WESCOTT APPEARS IN THE APPENDIX]

Dr. WENSTRUP. Thank you, Dr. Wescott.

I now recognize myself for five minutes for questioning, but I want to thank you all for your testimonies and again for being here today.

I would like to go back to what a couple of you did discuss, which is the idea of a waiver for the in-state tuition requirements. And I know that many of you were concerned that the VA, and most state governments, they wouldn't be able to meet the July 1st, 2015 deadline for implementation of that provision of the Choice Act.

And so if each of you would just comment, and for some again, comment on if you believe that there is a date that needs to be pushed back, or will a combination of a waiver and states coming into compliance be enough. And if we do proceed with a waiver of the in-state tuition requirement, what should the VA require from the state or school in order to receive a waiver?

So, Mr. Morosky, I would like to start with you, if I could.

Mr. MOROSKY. Mr. Chairman, we were initially a little concerned about this when the bill was originally introduced. It would have given two years when it was eventually signed as a part of the VACA. There were only 11 months.

Since that time, we have met with the National Association of Governors. We have met with the National Association of State Legislatures. We feel like there is a lot of buy-in all the way around. State legislatures are wanting to make this happen and we feel like most, if not many, will be able to meet the deadline. So in order to keep the momentum going, rather than delay for another full year, just allow the waiver processes in place to take place and keep the momentum going, as I said.

Thank you.

Dr. WENSTRUP. Mr. Neiweem.

Mr. NEIWEEM. I would just agree with our colleague from the VFW. I think that one of our strategies has been to focus at the state level to get the state legislatures to expedite it, to look at it quickly and to keep the pressure on. In some of our recent communication with members, we are still doing some field work to get some information of members this would impact. But we echo our colleague that state legislatures should prioritize it and try to fix it now.

Mr. GONZALEZ. Mr. Chairman, having been working on this with a couple of my colleagues at VFW and SVA for the last two and a half years, and SAAs, many states have had intent and already have passed legislation, with the hopes of—but of course, when I say passed legislation, most of them have granted waivers already. The only hiccup was, I want to say is, when we actually advocated

to have the Federal Government pass the actual legislation, dependents and children was included into that piece of legislation, which kind of was not in line with what we had asked the states initially to have passed. So when we went to states and we testified, and I think in roughly about 32 states that have passed some form of legislation, each state had passed what we as organizations had asked them to pass.

So this particular hiccup has kind of thrown a monkey wrench, because in a lot of the states now we are back to square one where some of them are adding now dependents and children to meet the criteria of what the Federal Government is asking of them.

So we would say and our suggestion to that is, the states that already have passed have shown more than enough intent for the betterment of the service members, especially those who are transitioning into their respective states and going into those institutions of higher learning, definitely making sure that those individual states are provided waivers. And then states who are in the process of course, again, showing intent where they have legislation, have good momentum going within their respective states, that the VA really consider providing them a waiver. And then of course the states who have no intent whatsoever, then that is more where the conversation needs to happen with between, I would say, members of Congress who are from those particular states, are part of the congressional delegation, should go back and begin to have conversations.

Like our VFW colleagues here, we have presented along with the Department of Defense and Department of Veterans Affairs, to the National Conference of State Legislatures last year when they had their D.C. conference. So we have been very much engaged with them on multiple fronts to ensure that there is some compromise between all the stakeholders from the local, state and federal level.

Dr. WENSTRUP. Thank you, Mr. Gonzalez.

Dr. Wescott.

Dr. WESCOTT. Yes, Mr. Chairman. We certainly appreciate the option of the extension, but we are relatively certain that with a fair and equitable waiver process, that will be worked out with the VA, that we can have our states either compliant or with a waiver in hand by July 1 or, the requirement of the bill as it is. I know we only have, like I said, seven at the present time. But we are committed that regardless of whether a state gets a waiver or not, we will continue to push for those states to come into compliance.

Dr. WENSTRUP. Well, thank you all for your responses. I appreciate that.

I now recognize the ranking member for any questions he may have.

Mr. TAKANO. Thank you, Mr. Chairman.

I will begin with Mr. Wescott. Mr. Wescott, you should know I have concerns about H.R. 476. Do you believe that the states should be able to have additional powers to regulate schools with the state authorizing agencies?

Dr. WESCOTT. Certainly, Congressman Takano, I certainly do.

I think that additional reasonable criteria, as I have said in my written testimony, is critical in allowing states to protect the veterans, and certainly I am a strong believer in state sovereignty. On

the other hand, I do think we need to have awareness that we are administering a federal program. And it has always been our standard in NASAA that there would be one high standard for individuals that come to seek approval for their programs.

Mr. TAKANO. So you don't see this legislation as usurping the authority of the states to be able to regulate? I mean, I am concerned that my state of California, the state approving agency was able to catch a bad actor, and I am concerned that this bill would weaken California and other states' ability to do that.

Dr. WESCOTT. Well, our position is certainly we do not oppose this section. We are pleased that the requirement there is that the secretary will have to consult with the state approving agency before he would make a decision as to whether that provision would be fair and equitable.

We also think that—we have always felt that there should be one standard as much as possible across all sectors of education in the state. We were never exactly wild about the deemed approved provisions, but we understood the reason for deeming approved accredited degree programs.

So that would be our position on that provision.

Mr. TAKANO. This is a question for any one of the panel who care to answer. Do you think it is important for the Guard and reservists to be able to accrue time toward their educational benefits while they are hospitalized due to war-related injuries?

Mr. MOROSKY. Congressman, absolutely. When a service member gets deployed overseas and gets wounded, typically that should be considered active duty time. There is no reason why it shouldn't. The time spent in recovery should be considered additional service to the country and that should be the same absolutely between active duty and reserve component members.

Mr. NEIWEEM. We strongly support the bill, Ranking Member. And for example in my case, being deployed as a reservist, it would have applied to me had I been injured or something. The time for the benefit that I accrued, I had 40 percent of the maximum payable benefit, could have possibly been less.

So we strongly support the legislation and thank you for introducing it.

Mr. GONZALEZ. Mr. Takano, we support it, but also what we need to take into consideration is that that individual was called up on Title 32 orders. So being under those orders and being on active duty, all benefits that are applicable to you as an active duty member should not be waived for the simple fact that you were harmed in some way during your time under those particular orders, which are federal orders, and while you are in service to your nation. So we totally support the legislation and ensuring that the individual has all benefits afforded to them while under those federal orders and, of course, in service to their country just like any other individual who is in active duty and in that capacity.

Mr. TAKANO. Do——

Dr. WESCOTT. Mr. Takano.

Mr. TAKANO. Yes. Go ahead, sir.

Dr. WESCOTT. I would also say that the National Association of State Approving Agencies, though we did not speak to it in our written testimony, would be strongly supportive of this legislation

as well. Certainly their service, and then the time that they spend for medical recovery, should all be considered toward eligibility for the GI Bill.

Mr. TAKANO. Thank you for that. And, Mr. Chairman, I will yield back.

Dr. WENSTRUP. Thank you, Mr. Takano.

Ms. Radewagen, you are recognized for five minutes.

Ms. RADEWAGEN. Thank you, Mr. Chairman and Ranking Member Takano for holding this hearing today to review important legislation that will affect our veterans. I want to thank the panel as well.

I also want to thank my colleague on the other side, Representative Rice, for asking me to join her as an original cosponsor on her bill H.R. 1382, Boosting Rates of American Veteran Employment Act or BRAVE.

This cost-neutral measure would allow the secretary of the VA to give preference to companies that have high concentrations of veteran employees when awarding VA contracts. Currently, the VA gives preference for these contracts to veteran-owned small businesses, but not to businesses that actively employ veterans. The BRAVE act would allow the VA to consider the percentage of veterans employed by a prospective contractor when awarding federal contracts. The fact that this isn't already a stipulation for the VA to consider when awarding contracts is shocking, to say the least.

So I fully encourage my colleagues to join Representative Rice and my fellow cosponsors on this commonsense legislation that will further the committee's goal of ensuring that our veterans have every opportunity to be gainfully employed following their service to our nation.

Thank you, Mr. Chairman.

I have a question for Dr. Wescott. Can you please give us a little bit of information on what you believe should be the appropriate number of compliance visits completed in one year? And in your estimation, are these compliance visits necessary or are they unneeded exercises in paperwork shuffling?

Dr. WESCOTT. I very much appreciate that question and the opportunity to respond to it.

Certainly one of what we have suggested in this legislation, or in the chairman's bill, is that for those who enroll at least 20 veterans that they receive a compliance visit every other year. But at the same time we would suggest that those schools that have a demonstrated record of compliance be allowed to be granted a waiver. Because I certainly believe that when you have schools that have demonstrated year after year that they are compliant, even though they would fall within the category of those that we would say would possibly get a compliance every two years, it is paper shuffling just to visit those schools.

If we could reduce the number of overall compliance visits, but allow state approving agencies to step up and make supervisory and technical assistance visits to help schools, then we can on the front end prevent problems that might occur and then become apparent during a compliance survey. We are strong believers in preventative medicine, if you will, in this area and we think our veterans deserve no less.

Ms. RADEWAGEN. Thank you, Mr. Chairman. I yield back.

Dr. WENSTRUP. Thank you, Ms. Radewagen. Mr. McNerney, you are recognized for five minutes.

Mr. MCNERNEY. Thank you, Mr. Chairman. I am really proud to have introduced H.R. 1313, the Service to Disabled Veterans Owned Small Business Relief Act, which allows spouses to retain the status for three years. Mr. Morosky, do you have any idea how many families that might benefit over the course of a year, or what proportion of businesses that might help?

Mr. MOROSKY. No, I do not know, Congressman, but I would be happy to take that for the record and get back to you on that.

Mr. MCNERNEY. Okay. I would appreciate that. In your testimony, you stated that the Service to Disabled Veteran Owned and Small Business Relief Act only covers Section 38 of the U.S. Code and that the contract is with the VA. So it only applies to contracts with the VA. Why do you think that the transfer of the SDVOSB status should apply across the entire federal government, not just the VA, and how would we go about doing that?

Mr. MOROSKY. Any veteran-owned small business, any veteran who receives preference for contracting as a result of their status, could fall into the same category that you are describing. You know, imagine the situation. You have got a veteran-owned small business, and one day something terrible happens. The surviving spouse needs time to be able to restructure the business accordingly. You know, we would be supportive, and we would, you know, like to work with you on extending that protection further.

Mr. MCNERNEY. Thank you. Mr. Neiweem. Sorry. Do you think the federal government should be able to say whether a state like California can regulate for-profit schools? Now, Mr.—I am following up with a question of Mr. Takano. He asked that question about schools in general. What about for-profit schools?

Mr. NEIWEEM. So we do not oppose the section that was described, and we certainly support the intent of what is happening here. You know, IAV has long raised flags among some for-profit colleges that have aggressively recruited student veterans. And we also support closing the 9010 loophole to remove the oftentimes target on the backs of service members.

But we do feel in this instance—you know, we do not oppose it—having standards across the board and if those institutions, you know, do not perform to standard, that students will stop going to them.

Mr. MCNERNEY. Is there a special risk with for-profit schools?

Mr. NEIWEEM. I think currently across the board in the veteran community we are still looking at statistics and trying to get better outcome data to be able to quantify these things. But, anecdotally, there is numerous stories of students that have gone to for-profit colleges that have had poor experiences and—or been able to secure work afterwards. So we are still looking at more data, but, you know, one thing I would say, and it is not the jurisdiction of this committee specifically, is to close the—have Congress close the 9010 loophole.

Mr. MCNERNEY. One other question. You mentioned you supported H.R. 473, the Accountability Act, but that was introduced in January 22nd. You support it conditionally based on further anal-

ysis. Do you—when do you believe that you will have a complete response on that?

Mr. NEIWEEM. Yes, sir, thank you for the question. We currently have no position until we can do further study on the variety of the sections. We are relying on more of information from our membership. But I will say, we support a lot of the intent.

And a reading through VA's testimony today, some of the content in there is kind of troubling how strongly they push back. I mean, they—you know, the testimony says that they believe that, you know, it could dissuade, you know, highly talented SES employees from going to VA, because they could be facing, you know, punitive action.

They also talk about the SES rating scale as problematic, because it would prevent certain, you know, good grades, so to speak, with the SESes.

Well, many of our members have been responding that they are frustrated, that is happening right now, that great, you know, ratings are being given and they are not seeing that. So, you know, this—we cannot forget where we were at last summer. And a lot of veterans are out there that are still very frustrated that that could happen.

And so this is a measure that is trying to change the way things occurred, and so we would look forward to more conversations with VA to make sure we can have some accountability and not, you know, push back so strongly when a measure comes to correct that sort of behavior that we saw last summer that we know now existed.

Mr. MCNERNEY. Okay. Thank you. Mr. Chairman, I yield back.

Dr. WENSTRUP. Thank you. Ms. Rice, you are recognized now for five minutes.

Ms. RICE. Thank you, Mr. Chairman. I think I am going to be bold and say that I speak for everyone on this panel in saying that I think one of the greatest national disgraces we have in this country right now is that we have such a high number of homeless and jobless veterans. There—the number one is too high.

Now, Congressman Zeldin and I have some of the most expensive real estate in our congressional districts—New York State, obviously, everyone knows it is impossible. And I have actually heard some horror stories just in terms of the difficulty in, specifically, in purchasing co-ops, just because of the legal parameters that actually—that co-ops represent.

And this is just to everyone on this panel, because I think this is a critical issue. I mean, how—I mean, I hope—I think everyone supports Congressman Zeldin's bill, but any other ways, any other stories that you have heard in terms of difficulties, not just in your state, but across the country, that might be able to inform ways that we can be better in this field?

Mr. GONZALEZ. Ms. Rice, I know currently—I definitely will take that for the record, but just to also inform the Committee, currently my colleague, Mark Walker, who actually oversees all our homeless policy legislative initiatives for The American Legion, is currently right now in Los Angeles. He was flown out there yesterday morning. We are currently launching at one of our Legion posts in Los Angeles, what is called The Veterans Benefit Center.

Ms. RICE. Say it again.

Mr. GONZALEZ. The Veterans Benefit Center. So we have right now, as of currently, have already seen about 357 veterans to help them adjudicate their process. But also the reason we flew him out there yesterday was so he can put up a homeless veterans, pretty much, task force. And bringing in all the stakeholders within Los Angeles and also, of course, within the State of California to ensure everything from HUD service providers, community service providers, all the key stakeholders that are involved in that particular holistic approach, and helping the reintegration process.

So, unfortunately, I cannot answer that, but I can definitely take it for the record, so when he does fly back in on Friday, I can present this to him and I am sure that he can give you a very big comprehensive, I guess, answer to your question, of course. Not just in Los Angeles, but he has been—we have been flying him around across the country in addressing these issues. And as we do these programs, he is there putting together everyone in the local communities and ensuring that we can have the holistic approach and, of course, within the reintegration process.

Ms. RICE. Well, I would love to—and as I am sure everyone on the Committee would love to see the results, because it would be great to, if they have success where they are setting these up, to be able to export that everywhere else.

Mr. GONZALEZ. Yes, ma'am.

Ms. RICE. Thank you. Thank you very much. Thank you, Mr. Chairman.

Dr. WENSTRUP. If there are no further questions for our panel, you are now excused. And I want to thank you all very much for your testimonies today. I believe it has been very helpful to hear from each and every one of you, and I appreciate it.

I want to now recognize our final panel of witnesses today. First, I want to welcome back General Robert Worley, the Director of the Education Service at the Department of Veterans Affairs, and he is accompanied by Mr. Tom Leney, Executive Director of the Small and Veterans Business Programs at the U.S. Department of Veterans Affairs; Ms. Kimberly McLeod, Deputy Assistant General Counsel at the U.S. Department of Veterans Affairs; and Mr. John Brizzi, Deputy Assistant General Counsel at the U.S. Department of Veterans Affairs. We also have with us Ms. Terry Gerton, Deputy Assistant Secretary of the Veterans Employment and Training Service at the Department of Labor.

Thank you all for being here today. General Worley, let's begin with you. Welcome, and you are now recognized for five minutes.

STATEMENT OF ROBERT WORLEY, ACCOMPANIED BY: MR. TOM LENEY, EXECUTIVE DIRECTOR OF VA SMALL AND VETERAN BUSINESS PROGRAMS, MS. KIMBERLY MCLEOD AND MR. JOHN BRIZZI OF VA'S OFFICE OF GENERAL COUNSEL

STATEMENT OF ROBERT WORLEY

Mr. WORLEY. Thank you, Mr. Chairman. Good afternoon, Chairman Wenstrup, Ranking Member Takano, and other members of the Committee. I appreciate the opportunity to appear before you today to discuss legislation pertaining to the Department of Vet-

erans Affairs programs. I am accompanied today by Mr. Tom Leney, Executive Director of VA Small and Veteran Business Programs and Ms. Kimberly McLeod and Mr. John Brizzi of VA's Office of General Counsel.

One of the bills on the agenda today affects programs or laws administered by the Department of Labor. Accordingly, we respectfully defer to the Department of Labor regarding H.R. 474.

H.R. 456 would allow an individual entitled to educational assistance under Chapter 33 to receive payment for the application fee to apply to an approved program of education at an institution of higher learning. We recommend H.R. 456 be effective one year from enactment. The VA would need to make modifications to the Benefits Delivery Network and the Long-Term Solution to implement this legislation.

H.R. 473 would amend Chapter 7 of Title 38 by adding new sections 715, 717, and 719. VA has numerous legal concerns about Section 715. Several of the VA's concerns are shared by the U.S. Department of Justice and the U.S. Office of Personnel Management. VA also has policy concerns about the implementation of Section 715, Section 717, and 719.

Section 2 of H.R. 475 would require VA to make changes and improvements to the Veterans Benefits Administration information technology systems and submit a report to Congress on the changes made no later than 180 days after enactment. The VA supports Section 2. However, we would require at least 24 months from the date of enactment to report on the IT changes. VA IT costs are estimated to be $30 million, which matches the amount the committee has proposed to authorize for VA.

VA has concerns about the provisions in Section 3. Section 3A would allow an additional year for state legislators to enact laws and public educational institutions to make changes in policy in implementing Section 702 of The Choice Act.

The changes in Section 3B would require additional corresponding changes to states' statutory or policy provisions governing tuition and fee charges at public IHLs. As such, VA recommends Section 3B be effective for any quarter, semester, or term as applicable that begins one year from the date of enactment, or July 1st, 2016, whichever is later. The Department is still working through the costs associated with this provision.

VA also has concerns with Subsection H of H.R. 475. We recommend specific criteria for a benefit election be added to this legislation in order to eliminate subjectivity. While VA supports Section 5 and the intent of Section 6, we do not support providing the amount of an educational assistance to which a Veteran is entitled through an internet Web site.

VA supports the provisions of H.R. 476 that would clarify approval requirements, limit the amount of tuition and fee payments for enrollment in flight programs, and improve the compliance survey process. However, VA does not believe that we should be interjected into the states' additional approval requirements for non-accredited courses.

VA supports the intent behind H.R. 643, the Veterans Education Survey Act of 2015. However, the Benefits Assistance Service pro-

gram office in VA is currently administering a similar survey with the help of J.D. Power & Associates.

H.R. 1038 would amend Chapter 7 of Title 38 by adding Section 714 to require VA to retain a copy of any reprimand or admonishment received by an employee of VA in the employee's permanent record as long as the employee is employed by the Department. VA does not support H.R. 1038.

H.R. 1141 would amend the term "active duty" under Chapter 33 of Title 38 to include certain time spent receiving medical care from the Department of Defense as qualifying active duty service performed by members of the Reserve and National Guard.

VA defers to DoD regarding the change to qualifying active duty service under the post-9/11 GI Bill. The Department is still evaluating the benefit and IT costs associated with this legislation.

VA does not oppose the provisions in H.R. 1187, H.R. 1313, and the draft legislation that would amend VA's procurement authorities to allow a preference for offerers that employ Veterans as determined by VA. VA would be pleased to work with a staff to provide technical assistance as requested.

Mr. Chairman, this concludes my statement. Thank you for the opportunity to appear before you today, and we would be happy to respond to your questions.

[THE PREPARED STATEMENT OF ROBERT WORLEY APPEARS IN THE APPENDIX]

Dr. WENSTRUP. Well, thank you, General. And, Ms. McLeod, I apologize for mispronouncing your name earlier. But at this time, Deputy Assistant Secretary Gerton, you are now recognized for five minutes.

STATEMENT OF TERESA GERTON

Ms. GERTON. Good afternoon, Chairman Wenstrup, Ranking Member Takano, and distinguished Committee. Thank you for the opportunity to participate in today's legislative hearing. As the Deputy Assistant Secretary for Policy at the Veterans Employment and Training Service at the Department of Labor, I appreciate the opportunity to discuss legislation to re-authorize the Homeless Veterans Reintegration Program, or HVRP.

VETS administers HVRP to help homeless veterans re-enter the labor force. The Agency provides grants to both public and private entities to provide the services necessary to assist in reintegrating homeless veterans into meaningful employment. HVRP operates on the principle that when homeless veterans attain meaningful and sustainable employment, they are on a path to self-sufficiency, and their vulnerability to homelessness is diminished.

Each HVRP participant receives customized services to address his or her specific barriers to employment. Services may include, but are not limited to, occupational, classroom and on-the-job training, as well as job search, placement assistance, and post-placement follow-up services.

Grantees under this program are competitively selected for a one-year award. If additional funding is appropriated, VETS may consider awarding an additional option year for up to two successive years to eligible grantees. Grantees must be in compliance

with the terms of their grant. And DoL does not guarantee option-year funding for any grantee.

The program succeeds not only because of the hard work and local connections of our grantees, but also because of the collaborative efforts of our government partners at the federal and state levels. These efforts help ensure that homeless veterans receive a robust, comprehensive network of support.

H.R. 474, The Homeless Veterans Reintegration Program's Reauthorization Act of 2015, would extend HVRP's authorization to 2020. The current authorization is set to expire at the end of fiscal year 2015. The Department supports the five-year extension to the HVRP authorization. HVRP is one of the few nationwide federal programs focusing exclusively on helping homeless veterans to reintegrate into the workforce.

The Bill would also expand the eligibility for services under HVRP to include not only homeless veterans but also veterans participating in VA-supported housing programs for which certain rental assistance is provided and veterans who are transitioning from being incarcerated.

Under current legislative authority, veterans who participate in the HUD–VASH program are ineligible for HVRP, because they are not technically homeless. VETS believe housing programs, such as HUD–VASH, are critical to the rehabilitation and success of homeless veterans, because the availability of housing and health services improves their job readiness and employability.

Finally, under H.R. 474, veterans who are transitioning from incarceration would also be eligible for HVRP services. For veterans, having an arrest record is a major barrier to employment, and can lead to homelessness. VETS believes that it is critical to begin delivering employment support to incarcerated veterans prior to their release in order to better prepare them to secure civilian employment. While VETS support the goals of this legislation, these changes could mean a substantial increase in the eligible population. To accommodate these changes within existing funds, VETS would need to establish service priorities to reach those with the greatest needs and avoid duplication. VETS look forward to working with Congress to ensure that the goals of the Bill are met.

We at the Department of Labor remain committed to the Administration's goals of ending veteran homelessness, and we look forward to working with this subcommittee to ensure the continued success of our efforts.

Mr. Chairman, Ranking Member Takano, Members of the Subcommittee, this concludes my statement. Thank you again for the opportunity to testify today, and I am happy to answer any questions you may have.

[THE PREPARED STATEMENT OF TERESA GERTON APPEARS IN THE APPENDIX]

Dr. WENSTRUP. Well, thank you, Ms. Gerton, for your remarks, and I will now yield myself five minutes for questions. I am going to go right to you General Worley. As a manager, do you think it would be instructive for you to be able to review an employee's file and see what type of disciplinary issues they have had over their time with the Department?

Mr. WORLEY. Mr. Chairman, as a manager, I would—with respect if you are speaking specifically to admonishments and reprimands, which I assume you are—we look at those as tools. They are at the lower end of the disciplinary spectrum. We see those as tools to help rehabilitate an employee to take care of an activity or a mistake or some kind of behavior. Once that is completed, of course, the goal is that we have a fully productive employee that does not have any further problems in that regard.

So from the perspective of keeping that in their record permanently, it becomes much more of a punishment rather than a rehabilitative tool. We see admonishments and the reprimands as being in that category.

Dr. WENSTRUP. Of course, if rehabilitation was part of the record as well, you would have an understanding of that and, you know, where they have come from and that seems to me that would be fair enough in many situations, at least if I was the manager, that would be my aspiration, is to be able to know all sides of the person I am working with.

But another question too, as I understand the VA has some procedural issues with the pension rescission and provision of H.R. 473. Don't you think the average American would agree that if you are convicted of a felony, not just a crime related to your job performance, that the government should not necessarily be providing you a lifetime annuity for that period of service?

And do you think that the current standard of requiring that a senior executive be convicted of treason or supporting terrorism is really the standard that we should be employing? That, to me, seems to be a pretty high bar.

Mr. WORLEY. Mr. Chairman, if I could defer that question to Ms. McLeod to speak for the Department.

Ms. MCLEOD. I do think that the standard of treason is a different standard, and you cannot really compare that to an employee who may have been convicted of a felony.

It is difficult in a hypothetical situation to know what type of felony that employee would be convicted of, so that, you know, recouping a portion of their pension would be a reasonable sort of response to that conviction. I think what makes the legislation difficult are the practical application, or the practical application of the legislation to include—there would be some responsibility placed on other agencies to both notify the VA.

OPM is the one that hands out annuities to employees. They would have to be the ones to determine the percentage of that annuity that that employee received during that time when that conviction affected or—yeah, it affected their performance. VA would need to receive that notice from either federal or state law enforcement bodies. We would then have to review the record of those convictions to determine what time period their conviction affected their performance, in order to report that to OPM to take back those annuities. There are also constitutional issues that are at work here that we share with Justice and OPM in terms of applying that legislation to senior executives.

So there are some, you know, both legal and practical and policy issues with carrying out that legislation. Of course, we understand

the intent. We just think that enforcing that intent through applying it would be very, very difficult for the VA.

Dr. WENSTRUP. Well, I appreciate your response. It just seems to me if you are convicted of a felony relating to your job performance then you should not be subsequently rewarded. With that, I yield back my time, and I recognize the Ranking Member for five minutes.

Mr. TAKANO. Thank you, Mr. Chairman. General Worley, I want to ask a question related to H.R. 476 and the provision that requires VA approval of additional state criteria. Do you believe that this provision is necessary? And what I am getting at is, are states now abusing the current law and are they applying different criteria to different types of schools?

Mr. WORLEY. Thank you, Ranking Member Takano. First, I would like to point out VA very much respects the authority of the State Approving Agencies and the job they do in approvals, as well as suspensions and withdrawals. We have, of course, a very vested interest in that work. We monitor it, and we review it. It is in statute and the regulations that they have the authority to add criteria in their approval process that might be tailored to their state.

By our calculation, and we are still looking at this, about a third of the states have additional criteria that they use. Most of it is administrative in nature. They might have additional criteria for attendance or they might have additional criteria to comply with additional state standards for higher education. None of these have posed any issues from VA's perspective so far.

So while we very much support the idea in this Bill that standards be applied equitably, we do not see at the present time, the need for VA to be in the middle of that process.

Mr. TAKANO. So, I mean, we—so you have not seen—I mean, there is not really a problem being posed to change the law to require that—to impose the additional requirement that the VA approve any additional state criteria that you believe that the current law with regard to state approving agencies is adequate, there is no problem with it?

Mr. WORLEY. We have not seen any widespread problems to date, Congressman Takano.

Mr. TAKANO. I am—I just do not understand why there is a reason to change the current law. I am not seeing it justified. I am somewhat comfortable with equitable application, but if states—I mean, I think it would pose an additional layer of federal review if states were to be subject to, you know, some sort of an appeal of the criteria they set.

I want to switch gears here a little bit. I just want to ask Ms. Gerton, Assistant Secretary Gerton, what does the Homeless Veterans Reintegration Program do to help veterans obtain funds to cover their food and shelter costs as they await their first paycheck?

Ms. GERTON. Thank you, Congressman Takano. We recognize that that is often a real challenge, as most employers pay in arrears. We do several things to work with our grantees to make sure that they are able to provide intermediary support to veterans who are participating in the HVRP program.

The first is that we actually provide them technical assistance to understand all the variety of programs that they could take advantage of. We make sure in both their grant application and then in practice that they are well connected into the community services network in their local communities. And, particularly, that they are aware of other grantees who may be receiving the VA grants for SSVF programs, and that they are aware of Department of Transportation's supported transportation mechanisms to help veterans get to and from.

We try to make sure that they are aware of all of the community resources that can be brought to bear to help veterans get through that transition period from when they successfully obtain employment through the Program to when they actually get their first paycheck and can pay those intermediary bills.

Mr. TAKANO. Wonderful. Thank you. Mr. Chairman, I yield back my time.

Dr. WENSTRUP. Thank you, Mr. Takano. Ms. Rice, you are recognized for five minutes.

Ms. RICE. Thank you, Mr. Chairman. Mr. Worley, I have a question for you with respect to H.R. 1382. I think that—correct me if I am wrong—but you made the suggestion that we should include a provision that if someone contracting with the federal government voluntarily came forward and said that they miscalculated the number of veterans so that they did not—there is a, however unintentional, false statement about that, that they should not be subject to being debarred from any future federal contracts. Is that—can you explain your position on that?

Mr. WORLEY. May I defer to Mr. Leney on that——

Ms. RICE. Oh, sure.

Mr. WORLEY. Question.

Ms. RICE. Yes.

Mr. WORLEY. Thank you.

Mr. LENEY. Thank you. Congressman Rice, with respect to that section of the draft Bill, what we recommended there be an allowance for mitigating the debarment if somebody who recognizes they have made an error and had misrepresented and comes forward and admits it, because we think that will promote people doing so, as opposed to when they recognize they have made an error, if there is no mitigation for reporting it, we think their incentive will be to hide it.

Ms. RICE. Well, so maybe this is my prosecutorial background, but what that, to me, what that is doing is giving license to people to make an intentional false statement up front and knowing that they can voluntarily at some later time come forward and say, "Oops, we made a mistake, and we don't want to be debarred." Maybe I am not—maybe I am too cynical. Do you understand what I am saying?

Mr. LENEY. Yes. I think the issue is timing. If we discover it, and then they admit it, that is different than somebody who comes forward and self reports. Federal acquisition regulations currently allow for self-reporting as a mitigating factor in debarment. And what we would suggest is we have consistent rules across the, you know, acquisition spectrum.

Ms. RICE. I appreciate that input. I think it becomes—I think it is less relevant when you look at how specific the requirements are. I do not think that there is—we are building in a lot of room for making mistakes or misstatements that can be later corrected, self-corrected, or discovered by the VA.

I think there—one of the issues with the VA is that we do not have enough built-in accountability. And I think that Secretary McDonald is going a long way to address the issues of a lack of accountability, whether it is, you know, the VA being in the business of building hospitals and not being accountable for $800 million and coming and asking for another $1 billion. I mean, you have to have accountability. And I think that you are begging the question. You are encouraging people to make a misstatement rather than people to come forward when they realize a mistake has been made.

So I could be jaded. But that is the way I see it. I appreciate your input, and I do look forward to working with you outside of this context on this Bill. Thank you.

Mr. LENEY. We look forward to that as well.

Ms. RICE. Thank you, Mr. Chairman.

Dr. WENSTRUP. Well, thank you. If there are no further questions, the Panel is now excused. And if there are no further questions, I want to thank everyone here today for taking time to come and share your views on these 11 bills. It is very important to the legislative process, and we appreciate your insight and feedback very much.

I would also like to announce that the subcommittee will be holding a markup on some or all of these bills on April 16th.

Now, I ask unanimous consent that the following organizations be allowed to submit testimony for the record. U.S. Department of Defense, School Advocates for Veterans Education and Success, Paralyzed Veterans of America, Easter Seals Incorporated, and the National Association of Veterans Programs Administrators. 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 afternoon. Without objection, so ordered. This hearing is now adjourned.

[Whereupon, at 4:09 p.m., the subcommittee was adjourned.]

APPENDIX

MARK TAKANO, RANKING MEMBER

Today we are examining 11 bills, 5 of which directly relate to veterans' education benefits.

As a former educator, I enjoy my time on this Subcommittee because we all share an understanding of how education helps veterans successfully transition into civilian life. I believe that the majority of these bills move us toward this subcommittee's purpose: increasing economic opportunity for our nation's Veterans.

The GI Bill Fairness Act, which I introduced, would close a gap faced by our National Guardsmen and Reservists who have been called, and then recalled to war throughout operations in Iraq and Afghanistan. I was shocked when I first heard that brave men and women with combat injuries who are receiving medical treatment on active-duty military orders are not allowed to count their recovery time towards earning education benefits. This is a no brainier, a cost of war, let's do right by these injured servicemembers and give them the benefits they need and deserve.

I am happy to hear that the Department of Defense agrees: this is the right thing to do.

I also want to recognize several of my colleagues' bills. Ms. Rice has introduced her first bill as a Representative, the BRAVE Act, which requires VA to consider the number of veteran employees a contractor has before giving them new work with the VA. I am confident her legislation will result in an increase in the number of jobs available to veterans and I applaud her efforts in getting right to work for veterans on Capitol Hill. Mr. McNerney's bill, the Service Disabled Veteran Owned Small Business Relief Act, allows surviving spouses to retain their deceased spouses preferred status of their businesses for three years. And Mr. Murphy's bill, the Reducing Barriers for Veterans Education Act, will help veterans pay for their college application fees. I strongly support all of these pieces of legislation.

I generally agree with the legislation being offered for scrutiny today, but there is one provision in H.R. 476, the GI Bill Education Quality Enhancement Act, that infringes on States' rights to govern their educational institutions. I fear that this provision will have serious negative impacts on our veterans.

Director Worley and I agree, States should retain the right to implement additional standards for schools that educate and train our veterans as they see fit, as is the case under current law. In fact, I believe it was through these additional standards that the California Department of Veterans Affairs was able to suspend and ultimately withdraw approval for Corinthians Colleges, Inc., a company that was shut down after the Department of Education found widespread abusive and deceptive practices.

I am concerned that the provision in H.R. 476 would hinder our states' ability to protect veterans from predatory schools, particularly those that take veterans, money for the benefit of their shareholders and leave our heroes with unsustainable debt and worthless degrees.

Mr. Chairman, this bill is otherwise important for veterans and tax payers but on behalf of California Veterans, I ask you to reconsider this provision.

I yield back.

STATEMENT OF

ALEKS MOROSKY, DEPUTY DIRECTOR
NATIONAL LEGISLATIVE SERVICE
VETERANS OF FOREIGN WARS OF THE UNITED STATES

BEFORE THE

VETERANS' AFFAIRS SUBCOMMITTEE
ON ECONOMIC OPPORTUNITY
UNITED STATES HOUSE OF REPRESENTATIVES

WITH RESPECT TO

H.R. 456, H.R. 473, H.R. 474, H.R. 475, H.R. 476, H.R. 643, H.R. 1038, H.R. 1141, H.R. 1187, and Draft Legislation

WASHINGTON, D.C. March 24, 2015

Chairman Wenstrup, Ranking Member Takano and members of the Subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I would like to thank you for the opportunity to testify on today's pending legislation.

H.R. 456, the "Reducing Barriers for Veterans Education Act of 2015"

The VFW supports this legislation which would authorize the Department of Veterans Affairs (VA) to cover the cost of application fees to institutions of higher learning under the Post-9/11 GI Bill, up to $750. With nearly 40 schools now charging over $75 to apply to undergraduate programs, and applications to graduate programs often costing significantly more, the cost of applying to multiple schools begins to add up quickly. For recently separated veterans, this cost could easily become prohibitive. The VFW believes that veterans should not face any unnecessary barriers when accessing their education benefits and that allowing them to use a small portion of their entitlement to defray college application costs is fully consistent with the intent of the Post-9/11 GI Bill.

H.R. 473, the "Increasing the Department of Veterans Affairs Accountability to Veterans Act of 2015"

One of the greatest needs within the Department of Veterans Affairs is culture change. Like most places, VA employees work in an environment that rewards employees for achieving performance standards. Unfortunately, over time, these outcomes have become unattainable. But instead of evaluating why standards could no longer be met, VA leadership put pressure on employees to achieve the unattainable. This left employees with two options – be a poor performer or find a way to do the impossible. All too often, doing the impossible was the wrong thing to do.

To change this paradigm, VA needs the authority to take quick and decisive actions against those senior managers who perpetuate doing wrong and ensure they have proper training so they will be the leaders VA needs them to be. H.R. 473 takes steps to do both.

Section 2 will allow the Secretary to reduce a Senior Executive Service retiree's annuity payment when the SES employee is found guilty of a felony, for the period of time the felony occurred. Simply put, if an SES employee is under investigation for a felony, and they choose to retire, VA will be able to reduce that employee's retirement annuity by the number of months or years that employee was in commission of the felony, if they are found guilty.

Veterans can't understand and they should not have to accept that a VA executive can commit a crime and opt to retire without any consequence. The VFW supports Section 2.

Section 3 redefines the SES performance appraisal system and ensures SES employees have quality training. Accountability goes much further than firing employees. Quality training and job performance evaluations provide employees with a clear understanding of their job expectations and how to best execute their duties, as well an annual opportunity to honestly review that performance. Section 3 limits the number of SES employees who can receive "outstanding" level to 10 percent of employees and allows 20 percent to receive "exceeds fully successful" level evaluation. This will prevent the practice of making every employee outstanding; leaving the employee to believe there is no room for improvement. The second part of this section establishes a review of the current SES training program, ending with a report on any areas that need to be improved. The VFW supports Section 3.

Section 4 limits the period of time VA can place an SES employee on administrative leave, but provides VA the ability to extend that period of time if they report to Congress why that employee's administrative leave lasts longer than 14 days.

The VFW sees this provision as more of a congressional oversight role than a disciplinary tactic. Congress should know why executives are on extended administrative leave and what VA is doing to either bring those employees back to work or remove them from service. The VFW supports Section 4 of this legislation.

H.R. 474, the "Homeless Veterans' Reintegration Program Reauthorization Act of 2015"

H.R. 474 extends the authorization of VA's Homeless Veterans Reintegration program by five years. Any goal less than ending veteran homelessness is insufficient. VA has taken great strides in achieving that goal, but for it to be realized, VA's homeless programs must continue. This bill extends VA's current authorization by five years.

This legislation also redefines eligibility for services under the program to ensure a broader scope of homeless and at-risk of homelessness veterans have access to the program. The VFW fully supports this legislation.

H.R. 475, the "GI Bill Processing Improvement Act of 2015"

The VFW supports most sections of this legislation which offers a variety of enhancements to the way GI Bill benefits are processed.

The VFW supports section 2, which would ensure that VA prioritizes the completion of its information technology (IT) solution for processing VA education claims. The VFW acknowledges the significant progress VA has made in the timeliness and accuracy of its GI Bill benefit processing. However, we are concerned that the Veterans Benefits Administration has shifted resources to focus solely on the disability claims backlog. The VFW understands VBA's urgency in seeking to resolve the backlog, but they must not neglect the mission to properly serve student veterans. Completing the IT solution will ensure that education benefits can continue to be processed in a timely, accurate manner.

Section 3 would delay the implementation of section 702 of the Veterans Access, Choice and Accountability Act, which provides in-state tuition protections to recently separated veterans, by one year. The VFW was initially concerned that the implementation timeline created by the law may have been too fast for some states, given that it required the action of state legislatures. Since then, we have become more confident that most states should be able to meet the July 1, 2015 deadline. We also note that VA has the authority to grant waivers to individual states with legitimate reasons for needing more time. Considering these factors, we now believe that the original implementation date should remain in effect in order to encourage all states to continue to make progress toward full implementation as quickly as possible.

Section 4 would streamline how VA approves initial claims for Post-9/11 GI Bill (Chapter 33) beneficiaries. Although improvements have been made in recent years, we remain concerned that it still takes too long to approve initial claims, due to outdated business practices. Currently, claims processors must go through a time-intensive back-and-forth with potential student-veterans who accidentally revoke the wrong GI Bill benefit before they can properly enroll them in Chapter 33. This bill would allow VA to make a reasonable effort to contact the veteran to enroll them in the most advantageous benefit.

The section also adjusts how VA reimburses veterans eligible for the Montgomery GI Bill (Chapter 30) and who have paid into the benefit, but elect to use Chapter 33 instead. Currently, Chapter 30-eligible veterans who elect to use Chapter 33 must wait until they have finished using their benefits before VA can repay them for their Chapter 30 contribution. Under this legislation, the Chapter 30 contribution would be prorated and added into living stipend payments while veterans are enrolled in Chapter 33, granting them a faster return on their investment while they are still in school and need it most. The VFW fully supports this section.

Section 5 would allow educational institutions to report enrollments to VA as groups, districts or consortiums. The VFW supports this, believing it will bring consistency across the different chapters of GI Bill benefits, making it easier for VA to determine beneficiary status and track student-veterans as they seek to accomplish their academic goals.

The VFW also supports section 6, which would require VA to make available to institutions of higher learning, by internet website, information on the amount of remaining education benefits each student veteran has.

H.R. 476, the "GI Bill Education Quality Enhancement Act of 2015"

The VFW supports this legislation which would make important reforms to the way State Approving Agencies (SAA) and VA approve courses of education under VA education programs. This bill contains several provisions that are consistent with VFW recommendations from previous hearings, and we thank Chairman Wenstrup for its introduction.

Section 2 would codify the authority of SAAs to inspect and approve non-college degree (NCD) programs at not-for-profit institutions of higher learning to validate their quality. This is an authority previously held by SAAs, but rescinded by the Post-9/11 Veterans Educational Assistance Improvements Act of 2010. As a result, some not-for-profit schools developed NCD programs of questionable value. Although the VA Office of Economic Opportunity issued guidance allowing the SAAs inspect NCD programs in subsequent years, the VFW still believes that this policy should be strengthened by statute.

Section 3 would require VA to apply the same reasonable criteria standard when approving education programs across all types of institutions of higher learning: public, private, and proprietary for-profit. The VFW believes this is equitable and supports this section.

Section 4 places reasonable caps on the amount of tuition and fees that may be paid for flight training under the GI Bill programs. Last year, it was discovered that some public institutions of higher learning commissioned flight training programs or free electives specifically targeting

veterans for enrollment. According to the SAAs, the reason schools are adding these programs is because of the uncapped reimbursement offered by VA for flight programs at public institutions through the Post-9/11 GI Bill. The VFW feels that this represents a clear abuse of the intent of Chapter 33, and that the cap created by this section is warranted.

Section 5 makes changes to the way VA and the SAAs must conduct compliance surveys every year. Under current law, VA must conduct compliance surveys annually on all facilities reporting at least 300 enrolled GI Bill recipients. The VFW believes that this is an impossible mission, which will cause some smaller schools to go years without a compliance survey, as VA and the SAAs struggle to satisfy the requirement to survey schools with large veteran populations. Such a requirement can hinder both VA's and the SAAs' response to at-risk programs that may enroll far fewer veterans, while wasting significant time and resources inspecting perennial top performers who happen to have large student veteran populations. This section would correct that problem by requiring that compliance surveys be conducted once every two years at each educational institution or training establishment that enrolls at least 20 GI Bill recipients.

H.R. 643, the "Veterans Education Survey Act of 2015"

The VFW supports this legislation to commission a survey of student veterans currently using their earned GI Bill benefits. Without statistically valid information on the student veteran experience or student veteran outcomes, some groups in higher education have been able to make vague assertions about the student veteran population based off of assumptions drawn from incomplete Department of Education data. While the VFW can only speculate as to their motives, we believe this false narrative does a disservice to the beneficiaries currently enrolled in VA education benefit programs and threatens the long-term viability of programs like the Post-9/11 GI Bill.

For example, groups that oppose non-traditional education point to low graduation rates among student veterans at schools with high military populations like American Military University and University of Maryland University College as indications that these schools fail to properly serve their student veterans. What is missing from this narrative is that the graduation rate reported by these schools to the Department of Education likely includes very few, if any, veterans, since the Department of Education historically counted only first time, full time students.

Student veterans – particularly student veterans who enroll in non-traditional programs like those offered by AMU or UMUC – usually start their studies on a part-time basis while serving in the military, or they bring significant transfer credits into their programs after completing military service, meaning they are never considered first time, full time students, and thus are never tracked by the Department of Education.

Moreover, when the Department of Veterans Affairs launched its comparison tool last year and the raw data used to compile it, the VFW was surprised to learn of all the programs across higher education that reported abysmally low graduation rates. The VFW took a closer look at many of the schools who reported graduation rates of five percent or lower, only to realize on the Department of Education's College Navigator website that each of these schools were likely comprised of non-traditional students, like student veterans.

The original GI Bill returned $7 to the American economy for every dollar spent on a veteran. Historians credit the original GI Bill for building the American middle class as we know it. The VFW believes that the Post-9/11 GI Bill has the potential to be a similarly transformative benefit for today's college-bound veterans, but in times of fiscal uncertainty, we have to be able to demonstrate this to the American public. We encourage Congress to quickly pass this legislation to better quantify the experiences of veterans in higher education.

H.R. 1038, the "Ensuring VA Employee Accountability Act"

This legislation mandates that all reprimands and admonishments of employees are retained in their permanent records for the duration of their employment at VA. Currently, an employee who is reprimanded and is granted a transfer will start their new position with a clean slate. This allows the bad mark to go unrecognized on their next evaluation, which inhibits accountability and passively condones poor performance. Employees must be held accountable for their actions, and this legislation goes a long way in enforcing accountability. The VFW fully supports this legislation.

H.R. 1141, the "G.I. Bill Fairness Act of 2015"

The VFW supports legislation VA to consider time spent by members of the reserve components while receiving medical care for service-connected injuries for purposes the of determining eligibility for the Post-9/11 GI Bill. In 2002, the Assistant Secretary of Defense for Reserve Affairs accurately stated, "the current reserve component status system is a complex, aligns poorly to current training and operational support requirements, fosters inconsistencies in compensation and complicates rather than supports effective budgeting." There is no better illustration of this statement than the fact that recovering Guardsmen and reservists are ineligible for the same GI Bill benefits as their active duty counterparts. We urge Congress to act swiftly to end this unequal treatment by passing H.R. 1141.

Furthermore, we urge Congress to draft legislation that addresses additional GI Bill benefits inequities between war veterans from the reserve component, non-wartime veterans, and dependents. Currently, a Marine reservist could potentially deploy to a combat zone, receive a Purple Heart and still only receive 60 percent of his or her GI Bill. Similarly, a Guardsman, who deploys twice to a combat zone, may only receive 80 percent of his or her GI Bill. Meanwhile, a

dependent of an active duty veteran who never served during wartime, would receive 100 percent of their GI Bill, regardless of the dependent's affiliation with the military in their adult life. The eligibility requirement for reserve component members is inherently unjust, and Congress should work to increase the percentage of the GI Bill that reserve component members who serve in a combat zone, especially for those wounded in action.

H.R. 1187, to amend title 38, United States Code, to adjust certain limits on the guaranteed amount of a home loan under the home loan Program of the Department of Veterans Affairs.

The VFW supports this legislation which would completely and permanently remove the $625,000 cap on the amount guaranteed by VA under the home loan program. Although the capped amount is sufficient to purchase a home in many parts of the country, it greatly limits the options of veteran borrowers in high cost of living areas, including parts of New York, California and the greater Washington, DC area. The cap was temporarily raised by the Veterans' Benefits Improvement Act of 2008; however, the most recent extension of that provision expired at the end of 2014.

The VFW believes that veterans should not be limited by arbitrary caps when selecting a location to purchase a home. Since the rate of default on VA backed home loans is significantly lower than the national average, approving mortgages for higher amounts will not adversely affect veterans or financial institutions, but will help veterans secure home loans in all geographic areas. Furthermore, permanently eliminating the cap will eliminate the need to periodically reauthorize the increase.

Draft Bill, the "Service Disabled Veteran Owned Small Business Relief Act"

The VFW supports this legislation, which would allow the surviving spouse of a deceased veteran business owner to continue operating the business as a service-disabled veteran-owned small business (SDVOSB) for a period of three years following the veteran's death. Current law only allows a surviving spouse to do so if the veteran was 100 percent disabled or died from a service connected disability. This is a necessary protection that allows for a transition period for the bereaved spouse to restructure the business as necessary. The VFW believes that this protection should be extended to all surviving spouses under the SDVOSB program.

Draft Bill, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs, in awarding a contract for the procurement of goods and services, to give a preference to offerors that employ veterans.

The VFW supports this legislation, which would allow VA to give preference to prospective contractors based on the percentage of veterans their companies employ. Businesses that are owned by veterans are already given preference in the contracting process, providing a well-deserved advantage to veteran entrepreneurs. The VFW believes, however, that companies that

employ veterans should also have a competitive advantage against those who don't. Such a policy would potentially incentivize companies to hire more veterans. The VFW believes that such incentives are still necessary, in light of the fact that the unemployment rate for current era veterans continues to outpace that of the nation at large.

Chairman Wenstrup, Ranking Member Takano, this concludes my testimony and I am happy to answer any questions you may have.

Statement of Iraq & Afghanistan Veterans of America
before the House Committee on Veterans Affairs
Subcommittee on Economic Opportunity
Tuesday, March 24th, 2015

Statement of Christopher Neiweem
of
Iraq & Afghanistan Veterans Of America
before the
House Committee on Veterans' Affairs
Subcommittee on Economic Opportunity
for the hearing on
Pending Legislation

March, 24th 2015

Bill #	Bill Name	Sponsor	IAVA Position
H.R. 456	Reducing Barriers for Veterans Education Act	Rep. Murphy	Supports
H.R. 473	Increasing VA Transparency to Veterans Act	Rep. Miller	No Position
H.R. 474	Homeless Veterans Reintegration Programs Reauthorization Act	Rep. Wenstrup	Supports
H.R. 475	G.I. Bill Processing Improvement Act	Rep. Wenstrup	Supports
H.R. 476	G.I. Bill Education Quality Enhancement Act	Rep. Wenstrup	Supports
H.R. 643	Veterans Education Survey Act of 2015	Rep. Wentrup	Supports
H.R. 1038	Ensuring VA Employee Accountability Act	Rep. Costello	Supports
H.R. 1141	G.I. Bill Fairness Act	Rep. Takano	Supports
H.R. 1187	To amend title 38 to adjust certain limits on the guaranteed amount of a home loan under VA's home loan program	Rep. Zeldin	Supports
Draft Bill	To amend title 38 to authorize SecVA to consider federal contractors' employment hiring histories with respect to veterans when considering allowing companies to contract with VA	Rep. Rice	Supports
Draft Bill	Service Disabled Veteran Owned Small Business Relief Act	Rep. McNerney	Supports

Statement of Iraq & Afghanistan Veterans of America
before the House Committee on Veterans Affairs
Subcommittee on Economic Opportunity
Tuesday, March 24th, 2015

Chairman Wenstrup, Ranking Member Takano, and Distinguished Members of the Subcommittee:

On behalf of Iraq and Afghanistan Veterans of America (IAVA), we would like to extend our gratitude for the opportunity to share with you our views and recommendations regarding these important pieces of legislation, specifically the following:

H.R. 475

This bill would provide the needed funding and support to keep VA's administration of education programs to a standard veterans will require over the next decade. Last week, I appeared before this committee with survey data collected by IAVA members that showed late payments continue to occur with respect to the Post-911 GI Bill benefit program (Chapter 33).

This legislation is necessary to continue to improve and modernize the services that VA is currently providing and will move toward preventing these problems from occurring in the future. Broadening electronic automation functionality and enhancing technological capabilities are the only way to make sure the disbursement of education benefit checks keep pace with current technological capabilities. The timeliness of benefit delivery to veterans over the next decade will greatly depend on efficient IT technology platforms.

IAVA supports this bill and appreciate the resources it will provide VA to better assist in getting education benefit payments right the first time.

H.R. 474

This legislation will extend needed housing benefit programs veterans depend on for an additional next five years. Additionally, this bill will make needed changes required to maintain support for veterans currently being served by HUD-VASH vouchers. Allowing veterans access to housing support and job training programs greatly increases his or her chances for success when transitioning to full time work and a long-term residential option.

IAVA supports this bill.

H.R. 1141

This bill would consider time spent by reserve components healing from injuries in DoD facilities, as good toward P911 GI Bill program eligibility. When reservists who are deployed overseas return stateside and their Title 10 orders expire, his or her time counted towards their eligibility for P911 benefits is not counted. This would fix this

inequity. There is no reason that an injury should reduce accrual of education benefits.

IAVA supports this legislation.

H.R. 476

The chief solution this legislation would provide is capping the payments that are currently being provided to some private flight schools at $20,235.02. In the last several months it has come to our attention that some student veterans have taken flight training and been charged excessive fees that have been paid under their GI bill benefits. This measure provides a common sense cost control for extremely high fees, that upon examination are well above the cost intended for the instruction received. In learning more about some of these scenarios and in working with the committee we agree section 4 is necessary to protect VA education benefits from abuse.

IAVA supports this legislation.

H.R. 643

This legislation would require a non-government entity to conduct a survey of veterans' views and experiences utilizing their education benefits. The information that the survey intends to capture is broad and would go a long way to identifying how support programs are working from the view of the customers we care about most---the veteran.

Additionally, these surveys would solicit views on TAP participation and potential barriers or obstacles that prevented veterans from making use of their benefits, for those that haven't participated in VA education benefit programs.The focus on each person's individual experience ,is the best way to know how our nation's programs are, or are not helping them in achieving their educational and employment objectives.

IAVA supports this legislation

H.R. 473

This accountability measure is of great interest to IAVA and we are continuing to examine how its potential enactment could impact the Department and our members. There is no question accountability failures occurred at the Phoenix VA Medical Center last summer, and that this Committee and MSO/VSO stakeholders must aggressively promote policies that make certain those actions; that included the maintenance of secret waiting lists of veterans waiting for care is never repeated..

We support the intent of this bill and look forward to a closer examination of how federal policy across the U.S. government compares with these recommendations for the Department of Veterans Affairs. Additionally, IAVA will engage with the VA to

identify how its implementation would impact the employment culture and retention mission at the Department.

We appreciate Chairman Miller's staunch commitment to making sure our veterans are receiving the best care our nation can deliver and will continue to closely study this measure. As such, while we support some of the provisions of this bill, we require more time and study before issuing full support.

H.R. 1187

This bill would adjust the VA home loan guarantee restrictions currently set at 25% of the loan, and allow more flexibility to VA in determining its guarantee commitment. Providing VA flexibility and removing this cap could be the difference that allows a veteran to purchase the home they have always envisioned. Veterans are often in a position financially to take on and manage mortgage payments but in some areas of the country where the median cost of a home is slightly higher encounter difficulty securing a loan.

The standards and criteria for securing a loan are still the same between the lender and veteran but this change would promote the removal of that initial barrier to get the deal off the ground by increasing VA's guarantee commitment. This bipartisan measure can go a long way toward supporting the prosperity of many veteran home buyers.

IAVA supports this legislation.

Thank you for your time and attention, I am happy to answer any questions you may have.

Statement of Iraq & Afghanistan Veterans of America
before the House Committee on Veterans Affairs
Subcommittee on Economic Opportunity
Tuesday, March 24th, 2015

Biography of Christopher Neiweem
Legislative Associate, Iraq and Afghanistan Veterans of America

As Legislative Associate, Christopher maintains Congressional relationships and supports advocacy programs. Chris spent 6 years in the U.S. Army Reserve as a military police NCO and served a tour of duty in 2003 during Operation Iraqi Freedom detaining Enemy Prisoners of War (EPWs), and performing base security and customs in during the Iraq war. He completed a Bachelors Degree in political science from Northern Illinois University in 2007 and completed a Masters Degree in 2011 from the University of Illinois at Springfield in political affairs.

Statement on Receipt of Grants or Contract Funds

Neither Mr. Neiweem, nor the organization he represents, Iraq and Afghanistan Veterans of America, has received federal grant or contract funds relevant to the subject matter of this testimony during the current or past two fiscal years.

STATEMENT OF
STEVE GONZALEZ, ASSISTANT DIRECTOR,
NATIONAL VETERAN EMPLOYMENT AND EDUCATION DIVISION,
THE AMERICAN LEGION
BEFORE THE
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
ON
PENDING LEGISLATION

MARCH 24, 2015

Chairman Wenstrup, Ranking Member Takano, and distinguished members of the subcommittee, On behalf of our National Commander, Michael Helm, and the 2.3 million members of The American Legion, we thank you for this opportunity to testify regarding The American Legion's positions on pending legislation before this subcommittee.

H.R.456: Reducing Barriers for Veterans Education Act of 2015

To amend title 38, United States Code, to include college application fees as part of the benefits provided under the Post-9/11 Education Assistance Program.

As affirmed in The America Legion's Resolution No. 312: Ensuring the Quality of Servicemembers and Veteran Student's Education at Institutions of Higher Learning, passed at the 2014 National Convention, The American Legion "support[s] any legislative or administrative proposal that improves…the GI Bill…and education benefits so service members, veterans, and their families can maximize its usage."

Currently, the Post 9/11 GI Bill covers tuition and fees while providing a monthly housing stipend, a book and supply stipend, and a onetime relocation allowance. It also includes an option to transfer benefit to family members. However, application fees remain a considerable cost to those seeking to take advantage of these educational benefits.

For a veteran returning from overseas, these unexpected costs have the potential to pose a financial burden to those planning to attend an institution of higher learning. Including application fees as part of Post-9/11 GI Bill benefit would alleviate this burden, and allow veterans easier access to their education benefits.

The American Legion supports H.R. 456

H.R.473: Increasing the Department of Veterans Affairs Accountability to Veterans Act of 2015

To amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.

Reacting to the firing of Phoenix VA Healthcare System Director in November of last year, the National Commander of The American Legion Mike Helm noted:

> *"This is one long-overdue step in a journey that is far from over. Unfortunately, as we all soon discovered after the story broke last April, this problem was not isolated to Phoenix. It was widespread, and we expect to see additional consequences, even criminal charges if they are warranted, for anyone who knowingly misled veterans and denied them access to medical services."*[1]

The American Legion believes it is important to ensure there is accountability at all levels within VA and that the process is completely transparent. Where VA employees are found to have engaged in wrongdoing, The American Legion supports the appointment of a special prosecutor to be assigned to investigate and vigorously prosecute any VA employees engaged in fraudulent practices designed to improperly award bonuses or other financial or meritorious awards to the perpetrator.[2] While those in the Senior Executive Service (SES) can and should receive performance bonuses when their performance is exemplary, The American Legion believes any bonuses need to be tied clearly to quantitative and qualitative measures.[3] There must be an open process for determining these awards that all stakeholders can examine to determine the propriety of the awarded bonuses.

This legislation, while it is helpful towards achieving these ends in some ways, has some sections which still raise concerns about the manner of their implementation. The American Legion supports increased accountability, and those employees found guilty of having committed crimes at the expense of the veterans entrusted to their care should never profit from those crimes. To achieve bonuses based on manipulation and lies undercuts any trust with the veterans' community. Requiring additional transparency about SES performance outcomes is also laudable and supported by The American Legion.

Where this legislation delves into creating a specific new performance appraisal system, The American Legion has concerns. While the goal of reforming the performance system is admirable and needed, there are concerns that this level of specificity may lean towards over-management of this task. While VA can and must reform this area, The American Legion is wary of dictating the shape of that reform in too detailed a manner. The American Legion does support open discussion on this process, and hopes this proposal can at least be a starting point for working with all parties from VA to Congress to the stakeholders to determine a system that enforces accountability and fairness in the bonus system.

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[1] "Legion: VA director's overdue firing applauded" – www.legion.org November 24, 2014
[2] Resolution No. 107 – AUG 2014
[3] Resolution No. 128 – AUG 2014

The American Legion recognizes the importance of reforming the bonus system and indeed the management culture within VA, and applauds the initial efforts conducted by VA Secretary Bob McDonald to begin that process, as well as the diligence of this committee to direct oversight efforts towards that task. This legislation has great intentions, and the portions related to adding transparency to the system and preventing employees from profiting at the cost of veterans are strong. With further work, perhaps more of the legislation could be supported, and The American Legion looks forward to working with this committee to ensure impactful legislation is passed towards this end.

The American Legion supports some portions of this bill, but believes additional work as noted above may be necessary to support the entire legislation.

H.R. 474: Homeless Veterans' Reintegration Programs Reauthorization Act of 2015

To amend title 38, United States Code, to provide for a five-year extension to the homeless veterans reintegration programs and to provide clarification regarding eligibility for services under such programs.

This legislation extends through FY2020 the Department of Veterans Affairs (VA) homeless veterans reintegration programs. In addition, it makes eligible for participation in those programs: (1) homeless veterans; (2) veterans who are participating in the VA supported housing program for which rental assistance is provided under the United States Housing Act of 1937; and (3) veterans who are transitioning from being incarcerated.

Current estimates put the number of homeless veterans at approximately 50,000 on any given night, a decline of 33 percent (or 24,837 people) since 2010. This includes a nearly 40 percent drop in the number of veterans sleeping on the street. The issues facing homeless veterans fall into three primary categories: health, financial, and access to affordable housing. A critical program in the fight to eliminate veteran homelessness is the Homeless Veterans Reintegration Program (HVRP) within the Department of Labor's Veterans' Employment and Training Services (DOL-VETS). HVRP is the only nationwide program focused on assisting homeless veterans to reintegrate into the workforce. This program is a highly successful grant program that needs to be fully funded at $50 million. Currently, HVRP is funded at $38 million.

Furthermore, there is long-term follow-up in HVRP -- grantees must check in with and offer support to veteran participants for 270 days after completion -- and a commitment to serve veterans transitioning out of incarceration, women veterans, and veterans with families. HVRP gives an opportunity for those who served in the Armed Forces and fallen into homelessness to build the skills necessary to become gainfully employed.

Please note, The American Legion has taken a leadership role within local communities by volunteering, fundraising, and advocating for programs and funding for homeless veterans. Additionally, The American Legion provides housing for homeless veterans and their families (i.e., Departments of Connecticut and Pennsylvania). One of the goals of The American Legion is to help bring federal agencies, non-profit and faith-based organizations, and other stakeholders to the table to discuss best practices, along with funding opportunities, so homeless veterans and

their families can obtain the necessary care and help in order for them to properly transition from the streets and/or shelters into gainful employment and/or independent living.[4]

The American Legion supports H.R. 474

H.R.475: GI Bill Processing Improvement Act of 2015

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to educational assistance, and for other purposes.

Section by section analysis:

Sec 2. Improvement of Information Technology of the Veterans Benefits Administration of the Department of the Veterans Affairs

Prior to the passage of the Post-9/11 Veterans Educational Assistance Act of 2008, better known as the Post-9/11 GI Bill, VA delivered education benefits by relying on a combination of manual processes and legacy IT systems. However, the department determined after passage of the Post-9/11 GI Bill that its legacy systems were insufficient to support the demands for processing and adjudicating the new benefit request. VA has developed a new hybrid manual and IT solution for the Post-9/11 GI Bill and this provision would mandate that they complete, to the maximum extent possible, the transition to a fully IT solution.

Under The American Legion's Resolution No. 312: Ensuring the Quality of Servicemembers and Veteran Student's Education at Institutions of Higher Learning, **we support section 2 of H.R. 475.**

Sec 3. Approval of courses of education provided by public institutions of higher learning for purposes of All-Volunteer Force Educational Assistance Program and Post-9/11 Educational Assistance conditional on in-State tuition rate for veterans

The American Legion was gratified that the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146) contained among its provisions one which effectively requires public universities and colleges that participate in the Post-9/11 GI bill to provide in-state tuition to veterans and dependents using those GI bill benefits, regardless of how long they have lived in the state.

Many states either currently assist all or certain veterans by recognizing them as in-state students for purposes of attending a public educational institution or are in the process of making the rule changes necessary to comply with the in-state tuition provision. In addition, VA has the authority to waiver for a year those states which can't meet the current July 1, 2015, implementation date to allow them additional time to become compliant. Therefore, we don't see the necessity of delaying by a year to July 1, 2016, the implementation of this important change. **The American Legion opposes this section of H.R. 475.**

[4] Resolution No. 306: Support Funding for Homeless Veterans – AUG 2014

Sec 4. Recodification and improvement of election process for Post-9/11 Educational Assistance Program

Section 4 represents another administrative improvement to the processing of the Post 9/11 GI Bill. The American Legion is pleased to participate in and recognize ongoing efforts like this to improve the Department of Veterans Affairs' products, services and processes.

The American Legion supports Chairman Wenstrup and his efforts to streamline how VA approves initial claims for Post-9/11 GI Bill beneficiaries. Currently, claims processors must go through a time-intensive back-and-forth with potential student-veterans who accidentally revoke the wrong GI Bill benefit before they can properly enroll them in Chapter 33. This bill would allow VA to make a reasonable effort to contact the veteran to enroll them in the best education benefit that suits their needs.

This section goes further in also adjusting how VA reimburses veterans eligible for the Montgomery GI Bill (Chapter 30) and who have paid into the benefit, but elect to use Chapter 33 instead. Currently, Chapter 30-eligible veterans who elect to use Chapter 33 must wait until they have finished using their benefits before the VA can repay them for their Chapter 30 contribution. Under this law, the Chapter 30 contribution would be prorated and added into living stipend payments while the veteran is enrolled in Chapter 33. **The American Legion supports this section of H.R. 475**

Sec 5. Centralized reporting of veteran enrollment by certain groups, districts, and consortiums of educational institutions

This section amends veterans' educational assistance program reporting requirements under which enrolled veterans (or eligible persons) and educational institutions must report enrollment information to the Secretary of Veterans Affairs (VA). It requires individuals and educational institutions participating in the post-Vietnam era and post-9/11 veterans' educational assistance programs to report to the Secretary such enrollment and any updates on interruption or termination of the education (thereby making the enrollment reporting requirements for the post-Vietnam and post-9/11 programs consistent with other veterans' educational programs). Finally, it defines "educational institution" to permit the inclusion of groups, districts, or consortiums of separately accredited educational institutions located in the same state that are organized in a manner facilitating the centralized reporting of enrollments.

Increasing program consistency and streamlining reporting requirements are often desirable administrative improvements. In this case, for example, community college districts in a state that have multiple schools would be allowed to centralize their veterans' educational assistance program reporting information and submit only one report for the district as a whole rather than having to submit multiple reports for each school. The American Legion is pleased to participate in and recognize ongoing efforts like this to improve the Department of Veterans Affairs' products, services and processes. **The American Legion supports this section of H.R. 475**

Sec 6. Provision of information regarding veteran entitlement to educational assistance

Allowing higher education institutions to access their respective student-veteran body education benefits in real time will allow for school certifying officials and institution to better provide academic and financial advising to those beneficiaries about other financial aid opportunities and programs available to them prior to the semester beginning. This section also falls in line with President Obama's 2012 Executive Order, *Establishing Principles of Excellence for Education Institutions Serving Service Members, Veterans, Spouses, and Other Family members,* section 2(g), which states:

"Provide educational plans for all individuals using Federal military and veterans educational benefits that detail how they will fulfill all the requirements necessary to graduate and the expected timeline of completion."

However, without this provision of H.R 475, it is too difficult for higher education institutions and their staff to properly advise their respective GI Bill beneficiaries in this way, as well as ensure their success in higher education.

The American Legion supports H.R. 475, except for section 3, as noted above

H.R.476: GI Bill Education Quality Enhancement Act of 2015

To amend title 38, United States Code, to clarify the process of approving courses of education pursued using educational benefits administered by the Secretary of Veterans Affairs, and for other purposes.

Background

State Approving Agencies (SAAs) are responsible for approving and supervising programs of education for the training of veterans, eligible dependents, and eligible members of the National Guard and the Reserves. SAAs grew out of the original GI Bill of Rights that became law in 1944. Though SAAs have their foundation in Federal law, SAAs operate as part of state governments. SAAs approve programs leading to vocational, educational or professional objectives. These include vocational certificates, high school diplomas, GEDs, degrees, apprenticeships, on-the-job training, flight training, correspondence training and programs leading to required certification to practice in a profession.

In December 2010, Congress passed the Post 9/11 Veterans Educational Assistance Improvements Act of 2010 (PL 111-377), which was signed into law in January 2011. That bill contained language that impacted the role of the State Approving Agencies in terms of program approval authority. Due to the expansion of GI Bill-eligible programs to include many for-profit vocational training programs, non-registered apprenticeships, and on the job training establishments, the law "deemed approved" many programs that were otherwise accredited or approved by other institutions such as Department of Education-recognized accrediting bodies. This was done in order to relieve some of the work load of the SAAs, and to avoid redundancy between the work done by SAAs and other accrediting bodies. This had the effect of shifting the

role of the SAAs from being the primary entity responsible for approving all GI Bill eligible programs to examining only those that were not deemed approved for the purposes of the legislation (viz. programs at for-profit institutions, non-registered apprenticeships, on the jobs training establishments, non-accredited institutions, non-public licensure/certification examinations, and new institutions).

Our Position

While The American Legion applauds the expansion of the GI Bill applicability, we find it problematic that SAAs have been removed from a large portion of the approval process. SAAs focus explicitly on the GI Bill and serve to protect it, and, by extension, the veterans using it. They ensure that programs meet certain eligibility criteria, in order to see that the funds are not wasted, but are put to the best use possible. Their unique focus on how GI Bill funds are spent makes their mission distinct from all other oversight and approving bodies. Furthermore, as federally authorized arms of their respective state governments, SAAs are in a unique position to evaluate programs that are offered in their state, given their proximity. This arrangement also maintains the federalism required by the Constitution.

Therefore, The American Legion supports the SAAs, and believes that they should have a role in reviewing, evaluating, and approving all educational and training programs for GI Bill use.

While some may argue that the work that the SAAs do is redundant to the work of accrediting bodies, The American Legion believes that SAAs approval is, in fact, unique. This is because the charge of the SAAs is to specifically focus on protecting GI Bill funds. While traditional accreditation provided by Department of Education-recognized accrediting bodies does a significant portion of work toward ensuring quality programs, SAA approval should work in tandem with that accreditation, rather than the stark division that is represented in the current statute.

However, under PL 111-377, SAAs lack the statutory authority to inspect many questionable programs that have sprung up since the passage of the Post 9/11 GI Bill at not-for-profit institutions. Given that the original mandate of the SAAs was to protect GI Bill funds from being squandered in unscrupulous programs, it seems reasonable that SAAs should be allowed to inspect all suspicious programs, even if they are housed in not-for-profit institutions.

As such, The American Legion supports the portion of the legislative proposal submitted by NASAA that would statutorily make SAAs the primary approving body for all programs approved for GI Bill use. Programs may still be deemed approved, but at the discretion of the SAAs, not the VA secretary.

Flight Programs

The American Legion supports measures to improve cost control for flight programs offered by colleges and universities. These programs frequently involve a contracted flight school. Some institutions of higher learning (IHL) have instituted extreme costs for flight fees as there are presently no caps in place for IHL. In some cases, benefits have been paid for aviation degree

programs at IHLs provided by a third-party flight contractor with no approval issued by the governing SAA.[5] This was exacerbated by the implementation of 3672.[6] And some students are taking flight classes as electives with no cost cap for flight fees. In those cases, students could foreseeably take flight classes as an "undeclared" student for up to two years. The American Legion suggests limiting Chapter 33 payments flight programs at IHL to establish a cap, producing immediate cost-savings. . This would also eliminate the need to further investigate and micro-manage flight programs areas including the number of flight hours in addition to those minimally required or the types of aircraft used.

Lastly, The American Legion supports the proposed shift in the statutory requirement for SAA compliance surveys. As NASAA has indicated, the current mandate (annual surveys for every institution offering anything other than non-standard degrees, and any institution that enrolls more than three hundred GI Bill beneficiaries) is needlessly burdensome, and is, frankly impossible given the limited resources available.

In light of this, The American Legion believes that their funding should be increased to ensure that they are able to adequately perform their crucial role. Even if SAAs compliance survey requirement is reduced, an increased role as primary approving body seems likely to require more resources.

Conclusion

The American Legion supports SAAs, and recognizes the critical role they play in ensuring quality programs for veterans using their GI Bill benefit. This hearing should serve as a starting point for an ongoing conversation regarding the role that SAAs currently play in quality assurance.

How SAA approvals interact with accreditation remains somewhat unclear. This legislation would make strides toward clarifying and codifying the terms of that interaction. That said, The American Legion believes that more insight into how the process works is needed in order to ensure that veterans receive the highest quality education and training, while preventing redundancy and wasting resources, and therefore.

The American Legion strongly supports H.R. 476

H.R.643: Veterans Education Survey Act of 2015

To direct the Secretary of Veterans Affairs to enter into a contract with a non-government entity to conduct a survey of individuals who have used or are using their entitlement to educational assistance under the educational assistance programs administered by the Secretary of Veterans Affairs, and for other purposes.

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[5] U.S. taxpayers stuck with the tab as helicopter flight schools exploit GI Bill loophole – March 15, 2015 http://www.latimes.com/nation/la-me-adv-gibill-20150315-story.html#page=1

[6] 38 U.S. Code § 3672 - Approval of courses: https://www.law.cornell.edu/uscode/text/38/3672.

Improving the effectiveness and efficiency of VA programs across the board is a national imperative. This bill would allow for a study of the effectiveness of educational assistance programs for veterans administered by the VA. It is crucial that legislators and stakeholders know which aspects of veterans' educational benefits are working, and which are not, as part of ongoing effort to improve their educational opportunities.

Using good data to inform decision-making will enable proper changes in how these VA functions. This information will allow us to accurately measure usage of the GI Bill program, employment status prior to usage of the GI Bill program and post usage, as well as experience with VA's education benefits processing system. In addition, this information will also allow us to change the thinking of management at the leadership level, improve technology systems to meet the needs of these individuals, as well as build a capacity at every level of the VA education section to use this data well.

The American Legion supports H.R. 643

H.R.1038: Ensuring VA Employee Accountability Act

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to retain a copy of any reprimand or admonishment received by an employee of the Department in the permanent record of the employee.

The American Legion has no position on this bill.

H.R.1141: GI Bill Fairness Act of 2015

To amend title 38, United States Code, to consider certain time spent by members of reserve components of the Armed Forces while receiving medical care from the Secretary of Defense as active duty for purposes of eligibility for Post-9/11 educational Assistance, and for other purposes.

Members of the Guard or Reserve who are wounded in combat are often given orders under 10 USC 12301(h) for their recovery, treatment and rehabilitation. Unfortunately, federal law does not recognize such orders as eligible for Post-9/11 GI Bill education assistance, meaning that unlike other members of the military, these members of the Guard and Reserve actually lose benefits for being injured in the line of duty.

The GI Bill Fairness Act would end that unequal treatment and ensure these service members are eligible for the same GI Bill benefits as active duty members of the military.

We are in absolute agreement with the bill sponsor, Rep. Takano, that it is truly unjust to deny wounded and injured service members the ability to accrue educational benefits for the time they spend receiving medical care. No veteran should lose their benefits simply because they were in the National Guard or Reserves.

The American Legion supports H.R. 1141

H.R.1187

To amend title 38, United States Code, to adjust certain limits on the guaranteed amount of a home loan under the home loan program of the Department of Veterans Affairs.

This bill would eliminate the cap on VA home loans completely, so service members and veterans in high-cost areas (i.e., California, Hawaii, New Jersey, New York and several counties in Maryland and Virginia) can obtain a VA home loan. Currently, the limits on the loans are anywhere from $417,000 - $625,000, based upon state/county of residency. Since 1944, the VA Home Loan Guaranty has been popular among service members, veterans and their families, and the program has our strong support.[7] According to the VA, more than 20 million VA loans have been guaranteed since the program's inception -- nearly 300,000 per year. Service members and veterans would greatly benefit from being able to use the VA home loan in high cost areas; consequently, settling into the American dream, to which they served honorably to defend and enjoy.

New statistics released by the Mortgage Bankers Association's National Delinquency Survey show that veterans using VA loans have the lowest foreclosure rate in the United States. The National Delinquency Survey bases its sample on about 41 million mortgage loans which represents roughly 88 percent of the market. Each loan is separated into a specific category (prime, subprime, VA, and FHA), so the evidence is clear-cut. VA-guaranteed loans have a foreclosure rate of only 1.98 percent and have enjoyed the lowest foreclosure rate for five years.

The American Legion supports H.R. 1187

Draft bill

To amend title 38, United States Code, to authorize the Secretary of VA, in awarding a contract for the procurement of goods or services, to give a preference to offerors that employ veterans

The American Legion supports giving the VA Secretary the authority to place procurement preference on contractors that employ veterans.

The American Legion believes this bill will accomplish what VETS 100 and OFCCP's previous attempts at imposing additional data collection and reporting requirements on government contractors (in implementing Section 503 of the Rehabilitation Act) has tried to do. Notably, the latter resulted in the Associated Builders and Contractors (ABC) filing a request for an injunction in the U.S. District Court for the District of Columbia to prevent OFCCP from making the final rule.[8] ABC deemed OFCCP's additional reporting requirements "especially burdensome for construction contractors that will be required them to maintain written documentation and track whether the percentage of protected employees meets affirmative action requirements for federal projects."

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[7] Resolution No. 307: Support Home Loan Guaranty Program – AUG 2014
[8] http://http/www.abc.org/Portals/1/Documents/Newsline/2013/OFCCPFinalComplaint.pdf

This bill would again ask private industry to shoulder this "burdensome" task. But this time, instead of forcing contracting firms to report on veteran hires, the bill incentivizes them to undertake additional veteran employee counting requirements on a voluntary basis. More importantly, this bill will spur the hiring of veterans into coveted positions within these large government contractors.

We are pleased that the bill only extends the count to veterans on staff at the time of the proposal and does not include contingent hires. Because government still lacks the capability of tracking whether a bid-winner makes all their prospective contingent hires. Resolution 334 states that The American Legion will support legislation ensuring that veterans receive employment preference from employers who receive grants and contracts from the federal government.

The American Legion supports this draft bill

Draft bill: Service Disabled Veteran Owned Small Business Relief Act

To amend title 38, United States Code, to enhance the treatment of certain small business concerns for purposes of Department of Veterans Affairs contracting goals and preferences.

The American Legion passed Resolution 320 in support of amending Public Law 109-461 to read that if any disabled veteran who owns a certified service-disabled veteran-owned business dies, (regardless of his/her disability at the time), their business inherited by their spouse/dependent will retain the service-disabled veteran-owned business status in conjunction with Public Law 109-461. The American Legion also supports legislative efforts that will improve and increase the benefits bequeathed to the veteran's spouses or dependents upon a veteran business owner's death.

The American Legion would like to point out that this legislation only covers 38 USC as it pertains to the Department of Veterans Affairs. There is a discrepancy between 38 USC and 15 USC, where 15 USC does not permit the transfer of SDVOSB status for any amount of time regardless the percentage of service-connected disability or cause of death of the deceased veteran.

We support the legislation but we hope that this Committee will work with the Small Business Committee to align the relevant statutes so that these same benefits could be granted to SDVOSBs competing for federal set-asides in the rest of the federal agencies.

The American Legion supports this draft bill

Conclusion

As always, The American Legion thanks this subcommittee for the opportunity to explain the position of the 2.4 million veteran members of this organization.

For additional information regarding this testimony, please contact Mr. Larry Provost at The American Legion's Legislative Division, (202) 263-5755 or lprovost@legion.org.

STATEMENT OF
DR. JOSEPH W. WESCOTT
PRESIDENT
NATIONAL ASSOCIATION OF STATE APPROVING AGENCIES
BEFORE THE
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

March 24, 2015

Introduction

Chairman Wenstrup, Ranking Member Takano and members of the Subcommittee on Economic Opportunity, I am pleased to appear before you today on behalf of the over 55 member state agencies of the National Association of State Approving Agencies (NASAA) and appreciate the opportunity to provide comments on bills pending before this committee, particularly H.R. 456, H.R. 475, and H.R. 476. I am accompanied today by Timothy Freeman, NASAA Legislative Director. As a part of our review of these bills, we will also provide some additional comments that address the ongoing implementation of Section 702 as State approving agencies are taking a lead role in this process.

H. R. 475 G I Bill Processing Improvement Act of 2015

Though our primary responsibility is to approve quality educational programming in which a qualified veteran can enroll while using his GI Bill, we understand well the importance of timely payment of benefits to veterans. And we often work with the VA Education Liaison Representatives in our states to help resolve difficult cases involving veteran payment issues. As such we support the provisions of HR 475 Sec. 2 and would like very much to see changes and improvements made to VA information technology systems such that all original and supplemental chapter 33 claims, to the maximum extent possible, are adjudicated electronically. Indeed, for the last two years, we have worked side by side with our VA partners to redesign the compliance survey process so that corrections to claims generated during those visits would be handled utilizing the VA Once automation system and not paper referrals. We continue to work with the VA to further refine the handling of these claim adjustments so that veterans may receive monies owed them as expeditiously as possible.

NASAA also supports the extension of effective date of Section 702 (b) as set forward in Sec. 3 of H.R. 475. While we are hopeful that the efforts of SAAs and other stakeholders in this endeavor result in full compliance by all schools within the prescribed deadline, we recognize the need to account for those situations in which an extension or waiver might be a prudent course of action, without which, great harm will come to those affected veterans who serve this nation proudly. I am pleased to report to the committee that State Approving Agencies, through NASAA, have taken a leading role in assisting their individual states in becoming compliant with Section 702. Just this last week, we established a page in the member section of our national website that we update almost daily to show any changes in the status of the adoption of Section 702 requirements within the individual state. Likewise we have provided on that website language approved by VA legal counsel

within education service and/or the legislative language used to bring states within compliance. Though only seven (7) states (Texas, Georgia, Kentucky, North Dakota, Nebraska, Wyoming) were compliant with the requirements of the law as of yesterday, states are working diligently to meet the requirements of the federal law. We are not aware of any states that do not wish to provide this benefit to veterans within their borders. We fully expect that some states might require a waiver, as provided for in the Choice Act, but we are committed to working with our VA partners to ensure that the waiver process is equitable and timely. We are holding regular meetings with VA Education Service's Section 702 staff to keep them abreast of changes and developments. As I stated to NASAA membership at our DC Conference last month, this "is now a state matter and we are the state agencies with the most knowledge and experience in this field to assist our state leadership. We will not shirk from that responsibility nor ignore this opportunity…it is our goal that well before July 1 all of our states are either in compliance or well on the way with waivers in hand."

Mr. Chairman, we support the other provisions of 475 as well, but we would suggest that this Committee examine closely how the GI Bill pays for covered fees such as certification testing and potentially, application fees (H.R. 456). We agree with the American Legion and other Veterans Service Organizations that we should eliminate the requirement that the Post-9/11 recipients use a month of entitlement for a certification or licensing test fee when the actual costs may be far less than what that month of entitlement would be worth in an educational setting. For example, to be reimbursed for a PRAXIS series exam test fee of $85, a veteran will lose a month of eligibility worth well over $1000 at a college or university.

H. R. 476 The GI Bill Education Quality Enhancement Act of 2015

NASAA strongly supports H. R. 476 and sees its passage as critical to the protection of our veterans and the fair and equitable administration of GI Bill educational benefits. Section 2 of this bill seeks to clarify and codify State approval authority and oversight over all non-Federal facilities. It would accomplish this by identifying SAAs as the primary entity responsible for approval, suspension, and withdrawal. These proposed changes would ensure that an actual process for approval, suspension, and withdrawal will be adhered to (as opposed to our current scenario under the present "deemed approved" idea). The law does not do away with the idea that accredited degree programs at public and not for profit private institutions of higher education (IHLs) may be "deemed approved," rather, it would maintain the intent of the statute by adhering to an expeditious list of approval criteria for those programs that have been reviewed and/or endorsed by another appropriate entity. Furthermore, these changes would lessen the opportunity for third-party contracted training programs to be "deemed approved" with no review, in that SAAs would clearly possess the authority to review contracted training programs as a part of their annual evaluation of programs and policies.

In addition, since the passage of the Post 9/11 Veterans Educational Assistance Improvements Act of 2010 (111-377) in January of 2011, there has been no statutory authority for the approval of accredited NCD programs at public or private not-for-profit institutions. Section 2 expands 3675 to cover all accredited programs not already covered under 3672, while maintaining all previous approval criteria for private-for-profit institutions. We are concerned with the recent proliferation of transition and training programs at accredited institutions of higher learning, particularly community colleges, as well as certifications that may or not meet industry standards or have real earning power.

As the oversight of education within their borders remains both a key role and responsibility of the states, NASAA strongly supports "additional reasonable criteria" which are used to approve non-accredited courses. Examples of such criteria that states mandate within their borders include a

requirement for licensing to operate an educational institution or requirements for health and safety regulations. Likewise, some states require additional attendance requirements or a careful monitoring of standards of progress. Such additional criteria are for the protection of the states and their residents and/or citizens. NASAA does not oppose Section 3 of this bill in that it requires that, when the Secretary determines that review of the state criteria is necessary, the Secretary must do so in consultation with the State approving agency and the criteria must be necessary and treat all sectors of education within the state equitably. Equitable application of statute is a shared value of our member agencies.

Section 4 of this bill also provides measures to improve cost control for aviation degrees offered by colleges and universities. These programs frequently involve a contracted flight school, which may or may not be approved by a state approving agency. Some public higher education institutions have instituted extreme costs for flight fees as there are presently no caps in place for public IHLs. In some cases, benefits have been paid for aviation degree programs at public IHLs provided by a third-party flight contractor with no approval issued by the governing SAA. This was exacerbated by the implementation of 3672. And some students are taking flight classes as electives with no cost cap for flight fees. In those cases, students could foreseeably take flight classes as an "undeclared" student for up to two years. This section would limit Chapter 33 payments flight programs at public institutions to prevailing cap, presently $20,235.02. There would be no impact on the institutions' ability to access Yellow Ribbon funds. This cap would also eliminate the need to further investigate and micro-manage flight programs areas including the number of flight hours in addition to those minimally required or the types of aircraft used.

Finally, Section 5 mandates appropriate changes to 38 US 3693 (Compliance Surveys) to maximize the opportunity to protect the G I Bill while changing the manner in which we perform these surveys to reflect the changes that have occurred in higher education and training in the past three decades. The current statutory requirements for VA to conduct Compliance Surveys represents an almost impossible mission, given present resources. The statute requires an annual survey be conducted at each and every facility that offers anything other than a standard college degree as well as each and every institution enrolling at least 300 GI Bill recipients. This section makes changes in the law to allow for a manageable mission in which VA, with the assistance of SAA partners, can conduct compliance surveys on a regular scheduled basis at the majority of approved institutions, while allowing for continued waiver of those institutions with a demonstrated record of compliance. At the same time, NASAA feels strongly that no school should go without a visit of some kind for longer than three years. Such compliance surveys should be designed to ensure that the institution and its approved courses are in compliance with all applicable provisions of chapters 30 through 36 of this title, but should also allow for limited program review, interviews with veteran students and training for school officials. Plus, the changes should allow for flexibility to adjust resources towards specific high-risk educational institutions as specific needs arise, allowing both VA and SAAs to be nimble and proactive in response to risks identified through the new complaint system and will allow SAAs to provide needed technical assistance and training visits to schools. By amending the law to provide that "the Secretary will conduct a compliance survey at least once every two years at each institution or facility offering one or more courses approved for the enrollment of eligible veterans or persons if at least 20 veterans or persons are enrolled in such course or courses," we will make sure that schools that need a visit will receive one allow enough flexibility for SAAs to focus more on their primary roles of approval, training and technical assistance. We believe strongly that HR476 allows us to focus on these critical areas. We believe in the wisdom of preventing problems through carefully approving programs that provide jobs to veterans, not by creating debts or allowing veterans to go months without proper payment when such could and should be avoided.

Conclusion

Mr. Chairman, today, fifty-five SAAs in 49 states (some states have two) and the territory of Puerto Rico, composed of approximately 175 professional and support personnel, are supervising over 7,000 active facilities with 100,000 programs (includes those considered "deemed approved"). Last year, we increased the number of compliance visits we conducted to 2,672 visits, an increase of 17% over the previous year and more than fifty (50) percent of the visits accomplished. But even more impressive, we increased the number of education and training programs we approved by over 75% while expanding our outreach efforts to new institutions and veterans by 26%. This is just further evidence that we remain strongly committed to working closely with our VA partners, VSO stakeholders and educational institutions to ensure that veterans have access to quality educational programs delivered in an appropriate manner by reputable providers. For we all share one purpose, a better future for our veterans and their dependents. Mr. Chairman, I pledge to you that we will not fail in our critical mission and in our commitment to safeguard the public trust, to protect the GI Bill and to defend the future of those who have so nobly defended us." I thank you again for this opportunity and I look forward to answering any questions that you or committee members may have.

STATEMENT OF

ROBERT WORLEY

DIRECTOR, EDUCATION SERVICE

VETERANS BENEFITS ADMINISTRATION

DEPARTMENT OF VETERANS AFFAIRS

BEFORE THE

HOUSE COMMITTEE ON VETERANS' AFFAIRS

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

March 24, 2015

Good morning, Chairman Wenstrup, Ranking Member Takano, and other Members of the Subcommittee. I appreciate the opportunity to appear before you today to discuss legislation pertaining to the Department of Veterans Affairs (VA) programs: H.R. 456, H.R. 473, H.R. 475, H.R. 476, H.R. 643, H.R. 1038, H.R. 1141, H.R. 1313, H.R. 1187, and a draft bill to authorize VA to give preference in awarding a contract for the procurement of goods or services to offerors that employ Veterans. Another bill under discussion today would affect programs administered by the Department of Labor. Respectfully, we defer to that Department's views on H.R. 474, "the Homeless Veterans' Reintegration Programs Reauthorization Act of 2015," a bill to provide for a 5-year extension to the homeless Veterans' reintegration programs and clarification regarding eligibility for services under such programs.

Accompanying me this morning are Tom Leney, Executive Director, Small and Veteran Business Programs, Kimberly McLeod, Deputy Assistant General Counsel and John Brizzi, Deputy Assistant General Counsel.

H.R. 456

H.R. 456, the "Reducing Barriers for Veterans Education Act of 2015," would amend chapter 33 of title 38, United States Code (title 38), by inserting a new section, 3315B, after section 3315A. The new section would allow an individual entitled to educational assistance under chapter 33 to also be entitled to educational assistance for the application fee required to apply to an approved program of education at an institution of higher learning (IHL). The total amount of educational assistance payable for applications would be the lesser of the total application fees charged to the individual by the IHLs or $750.

The number of months (and any fraction thereof) of entitlement charged to an individual under this chapter for an application fee would be determined at the rate of one month for each amount that equals the amount determined under section 3315A(c)(2) of title 38.

VA supports legislation that would allow an individual to receive payment for the application fee required to apply to an approved program of education at an IHL. Post-9/11 GI Bill benefits can already be paid for a preparatory course used for admission to an IHL, such as an SAT preparatory course, and the benefits can also be used to reimburse the fees associated with taking such a test. H.R. 456 would assist Veterans and qualifying dependents to use those test results to apply for an approved program at

an IHL. VA also notes that entitlement would be charged for a fraction of a month, thus minimizing the entitlement used prior to pursuing a program of post-secondary education.

VA would need to make modifications to the Benefits Delivery Network (BDN) and the Post-9/11 GI Bill Long Term Solution (LTS) to correctly calculate benefit payments and entitlement charges for IHL application fees. Therefore, VA recommends that H.R. 456 be effective one year after enactment.

VA estimates that there would be insignificant administrative or personnel costs to VA associated with the enactment of H.R. 456 VA estimates that, if enacted, benefit costs would be $23.3 million in the first year, $128.8 million over five years, and $294.4 million over 10 years. Further, VA estimates IT costs associated with the enactment of this legislation would be $2 million. These costs include modifications to LTS and BDN.

H.R. 473

H.R. 473 the "Increasing the Department of Veterans Affairs Accountability to Veterans Act of 2015," would amend chapter 7 of title 38 by adding new sections 715, 717 and 719. These sections would affect Senior Executives, defined as career Senior Executive Service (SES) or Title 38 SES-equivalent employees, who work at VA.

VA has numerous legal concerns about section 715, including concerns arising under the Due Process, Takings, and Ex Post Facto Clauses of the U.S. Constitution. Several of VA's concerns are shared by the U.S. Department of Justice (DOJ) and the U.S. Office of Personnel Management (OPM).

VA also has policy concerns about the implementation of sections 715, 717 and 719. VA is concerned that the provisions in this bill would impede VA's ability to recruit, retain, reward, and manage world-class talent to lead and sustain a transformed VA.

VA has made it clear that it intends to transform VA into an organization that focuses on Veterans. This transformation depends on expert career Senior Executives who are trained and motivated to lead the VA workforce in better, more effective ways. VA Senior Executives include highly-qualified individuals with private-sector business backgrounds, medical doctors and public health care professionals with specialty care and research backgrounds, Veterans, and dedicated employees who have worked their way up through the Civil Service to the senior-most career leadership positions in VA.

VA is already challenged to recruit and retain highly-qualified Senior Executives, in that many Senior Executives take a pay cut to join or stay at VA. For instance, the salary and benefits offered to most VA medical center directors pale in comparison to the compensation package offered for a comparable position in the private sector. This bill, as currently drafted, would compound the challenges facing VA by arbitrarily capping VA Senior Executives' performance ratings, requiring VA to deliver those ratings to Congress while other agencies' executive ratings remain confidential, and requiring VA Senior Executives to change locations and programs every five years. Even the bill's reduction of retirement benefits for VA Senior Executives convicted of certain crimes singles out VA Senior Executives for treatment unparalleled in other agencies. Highly-qualified professionals are less likely to join or stay with VA as Senior Executives when they could serve elsewhere with higher pay and less punitive treatment.

In general, section 715 would reduce the annuity paid to VA Senior Executives who are removed from their senior executive position under 38 U.S.C. § 713, or who leave VA while removal proceedings under section 713 are pending, if they have been convicted of a felony that influenced their performance while employed as a VA Senior Executive.

Section 715 raises a number of constitutional issues. First, the proposed bill raises several concerns under the Due Process Clause of the Fifth Amendment. With respect to procedural due process, the bill does not expressly provide for procedural protections, such as prior notice and a hearing, that would allow VA Senior Executives to dispute a finding that they had been convicted of a felony that "influenced [their] performance while employed in the senior executive position" at VA. *See United States v. James Daniel Good Real Property*, 510 U.S. 43, 53 (1993) ("The right to prior notice and a hearing is central to the Constitution's command of due process.").

The bill also raises substantive due process concerns if interpreted to have a "retroactive effect." *Landgraf v. USI Film Products*, 511 U.S. 244, 280 (1994). While the bill indicates that section 715 would apply only to removal actions "commencing on or after the date of enactment" of the bill, such actions could potentially be based on conduct predating the enactment of the bill. The Supreme Court has stated that it would "hesitate to approve the retrospective imposition of liability on any theory of deterrence . . . or blameworthiness." *Usery v. Turner Elkhorn Mining Co.*, 428 U.S. 1, 17-18 (1976). Further, VA Senior Executives might not have received timely notice that the actions that led to their conviction could result in the reduction of their annuity. *See BMW of N. Am., Inc. v. Gore*, 517 U.S. 559, 574 (1996) ("Elementary notions of fairness

enshrined in our constitutional jurisprudence dictate that a person receive fair notice not only of the conduct that will subject him to punishment, but also of the severity of the penalty that a State may impose."). "Due process requires" that, before depriving a party of property, the Government provide sufficient notice "to warn a party about what is expected of it" and to give the party time to alter its conduct in response. *Gen. Elec. Co. v. E.P.A.*, 53 F.3d 1324, 1328-29 (D.C. Cir. 1995).

Second, OPM might need to collect annuity payments that have already been paid to a retired senior executive. Such collections would implicate the Fifth Amendment's Takings Clause. The Takings Clause prevents the government from "depriving private persons of vested property rights except for a 'public use' and upon payment of 'just compensation.'" *Landgraf*, 511 U.S. at 266. In the case of individuals who have already been paid some portion of their annuity payments, those payments, including contributions made by the Government, are the employees' property. An unconstitutional taking would occur if the Government collected a portion of the employees' annuities without just compensation. *See Nat'l Educ. Bd. v. Ret. Bd. of R.I.*, 172 F.3d 22, 30 (1st Cir. 1999) ("Pension payments actually made to retirees become their property and are protected against takings, even if and where the payments are unquestionably a gift.").

Finally, the legislation may raise concerns under the Ex Post Facto Clause. *See Hiss v. Hampton*, 338 F. Supp. 1141, 1148-49 (D.D.C. 1972). The Ex Post Facto Clause prohibits laws that "impose[ ] a punishment for an act which was not punishable at the time it was committed; or impose[ ] additional punishment to that then prescribed." *Cummings v. Missouri*, 71 U.S. (4 Wall.) 277, 325-26 (1867). In *Hiss*, a

three-judge panel of the U.S. District Court for the District of Columbia held that a law denying payment of pensions to former employees who falsely testified with respect to Government service was an ex post facto law as it pertained to the conduct of those employees that predated the passage of the law. 338 F. Supp. at 1148-49. According to the court in *Hiss*, "[t]he proper function of [law] is to guide and control present and future conduct, not to penalize former employees for acts done long ago." *Id.* at 1148-49.

Implementing section 715, as written, will also be impractical for VA and the Government. First, section 715 does not specify whether it would apply to felony convictions in Federal or State court. Assuming section 715 will only to apply to convictions in Federal court, the section does not specify the roles and responsibilities of the various Government components that investigate (e.g., VA's Office of Inspector General, Federal Bureau of Investigation) and prosecute (e.g., DOJ) Federal criminal matters. The section also does not address the roles and responsibilities of OPM, the agency that administers Federal retirement systems.

In order for section 715 to work properly, VA would have to be notified that an individual who was removed from VA under section 713 was convicted of a felony. VA would then have to determine that the former employee's conviction influenced his or her performance while employed at VA and also determine the "covered period" applicable under section 715. Next, VA would need to notify OPM, which would have to exclude the "covered period" from the individual's annuity, and recalculate the annuity. Assuming that the individual retired a number of years ago, OPM may also need to collect annuity payments that have already been made to the individual.

Further complicating this matter, an annuity may need to be recalculated by OPM if an individual's conviction is overturned on appeal.

Based on the implementation concerns discussed above, VA is unable to determine the costs for section 715. Significantly, whatever costs would be incurred by VA in making a determination under this section would also result in costs to DOJ, which would have to defend the Government in litigation before the courts, and OPM, which would have to adjust the pension of a VA Senior Executive, and defend its adjustment, if appealed by the employee, before the U.S. Merit Systems Protection Board.

Section 717 would, among other things, require VA to utilize five rating levels for VA Senior Executives and would limit the number of individuals who can receive the top two rating levels ("outstanding" and "exceeds fully successful"). Section 717 would require VA to consider complaints and reports (including pending reports) from various Government agencies when determining the rating of a VA Senior Executive. Section 717 would also require the Secretary to reassign VA Senior Executives once every five years to a position at a different location that does not include the supervision of the same personnel or programs. Under the proposed bill, VA would also be required to contract with a nongovernmental entity to prepare a report on management training for VA Senior Executives. The bill would mandate that VA prepare a plan for implementing the findings in the nongovernmental entity's report.

VA Senior Executive performance ratings are based on an individual's performance. Limiting outstanding performance ratings to only 10 percent of VA Senior Executives, as proposed in the bill, would draw an arbitrary line for Senior Executive

performance that is not based on individual performance. VA's concerns are shared by OPM, which accredits SES performance rating systems for the Government. According to OPM, language imposing a quota on performance ratings for SES undermines OPM's regulatory prohibition against assigning candidates to categories based on percentages. The goal of OPM's regulation is to ensure that SES employees are not being ranked against each other, as a set of prescribed percentages in the bill would require, but each SES employee is rated against the standards to which he or she is being held.

By capping the number of individuals who can receive superior performance ratings, the bill would also prevent the Secretary from meaningfully assessing and rewarding individual executives' innovations and leadership achievements. Instead, the bill would promote mediocrity by presumptively and arbitrarily assigning the majority of VA Senior Executives no better than a passing grade.

Considering complaints and pending reports when reviewing Senior Executive performance also raises concerns about the ability of the employee to respond to management's review of his or her performance, since these complaints or pending reports may not be available to the employee. Moreover, complaints may later be unsubstantiated, and pending reports may be changed before they become final.

Requiring Senior Executives to rotate to different positions every five years may prevent a Senior Executive from fully mastering his or her position and may hinder the recruitment and retention of highly qualified title 38 SES-equivalent VA medical administrators. In requiring periodic rotation, the bill constrains the Secretary's ability to assign executives to locations and programs based on VA's needs rather than an

arbitrary timetable. Ultimately, such a rotation will frustrate the Secretary's efforts to create continuity and stability within VA's operations.

Under the current version of the bill, VA must prepare and report to Congress a plan to implement the recommendations of a report issued by a nongovernment contractor on management training for VA Senior Executives. The requirement that the report be issued by a nongovernmental entity raises issues about duties that are "inherently governmental." An inherently governmental activity is an activity "that is so intimately related to the public interest as to require performance by Federal Government employees." Federal Activities Inventory Reform Act of 1998, Pub. L. No. 105-270, § 5(2)(A). While VA may consider the nongovernmental report and report to Congress on the items that it plans on implementing or does not plan on implementing, the inherent authority to implement changes in Government policy and decide which policies should be changed lies with Government personnel and not contractors.

There may also be little value for VA to enter into a contract with a nongovernmental entity to report on VA's management training programs, as VA already works with OPM, which offers cost-free guidance to Federal agencies on management training.

The costs associated with this section are as follows:

- Initial year/first year costs:

Performance Appraisal System:

  - SES Automated System: $850,000
  - GS Automated System: $3,000,000
  - Nongovernment Independent Training (one time cost): $1,250,000

- Five Year Costs:

Performance Appraisal System:

  - SES Automated System: $2,250,000
  - GS Automated System: $5,000,000

SES Relocation

  - Relocation Costs (negotiable per contract) $21,000,000
  - Relocation Costs (required by regulation) $90,000,000

- Ten Year Costs:

Performance Appraisal System:

  - SES Automated System: $4,000,000
  - GS Automated System: $7,500,000

SES Relocation

  - Relocation Costs (negotiable per contract) $42,000,000
  - Relocation Costs (required by regulation) $180,000,000

Section 719 would limit the Secretary's authority to place VA Senior Executives on administrative leave or in any other type of paid non-duty status for more than 14 days during a 365-day period.

While VA does not object to the purpose of section 719, it does have significant concerns about the section, as currently drafted. VA recommends removing "any other type of paid non-duty status" from section 719(a), as this could be construed to mean that sick leave, a type of paid non-duty status, would also be subject to the limitations in this section. VA also recommends that the limitation of 14 days be increased to 60

days, as most administrative investigations that form the basis for disciplinary action take at least 30 days to complete.

VA is unable to determine the costs for this section.

For the reasons stated above, VA has major legal and policy concerns with H.R. 473.

H.R. 474

H.R. 474, the "Homeless Veterans' Reintegration Programs Reauthorization Act of 2015," would amend 38 U.S.C. § 2021(e)(1)(F) to extend the authorization of appropriations for the Department of Labor's (DOL) Homeless Veterans Reintegration Programs through fiscal year (FY) 2020. In addition, the bill would amend section 2021(a) to clarify the Veterans eligible for services under these programs.

As noted above, VA defers to DOL for views on this bill.

H.R. 475

H.R. 475, the "GI Bill Processing Improvement Act of 2015," would amend title 38 to make certain improvements in the laws administered by VA relating to educational assistance.

Section 2(a) of H.R. 475 would require VA to make changes and improvements to the Veterans Benefits Administration (VBA) information technology (IT) systems to ensure that, to the maximum extent practicable, all original and supplemental claims for educational assistance under chapter 33 of title 38 are adjudicated electronically and rules-based processing is used to make decisions with little human intervention.

Section 2(b) would require VA to submit a report to Congress on the changes made to its IT systems no later than 180 days after enactment.

Section 2(c) of this bill would authorize an appropriation of $30 million to VA to carry out the requirements of section 2 during fiscal years 2015 and 2016.

VA supports section 2 of H.R. 475. VA has deployed six major releases of the LTS for Post-9/11 GI Bill education claims processing, which is an end-to-end claims processing solution that utilizes rules-based, industry-standard technologies for the delivery of benefits. On September 24, 2012, end-to-end automation of supplemental Post-9/11 GI Bill claims was activated in LTS. Since that deployment, over 6,500 claims are being processed automatically per day with no human intervention. Approximately 80 percent of all Post-9/11 GI Bill supplemental claims are partially or fully automated.

While VA has processing rules and automation for supplemental Post-9/11 GI Bill claims, VA would have to develop and implement those mechanisms for original claims. Initial eligibility determinations for original claims are very labor-intensive. Currently, LTS is in a sustainment phase with only minimal increases in functionality. Further development would allow LTS to automate certificates of eligibility and provide very fast service (possibly one day) for some Veterans who apply for the Post-9/11 GI Bill, as opposed to the current 16-day average processing time. In addition, further development for supplemental claims would allow LTS to produce increased efficiencies in processing through additional automation, while ensuring consistent and timely service to Veterans. The efficiencies gained through increased end-to-end automation would improve overall claims processing timeliness and accuracy.

While VA has no issues with providing a report detailing IT changes, we would require at least 24 months from the date of enactment in order to report on those changes due to the time needed for the procurement process, systems development, testing, and deployment.

There are no mandatory costs associated with this section. Administrative costs are estimated to be $3 million, which includes functional requirements development and project management. IT costs are estimated to be $30 million, which matches the amount the Committee has proposed to authorize for VA in section 2(c) of the bill. If this legislation is enacted and the $30 million is appropriated, those costs would cover enhancements to LTS, to include adding the functionality to fully automate (to the maximum extent possible) all original and supplemental claims with little human intervention.

Section 3(a) of H.R. 475 would change the effective date of section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (VACAA), from July 1, 2015, to July 1, 2016. Currently, section 702 of the VACAA requires VA to disapprove any course of education under the Post-9/11 GI Bill and Montgomery GI Bill-Active Duty at public IHLs if the school charges qualifying Veterans and dependents tuition and fees in excess of the rate for resident students for terms beginning after July 1, 2015, regardless of their State of residence.

Section 3(b) of this bill would provide a technical amendment for section 3679(c)(2)(B) of title 38 to clarify the definition of a "covered individual" as that term pertains to dependents eligible for Post-9/11 GI Bill benefits or to whom entitlement is

transferred under section 3319 of the same title, by removing the reference back to section 3679(c)(2)(A).

VA has concerns about the provisions in section 3.

Section 3(a) would delay the effective date of the provisions in section 702 of the VACAA to allow an additional year for State legislators to enact laws and public educational institutions to make changes to policies. This would reduce the number of programs that would be subject to disapproval by VA.

VA is also concerned with the potential impact of the technical amendment contained in section 3(b) of the bill. The proposed language would change the definition of a "covered individual." By removing the reference back to section 3679(c)(2)(A), it would expand eligibility to include dependents of Servicemembers approved for entitlement transfer by: 1) removing the requirement for a period of at least 90 days of active duty service on the part of the individual from whom benefit eligibility is derived, and 2) removing the requirement for dependents to enroll within three years of the member's discharge. These changes would require additional, corresponding changes to the States' statutory or policy provisions governing resident tuition and fee charges at public IHLs, and it would increase the number of programs that would potentially be subject to disapproval by VA. Because of the need for additional State statutory or policy changes, VA recommends that the provisions in section 3(b) be effective for any quarter, semester, or term, as applicable, that begins one year from the date of enactment, or July 1, 2016, whichever is later.

The Department is still working through the costs associated with this section.

Section 4 of H.R. 475 would add a new section 3326 under subchapter III of chapter 33, of title 38. Specifically, this section proposes to codify the provisions of Pub. L. 110-252, section 5003(c) to bring its requirements into title 38, and also proposes an amendment to those requirements.

The Post-9/11 GI Bill (chapter 33) requires individuals to relinquish eligibility to some other VA education benefit, as applicable, in order to receive the chapter 33 benefits.

Subsections (a) through (g) and subsection (i) of section 3326 are substantially identical to the provisions of section 5003(c) of Pub. L. 110-252, and would make no substantive changes to current law.

VA supports subsections (a) through (g) of new section 3326 as would be added by H.R. 475 since these provisions are, generally, identical to those that were enacted in section 5003(c) of Pub. L. 110-252.

Subsection (h) would provide VA with the authority to make an alternative election for an individual if the election submitted by the applicant is not in his or her best interest. If an individual elects to receive a benefit that is clearly not in his or her best interest on or after January 1, 2016, VA may change the election and must notify the individual of the change within 7 days. The individual would be allowed 30 days from the date he or she received the VA notification to modify or revoke the election made by VA. In addition, VA would notify the individual of the change of election by electronic means whenever possible. This subsection was not included originally in section 5003(c) of Pub. L. 110-252; therefore, it would constitute a new authority.

VA has concerns with subsection (h). Since individuals' situations are different, elections made in the best interest of a Veteran would be highly subjective. While one claims examiner might view an election option as being the best, another might disagree. Therefore, VA recommends specific criteria for an election be added to the legislation that would eliminate subjectivity. For example, in some instances, a Veteran elects to relinquish MGIB-AD benefits to receive chapter 33 benefits when he or she has only a few months of MGIB-AD entitlement remaining. If the individual has more than one qualifying period of service, it may be in that individual's best interest to finish 36 months of entitlement under the MGIB-AD before beginning to receive chapter 33 benefits – the individual could then receive up to 12 months of entitlement under chapter 33. If this situation met the criteria in the legislation as enacted, the Veteran's claim would be processed under the chapter 30 program until his or her entitlement under that program ends.

VA also recommends that H.R. 475 include language to allow VA to make an election in cases where a Veteran or Servicemember applies for chapter 33 benefits and does not elect to relinquish any benefit. This would allow VA to maximize automation, improve processing times, and obviate the need to contact the Veteran for an election.

Further, VA has concerns with the impact this subsection would have on the automation of original claims using LTS. If VA has to make an alternative election under chapter 33 when a Veteran is eligible for more than one benefit, claims' examiners would have to review the majority of chapter 33 original claims. The need for

this review would limit the number of original claims that could be automated through LTS without human intervention.

VA estimates that should H.R. 475 be enacted, benefit costs would be insignificant. Subsections (a) through (g) are provisions that are already in place under section 5003(c) of Pub. L. 110-252 and, therefore, would result in no additional cost.

Due to VA's current outreach efforts, such as the GI Bill Comparison Tool, and the amount of information available to assist Veterans in making informed decisions on education benefits, VA would not anticipate making a significant number of alternative elections. Therefore, anticipated costs to the readjustment benefits account are insignificant. Section 5 would amend section 3684(a) of title 38 to define the term "educational institution" to include a group, district, or consortium of separately accredited educational institutions located in the same State, and which are organized in a manner that facilitates the centralized reporting of their enrollments. This section would also amend section 3684(a) to include individuals enrolled under chapters 32 and 33.

This section would apply to any reports of enrollment submitted on or after the date of enactment.

VA supports section 5. This legislation would allow each institution in a district/consortium to certify a student's enrollment regardless of where the student is matriculated. Furthermore, since school certifying officials at district institutions have access to student records and all courses have universal numbering, VA compliance visits could be done at any institution and records would be available for students who attend any of the institutions included in the group, district, or consortium.

VA estimates that there would be no additional full-time equivalent or general operating costs (GOE) cost requirements associated with the enactment of this section. There would be no additional cost since the reporting fees would be paid to the school that would certify the enrollment, regardless of the location of the institution.

Section 6 would add a new section under subchapter II of chapter 36 of title 38 requiring VA to make available to educational institutions information about the amount of educational assistance to which a Veteran or other individual is entitled under chapter 30, 32, 33, or 35. This information would be provided to the educational institution through an Internet website and would be updated regularly to reflect any amounts used by the Veteran or other individual.

VA supports the intent of providing educational institutions with the amount of educational assistance to which a Veteran is entitled. However, VA does not support providing this information through an Internet website. VA believes there would be privacy and security risks if Veteran information were to be made available in this manner.

Currently, VA provides the amount of a Veteran's entitlement (original and remaining) and other information (i.e., the delimiting date), to the educational institution through the VA Online Certification of Enrollment (VA-ONCE) system. The educational institution in which the student is enrolled can view this information for individuals training under chapters 30, 1606, and 1607 after VA processes an award for education benefits. This functionality is not currently available for Veterans or other individuals training under chapters 32, 33, or 35; therefore, VA would need to make programming changes to VA-ONCE in order to make this information available as well. VA

recommends removing the requirement to provide information for individuals training under chapter 32 from the bill. Chapter 32 usage has decreased by nearly 99 percent, from 560 beneficiaries in FY 2008 to 8 beneficiaries in FY 2014. Because eligibility for chapter 32 ends 10 years after an individual's release from active duty, the majority of those with remaining entitlement are likely also eligible for benefits under chapter 33.

There are no mandatory costs associated with this section. VA estimates that administrative costs for functional requirements development would be $500,000 and IT costs associated with this section would be $5 million. These costs include enhancements to VA-ONCE to provide the newly required information to educational institutions.

H.R. 476

H.R. 476, the "GI Bill Education Quality Enhancement Act of 2015," would amend title 38 to clarify the process of approving courses of education pursued using educational benefits administered by VA.

Section 2 of the bill would amend section 3672(b)(2)(A) of title 38 to authorize State Approving Agencies (SAAs) to determine if a program of education is deemed to be approved if the program is one of the following:

- An accredited standard college degree program offered at a public or not-for-profit proprietary educational institution that is accredited by an agency or association recognized for that purpose by the Secretary of Education.

- A flight training course approved by the Federal Aviation Administration (FAA) that is offered by a certified pilot school that possesses a valid FAA pilot school certificate.
- An apprenticeship program registered with the Office of Apprenticeship, Employment Training Administration, Department of Labor; or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (popularly known as the "National Apprenticeship Act"; 29 U.S.C. § 50, et seq.).
- A program leading to a secondary school diploma offered by a secondary school approved in the State in which it is operating.
- A licensure test offered by a Federal, State, or local government

This section would also amend section 3675(a)(1) of title 38 to substitute "A State approving agency, or the Secretary when acting in the role of a State approving agency" for "the Secretary or a State approving agency." Further, this section proposes to amend section 3675 to expand the approval of other courses by authorizing a SAA, or the Secretary when acting in the role of a SAA, to approve accredited programs (including non-degree accredited programs) not covered by section 3672 of title 38.

VA supports the clarification of the approval requirements codified in section 3672(b)(2)(A), as detailed in section 2(a) of H.R. 476. In order to be "deemed approved," accredited programs must meet the requirements of a number of provisions in chapter 36 of title 38, United States Code. Consequently, compliance with those provisions must be verified, which the proposed change would make more explicit.

However, in order to be consistent with approval authorities in other sections of chapter 36, VA believes that both VA and the SAA should have approval authority.

VA also supports the change to 38 U.S.C. § 3675 proposed in section 2(b) of the bill, to make those approval provisions apply to accredited non-degree programs at public and private non-profit IHLs that are not covered by section 3672 or by any of the approval requirements currently contained in chapter 36 of title 38. However, VA does not support modifying the current language that maintains approval authority with both VA and the SAA. Pub.L. 111-377 granted VA authority to approve those programs, if necessary. While VA has no plans to take over approvals of all educational programs, it does appreciate this flexibility of authority.

VA estimates that there would be no benefit or administrative costs associated with Section 2 of this bill.

Section 3 would amend section 3676(c)(14) of title 38 as it pertains to the criteria used to approve non-accredited courses. Under this section, in consultation with the SAA and pursuant to regulations, VA would determine if additional criteria may be deemed necessary for the SAA to approve an institution's written application for a course of education. VA and the SAA must treat public, private, and private for-profit educational institutions equitably.

While VA agrees with the intent behind section 3, that the approval requirements for non-accredited courses should be applied equitably regardless of the type of institution providing the training, VA does not believe that it should be interjected into the SAA approval requirements applicable to educational institutions located in the State over which the SAA has jurisdiction. VA is not aware of any widespread concerns

regarding unfair practices or unequal treatment with respect to any existing additional SAA approval requirements. VA is concerned about the amount of resources that it would take to regulate the process, review the SAA requirements, and make determinations regarding necessity and equity. Consequently, VA recommends adding the requirement that any additional criteria treat public, private, and proprietary for-profit educational institutions equitably, without requiring a formal process and a VA decision on each additional requirement. This would ensure the consistent application of additional SAA approval requirements, allow States to promulgate additional requirements for educational institutions located within their borders, and avoid the potentially burdensome administrative process proposed in this section.

The Department is still working through the costs associated with this provision.

Section 4 would amend subsection (c)(1)(A) of section 3313 of title 38 to limit the benefits paid for pursuit of a flight-related degree program at a public IHL. First, it would limit the amount of tuition and fees payable for a program that requires flight training at a public institution to the same amount per academic year that applies to programs at private or foreign IHLs. Second, it would prohibit the payment of fees associated with non-required (i.e., elective) flight training. This section would be effective the first day of a quarter, semester, or term (as applicable) after enactment.

VA supports legislation that would limit the amount of tuition and fee payments for enrollment in flight programs. VA is concerned about high tuition and fee payments for enrollment in degree programs involving flight training at public IHLs. Education benefit payments for these types of programs have increased tremendously with the

implementation of Pub. L 111-377, and in some cases, public institutions seem to be targeting Veterans with their flight-related training programs.

There has been a significant increase in flight training centers, specifically those that offer helicopter training, that have contracted with public IHLs to offer flight-related degrees. Sometimes these programs charge higher prices than those that would be charged if the student had chosen to attend the vocational flight school for the same training.

Additionally, VA has noticed that a growing number of VA beneficiaries are taking flight courses as electives. In most cases, these courses are not specifically required for the Veteran's degree.

VA also notes that section 4, as written, would only exclude the "fees" and not "tuition" related to electives involving flight training at public IHLs. Given that elective flight courses can be very expensive and may not be needed for graduation, VA is unsure why benefits would continue to be paid for tuition for such courses. Only the prohibition of benefit payments for tuition <u>and</u> fee charges associated with elective flight classes would ensure that VA benefits could no longer be paid for pursuing flight training as an elective.

The Department is still working through the costs associated with this provision.

Section 5 would amend section 3693 of title 38 by inserting a new subsection (a) that would require VA to conduct an annual compliance survey of educational institutions and training establishments offering one or more courses approved for enrollment of eligible Veterans or individuals, if at least 20 such Veterans or individuals are enrolled. VA would be responsible for:

- Designing the compliance surveys to ensure that such institutions or establishments, as the case may be, and approved courses are in compliance with all applicable provisions of chapters 30 through 36 of title 38;
- Surveying each of these educational institutions and training establishments not less than once during every two-year period; and
- Assigning not fewer than one education compliance specialist to work on compliance surveys in any year for each 40 compliance surveys required to be made under this section for such year.

Additionally, VA, in consultation with the SAAs, would annually determine the parameters of the surveys, and not later than September 1 of each year make available to the SAAs a list of the educational and training establishments that would be surveyed during the fiscal year following the date of making such list available.

VA supports this section as it would improve the compliance survey process. VA recognizes the importance of compliance work in ensuring timely and accurate payments to Veterans and their families. Accordingly, VA and the National Association of State Approving Agencies (NASAA) formed a joint committee, the Compliance Survey Redesign Working Group (CSRWG), to streamline and enhance the compliance survey process.

Currently, there are approximately 16,000 approved domestic and international IHLs and non-college degree (NCD) institutions. Of the 16,000 institutions, there were 11,260 active institutions in calendar year 2013. During FY 2013 and FY 2014, VA and SAAs completed well over 10,000 surveys, with just over 5,000 surveys completed in

FY 2014. VA anticipates completing a similar number of reviews in 2015. This work will be split roughly in half between VA and SAAs, as it has been for the last few years.

Under current statutory requirements, VA is required to conduct annual surveys at 100 percent of schools with greater than 300 beneficiaries and NCD programs. Schools with high numbers of beneficiaries are more likely to have one or more full-time school certifying officials and may not need a visit annually. Institutions with a smaller number of beneficiaries are more likely to have school certifying officials who have other duties, and these institutions may not be as well-versed in school certifying official requirements, especially as they relate to the Post-9/11 GI Bill program.

VA estimates that the GOE cost requirements associated with the enactment of section five of this legislation would be insignificant. There is no benefit costs associated with section five.

H.R. 643

H.R. 643, the "Veterans Education Survey Act of 2015," would direct VA to enter into a contract with a nongovernment entity to conduct a survey of individuals who have used or are using their entitlement to educational assistance under chapters 30, 32, 33, and 35 of title 38 to pursue a VA program of education or training.

The bill would require: (1) the survey to be submitted to the Senate and House Veterans' Affairs Committees (Committees) not later than one month before the collection of data begins, and (2) the entity to conduct the survey electronically or by other appropriate means and to complete the survey and submit the results to VA not later than 180 days after entering into the contract.

H.R. 643 would also require the survey to be designed to collect specified types of information about each individual surveyed, including:

- The highest level of education completed by the individual
- The military occupational specialty or specialties performed by the individual while they were serving in the Armed Forces
- Whether the individual has a service-connected disability
- The individual's opinion of the Transition Assistance Program (TAP), as well as the effectiveness of TAP, including the instruction on how to use VA benefits.
- The resources the individual used to help decide to go to school using his/her VA education benefits.
- The resources used to decide on the program of study in which to enroll.
- The individual's goal when he/she enrolled in the program of education.
- The nature of the individual's experience using VA's education benefits computer-processing systems.
- The nature of the individual's experience working with the certifying official at his or her school.
- Services or benefits provided by the school to the Veteran.
- Type of educational institution the individual attended.
- Whether the individual completed his/her program of study, the number of credit hours completed, and any degrees or certificates obtained.
- The employment status of the individual and whether that employment status was different prior to starting the program of study.

- Whether the individual was enrolled on a full-time or part-time basis.
- The individual's opinion on the effectiveness of the VA benefits program used to complete the program of study.
- Whether the individual was ever entitled to or used a rehabilitation program under Chapter 31.
- A description of any circumstances that prevented the individual from using the individual's entitlement to educational assistance to pursue a desired career path or degree.
- Whether the individual is using the individual's entitlement to educational assistance to pursue a program of education or training or has transferred such an entitlement to a dependent.
- Any other matters VA determines appropriate.

VA would submit a report to the Committees on the results of the survey not later than 90 days after receiving those results, and would include any recommendations related to the results of the survey. VA also would submit an unedited version of the results of the survey.

While VA supports the intent behind H.R. 643, the Benefits Assistance Service (BAS) program office in VA is currently administering a similar survey with the help of a private contractor, J.D. Power and Associates. The current survey collects much of the information required by this bill, although the survey would need to be modified to include questions about military occupational specialty; whether the Veteran has a service-connected disability; the effectiveness of TAP; the Veteran's experience with the school certifying official; the effectiveness of the Veteran's program of study; the

Veteran's experience with VA's computer systems; whether the Veteran has eligibility under VA's Chapter 31 vocational rehabilitation program; a description of any circumstances that prevented the individual from using the individual's entitlement to educational assistance to pursue a desired career path or degree; and whether the individual is using the individual's entitlement to educational assistance to pursue a program of education or training or has transferred such an entitlement to a dependent.

To prevent duplication of work, VA would investigate the feasibility of combining the requirements in H.R. 643 with VA's current survey within available resources, and would work with the Office of Management and Budget to change the survey in accordance with the Paperwork Reduction Act, as appropriate. VA would save expenditures by using the existing survey, as opposed to starting the process from the beginning. VA expects to receive results from the current survey by September 30, 2015.

VA would need one year from the date of enactment to complete the survey that would be required by the bill.

VA estimates that the GOE would be $263,000 to enter into a contract with a nongovernment entity to create a new survey of a statistically valid sample of individuals who have used or are using educational assistance under Chapters 30, 32, 33, and 35 of title 38,. Alternatively, VA estimates the GOE to incorporate the additional questions into the existing survey would be $62,000.

H.R. 1038

H.R. 1038 would amend chapter 7 of title 38 by adding section 714. This section would require VA to retain a copy of any reprimand or admonishment received by an employee of VA in the employee's permanent record (or Official Personnel File (OPF)) as long as the employee is employed by the Department.

While not stated, it is assumed the intent underlying the bill is to provide a basis for considering an employee's entire disciplinary history when proposing or deciding more serious forms of discipline/adverse action in the event of future infractions. The generally accepted practice throughout the federal government and by VA is that letters of admonishment and reprimand are not relied upon as prior offenses once they have been removed from the employee's OPF.

An admonishment is an official letter of censure issued to an employee for minor act(s) of misconduct or deficiency in competence. This letter normally remains in the employee's OPF for two years. After two years, admonishments are removed from the personnel folder and destroyed. The employee's supervisor may, after 6 months, make a written request to the Human Resources Management (HRM) Officer that the admonishment be withdrawn if the employee's conduct so warrants.

A reprimand is an official letter of censure issued to an employee for an act of misconduct or deficiency in competence. A reprimand is a more severe disciplinary action than an admonishment, but the misconduct is not so egregious that a suspension or other adverse action is required to correct the conduct. This letter normally remains in the employee's personnel folder for three years. After three years, a reprimand will be removed from the employee's personnel folder and destroyed. The employee's

supervisor may, after two years, make a written request to the HRM Officer that the reprimand be withdrawn if the employee's conduct so warrants.

There is no current law or regulation that requires agencies to retain letters of admonishment or reprimand for a specific period of time. That determination is a matter of agency policy. It is the standard practice across the Federal government for letters of reprimand and/or admonishment to be retained on a time-limited basis. A review of several agencies' policies on disciplinary actions (Departments of Defense (DoD), Air Force, Navy and Agriculture) shows VA's current retention policy is consistent with those of other agencies. Further proof of the intent that these actions be time-limited can be found in Chapter 3 of the Office of Personnel Management's Guide to Personnel Recordkeeping which provides that "Temporary documents are documents not kept for the life of the personnel folder. These documents are filed on the left side (or in the 'Temporary' folder in electronic OPF) of the folder. Examples of material to be filed on the left side: Current position description; Standard Form 1152, Designation of Beneficiary for Unpaid Compensation; Letters of reprimand or caution."

The Merit Systems Protection Board (MSPB), through its countless rulings on employee appeals, identified factors agencies must consider when determining an appropriate penalty for conduct-based administrative actions. These are commonly referred to as "The Douglas Factors," and are based on *Douglas v. Veterans Administration*, 5 MSPB 313 (1981). One of the Douglas Factors is the employee's past disciplinary record. Germane to the employee's past disciplinary record is the level or type of disciplinary action taken and the proximity of the prior discipline to the current misconduct. For example, a ten-year-old letter of admonishment issued to an employee

for unauthorized absence will have little relevance to a current infraction, especially if the employee had no further unauthorized absences or other disciplinary actions in the interim. In *Kehrier v. Department of Justice*, 27 M.S.P.R. 477, 480 n.1 (1985), the Board sustained the presiding judge who found the deciding official's reliance on a 1974 3-day suspension for insubordination "was too remote in time to be of significance with respect to the present charges." A suspension from duty without pay is a much more serious form of discipline than a letter of admonishment or a letter of reprimand, and the Notification of Personnel Action (SF-50) that is produced to effect a suspension is filed in the employee's OPF on the permanent side and is kept in the OPF for the life of the employee's federal career. Citing *Kehrier*, in *Jose Almanza v. Department of Veterans Affairs*, MSPB SF-0752-03-0332-I-1, the administrative judge noted that in determining the appropriate penalty "it is arguable that actions taken 12 or more years prior to the action at issue here . . . should not have been considered at all." Therefore, it is reasonable to conclude retention of letters of admonishment or reprimand for indefinite periods of time would do little to promote the efficiency of the service or benefit the Department in future disciplinary actions. Third parties apply little or no weight to prior discipline that is not within reasonable proximity to the current misconduct.

The proposed new section to Chapter 7 of title 38, "Record of reprimands and admonishments" would prevent managers from settling EEO and other workplace grievances with employees with terms that would limit the amount of time these documents remain in the employee's permanent record. It would also restrict the removal of these documents as a term of settlement. These are both frequently used settlement terms that resolve complaints before they go into costly and high-risk formal

litigation proceedings. These terms also allow managers a much needed tool to ensure continued good performance of employees because they are usually conditioned upon no further misconduct of the type that initially led to the reprimand or admonishment. Additionally, they support the notion of employee rehabilitation – and restricting their use provides no incentive for improved behavior. H.R. 1038, if enacted, also may have an unintended chilling effect on managers who, when faced with a decision to issue a letter of admonishment or reprimand for a minor infraction or to let the matter drop with just an oral warning, may elect to choose the lesser action in order to avoid leaving the employee with a permanent stain on his or her record.

Both VA policy and the provisions contained in VA's collective bargaining agreements provide adequate controls for addressing minor conduct issues. Indefinite retention of records of these types of actions in an employee's record does not provide the VA with any additional conduct management tools that it does not already possess. Further, the fact that H.R. 1038 only applies to VA seems punitive in nature rather than assistive.

For the reasons stated above the VA cannot support H.R. 1038.

H.R. 1141

H. R. 1141, the "GI Bill Fairness Act of 2015," would amend the term "active duty" under chapter 33 of title 38, to include certain time spent receiving medical care from the DoD as qualifying active duty service performed by members of the Reserve and National Guard. Under this bill, individuals ordered to active duty under section 12301(h) of title 10 to receive authorized medical care; to be medically evaluated for

disability or other purposes; or to complete a required DoD health care study, would receive creditable service under the Post-9/11 GI Bill.

H.R. 1141 would apply as if it were enacted immediately after the enactment of the Post-9/11 Veterans Educational Assistance Act of 2008 (Pub. L. 110–252).

VA defers to the DoD regarding the change to qualifying active duty service under the Post-9/11 GI Bill. Currently, individuals with qualifying active duty service of at least 30 continuous days who are honorably discharged due to a service-connected disability become eligible for 100 percent of the Post-9/11 GI Bill benefit. Because service under 10 U.S.C. § 12301(h) does not meet the current definition of active duty, those discharged Guard and Reserve members do not automatically qualify for 100 percent of the benefit. If enacted, this change would allow for an increase in benefits from the 40-90 percent benefit tier up to the 100 percent level, and the change would be retroactive to as early as August 1, 2009.

The proposed change to the eligibility criteria under the Post-9/11 GI Bill would require VA to make changes to the type of data that are exchanged between DoD and VA through the VA/DoD Identity Repository (VADIR) and displayed in the Veteran Information System (VIS). In addition, new rules would need to be programmed into the Post-9/11 GI Bill Long Term Solution (LTS) in order to calculate eligibility based on service under section 12301(h) and to allow for benefit payments retroactive to 2009. VA would need one year from enactment of H.R. 1141 to complete these changes.

VA estimates that GOE cost requirements associated with the enactment of H.R. 1141 would be insignificant. The Department is still evaluating the benefit costs associated with this legislation.

H.R. 1313

H.R. 1313, the "Service Disabled Veteran Owned Small Business Relief Act," would expand the flexibility provided to a service-disabled Veteran-owned small business (SDVOSB) to continue to hold that status upon the death of the service-disabled Veteran owner. Current law provides a transition period for SDVOSBs for up to 10 years after the Veteran's death, if the Veteran was 100 percent service-disabled or died as a result of the disability. This bill would make a similar transition period available for three years, if the Veteran was less than 100 percent disabled and the Veteran's death was not the result of the disability. In both cases, the surviving spouse is able to act as the owner, without losing SDVOSB eligibility.

This seems a reasonable approach. Without this transition period, the death of the Veteran owner could put at risk the jobs and livelihoods of the firm's employees, as well as the spouse. This enables the spouse a reasonable period of time to determine what should be done with the business after the Veteran's death.

VA estimates that the enactment of H. R. 1313 would entail minor administrative costs.

H.R. 1187

H.R. 1187 would amend 38 U.S.C. § 3703(a)(1) to adjust the maximum guaranty amount under the VA home loan program.

Under current law, the maximum guaranty amount is calculated as a percentage of the Freddie Mac conforming loan limit. Since lenders require VA's guaranty to cover at least 25 percent of the loan amount before they will make a loan, VA-guaranteed

loans are effectively capped at the Freddie Mac conforming loan limit, which varies by location. This legislation would eliminate the effective cap and make the maximum guaranty amount 25 percent of the loan amount, subject to previously used entitlement.

VA does not oppose H.R. 1187. The current effective loan limit prevents otherwise qualified Veterans from taking full advantage of VA-guaranteed home loans on high-cost properties and requires complicated calculations to determine the maximum guaranty amount. This draft bill would make the full VA home loan benefit available to more Veterans and simplify the maximum guaranty calculation for both Veterans and lenders. The no-down payment requirement has been a cornerstone of VA's home loan program and provides an incentive for Veterans to choose VA's home loan product. However, under current law, a Veteran who elects to purchase a home for an amount that exceeds the Freddie Mac conforming loan limit is required to make a down payment for the loan amount borrowed in excess of such limit. This is because lenders generally expect VA's guaranty to be in an amount that is at least 25 percent of the loan. If it is not, lenders require Veterans to make up the difference with a down payment to cover the difference. By removing the effective cap, the law would allow more Veterans to utilize the home loan benefit they have earned without a down payment, while still requiring that they have satisfactory credit and income to qualify for the loan.

VA estimates this legislation would have a credit subsidy cost of $1.9 million in 2017, $16.8 million over 5 years, and $51.5 million over 10 years. There would be no GOE costs associated with this draft bill.

Draft Legislation

This draft bill would amend VA's procurement authorities to allow a preference for offerors that employ Veterans, as determined by VA. VA's Veterans First Contracting Program is currently directed at Veteran entrepreneurs who own and control small businesses. Not all Veterans are ready to take the risks presented by entrepreneurship; in some cases, getting a stable, reliable income through sustained employment is a necessary first step. This proposal would broaden VA's ability to enhance Veteran economic opportunity and improve Veterans' ability to transition back into the civilian sector.

VA appreciates the flexibility that would be provided, to enable the Secretary to design an appropriate preference. The scope and variety of VA's procurement authorities and methodologies are extensive; as of February 21, 2015, VA reported more than 1.8 million contract actions for FY 2014, totaling over $19 billion, to the Federal Procurement Data System. A preference that makes sense in one context may be unsuitable for another context. This draft bill would provide the Secretary with appropriate discretion in carrying out the purpose of the preference.

However, while it is helpful to have flexibility, VA believes some aspects of this preference will need to be addressed legislatively, to provide statutory guidance as VA begins implementation. For example, when will the preference apply? VA recommends clarifying the scope of this term within the present Federal Acquisition Regulation (FAR) context. What constitutes an "employee" in qualifying for this preference? How would part-time employees be treated in this calculation? Would independent contractors be

counted in some way? Offerors will need clear guidance as to expectations so they can comply with the requirements.

The relationship between this program and existing Veteran employment requirements would also need clarification. For its part, DOL's Office of Federal Contract Compliance Programs carries out and enforces Veteran nondiscrimination and affirmative action requirements applicable to Federal contractors with regard to the employment of certain Veterans, as specified under section 4212 of title 38. While DOL already provides comprehensive guidance to contractors on these requirements, VA would need to coordinate with DOL to ensure that any guidance adequately explains to contractors how they may comply with both sets of requirements.

With respect to the draft bill's section 8129(b)(3), VA recommends allowance of a mitigating factor for debarment of any principals that initiate disclosure of the misrepresentation to the Secretary. A principal that becomes aware of a misrepresentation will have an incentive to protect himself or herself from debarment, by not cooperating with the violation and revealing it to the Government. This would complicate a firm's ability to carry out the misrepresentation in the first place, and create a strong additional incentive for compliance. It also is consistent with existing policy in the FAR that cites a contractor's self-disclosure of a violation as a mitigating factor in debarment cases (see FAR 9.406-1(a)(2)).

VA would be pleased to work with staff to provide technical assistance as requested.

Mr. Chairman, this concludes my statement. Thank you for the opportunity to appear before you today. I would be happy to respond to questions you or the other Members of the Subcommittee may have regarding our views as presented.

STATEMENT
OF
TERESA W. GERTON
DEPUTY ASSISTANT SECRETARY FOR POLICY
VETERANS' EMPLOYMENT AND TRAINING SERVICE
U.S. DEPARTMENT OF LABOR
BEFORE THE
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

March 24, 2015

INTRODUCTION

Good afternoon, Chairman Wenstrup, Ranking Member Takano, and distinguished Members of the Subcommittee. Thank you for the opportunity to participate in today's hearing. As Deputy Assistant Secretary for Policy at the Veterans' Employment and Training Service (VETS) at the Department of Labor (DOL or Department), I appreciate the opportunity to discuss the Department's views on pending legislation impacting veterans. I commend you all for your tireless efforts to ensure that America fulfills its obligations to our current service members, veterans, and their families.

While this hearing is focused on numerous bills pending before the Subcommittee, I will limit my remarks to legislation that has a direct impact on the programs administered by DOL, specifically H.R. 474, the "Homeless Veterans' Reintegration Programs Reauthorization Act of 2015."

Secretary Perez and I know that one of the most important ways to prevent and end veteran homelessness is through a good job. However, employment is not the only factor in overcoming veteran homelessness. Long-term stability requires a coordinated level of care between many federal partners like the Departments of Veteran Affairs (VA) and the Department of Housing and Urban Development (HUD), state and local organizations, non-profits, and the private sector to ensure veterans are successful in overcoming the myriad of barriers created by homelessness. To that end, the Department is committed to helping the Administration meet its goal of ending homelessness among veterans in 2015, as guided by *Opening Doors: The Federal Strategic Plan to Prevent and End Homelessness*. In leading this effort, the U.S. Interagency Council on Homelessness (USICH) has generated powerful national partnerships at every level to work toward ending homelessness across the nation. Currently, Secretary Perez serves as the Council Chair.

Through these interagency efforts and many others, the Administration has achieved historic progress. According to the HUD's 2014 Annual Homeless Assessment Report to Congress, homelessness among veterans has declined by 33 percent from January 2010 to January 2014. Yet, on a single night in January 2014, there were still 49,933 homeless veterans. That is why

the Department looks forward to working with the Subcommittee on legislation that provides the brave men and women who serve our nation with the employment support, assistance and opportunities they deserve to succeed in the civilian workforce.

We note also that our partnerships throughout DOL extend VETS' ability to achieve its mission, and bring all of DOL resources to bear for America's veterans, separating service members, and their families. VETS' mission is focused on four key areas: (1) preparing veterans for meaningful careers; (2) providing them with employment resources and expertise; (3) protecting their employment rights; and, (4) promoting the employment of veterans and related training opportunities to employers across the country.

One important component is the Homeless Veterans' Reintegration Program (HVRP), which VETS administers to help homeless veterans reenter the labor force. The agency provides grants to state and local Workforce Investment Boards, tribal governments and organizations, public agencies, for-profit/commercial entities, and non-profit organizations to administer the services necessary to assist in reintegrating homeless veterans into meaningful employment and to stimulate the development of effective service delivery systems that will address the complex problems facing homeless veterans. The HVRP program succeeds, not only because of the hard work and local connections of our grantees, but also because of the collaborative efforts of our government partners at the Federal and State levels. These efforts help ensure that homeless veterans receive a robust, comprehensive network of support.

H.R. 474 – "HOMELESS VETERANS' REINTEGRATION PROGRAMS REAUTHORIZATION ACT OF 2015"

H.R. 474, the "Homeless Veterans' Reintegration Programs Reauthorization Act of 2015," would reauthorize HVRP through 2020. Additionally, the bill expands the eligibility for services under HVRP, to include not only homeless veterans, but also veterans participating in VA-supported housing programs for which certain rental assistance is provided and veterans who are transitioning from being incarcerated.

The Department supports the five-year extension to the HVRP authorization. HVRP is one of the few nationwide federal programs focusing exclusively on helping homeless veterans to reintegrate into the workforce. HVRP is employment-focused; each participant receives customized services to address his or her specific barriers to employment. Services may include, but are not limited to, occupational, classroom, and on-the-job training, as well as job search, placement assistance, and post-placement follow-up services.

H.R. 474 would extend HVRP's authorization to 2020; the current authorization is set to expire at the end of FY 2015. Grantees under this program are competitively selected for a one-year award, with up to two additional option years, contingent on the availability of appropriations and grantees' compliance with the terms of their grant.

As mentioned, H.R. 474 would expand eligible participants under HVRP. Veterans currently receiving housing assistance under the HUD-Veterans Affairs Supportive Housing (VASH)

program and Native American veterans participating in the Native American Housing Assistance program are not eligible for HVRP services. Under current legislative authority, approximately 78,000 veterans who participate in the HUD-VASH program annually are ineligible for HVRP program's services because they are not, technically, homeless. VETS believes housing programs, such as HUD-VASH, are critical to the rehabilitation and success of homeless veterans because the availability of housing and health services improves their job readiness and employability.

In addition, under H.R. 474, veterans who are transitioning from incarceration would also be eligible for HVRP's services. For veterans, having an arrest record is a major barrier to employment and can lead to homelessness. VETS believes it is critical to begin delivering employment support prior to their release in order to better prepare them to secure civilian employment.

While VETS supports the goals of this legislation, these changes would mean a substantial increase in the eligible population. To accommodate these changes within existing funding, VETS would need to establish service priorities, to reach those with the greatest needs and avoid duplication. VETS is willing to work with Congress to discuss further amendments to H.R. 474 that would help ensure the goals of the bill are met.

HVRP PROGRAM PERFORMANCE & ADDITIONAL SERVICES TO ASSIST HOMELESS VETERANS

HVRP's client-centric, hands-on approach has helped place thousands of previously-homeless veterans, some of whom were chronically homeless, on a path to self-sufficiency. Historically, the Department also has funded two additional types of grants designed to address difficult-to-serve subpopulations of homeless veterans: the Homeless Female Veterans and Veterans with Families Program (HFVVWF) and the Incarcerated Veterans' Transition Program (IVTP). In addition, the Department supports "Stand Down" events (described below) and technical assistance grants.

In FY 2013 (or during Program Year (PY) 2012), DOL was allocated $36,187,711 for HVRP. With these resources, DOL funded 35 new HVRP grants, 90 option-year HVRP grant extensions, 22 HFVVWF grants, 14 IVTP grants, and 90 Stand Down grants. These grantees enrolled 16,133 participants, placing 63.4 percent into employment, with a cost per participant of $1,840.

In FY 2014 (or during PY 2013), the HVRP program received an appropriation of $38,109,000 with which the Department awarded 37 new HVRP grants, 101 option year HVRP grants, 18 HFVVWF grants, and 66 Stand Down grants. These grantees are expected to provide services to 17,000 homeless veterans, with an estimated placement rate of over 60 percent, at an estimated cost per participant of $2,200. In addition, to support grantees and disseminate best practices, the Department awarded two technical assistance Cooperative Agreements.

HVRP grant recipients are measured against four performance outcomes outlined in our policy guidance. The performance outcomes are: (1) Number of Enrollments; (2) Number of

participants placed in unsubsidized employment; (3) Placement Rate; and (4) Cost per Placement. DOL staff members work closely with grantees to help them succeed and to achieve their goals for all four performance outcomes. HVRP grant recipients also report on the average earnings for individuals who retain employment.

Table 1. HVRP Participant Statistics, PYs 2012-2013*

Performance Outcomes	PY 2012	PY 2013**
Participants Enrolled	17,480	16,133
Placed Into Employment	11,317	10,226
Average Cost Per Participant	$1,985.95	$1,903.28
Average Hourly Wage at Placement	$11.22	$11.50

* As reported in the Veterans' Employment and Training Service Operations and Program Activity Report (VOPAR) System, HVRP Program Status Report, including HFVVWF but not ITVP data.
**The PY 2013 data listed is as of December 31, 2014. PY 2013 will be finalized on March 31, 2015.

The Homeless Female Veterans and Veterans with Families Program

HFVVWF are competitive grants that specifically target the subpopulation of homeless female veterans and veterans with families who are "at risk" of becoming homeless. As noted in HUD's 2014 Annual Homeless Assessment Report to Congress, homeless women veterans accounted for 10 percent of the overall homeless veteran population. The program provides direct services through a case management approach that leverages federal, state, and local resources. Eligible veterans and their families are connected with appropriate employment and life skills support to ensure a successful integration into the workforce.

One example of a veteran served through the HFVVWF program is Ms. Latisha Jeffries of Tennessee, a 42-year-old Navy veteran was referred to the Volunteers of America (VOA), an HFVVWF-funded program, while visiting an American Job Center (AJC). She was precariously housed, was unemployed, and was facing eviction, and she was receiving no financial support for herself and her two children. With the assistance of representatives at VOA, she soon found an entry-level job with Comcast Communications as a Direct Sales Representative. This income is helping to resolve her financial issues, and, thanks to the guidance and encouragement she is receiving from HFVVWF, she is optimistic about the future. Her five-year goal, besides getting her children through school, is to get back into management and to own her own home again. She credits the representatives from the HFVVWF program for motivating her to continue her journey toward financial and professional success.

The Incarcerated Veterans' Transition Program Grants

The IVTP was last awarded in FY 2010; those grants continued up through September 30, 2013, after which funds were not appropriated for the program. IVTP grants were designed to support incarcerated veterans who are at risk of homelessness by providing referral and career counseling services, job training, placement assistance and other services. Eligible IVTP participants included veterans who were incarcerated and were within 18 months of release, or were released less than six months from a correctional institution or facility. For PY 2012, IVTP grantees enrolled 1,408 participants and had a placement rate of 63.4 percent with an average hourly wage of $10.69 at placement.

Stand Down and Technical Assistance Grants

Through HVRP, the Department also supports "Stand Down" events. These events, typically held over one to three days in local communities, provide an array of social services to homeless veterans. Stand Down organizers partner with federal and state agencies, local businesses and social services providers to offer critical services, including temporary shelter, meals, clothing, hygiene care, medical examinations, immunizations, state identification cards, veteran benefit counseling, training program information, employment services, and referral to other supportive services.

The HVRP grant also provides funding to the National Veterans Technical Assistance Center (NVTAC). The NVTAC is a Technical Assistance center, which provides a broad range of technical assistance on veterans' homelessness programs and grant applications to: existing and potential HVRP, HFVVWF, and Stand Down grantees; interested employers; Veterans Service Organizations; and, federal, state, and local agency partners.

Jobs for Veterans State Grants (JVSG)

DOL awards Jobs for Veterans State grants (JVSG) as a formula grant to each state and territory to support two types of staff positions in the AJC network: Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVER). DVOP and LVER staff support HVRP grantees by helping grantees achieve entered employment goals through case management, direct employer contact, job development, and follow-up services.

DVOP specialists provide intensive services targeted at meeting the employment needs of disabled veterans and other veterans with significant barriers to employment, including homeless veterans. In addition, DVOP specialists often refer veterans who experience homelessness to other AJC services, such as the Workforce Investment Act of 1998 (WIA) Adult and Dislocated Workers services and training. AJCs provided JVSG-funded services to 17,734 homeless veterans in PY 2013. For their part, LVER staff conduct outreach to employers and engage in advocacy efforts with local businesses to increase employment opportunities for veterans, and encourage the hiring of veterans.

The transition from WIA to the Workforce Innovation and Opportunity Act (WIOA) also provides an extraordinary opportunity to improve job and career options for our nation's jobseekers and workers, including veterans, through an integrated, job driven public workforce system that links diverse talent to businesses. While retaining the network of DVOP specialists at AJCs, WIOA strengthens accountability and transparency of outcomes for core programs, including establishing common performance indicators across these programs. The Department is considering the adoption of these new common performance indicators for JVSG and other VETS-administered programs, so that we will know with even greater detail the outcomes of our investments in veterans employment and related programs.

OTHER LEGISLATION BEFORE THE SUBCOMMITTEE

The Subcommittee also is considering legislation to encourage companies that contract with the Department of Veteran Affairs (VA) to hire veterans. It should be noted for background that DOL's Office of Federal Contract Compliance Programs (OFCCP) enforces a provision of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), 38 U.S.C. 4212, which prohibits covered Federal contractors and subcontractors from discriminating in employment against protected veterans. This provision also requires these contractors to take affirmative action to employ and advance in employment protected veterans. Since the legislation address contracting preferences of the VA, however, DOL respectfully defers to that agency with respect to that bill, and defers to other agencies affected by the remaining pieces of legislation.

CONCLUSION

We at the Department of Labor remain committed to the Administration's goal of ending veteran homelessness, and we look forward to working with the Subcommittee to ensure the continued success of our efforts. Mr. Chairman, Ranking Member Takano, and Members of the Subcommittee this concludes my statement. Thank you again for the opportunity to testify today. I am happy to answer any questions that you may have.

THE DEPARTMENT OF DEFENSE

The Department of Defense (DoD) appreciates the opportunity to discuss potential improvements to the Post-9/11 GI Bill as proposed in H.R. 1141. Post service education benefits have been a cornerstone of our military recruiting efforts since 1985, and a major contributor to the continued success of the All-Volunteer Force. Money for education has been and remains at the forefront of reasons cited by young Americans for joining the military. We fully expect the Post-9/11 GI Bill to continue to have this impact and we are seeing that happen in the form of unprecedented recruiting success.

For today's hearing, the subcommittee requested that DoD comment on H.R. 1141, the "GI Bill Fairness Act of 2015." This Bill would consider active duty performed under the authority of Title 10, U.S. Code, section 12301(h) as qualifying active duty for the purposes of Post-9/11 GI Bill Education Benefits. Reserve component members wounded in combat are often given orders to active duty under this provision to receive authorized medical care; to be medically evaluated for disability; or to complete a required healthcare study. However, section 3301(1)(B), of title 38, U.S. Code, does not include active duty performed under 12301(h) as qualifying active duty for purposes of Post-9/11 GI Bill educational assistance.

Currently, when a member of the Reserve Component on active duty sustains an injury due to combat operations, the Service member is not discharged and instead returns to service—either deployed or Selected Reserve; none of the time spent in recovery is qualifying time for purposes of the Post-9/11 GI Bill. In this case, the Service member would return to Selected Reserve status with less qualifying time than those who served an entire period of active duty without an intervening injury. As a result, the Service member would not receive an educational benefit equivalent to the other members of his or her cohort. In effect, the Service member is being penalized for being wounded or injured in theater. This legislation would correct this inequity by simply extending eligibility for the Post-9/11 GI Bill to service under 12301(h).

DoD recognizes the inequity of not including this active duty time for purposes of Post-9/11 GI Bill benefits, and has included a provision similar to this Bill in our FY16 legislative proposal package. However, although the DoD proposal would include only active duty performed after enactment, H.R. 1141 would be retroactive, categorizing all duty performed under 12301(h) since September 11, 2001, as qualifying active duty for purposes of the Post-9/11 GI Bill. We estimate that approximately 5,000 Reserve Component members performed active duty under 12301(h) each year since September 11, 2001. Accordingly, we believe that H.R. 1141 would generate an additional cost to the Department of Veterans Affairs. Given that both the funding and administration of the Post-9/11 GI Bill fall under the purview of the Department of Veterans Affairs, we would defer to that agency to determine the costs and effects of the Bill on their Department. DoD does not object to this section, provided Congress identifies appropriate and acceptable offsets for the additional benefits costs. DoD has always supported equivalent benefits for equivalent service and this change would meet that goal.

SAVES

Chairman Wenstrup, Ranking Member Takano and distinguished members of the Economic Subcommittee, on behalf of the national association of School Advocates for Veterans' Education and Success, thank you for the opportunity to discuss the bills that may directly affect the success of our student veterans and the operation of Veterans' Centers on our school campuses.

School Advocates for Veterans' Education and Success is a national, non-profit association whose members are college and university Veterans' Program and Service Managers. Our mission is to bring a consolidated voice to the issues that affect veterans' education and success by creating a strong network of partners to provide communication, advocacy, and support for educational and training institutions. Our perspective comes from all sectors: public, not-for profit and for-profit private colleges and universities.

H.R. 456 Reducing Barriers for Veterans Education Act of 2015

H.R. 456 proposes to amend title 38, United States Code, to include college application fees as part of the benefits under Post 9/11 GI Bill Education Assistance Program. The admissions application fees for colleges can create a barrier for recently separated veterans who are balancing the transition process of supporting families,

moving, and reintegrating into the labor force or simply waiting to be accepted to their school(s) of choice.

H.R. 456 allows payment up to $750 for application fees that will be charged against entitlement according to Title 38, Section 3315A, National Tests. This section addresses the dollar amount that equates to a month of entitlement:

> "(c) Charge Against Entitlement.—The number of months of entitlement charged an individual under this chapter for a test described in subsection (a) shall be determined at the rate of one month (rounded to the nearest whole month) for each amount paid that equals——

(1) for the academic year beginning on August 1, 2011, $1,460; or

(2) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subsection, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h)."

SAVES supports the portion of H.R. 456 that allows payment of Application fees to institutions under the Post 9/11 GI Bill however, we recommend amending Title 38, USC, under section 3313 which includes the payment of all mandatory fees for student veterans and dependents using transferred benefits.

Section 3313 addresses the fees as follows:

> "(a) Payment.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education."

Completing a Bachelor's degree in 36 months is very difficult for many student veterans. Indeed, according to the National Center for Educational Statistics, "the median time to earn a degree was 55 months for 2008 bachelor's degree recipients graduating from public institutions, 45 months for graduates of private nonprofit institutions, and 103 months for graduates of private for-profit institutions" (*http://nces.ed.gov/fastfacts/display.asp?id=569*). According to the Principles of Excellence, Veterans Program and Services Managers and their staff spend many hours assisting student veterans with budgeting and financial matters to plan for the costs of their programs. Subtracting entitlement for their application fees is a tough beginning to their college careers.

H.R. 643 Veterans Education Survey Act of 2015

To direct the Secretary of Veterans Affairs to enter into a contract with a non-government entity to conduct a survey of individuals who have used or are using their entitlement to educational assistance under the educational assistance programs administered by the Secretary of Veterans Affairs, and for other purposes.

Many Institutions of Higher Learning have dedicated departments that are adept at defining data points, collecting data and measuring outcomes. According to the Executive Order 13607, establishing the Principles of Excellence "The Secretaries of Defense, Veterans Affairs, and Education shall develop a comprehensive strategy for developing service member and veteran student outcome measures that are comparable, to the maximum extent practicable, across Federal military and veterans educational benefit programs, including, but not limited to, the Post-9/11 GI Bill and the Tuition Assistance Program" [Sec. 3. (c)]. To fairly compare institutions, we must be asking the same questions to ensure standardized data points, which must be clearly articulated to our institutions and their Institutional Research departments. A few institutions can't be using the metric system while the rest are using yardsticks, and a yardstick is not a very efficient way to measure a mile. As institutions, we're good at measuring outcomes so, to the extent practicable, the student outcome measures should rely on existing administrative data. This will minimize the reporting burden on institutions participating in these benefit programs. Student outcome measures should permit comparisons across federal educational programs and across institutions and types of institutions. To do so, it is time to establish a common set of standards and a common measuring device that allows point in time comparisons and trends.

Given the importance of data to inform and support evidence based decisions, *SAVES* supports H.R. 643 directing the Secretary of Veterans Affairs to enter into a contract with a non-government entity to conduct a survey of individuals who have used or are using their entitlement to educational assistance and conduct a survey of Institutions of Higher Learning whose programs are approved by the Department of Veterans Affairs for educational assistance.

H.R. 476 GI Bill Education Quality Enhancement Act of 2015

The State Approving Agencies (SAAs) play a critical role in the approval process for veterans' education and training. SAVES believes that the role of the SAAs should be brought into the 21st century by providing a clear structure that emphasizes training and consistent guidelines. State Approving Agencies are in a position to provide optimal support for institutions of higher learning by providing timely, consistent and clear summaries of VA policies, guidelines, and best practices. SAAs should provide approval oversight in cases where no other federal agency already has oversight. SAAs should also provide on-the-ground training and assistance for schools, respond to inquiries and questions, and clarify VA guidance to ensure accurate and appropriate application by schools. Training must be a priority. The support SAAs provide Non-College Degree (NCD) programs and apprenticeship programs would be invaluable.

The formal definition of "deemed approved" as stated in PL 111–377 remains unclear. We would recommend clear procedural guidance for those programs that still require specific approval. We support the continued approvals of NCD programs, apprenticeships, and new institution or campuses. For those Institutions of Higher Learning that have already been evaluated and approved by accrediting agencies and/or federal and state agencies, no additional action on the part of the SAA should be required. This will save time and money to build a stronger training process for programs and educational facilities. NCD programs at Institutions of Higher Learning and certificate programs that are not vocational in nature should follow degree program approvals for those institutions. In all cases we support the Secretary's authority to approve/disapprove programs, and in no case should the Secretary's authority be omitted from the approval process or to the administration of federal veteran's education programs.

We support the expansion in scope of SAAs to provide training and to collaborate with the Department of Veterans Affairs to provide thorough guidance for all educational institutions/facilities. We recommend a best practice that focuses on consistent policies and implementation among and between states as should be the processing among and between RPOs.

We believe that combining compliance with training constitutes a conflict of interest. The process of Compliance Surveys can be daunting and confusing. Effective and consistent training and a clear process will help institutions maintain compliance with the rules governing the administration of these programs. The VA needs more staff to adequately conduct compliance surveys; however, it should continue to be the VA's responsibility. It would be beneficial for all partners to have written official guidance on all changes included in PL 111–377. The lack of regulatory guidance means schools have no official source document for the administration of education and training programs. At a minimum, schools must know the rules governing the administration of these programs. What's more, the rules must be consistent nationwide. We offer that high-volume schools with a solid track record of successful compliance visits do not require surveys annually. Instead, we suggest that the VA use risk-based scheduling for determining the need for annual compliance surveys. We also recommend that the VA track their findings and compile the overall findings, including the type of discrepancies and payment errors. Additionally, as a basis for risk-based scheduling, summarize the information to be used to identify common errors among schools and evaluate trends over time as recommended by the United States Government Accountability Office report published in February 2011, titled VA Education Benefits: Actions Taken, but Outreach and Oversight Could Be Improved.

SAVES supports the expansion of duties for SAAs but strongly recommends their role be redefined to focus on training and approval of new IHL programs, Non-College Degree programs, apprenticeships, and vocational training and licensure/certification examinations.

FLIGHT TRAINING

Current legislation authorizes unlimited payment of tuition and fees for eligible beneficiaries attending a public school. However, the high cost of some programs, such as flight training, has become unmanageable. The National Association of State Approving Agencies' (NASAA) recommendation concerning flight training is reasonable as it relates to capping the amount the VA will pay for flight course tuition and fees each year. H.R. 476 will help level the playing field for private IHLs with flight that have been offering approved flight degree programs for decades.

In the interest of reducing the high cost of the Post 9/11 Education program, SAVES supports the portion of H.R. 476 regarding capping the annual amount payable for flight training. SAVES agrees that payment for flight training at institutions of higher learning be limited to only those eligible individuals enrolled in degree programs that require flight training for degree completion. Payment for flight

courses should not be permitted in the case of flight training that is not specifically required as part of a standard college degree, including undeclared, undecided, general studies, liberal studies, and other similarly termed programs or statuses as it pertains to IHL public or private.

PARALYZED VETERANS OF AMERICA

Chairman Wenstrup, Ranking Member Takano, and members of the Subcommittee, the Paralyzed Veterans of America (PVA) thanks you for the opportunity to submit a statement for the record regarding the proposed legislation. The bills introduced are intended to make adjustments and corrections in existing programs and extend the expiration date on several other important programs. We support your effort to help the men and women that have honorably served their nation and are in the process of successfully transitioning back to the civilian world.

H.R. 456, the "Reducing Barriers for Veterans Education Act of 2015"

PVA supports H.R. 456, the "Reducing Barriers for Veterans Education Act of 2015." This legislation will provide funds for veterans using the GI Bill who are required to pay an additional charge for application fees. Often the additional fees are not budgeted in a veteran's college expenses. Some programs require additional fees that can amount to several hundred dollars, placing an unforeseen burden on the veteran before starting their college courses. This legislation will eliminate the financial barrier that some veterans face when pursuing educational programs that require additional application fees.

H.R. 473, the "Increasing the Department of Veterans Affairs Accountability to Veterans Act of 2015"

PVA generally supports H.R. 473, the "Increasing the Department of Veterans Affairs Accountability to Veterans Act of 2015," which would give the Secretary more leverage as he continues his campaign to improve the VA healthcare system. This legislation will allow the Secretary to reduce benefits of Senior Executive Employees that have been convicted of certain crimes. Section 3, the Reform of Performance Appraisal System for Senior Executive Service Employees is troublesome for our organization. This limits the recognition of employees that have contributed more than a position requires while maintaining a personal goal of improving service to veterans. The forced distribution of bonuses paid to senior employees, although intended to sharply limit the number of bonuses paid, can discourage those that are overachievers.

H.R. 474, the "Homeless Veterans' Reintegration Programs Reauthorization Act of 2015"

PVA supports H.R. 474, the "Homeless Veterans' Reintegration Programs Reauthorization Act of 2015," which would extend through FY2020 the VA's homeless veterans' reintegration programs. Many of the programs that have been successful components of the effort to eliminate homelessness among veterans will expire in FY 2015. These programs have provided job training, counseling, and placement services to homeless veterans to expedite their reintegration into the labor force. Veterans that participate in these programs include: (1) homeless veterans, (2) veterans who are participating in the VA supported housing program which provides rental assistance through the Department of Housing and Urban Development, and (3) veterans who are transitioning from being incarcerated.

H.R. 475, the "GI Bill Processing Improvement Act of 2015"

PVA supports H.R. 475, the "GI Bill Processing Improvement Act of 2015" which will make changes and improvements to the information technology system of the VA. Section 2 places an emphasis on the information technology solution for processing original and supplemental claims and requires electronic processing of the claims which will insure accuracy and eliminate delays in future claims.

H.R. 476, the "GI Bill Education Quality Enhancement Act of 2015"

PVA supports H.R. 476, the "GI Bill Education Quality Enhancement Act of 2015." This legislation will clarify the process of approving courses of education that are recognized for use by veterans using VA benefits. The legislation will allow state agencies to approve certain programs that meet criteria determined by VA to be a program which shall be approved for VA educational benefits. The state approving agency may qualify certain flight training programs as eligible for the Post 9/11 GI Bill since they are required in a flight training curriculum. The state approving agency may also approve flight training programs in an institution of higher learning in which flight training is required to earn the degree being pursued.

H.R. 643, the "Veterans Education Survey Act of 2015"

PVA supports H.R. 643, the "Veterans Education Survey Act of 2015." This legislation directs the VA to enter into a contract with a non-government entity to conduct a survey of individuals who have used or are using their entitlement to educational assistance under the educational assistance programs administered by the VA.

H.R. 1038, the "Ensuring VA Employee Accountability Act"

PVA supports H.R. 1038, the "Ensuring VA Employee Accountability Act." This legislation requires VA to retain all records which document any reprimands or admonishment received by VA employees. These records must be retained as long as the employee is employed by VA. Retaining records of employee reprimands is critical to evaluating an employee's personal performance and determining if that performance is part of a larger problem within a program of VA. This documentation is necessary for the Secretary to evaluate problems and make changes needed to correct ongoing problems in the VA.

H.R. 1141, the "GI Bill Fairness Act of 2015"

PVA supports H.R. 1141, the "GI Bill Fairness Act of 2015" which would include time spent receiving medical care from the Department of Defense as active duty time for the purpose of eligibility for Post 9/11 GI Bill. We have no doubt that this time should be considered active duty time toward qualifying for the Post 9/11 GI Bill. This legislation would be retroactive to the date of the enactment of the Post 9/11 GI Bill.

H.R. 1187, Legislation to Modify the Loan Limit of the VA Loan

PVA supports H.R. 1187. This legislation makes adjustments in the maximum amount of the loan guaranteed under section 3710 of title 38, the VA Home Loan. Home prices vary from each region of the country, from each metropolitan community within a region, and from each neighborhood within a community. A fixed maximum limit on the VA loan amount that a veteran can borrow limits where the veteran can live. This legislation will give veterans who reside in high-cost areas where average home prices exceed the VA Home Loan maximum greater flexibility in the type and location of homes they can purchase using the VA Home Loan.

H.R. 1313, the "Service Disabled Veteran Owned Small Business Relief Act"

PVA supports H.R. 1313, the "Service Disabled Veteran Owned Small Business Act." This legislation will make changes in the law that certifies Service Disabled Veteran Owned Small Businesses (SDVOSB) to help with the transition of that business when the veteran passes away. Currently if the veteran business owner is rated less that 100% when passing away from a non-service connected illness or injury, the surviving spouse only has one year to transition the business out of SDVOSB status with VA. If the SDVOSB has contracts with any other federal agency, the business immediately loses its SDVOSB status upon the passing of the veteran and all business must stop. This legislation will allow the business to retain the SDVOSB status for three years upon the passing of the veteran to allow for a transition of the business. This three year period would apply to SDVOSB contracts with the VA and all federal agencies.

H.R. 1382, Legislation Addressing VA Procurement Contracts

PVA supports proposed legislation to authorize the VA to award contracts for procurement of goods or services to businesses that employ veterans. Unfortunately, employing veterans is not a high priority for businesses. This is understandable since the goals of a business are to pay bills, pay employees, buy necessary capitol equipment and supplies, and attempt to make profit. However, some businesses do make an effort to employ veterans and based on their experience hiring veterans, continue to employ veterans. Those businesses should be recognized, if not by all federal government procurement, at least by VA. Legislation to authorize VA to award contracts will not change the current pattern of awarding contracts to favored businesses. Among businesses that submit proposals and meet the requirements of the contact, the contract must be awarded to the business that demonstrates an effort and successfully employs veterans. Without Congressional oversight this requirement, if passed into law, risks becoming simply another policy that is overlooked by the VA in the procurement of goods and services.

Chairman Wenstrup, Ranking Member Takano and Members of this Subcommittee, PVA appreciates the opportunity to comment the bills being considered. We thank you for continuing the work in this Subcommittee to ensure that veterans have the best available programs, options, and opportunities as they transition to the civilian world.

Information Required by Rule XI 2(g)(4) of the House of Representatives

Pursuant to Rule XI 2(g)(4) of the House of Representatives, the following information is provided regarding federal grants and contracts.

Fiscal Year 2014

No federal grants or contracts received.

Fiscal Year 2013

National Council on Disability—Contract for Services—$35,000.

Disclosure of Foreign Payments

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

WRITTEN STATEMENT KATY BEH NEAS, EXECUTIVE VICE PRESIDENT FOR PUBLIC AFFAIRS EASTER SEALS, INC.

On Bill (H.R. 474) Homeless Veterans' Reintegration Program Reauthorization Act

Dear Chairman Wenstrup, Ranking Member Takano and Members of the Subcommittee:

Thank you for holding this hearing on proposed legislation to help increase access to critical employment and education benefits and services for America's veterans. Easter Seals is a leading non-profit organization that assists veterans, military families, and others to reach their potential and succeed in their communities by providing and connecting them to local services and supports. Easter Seals lends our support to Chairman Wenstrup's Homeless Veterans' Reintegration Programs Reauthorization Act of 2015 (H.R. 474) and we ask that the Subcommittee consider minor changes to help improve delivery of services to veterans who are homeless or at-risk of homelessness.

The U.S. Department of Labor's Homeless Veterans' Reintegration Program (HVRP) helps to ensure veterans who are experiencing challenges, including unemployment and homelessness, can access the specialized job training and local supports they need to bounce back and find meaningful employment. HVRP is the only federal nationwide program focused exclusively on the employment of veterans who are homeless. Through the program, community-based organizations, including nonprofits and faith-based groups, provide job training, counseling, and placement services to help homeless veterans reintegrate into society and the labor force. Easter Seals affiliates operating in six states operate eight HVRP grants, including two focused on assisting homeless female veterans. HVRP exemplifies the community-based, public-private partnership required to help veterans overcome obstacles and successfully reintegrate into civilian life.

Easter Seals has seen first-hand the transformational impact HVRP and its federally-funded services have on Americans who have honorably served our nation.

Shaneece, a young woman from New York who served in the U.S. military, got her life back on track as a result of the support services and employment assistance she received through HVRP. Shaneece joined the U.S. Army in 2011 "eager to serve" and worked as a generator mechanic. Her plan to temporarily move back in with her parents after she completed her military service unraveled due to complications at home. With no options, Shaneece used her car as a home—using the back seat as her bed and the trunk as both a dresser and filing cabinet to store clothes, blankets and her military papers, including her DD 214 separation documents. Despite the sub-zero weather, she slept in her car at night and filled her days looking, unsuccessfully, for jobs. After many nights on the street, she visited Easter Seals in New York City. She had run out of options and heard Easter Seals could help. "I felt so hopeless," Shaneece remembered, "you feel like you have no more support. I was working hard but still coming up short."

Easter Seals specializes in person-centered services to help individuals thrive in their communities. Our New York affiliate operates HVRP grants in Syracuse and throughout New York City, including one focused on helping homeless female veterans connect to employment and other services. Through HVRP, Easter Seals New York implements a team approach to provide each veteran with the wrap-around services they need to return to employment. Shaneece came to Easter Seals with multiple barriers. She was street homeless, had low self-confidence, and had no prospects for employment. As part of the team approach, an Easter Seals case manager immediately went to work to get her situated for the night in a temporary shelter. At the same time, an Easter Seals social worker helped her apply for and re-

ceive the U.S. Department of Veterans Affairs (VA) benefits she earned during her military service and an Easter Seals employment specialist worked with Shaneece to update her resume, including translating her military experiences into civilian language. Shaneece received a call-back for an interview for a job that she eventually won. She works full-time as a program support assistant for a VA center in Brooklyn helping other veterans during their reintegration. "I feel like I'm a different person. I'm a more improved individual," Shaneece said. "I see myself going places. I'm grateful for the help Easter Seals has given me."

Shaneece is one of about 17,000 homeless veterans in nearly 150 communities across the country who benefit each year from HVRP services. In addition to Easter Seals New York, Easter Seals operates HVRP grants in Oregon (Jackson, Josephine, Marion & Polk Counties and the cities of Medford, Grants Pass, and Salem), Indiana (eight county area in central Indiana) and in Washington, DC and the surrounding Maryland (Baltimore, Prince George's and Montgomery Counties) and Virginia region (Arlington, Fairfax, Loudoun, and Prince William Counties). HVRP is successful due to the holistic, individualized care coordination model that recognizes veterans face multiple barriers to securing a job and maintaining stable housing. HVRP's intensive, hands-on, veteran-centered approach is critical and not found in traditional job training and employment programs. The Department of Labor noted in a congressional budget justification that "helping homeless veterans requires a substantial amount of outreach and job development with employers as well as the coordination of individually tailored support services and training interventions." Nationwide, HVRP has been an important tool in helping to decrease veterans' homelessness by 33 percent or 24,837 veterans since 2010 (HUD/VA report). H.R. 474 would provide certainty that this proven veterans program will continue by reauthorizing HVRP through FY 2020. In addition, H.R. 474 expands the definition of who is eligible for the program to include veterans who are transitioning from being incarcerated and veterans participating in the VA supported housing program.

Easter Seals supports the changes proposed in H.R. 474 and recommends other minor updates to help improve implementation.

Expand Eligibility of HVRP Services:

In addition to the eligibility expansions contained in H.R. 474, Easter Seals recommends that HVRP eligibility be expanded to include all National Guard and Reserve members who have honorably served, regardless of their activation status. The current HVRP definition of veteran only allows Guard or Reserve veterans who were activated or who have a service-connected disability to access HVRP services. In 2014 testimony, Easter Seals shared a story of a homeless woman who approached our local affiliate after honorably serving in the U.S. Army National Guard. Because her Guard unit was never activated or deployed during her six year military career, she could not access HVRP services. Easter Seals was able to assist her through a separate program we offer but she could have benefited greatly from the supportive services available through HVRP.

Easter Seals Recommendation: As H.R. 474 advances, we encourage you to amend Sec. 3 (Clarification of Eligibility for Services) to include at the end of the section the following:

"(4) all veterans who have been honorably discharged from the National Guard and Reserves."

Include Greater Flexibility to Address Individualized Needs of Veterans:

While HVRP has been successful in reducing veteran homelessness, greater flexibility should be given to service providers, on a case-by-case basis, to more effectively address the unique needs of homeless veterans or veterans who are at-risk for homelessness. Easter Seals appreciates the need for uniform program guidelines to better manage and oversee a grant program. But the reality is that veterans who seek help in finding stable housing or a job come to these programs with very unique needs that don't always fit nicely within the parameters of the program. Shaneece, the young woman living in her car in New York, could have benefited from greater HVRP flexibility. HVRP can be used to pay for temporary transportation expenses to help participants get to job interviews and work. Shaneece was living in transitional housing on Staten Island when she secured her job in Brooklyn. The quickest route to get Shaneece to her job is by car. The program would not allow Easter Seals to fill her E–Z Pass card to temporarily cover toll fares along her route but would allow the purchase of transit cards to cover ferry and subway fares, which would have greatly increased the length of her work commute. In most cases, public transportation is the best and preferred option. However, this was a unique situation where driving to work was the better option. One delay in her car-boat-train-bus commute could have impacted her ability to get to work on-time and remain employed.

Easter Seals Recommendation: As H.R. 474 advances, we encourage you to add the following report language:

> "The Committee recognizes the individualized barriers and unique challenges faced by veterans who are homeless or at-risk of homelessness. As such, the Committee provides the Secretary of Labor the authority to waive a rule, on a case-by-case basis, if a waiver greatly improves the veteran's ability to find stable housing and to become gainfully employed."

Create Service Delivery Efficiencies Through Multi-Community and Regional Awards:

The Department of Labor awards single community grants to non-profits and faith-based organizations. Four Easter Seals affiliates operate eight separate HVRP grants in individual service territories. Despite the fact our affiliates represent the same Easter Seals family, the current HVRP structure does not foster systematic collaboration or coordination among these otherwise connected entities. The organizations that operate on the same program cycle could find themselves in competition with each other in future grant completions. Easter Seals believes multi-community or regional grants would promote service delivery efficiencies and best practice sharing. Demonstrating the use of regional grants to national non-profits is consistent with authority Congress recently gave to the Secretary of Labor in the Workforce Innovation and Opportunity Act (Public Law 113–128). Section 169(b) of that law grants the authority to conduct regional projects to develop and disseminate best practices and models for implementing employment and training services and address the employment and training needs of specialized populations. A similar model is in place through the Department of Labor's Senior Community Service Employment Program. The multi-community or regional grant model encourages and fosters regular coordination while also maintaining local autonomy to meet unique community challenges.

Easter Seals Recommendation: As H.R. 474 advances, we encourage you to add the following report language:

> "The Committee recognizes the role of HVRP in decreasing veterans' homelessness by helping homeless veterans or veterans who are at risk of homelessness through job training, counseling, and placement services. The Committee directs the Secretary of Labor to conduct a pilot to demonstrate the use of regional, multi-community awards to national organizations to test service delivery efficiencies and to improve outcomes."

Thank you for the opportunity to comment on H.R. 474, a bill to improve and extend DoL's Homeless Veterans' Reintegration Program. Easter Seals is proud of its partnership with the Department of Labor to create veteran success stories, like Shaneece, through job training, counseling, and placement services. We urge this Subcommittee to quickly advance H.R. 474 with Easter Seals' recommendations. Thank you for your consideration. We look forward to working with the Subcommittee on H.R. 474 and other legislation to increase access to community-based services and supports for our nation's veterans.

THE NATIONAL ASSOCIATION OF VETERANS PROGRAM ADMINISTRATORS (NAVPA), SUBMITTED BY KEITH GLINDEMANN, VICE PRESIDENT

"Legislative Hearing on H.R. 456; H.R. 473; H.R. 474; H.R. 475; H.R. 476; H.R. 643; H.R. 1038; H.R. 1141; H.R.1187; draft bill, "To amend title 38, United States Code, to authorize the Secretary of VA, in awarding a contract for the procurement of goods or services, to give a preference to offerors that employ veterans;" and a draft bill, "Service Disabled Veteran Owned Small Business Relief Act" "A Review of Higher Education Opportunities for the Newest Generation on Veterans" March 24, 2015.

Introduction

Chairman Wenstrup, Ranking Member Takano, and members of the Subcommittee on Economic Opportunity, the National Association of Veterans Program Administrators (NAVPA) is pleased to be invited to provide written comments for this hearing. NAVPA is a nationally recognized nonprofit organization founded in 1975 by school certifying officials. Our organization represents close to 400 educational institutions nationwide. We voluntarily serve NAVPA in an effort to better serve the veterans on our campuses.

NAVPA recognizes the significant higher education opportunities that are afforded this generation of veterans. We are committed, in partnership with the De-

partment of Veterans' Affairs, to ensure the success of the programs funded to provide educational opportunities for our veterans and their family members.

H.R. 475: SEC. 6. Ability for Schools to See Remaining Entitlement

NAVPA endorses SEC. 6. Provision of Information Regarding Veteran Entitlement to Educational Assistance. This provision would give School Certifying Officials the ability to see what remaining entitlement a veteran student had remaining. With today's veterans often changing between schools or needing to enroll in programs close to enrollment deadlines the ability to see what GI Bill entitlements a student had remaining would be beneficial to the student and the College/University that they are wanting to attend. Students need to know prior to enrolling how much entitlement they have remaining so that they can make strong financial decisions. If a student does not have enough entitlement they can look at other possible funding sources so that they will not run out of funds prior to the end of term. This can help them to make educated decisions rather than reactionary ones. Additionally it can help schools to make determinations in the applying of Yellow Ribbon funds, and the counseling of students on their financial options.

H.R. 476: SEC. 5. Compliance Surveys

Current statutory requirements require that any institution with at least 300 GI Bill recipients have a compliance survey conducted annually. This requirement is mandated regardless of the results of the prior year's survey. This requirement results in overburdened inspectors revisiting schools that have proven to be good stewards, and in full compliance. NAVPA fully supports H.R. 476 SEC 5. Here it asks for the VA to waive compliance surveys for institutions and establishments that have a record of compliance. This will allow the VA and the State Approving Agencies to concentrate on the institutions most at risk as well as providing more timely compliance surveys for smaller schools. This will help strengthen the survey program as a whole. Additionally this could also allow SAAs to be freed up to provide additional technical assistance and training. We feel that potential compliance issues could be avoided by having better trained SCO's on the front end of the process.

H.R. 1141: SEC. 2. GI Bill Fairness

When our Service Members go to war their dedication to duty, and the risk of life and limb know no separation between Active Duty and Reservists. The missions are performed the same, and dangers are equally faced. Therefore it is only fair that our Reservists who are harmed in the performance of their duties are able to have the time that they are receiving medical care for their injuries count towards their qualifying time for the Post 9/11 GI Bill. What greater support can we show these Service Members who have sacrificed so much that we truly support them? They are not asking to be given anything other than what they have earned. NAVPA urges that Congress look at this carefully and do what is not only correct, but our duty.

Closing

In closing, on behalf of the membership institutions of NAVPA, we thank you for the opportunity to provide comments on these very important issues with the committee today. We look forward to working with you on veteran education issues in the future.

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