STATEMENT OF
JOHN KAMIN, ASSISTANT DIRECTOR
VETERANS EMPLOYMENT AND EDUCATION DIVISION
THE AMERICAN LEGION

BEFORE THE

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

ON

"PENDING AND DRAFT LEGISLATION"

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

H.R. 2409

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

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

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

The American Legion supports extending these additional protections to servicemembers to protect them while they are deployed. Early termination of contracts related to internet access, satellite television, and cable television can range between $100-$250, resulting in unnecessary, unintended, and expensive costs incurred by servicemembers who are obeying duly authorized orders. Such costs often coincide with negative credit reports which further increases difficulties for the servicemember, ultimately negatively impacting their ability to perform his or her duty. Beyond the immediate implications, the future ability of the individual or family to realize the American dream and own a home is jeopardized by the resulting punitive credit rates.

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

The American Legion supports passage of H.R. 2409

H.R. 5452

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

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

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

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

The American Legion supports H.R. 5452.

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[1] American Legion Resolution No. 342 (2016): *Support and Strengthen the Servicemembers Civil Relief Act (SCRA)*

[2] American Legion Resolution No. 336: *Support Legislation that Would Change the 12-Year Delimiting Date for Eligibility to Chapter 31 Benefits*

H.R. 5538

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

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

Resolution No. 20: *GI Bill Fairness for Wounded Servicemembers and Activated National Guard and Reservists* supports providing benefits to servicemembers activated under 12304b orders.[3]

The American Legion supports H.R. 5538.

H.R. 5644, the "VET OPP Act"

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

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

The American Legion shares the sentiment of many in Congress and among the Veteran Service Organizations that VA must provide greater focus on the economic concerns of

[3] American Legion Resolution No. 20: *GI Bill Fairness for Wounded Servicemembers and Activated National Guard and Reservists*

our veterans, and ensure that its employment, education, and housing services meet the standards of excellence its veterans deserve.

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

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

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

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

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

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

outcomes for veterans.

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

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

TAP is now mandated for all servicemembers and optional for their spouses. However, TAP provides a tremendous amount of information, which at times can be extremely intricate, overwhelming, or even superfluous to a particular participant. DoL's portion, which is three-days long, is responsible for most of that information. The American Legion recommends that the course be mandated for servicemembers at different intervals of their careers prior to separation or transitioning into the civilian sector along with pre-counseling for those servicemembers intending to leave the military.

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

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

Servicemembers should be given the opportunity to attend any of the tracks they desire. Congress should require that the DoD submit a report of servicemembers who have attended TAP, broken down in three areas: 1) attended TAP counseling under their chosen

[4] GAO Report (Nov. 2017) *Transitioning Veterans: DOD Needs to Improve Performance Reporting and Monitoring for the Transition Assistance Program*

[5] https://americaswarriorpartnership.org/wp-content/uploads/2018/05/Annual-Survey-Report-2018.compressed.pdf

track; 2) attended the other two optional tracks; and 3) those who have not attended TAP counseling.

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

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

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

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

The American Legion supports H.R. 5649.

Draft Bill

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

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

[6] https://fas.org/sgp/crs/natsec/IF10347.pdf
[7] American Legion Resolution No. 70 (2016): *Improve Transition Assistance Program*

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

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

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

The American Legion supports this Draft Bill as written.

Conclusion

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

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

[8] American Legion Resolution No. 342 (2016): *Support and Strengthen the Servicemembers Civil Relief Act (SCRA)*