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ECONOMIC OPPORTUNITY AND TRANSITION LEGISLATION

HEARING

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

JUNE 13, 2012

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ECONOMIC OPPORTUNITY AND TRANSITION LEGISLATION

WEDNESDAY, JUNE 13, 2012

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:03 a.m., in room SD–418, Russell Senate Office Building, Hon. Patty Murray, Chairman of the Committee, presiding.

Present: Senators Murray, Webb, Begich, Burr, Isakson, Johanns, Brown of Massachusetts, and Boozman.

STATEMENT OF HON. PATTY MURRAY, CHAIRMAN, U.S. SENATOR FROM WASHINGTON

Chairman MURRAY. Good morning and welcome to today's hearing to examine economic opportunity and transition legislation that is pending before this Committee. We do have a very ambitious agenda that reflects the hard work of members on both sides of the aisle.

There are many critical bills on our agenda today, but I want to speak personally about two of the items that I really believe capture the challenges we are working to address, including the need to make sure our veterans have every opportunity to jump start their careers when they return home from service.

The first piece of legislation is the GI Bill Consumer Awareness Act of 2012. As we all know, with the end of the war in Iraq and the draw-down in Afghanistan, more servicemembers are separating from the military and coming home to a very difficult job market that demands skilled employees.

Very often, the first step veterans take when they do come home is to utilize the revamped educational benefit that we have provided them. From 4-year colleges to apprentice programs, veterans are using benefits like the G.I. Bill to build and translate their military skills and leadership ability with the additional expertise they need to prosper in the civilian workforce.

In fact, this year alone, over 590,000 servicemembers, veterans, and other beneficiaries are expected to enroll in educational institutions using the post-9/11 GI Bill. As a result, VA is expected to spend over $9 billion in 2012 on post-9/11 GI Bill payments and over $2 billion for the nearly 400,000 beneficiaries of VA's other education programs.

Given this commitment, we owe it to every single veteran to ensure they are getting the full potential of this lucrative and potentially life-changing benefit. But what I hear from veterans is that

too often this is not the case. Veterans have repeatedly told me they lack the proper information they need to determine what educational institution to attend, or even sometimes feel that they are being taken for a ride by institutions with lousy records of helping our veterans build a foundation for career success.

So I have introduced the GI Bill Consumer Awareness Act of 2012. It is a bill that is designed to make sure our servicemembers and veterans have the facts they need to make informed decisions about the schools that they attend. It is a bill that calls for educational institutions to disclose, among other data, statistics related to student loan debt, transferability of credits, veteran enrollment, program preparation for licensing and certification, and job placement rates.

So basically, veterans can comparison shop with the data they need. They will have a report card that shows whether schools are making the grade. The bill also addresses concerns about organizations that mislead our servicemembers and veterans just to boost enrollment of students that are paying using the generous benefits taxpayers have provided.

It does this by requiring the VA and DOD to develop a joint policy to curb aggressive recruiting and misleading marketing aimed at servicemembers and veterans. Providing accessible and effective educational benefits to our veterans is vital, as so many veterans transition now out of the military and into the years ahead.

So I am pleased that in addition to this bill, there are several other education bills on today's agenda, and I look forward to working with the sponsors of all of these bills to make sure we are giving veterans every resource to succeed in the classroom and in the job market.

The second bill I want to mention is the Service Members Rights Enforcement Improvement Act of 2012. This is a bill I really wish was not necessary, but it is truly one that circumstances today demand. It builds on current protections put in place to help shield our Nation's heroes from unemployment and foreclosure.

These protections have been violated in a disturbing number of cases within the past several years. This bill will strengthen the ability of the Department of Justice and Office of Special Counsel to investigate and enforce the employment protections of USERRA, which are so important to our members of the National Guard and Reserve, and improve the protections of the Service Members Civil Relief Act as well as how they are enforced.

I introduced this bill because we as a nation owe it to the men and women, who serve with dignity, a guarantee that the protections that have been put in place to ease their burden will be enforced when they come home. This legislation will make sure the departments charged with enforcing these valuable protections have the tools they need to get the job done.

I also look forward to discussing other proposals to strengthen the protections of the Service Members Civil Relief Act. This Committee will continue to work to ensure our men and women in uniform have the best package of protections possible.

Now, we have seen a lot of success this Congress with the legislation we have been able to advance on behalf of veterans. The VOW to Hire Heroes Act is a great example, and I am pleased we

are already seeing many benefits of that bill. We have other bills that have been reported out of this Committee that we are working with the House to move forward.

The legislation would provide many improvements for veterans health care and benefits, including the health care that former residents of Camp Lejeune so desperately need. But we do not want to harm other veterans as we find a way to pay for that legislation, and I thank Senator Burr for his leadership on this effort. I am hopeful that we can move forward with a package soon.

During the last year, this Committee has been very focused on improving and expanding upon employment and training programs for veterans. I am pleased today we have the opportunity to discuss Senator Nelson's bill, which would create a Veterans Job Corps. I am eager for a productive discussion about this bill and all of the many items on this agenda, and I look forward to hearing from our witnesses. I want to thank all of you for joining us today and for your testimony, which we will hear shortly.

With that, let me turn it over to Senator Burr for his opening statement.

STATEMENT OF HON. RICHARD BURR, RANKING MEMBER, U.S. SENATOR FROM NORTH CAROLINA

Senator BURR. Chairman, I would like to thank you for holding this hearing on some rather important legislation. I am not going to give my opening statement. I am going to ask unanimous consent that it be included in the record so that we can get to our colleagues who are patiently waiting.

Chairman MURRAY. Without objection.

Senator BURR. Let me just say, as it relates to Camp Lejeune, we have got Marines and families that have waited over three decades to receive the health care benefits they deserve and that we owe them. To suggest that there might be a compromise that delays further by a year before we start, or 6 months, or due in part and not in full is, frankly, unacceptable and is a disgrace.

So I will continue to lobby that we extend this benefit. The VA ought to step up and assume the responsibility or the Department of Defense. It does not matter to me. But America owes it to these veterans and to their families that were affected by contaminated water, and until we have got this resolved, then this is going to be the single-most important thing, I think, that this Committee should act on, and I will insist on it. I look forward to the witnesses today. Thank you, Madam Chairman.

[The prepared statement of Senator Burr follows:]

PREPARED STATEMENT OF HON. RICHARD BURR, RANKING MEMBER, U.S. SENATOR FROM NORTH CAROLINA

Good morning, Chairman Murray. And welcome to our witnesses—I appreciate you being here to share your views about the bills on today's agenda.

As we consider the merits of these bills, a good starting point is to look at how well existing programs are working and identify any gaps or inefficiencies. That should help us focus on changes that are truly needed and avoid causing any duplication or overlap that can actually increase frustrations for veterans and their families. Also, with the fiscal challenges facing our Nation, it's important to understand how much these bills would cost and, for any that will move forward, we must find ways to pay for them.

As for the bills on the agenda, there is one I would like to briefly mention—S. 3210, which Senator Scott Brown and I introduced. Basically, it would allow the surviving spouse of a veteran who had service-connected disabilities to keep the veteran's business as a "veteran-owned small business" for at least 3 years, so the business would still be eligible for certain contracting preferences. This should give surviving spouses sufficient time to plan for the future of their family-owned businesses after losing their loved ones.

Looking ahead, I expect that several bills I introduced will be on the hearing agenda in two weeks, and I want to briefly discuss that legislation. To start with, S. 1707 would ensure that VA beneficiaries will not lose their rights to own firearms solely because VA finds they are unable to manage their financial affairs. Before their Second Amendment rights could be taken away, there would need to be a finding by a judicial authority that an individual is dangerous—something that actually bears on whether an individual should have access to firearms.

Another bill, S. 2045, would require judges of the Court of Appeals for Veterans Claims to live within 50 miles of the Court's office—a requirement that already applies to other Federal judges. This should increase the efficiency and effectiveness of the Court, by encouraging the judges to be present and personally engaged on a daily basis. It would also emphasize that judges must be totally committed to the Court's important work.

Also, S. 3084 would reform VA's Veterans Integrated Service Networks—or VISNs. In 1995, the veterans health care system was divided into 22 geographic areas—now 21 VISNs—and each region had its own headquarters with a limited management structure to support the medical facilities in that region. Since then, there has been a huge growth in staff at the VISN headquarters and increasing duplication in the duties they carry out.

So, this bill would consolidate the boundaries of nine VISNs, move some oversight functions out of the VISN headquarters, and limit the number of employees at each VISN headquarters. All of this should make these networks more efficient and allow resources to be reallocated to direct patient care.

Finally, Senator Wyden and I introduced S. 3270, which would create a "look-back" period, so VA can consider whether a pension applicant transferred away assets before seeking those need-based benefits. A GAO investigation—that Chairman Murray and I requested—shed light on an entire industry aimed at convincing veterans to move assets in order to qualify for these benefits. This practice can leave elderly veterans without adequate resources in their greatest time of need. So, the bill aims to strengthen VA's pension program, while discouraging companies from preying on elderly veterans.

Madam Chairman, all of these bills would provide common-sense solutions to real issues and I am glad the Committee will have the opportunity to discuss them at our next hearing. Now, before I turn it back over to you, I do want to address some of the Committee's unfinished business from our last legislative hearing a year ago. What I think is particularly important to mention is the Caring for Camp Lejeune Veterans Act.

That bill would provide health care for veterans and their families who were stationed at Camp Lejeune when the water was contaminated with known or probable human carcinogens. Unaware of any danger, veterans and their families drank, bathed in, and cooked with the contaminated water.

In the decades after the contaminated wells were shut down, veterans and their families have died or become seriously ill from devastating diseases, such as leukemia, breast cancer, and kidney cancer. It is long past time for the government to step up and provide the health care that these veterans and their families need. Some have waited nearly thirty years for help and they cannot—and should not—wait any longer.

I realize that finding ways to pay for this and other worthwhile bills may require difficult choices, in order to focus limited resources where the needs are most urgent. But, with veterans and their families who were exposed to the contamination at Lejeune continuing to suffer and even die, I hope we can come together soon to find solutions.

Madam Chairman, I look forward to discussing the bills on today's agenda and to another productive hearing in two weeks. More importantly, I look forward to working with you and our colleagues to make real progress on behalf of veterans, their families, and their survivors.

I thank the Chair and again thank our witnesses.

Chairman MURRAY. Thank you very much. Committee Member, Senator Webb, has arrived. Do you want to let Senator Lautenberg go first, or are you ready?

Senator WEBB. By all means.

Chairman MURRAY. Why do I not go to Senator Lautenberg for his testimony, then we will return to you, Senator Webb. Senator Lautenberg.

Senator LAUTENBERG. Thank you very much, Madam Chairman and Senator Burr. Senator Webb, I assume that extending me this courtesy has nothing to do with age, but rather with the bill.

Senator WEBB. Another gesture of appreciation for all the help you gave us on the GI Bill, Senator Lautenberg, and for your service during World War II.

STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM NEW JERSEY

Senator LAUTENBERG. Thank you very much. Thank you for inviting me to appear before your Committee to discuss the GI Educational Freedom Act, which I introduced in March with Senator Rubio. As a GI Bill recipient, it is an honor for me to be here to talk about an issue that is so close to my heart.

Serving in the Army was one of the most significant episodes in my life. I was 18 years old when I enlisted to join more than 16 million other men and women who were serving during World War II. My life had been like so many other American families of those times, struggling to get along, trying to keep families together, poor. We struggled with my dearly beloved father who was very sick at the time with cancer. He died when he was 43 leaving my mother a 37-year-old widow.

Thankfully, with service overseas, a chance to serve my country, came the opportunity of a lifetime chance to start my career. When I returned home from my military service, I was 22 years old and there was no way at all that I could go to college. The GI Bill enabled me to go to Columbia University, where I received a world-class education that otherwise would never have existed.

That education paved the way for me to realize the American dream. I joined with two other friends in starting a business that had $5,000 worth of capital that grew steadily and now provides the labor statistics that we get weekly, ADP. The company employs over 50,000 employees worldwide. And that success was really so meaningful in giving me a chance to give something back to my country by becoming a U.S. Senator.

As a Senator, I have never forgotten what mattered all those years, that my country was willing to invest in me when I returned home from my military service. In recent years, I was proud to work with Senator Webb and former Senators Chuck Hagel and John Warner to create a new GI Bill for the 21st century. And the new GI Bill is making a real difference for thousands of veterans and their families each and every year.

As our veterans return home from the war, we have got to work to make sure that this important benefit is protected for years to come, and thanks to Senator Webb's leadership, there is a component added to that GI Bill that did not exist originally, and that

is the ability to transfer that privilege of going to college to a family member if the individual who served is not going to use it.

That is why I am so outraged to hear some of the actions of the bad actors in the education community. Taking advantage of our heroes by using misleading advertising, they rope veterans and their GI Bill benefits into an education that does not adequately prepare them for employment.

You, Madam Chairman, have talked about that very subject, that there is counseling or a guidance that ought to be included, and the VA offers counseling services to help veterans navigate the educational process, but the services are only available to veterans who specifically make their own request for educational counseling.

One thing is clear: the VA's current approach is not sufficient. Last year, out of hundreds of thousands of veterans receiving VA educational assistance, fewer than 6,500 beneficiaries requested this counseling.

That is why we introduced the GI Bill Educational Freedom Act, along with Senator Mark Rubio and four other Senator colleagues from both sides of the aisle, and this bill would make sure that the VA offers every veteran an opportunity to evaluate where it is they can go to regain their lives and make progress and to get all of the information that they need to make informed educational choices.

It is supported by the Military Officers Association of America, the Veterans of Foreign Wars, the Iraq and Afghanistan Veterans of America, and Congress has got to take action. They have to do it now. We have got to follow through on the promise of the GI Bill and ensure our veterans that they are going to be able to succeed getting their education.

Today's veterans have made tremendous sacrifices for our country, and they deserve a quality education in gratitude for their services. I hope that my colleagues will support this commonsense bipartisan bill. I thank you again, Madam Chairman, for conducting this hearing.

Chairman MURRAY. Thank you very much, Senator Lautenberg.

We have a number of Senators that are here today to speak to their legislation. Before I turn to the rest of them, I want to give Senator Webb his opportunity to make an opening statement.

STATEMENT OF HON. JIM WEBB, U.S. SENATOR FROM VIRGINIA

Senator WEBB. Thank you very much, Madam Chair, and I appreciate all of the interest that is clearly shown by Members of our body in terms of making the GI Bill that we were able to pass a few years ago, which is the finest GI Bill in the history of our country, more in tune with fiscal responsibility and the needs of our veterans.

I have an amendment that will be considered also today, a bill, S. 2179, that we worked with Committee staff on very hard and also with other Members. It has got the sponsorship of 15 Senators and the support of 13 veterans groups. It is right along the lines of what Senator Lautenberg was talking about with the veterans groups themselves understanding what we need to do in order to make sure that this program retains its viability.

This year marks the second anniversary of the implementation of the post-9/11 GI Bill. I introduced this bill my first day in office after having spent a good bit of time not only in the Marine Corps, but also serving as a Committee Counsel in the House Veterans' Committee many years ago looking at the inadequacies, quite frankly, the inadequacies of the Vietnam-era GI Bill and starting with the simple concept that for those who have served since 9/11, the same quality benefits that were given to those who served during World War II should have been the standard.

Particularly with the help of a lot of people in the Senate, but particularly with Senator Lautenberg, Senator John Warner, Senator Chuck Hagel, two Republicans, two Democrats, two World War II veterans, two Vietnam veterans, we were able to move this bill through the Senate and through the House in sort of a record 16 months in order to get this program out for those who have been serving. I am very proud of this.

Since May 20, 2009, more than 1.2 million individuals have applied for this benefit. The VA has paid $18 billion to nearly 720,000 beneficiaries of the program. At the same time, there have been growing concerns about abuses by some educational institutions that might put the integrity of this program at risk.

This is not the first time we have faced this situation. Actually, when I was a Committee Counsel many years ago, that was the reason it was given to me, that they went to a different format for the Vietnam-era GI Bill that thousands of for-profit vocational schools had quickly appeared and had led to follow-on restrictions of the program.

We want to keep the basis of this program. At the same time, recent data show that eight out of the top ten recipients—institutional recipients of the post-9/11 GI Bill benefits—are for-profit institutions. The growth in this sector has been tremendous in the past couple of years. Between 1998 and 2008, for-profit schools grew by a measure of 225 percent.

In 2009, the 15 publicly-traded for-profit educational companies spent $3.7 billion on marketing. A disproportionate share of this money is going to marketing and recruiting veterans into poorly performing for-profit schools. I want to emphasize that the problem is not the for-profit sector, per se. There are many for-profit institutions that are providing great services, particularly to non-traditional students.

But with the huge amount of Federal dollars being spent in this sector, we owe it to our veterans to carefully monitor and to provide adequate oversight so that we have a standardization among the institutions who are receiving Federal monies in order to educate our veterans.

That is why I introduced this bill. It takes a simple approach to ensure a minimum standard of quality by requiring that all institutions receiving funding from post-9/11 GI Bill and tuition assistance be Title IV eligible.

It is a simple standard. In other words, if schools or programs want to remain eligible to receive GI Bill or military tuition assistance funds, they must meet the same standards that we already require schools to meet if they are going to receive other types of Federal funds such as Pell grants.

Beyond requiring Title IV eligibility, the bill makes certain other improvements to increase the transparency of the program, provide additional counseling services to transitioning servicemembers, and strengthen the responsibilities of the State approving agencies, the VA, and the DOD.

As I mentioned, we have broad support and endorsement from many other Senators and also from more than a dozen veterans organizations. It is a comprehensive, commonsense piece of legislation, and I am confident we can put this together on a bipartisan basis in order to save the integrity and the value of the best GI Bill that our country has ever seen. Thank you, Madam Chair.

Chairman MURRAY. Thank you very much, Senator Webb.

Senator LAUTENBERG. May I be excused, Madam Chairman?

Chairman MURRAY. Absolutely. I want to thank Senator Lautenberg and Senator Webb for their interest in this. We are going to be doing significant work in the GI Bill arena, and we will be working with both of you as we put that together. So thank you very much for your work on that.

We have four Senators who have joined us. Senator Boozman, do you want to make an opening statement before other Senators make a comment?

Senator BOOZMAN. Yes, ma'am; just briefly, with your permission.

STATEMENT OF HON. JOHN BOOZMAN, U.S. SENATOR FROM ARKANSAS

Senator BOOZMAN. I want to thank you and Ranking Member Burr. I think it is so important that we are holding the hearing today. With unacceptably high unemployment rates among our Nation's veterans population, every Member of the Senate ought to be thinking about how we can provide economic opportunities to our servicemembers and their families so that we can ensure that they experience fulfilling civilian lives once they have completed their military service.

I would also like to thank both of you for bringing my legislation, S. 2246, the TAP Modernization Act that I introduced with Senator Begich—who has been such a great partner in proposing legislation for improving veterans programs—to create a pilot program in the hopes of improving the current TAP program that Congress recently saw fit to make mandatory for all military personnel, which I thought was a great step in the right direction.

However, this has not always been the case, and even those that do attend TAP may be distracted during their transition or may not fully appreciate the value of the instruction and later wish that they had paid better attention.

For those who may be in need of a TAP refresher or even a redo, this legislation would create a 3-year pilot program that would provide off-base TAP to veterans and their spouses in an off-base environment. Attendance would be voluntary and these pilot programs would occur in States selected by DOL with the highest rates of veterans' unemployment.

I believe that examining the benefits of a second chance at TAP would be a worthwhile endeavor. And based on my experience as a former Chair and Ranking Member of the House Veterans' Af-

fairs Subcommittee on Economic Opportunity, I believe this could be an investment that would pay dividends for our veterans in terms of their ability to leverage their skills and benefits that they have received as a result of their military service.

I look forward to continuing to work with the Chair and Ranking Member. I very much appreciate, again, bringing this legislation forward. And with that, I yield back.

Chairman MURRAY. Thank you very much, Senator Boozman. Really appreciate your work on this. We do have four Senators who have joined us. I will call on you in the order of appearance starting with Senator Udall.

STATEMENT OF HON. TOM UDALL,
U.S. SENATOR FROM NEW MEXICO

Senator UDALL. Thank you, Madam Chair and Ranking Member Burr. I appreciate the opportunity to testify before the Committee today. Sitting in the audience today is Master Sergeant Jessey Baca, a member of the New Mexico Air National Guard, and his wife, Maria. Just give everybody a wave here, you two.

Master Sergeant Baca was stationed in Balad, Iraq, and exposed to burn pits. His journey to be here today was not easy. He has battled cancer, chronic bronchiolitis, chemical-induced asthma, brain lesions, TBI, PTSD, and numerous other ailments. Maria has traveled that difficult road with him. They know firsthand the suffering caused by burn pits, and they need to know the answers. It is because of them and so many others like them that we are here today.

Last year I introduced S. 1798, the Open Burn Pits Registry Act with Senator Corker. Representative Todd Akin introduced it in the House. It is not a partisan issue. We have each met with veterans and active duty members of the military and they have told us how important it is that we act now.

In both Afghanistan and Iraq, open air burn pits were widely used at forward operating bases. Disposing of trash and other debris was a major challenge. Commanders had to find a way to dispose of waste while concentrating on the important mission at hand. The solution that was chosen, however, had serious risks.

Pits of waste were set on fire, sometimes using jet fuel for ignition. Some burn pits were small, but others covered multiple acres of land. Oftentimes, these burn pits would turn the sky black. At Joint Base Balad, Iraq, over ten acres of land were used for burning toxic debris.

At the height of its operations, Balad hosted approximately 25,000 military, civilian, and coalition personnel. These personnel would be exposed to a toxic soup of chemicals released into the atmosphere. According to air quality measurements, the air at Balad had multiple particulates harmful to humans. Plastics and styrofoam, metals, chemicals from paints and solvents, petroleum and lubricants, jet fuel and unexploded ordnance, medical and other dangerous waste.

The air samples at Joint Base Balad turned up some nasty stuff. Particulate matter, chemicals that form from the incomplete burning of coal, oil and gas, garbage, or other organic substances, volatile organic compounds such as acetone and benzene—benzene, as

you all know, is known to cause leukemia—and dioxins which are associated with Agent Orange.

According to the American Lung Association, emissions from burning waste contain fine particulate matter, sulfur dioxides, carbon monoxide, volatile organic compounds, and various irritant gases such as nitrogen oxides that can scar the lungs. All of this was in the air and being inhaled into the lungs of servicemembers.

Our veterans have slowly begun to raise the alarm as they learn why, after returning home, they are short of breath or experiencing headaches or other symptoms, and in some cases, developing cancer.

Or to put it more simply by Maria Baca when she describes her husband's symptoms, "When he breathes, he can breathe in, but he cannot breathe out. That is the problem that he is having. It feels like a cactus coming out of his chest. He feels like these splinters and he cannot get rid of them."

The Department of Army has also confirmed the dangers posed by burn pits. In a memo from April 15, 2011, Environmental Science Engineering Officer, G. Michael Pratt, wrote an air quality summary on Bagram Airfield. And I would respectfully ask that the full memo be included in the record.

Chairman MURRAY. Without objection.

DEPARTMENT OF THE ARMY
COMBINED JOINT INTERAGENCY TASK FORCE (CJIATF)-435
TASK FORCE PEACEKEEPER
BAGRAM AIRFIELD, AFGHANISTAN
APO AE 09354-9998

REPLY TO
ATTENTION OF

CJIATF-435-TFPK-MED

15 April 2011

MEMORANDUM FOR RECORD

SUBJECT: Air Quality Summary on Bagram Air Field (BAF)

1. The purpose of this memorandum is to summarize the results of air samples taken here on BAF, which includes Camp Sabalu-Harrison, and the potential long term effects that the air quality here may have on Service Members. Results of air samples taken over approximately the last eight years indicate that there may be an increased risk of long term adverse health conditions as a result of the poor air quality here on BAF.

2. Preventive Medicine (PM) teams take weekly air samples of Particulate Matter 10 and 2.5 micrometers in size (PM_{10} and $PM_{2.5}$). U.S. Army Public Health Command analyzes the air samples and summarizes them in the *Periodic Occupational Exposure Monitoring Summary* (POEMS). The draft POEMS for Bagram Air Field (BAF), Afghanistan covers the 2002-2010 time period. According to the draft POEMS, the average air quality for PM_{10} and $PM_{2.5}$ was 302 $\mu g/m^3$ and 110 $\mu g/m^3$ respectively. The National Ambient Air Quality Standard set by the Federal Government for PM_{10} and $PM_{2.5}$ is 150 $\mu g/m^3$ and 35 $\mu g/m^3$ respectively. The Air Quality Index associated with the levels summarized for the average concentration here on BAF during the time period in the draft POEMS for PM_{10} and $PM_{2.5}$ is 174 and 177 respectively. Per U.S. Environmental Protection Agency standards, air quality indexes in the range of 151-200 are considered "Unhealthy".

3. The primary contributor to the elevated PM_{10} and $PM_{2.5}$ was a burn pit which services the trash generated on BAF with a population of up to 40,000 Service Members and contractors. Throughout the deployment the burn pit smoke plume drifted over the LSA exposing Service Members to increased air contaminants.

4. The long term health risk associated with air conditions on BAF from $PM_{2.5}$ and PM_{10} indicates there is a potential that long-term exposure at these levels may increase the risk for developing chronic health conditions such as reduced lung function or exacerbated chronic bronchitis, chronic obstructive pulmonary disease (COPD), asthma, atherosclerosis, or other cardiopulmonary diseases. This does not mean that service members that served on BAF will acquire adverse long term pulmonary or heart conditions but that the risk for such is increased.

5. If service members feel they have developed adverse health conditions due to something they were exposed to during their deployment, they should seek medical advice from the Veteran's Administration health care facilities in their local area. The medical providers at these facilities will have access to the data compiled by Public Health Command and will be able to make a determination if the adverse health condition that the service member is concerned about is a result of the exposure they received during their time on BAF.

6. The point of contact for this memorandum is the undersigned and can be reached at 318-481-9063 or gerold.m.pratt@afghan.swa.army.mil or mike.pratt@us.army.mil.

G. MICHAEL PRATT
CPT, MS
Environmental Science Engineering Officer
Preventive Medicine OIC

Senator UDALL. Referring to the burn pits near Bagram Airfield, he said there was potential that long-term exposure at these levels may increase the risk for developing chronic health conditions such as reduced lung function or exacerbated chronic bronchitis, chronic obstructive pulmonary disease, asthma, arteriosclerosis, and other cardiopulmonary diseases.

Many of our servicemembers are coming home with these symptoms. I believe, like you do, Madam Chair, that we are forever in debt for their service, so we must ask the question, how did these

burn pits impact the health of our returning heroes? This bill is a step toward finding the answers we owe them.

The legislation will establish and maintain an open burn-pit registry for those individuals who may have been exposed during their military service. It would include information in this registry that the Secretary of the VA determines applicable to possible health effects of this exposure, develop a public information campaign to inform individuals about the registry, and periodically notify members of the registry of significant developments associated with burn pit exposure.

It is supported by numerous groups, including BURNPITS 360, Veterans of Foreign Wars, the Association of U.S. Navy, Retired, Enlisted Association, the Uniform Services Disabled Retirees, and the National Military Family Association.

Madam Chair and Ranking Member Burr, thank you for your attention to this important issue. I look forward to working with both of you and Members of your distinguished Committee on this important legislation. Thank you and its a pleasure, once again, to be with you today.

Chairman MURRAY. Thank you very much, Senator Udall, and thank you for your critical work on this. I really appreciate it.

Senator UDALL. And I would also ask to be excused unless there are questions from the Committee.

Chairman MURRAY. Absolutely. I appreciate it very much. Thank you very much.

Senator UDALL. Thank you very much.

Chairman MURRAY. Senator Nelson.

STATEMENT OF HON. BILL NELSON, U.S. SENATOR FROM FLORIDA

Senator NELSON. Madam Chairman, Senator Burr, Members, I want to second what Senator Udall just said. We have had a number of cases of the burn pit exposure in Florida, and it is horrific. So thank you, Senator Udall, for that testimony.

Madam Chairman, may I just submit a statement for your Committee's record.

Chairman MURRAY. Your statement will be put in the record.

[The prepared statement of Senator Nelson follows:]

PREPARED STATEMENT OF SEN. BILL NELSON, U.S. SENATOR FROM FLORIDA

Chairwoman Murray, Ranking Member Burr, thank you for the invitation to be here today to speak about S. 2130, a bill I filed to help get veterans back to work.

While the economic downturn has taken a toll on just about every American, it's been especially tough for many of our veterans. The unemployment rate among veterans returning from Iraq and Afghanistan has risen to 12.7 percent—much higher than the national average of 8.2 percent. For our youngest veterans, those under 24, it's even worse—upwards of 29 percent.

Numbers like these tell me we need to do more to help those who sacrificed in service to our Nation. President Kennedy said: "We must never forget that the highest appreciation is not to utter words, but to live by them."

Veterans have a history of public service, as well as unique training and skills that could benefit national priorities, even after their military service has come to an end.

So, in February I filed legislation to authorize a Veterans Conservation Corps. modeled on Civilian Conservation Corps of the 1930s. This jobs program would put veterans back to work restoring and protecting America's public land and waters. This job corps will provide transitional assistance to separating servicemembers,

employing them on projects designed to leverage skills developed in the military in fields like water safety, construction, GIS mapping, and as park rangers.

This program will also include a training element, so that when veterans leave the corps they have enhanced skills learned in the military, and are able to find gainful employment.

Let me give you an example of how I think this could work in my State.

In Florida, there is a big problem with invasive species. Creatures like Burmese pythons are running wild in the Everglades. Several years ago a little girl was killed by one of these large snakes. While I've been able to push through rules banning interstate trade of these snakes, finding and eradicating them from the Glades is extremely difficult.

It turns out that bomb-sniffing dogs—those that tracked IEDs in Iraq and Afghanistan—can be retrained to find Burmese pythons—something that humans just aren't that good at. And who better than soldiers returning from the Middle East to be trained to be the dog handlers?

Madam Chair, not only will this bill help with transition, employment, and retraining of veterans, but the Veterans Conservation Corps will help address the Federal maintenance backlog. The National Park Service has a deferred maintenance backlog of more than $11 billion.

Federal public lands are not only National treasures, but they are also economic drivers, bringing in tourism and recreational opportunities to local communities. It's been estimated that for each dollar invested in park operations, $10 in gross sales revenues are generated, and last year, national parks provided $31 billion of direct economic benefit to local communities around the country.

Madam Chair, one of the greatest honors I have in my job is getting to meet and thank veterans and current members of our military. When you meet some of these young folks—they have already done the toughest jobs out there—23-year-olds who are leading platoons through Kandahar. These folks are hardworking, highly trained, and extremely skilled. We just have to give them the opportunity, and they will prosper.

It's up to us to stand by our soldiers, sailors, airmen, marines, and coast guardsmen. Passing legislation to help employ veterans—like the Veterans Conservation Corps—is the way we can thank them for their service and their bravery.

Madam Chairman, Ranking Member Burr, I appreciate all the work this Committee has done to tackle the high rate of veterans unemployment, and I look forward to working with you on this legislation.

Senator NELSON. What I want to talk about is the Veterans Conservation Corps. And it simply is to try to help address a situation that when a veteran comes home, especially from Iraq or Afghanistan, and they cannot get a job, here they have taken such extraordinary responsibility into their hands representing this country abroad, they come home and then cannot get a job.

Now, until the economy gets cranked up, it is going to continue that way unless we give some additional help. One suggestion is, one bill that you all are considering, which is to try to take the veteran's speciality that they have already gotten educated in as a military person and marry that up in the civilian sector once they come home without having to go through all of the credentialing. That is one thing.

The other thing would be the establishment—and by the way, that will not cost any money. The other thing would be a veterans conservation corps which will cost about a billion dollars, and for a year after the veteran comes home, to provide employment in things that we need done in our parks and with the possibility that at the end of the year, if the veteran still has not found employment in the private sector, that there could be an extension.

Training for the veteran in the conservation corps is also a component. So we are talking about things like transportation improvements, for example in parks like trails. We are talking about erosion control, landscape and recreation, habitat protection and restoration, including dealing with invasive species, and importantly,

data collection. And then if training is a part of this component, that all the more eases the veteran into employment in the private sector.

And so, I just throw it out there for your consideration. It seems like we have an obligation. You have heard the statistics; I will only repeat them: 8.2 percent unemployment nationally; among veterans, it is 12.7 percent, but among veterans under 24 years of age, it is 29 percent.

So, thank you for your consideration, Madam Chair.

Chairman MURRAY. Thank you very much, Senator Nelson, for your work on this issue. I will turn to Senator Reed.

STATEMENT OF HON. JACK REED,
U.S. SENATOR FROM RHODE ISLAND

Senator REED. Thank you very much, Madam Chairman, Ranking Member Burr, and distinguished Members of the Committee. I want to commend you for all your efforts to assist veterans. I am pleased to have the opportunity to talk about S. 3179, the Service Member Housing Protection Act.

Since 1940, the Congress has recognized that men and women in the service of the United States deserve special protections, so with the Civil Service Relief Act, Soldiers and Sailors Civil Service Relief Act augmented by the Service Members Civil Relief Act, augmented by Senator Webb's great work with respect to the GI Bill of Rights and other legislation, including the creation of a servicemembers branch of the Financial Protection Bureau, we have tried to provide protections to our servicemen and women.

The proposal that I am making advances several, I think, important improvements. It continues in the strong tradition that we have established and this Committee has established, and it focuses on protecting servicemembers, particularly from foreclosure, and also from the—give them real access to the protections under the Servicemen's Civil Relief Act.

First, the bill would make it easier for servicemembers to claim deployment-related financial and credit protections by expanding what could be submitted to constitute military orders. Currently, creditors require a copy of military orders in order to trigger the SCRA protections. However, these orders are often not cut until just before deployment, or in many cases, when the serviceman or woman is already deployed.

The legislation that we are proposing would broaden the concept of orders by allowing a competent authority to submit a letter indicating that the servicemember is, in fact, deploying, so they would be protected with respect to the rights that they have under the SCRA, including interest rate limitations of 6 percent on qualifying mortgages, something I think that has to be done and should be done. In many respects, this is a technical correction which could be so important to servicemen and women.

Second, this bill would extend foreclosure protections to surviving spouses. Currently, servicemembers have a 9-month window of foreclosure protection following service to provide time to reacclimate to civilian life and to get their personal affairs back in order.

But surprisingly, this protection is not offered to a widow of someone who dies on active service. I think this is something that

should be done immediately. I cannot think of anything more difficult than to bear the loss of a spouse in the service of this country and not being able to access at least a 9-month period in which they could avoid foreclosure.

And finally, the bill would facilitate the transition from off-base to on-base housing. There is a shortage of military housing on many bases throughout this country. I do not have to tell this Committee because many of you represent areas with substantial military installations.

But when servicemembers are on a waiting list for on-base housing, they can be in a situation where it would cause them to terminate their off-post lease. That, I think, is unfair. I think they should be able to move without a termination fee on post when that housing becomes available.

There are several States, in fact—Florida, Georgia, and Virginia—who are already, under State laws, have made it illegal to impose a penalty if a servicemember is given on-post housing. I think we should do that at the national level.

So I have been very proud to introduce this bill, along with Senator Durbin, Senator Sherrod Brown, Senator Whitehouse, Senator Begich. It is supported by the Military Coalition, the Military Officers Association of America, the Iraq and Afghanistan Veterans of America, the National Military Family Association, and the American Legion. And our legislation also complements, Madam Chairman, your bill, S. 2299, which I co-sponsored which will better enable the Department of Justice to defend our servicemembers and uphold their rights under the SCRA.

Thank you very much for this opportunity to present this important legislation, and if you will also forgive me?

Chairman MURRAY. Thank you very much, Senator Reed. Of course, our Senators, once they testify, are welcome to leave.

We have had two Committee Members join us, and I would ask Senator Isakson and Senator Johanns if you want to make an opening statement or wait until our testifiers? I am happy to let you go. Senator Isakson, you want to wait? Senator Johanns?

Senator JOHANNS. I am in the middle of a Banking hearing, like so many of us, so if I might, I would like to offer a few thoughts and then I do need to return to that.

STATEMENT OF HON. MIKE JOHANNS,
U.S. SENATOR FROM NEBRASKA

Senator JOHANNS. First of all, thank you, both to you and the Ranking Member, for holding the hearing. We are all here today to ensure that veterans are able to successfully transition back to the civilian world upon leaving active duty. They have served us well. We need to do all we can.

For this reason, I am very pleased to join my colleague, Arkansas Senator Mark Pryor, in introducing S. 3235, the Helping Iraq and Afghanistan Veterans Return to Employment at Home Act. This legislation seeks to improve the ability of servicemembers to receive State licenses and certificates for jobs they already know how to do.

As we all know, many servicemembers perform technical jobs as part of their service. That could be driving a truck, it could be a

nursing assistant, a whole host of jobs. They are trained to perform the jobs with great skill in an unbelievable environment.

But unfortunately, when they complete their tour of duty, many seeking similar jobs as a civilian fine they cannot meet the certification requirements, amazingly enough. The Hire at Home Act seeks to do away with this common yet unnecessary hurdle that often stands between our vets and civilian employment.

It encourages State licensing agencies to consider a veteran's active duty training and experience when determining eligibility for a State license. So I believe it is good legislation and legislation that I hope we will find substantial support for.

The second item I wanted to talk about, the Nationwide Network of Support for Veterans and Military Families Act of 2012 seeks to charter a national corporation that would coordinate public, private, and non-governmental support for servicemembers, veterans, and their families. The concept behind the legislation came from collaboration with individuals working on the ground with veterans trying to figure out how to better serve them.

While our veterans have the benefit of receiving assistance and services from many private and public and faith-based, non-governmental organizations, the needs of vets in a specific community can sometimes fall through the cracks. So the goal of the legislation is to encourage individuals and organizations within a community to work together to meet the specific needs of the veterans.

The legislation would encourage communities through the issuance of small, privately-funded grants to bring relevant parties to the table. The network would also serve as a resource toolkit for communities looking to improve the way they serve veterans. Again, another act designed to try to figure out how to help veterans transition back into their communities.

Thank you, Madam Chair. I appreciate the opportunity to say a few words.

Chairman MURRAY. Thank you very much, Senator Johanns. Senator Isakson, did you want to say anything? You waive? Really appreciate that. Senator Merkley.

STATEMENT OF HON. JEFF MERKLEY,
U.S. SENATOR FROM OREGON

Senator MERKLEY. Thank you very much, Madam Chair and Ranking Member and Members of the Committee for holding this hearing and for your unwavering support of our veterans and military families. My colleagues have presented many potential strategies to address the challenges faced by our returning vets.

Certainly I applaud their efforts, Bill Nelson's effort to create a veterans conservative corps. Tremendously important that there be the opportunity for employment and a structured life when folks return and cannot find employment in this very difficult economy. Jack Reed's efforts on foreclosure protection, Tom Udall's effort on burn pits. I applaud them all.

I come today on a different topic. We often talk about the sacrifices that our military members make in service of our Nation up to and including the ultimate sacrifice, and over 6,000 Americans have died in Iraq and Afghanistan since 2001. There is sometimes less recognition, though, for the sacrifices that military spouses

make. Military spouses sacrifice every day their husband and/or wife serves, and in the case where those loved ones are killed, they feel that sacrifice every day for the rest of their lives.

The loss of a spouse is deeper loss that can ever be quantified, but we must realize that beyond the incredible personal sacrifice, there is also financial loss represented. When a young man or woman dies in service, the spouse of that person loses a lifetime of potential that could have helped to build and support the family.

It was in this context that I was surprised when a veteran came to a town hall. His name is Robert Thornhill of Beaverton, Oregon, and he said, Did you realize that while the Fry scholarships help the children, they do not help the spouse and that the spouse has to re-establish a financial future and that often would be very much supported or assisted by the type of educational opportunities the Fry scholarship represents?

I was indeed surprised about that and this bill, Senate Bill 1852, the Spouses of Heroes Education Act, represents a small step to help Gold Star spouses reclaim some of that potential. Helping Gold Star spouses go back to school allows these spouses who have sacrificed so much to pursue the educational opportunities they need to reach their goals and to support their families.

Whether it is getting that first college degree, going back to school for a career change, or getting the training that will take them to the next level and help them support their family, having that education within reach means they can take their destiny, their family's destiny into their own hands.

I appreciate the strong support for this bill by the Military Officers Association of America, National Guard Association of America, and the Military Coalition, an association of organizations supporting servicemembers and vets. Let us provide the same opportunity to our Gold Star spouses as we provide to the children to help the spouses restore a financial foundation for their families and take control of their futures.

Thank you very much for the opportunity to testify.

Chairman MURRAY. Thank you very much, Senator Merkley. Senator Pryor?

STATEMENT OF HON. MARK PRYOR,
U.S. SENATOR FROM ARKANSAS

Senator PRYOR. Thank you, Madam Chair. Thank you for having me and, Ranking Member Burr, thank you for your leadership on this as well and all the Committee Members.

I want to thank you for having me here to testify today and I appreciate the opportunity to present the Service Member Employment Protection Act and the Hire at Home Act before this Committee. I especially want to thank my co-chair of the Reserve Caucus, Senator Saxby Chambliss, for his support of the Service Member Employment Protection Act, and Senator Johanns, who just had to leave, for the original co-sponsorship of the Hire at Home Act.

I would like to begin with the Service Member Employment Protection Act. I imagine everyone here today recognizes the need for employment legislation that is fair to military members and em-

ployers alike. I believe this legislation provides reasonable and necessary changes to USERRA.

Members of the Reserve component often struggle to balance their military service with obligations to their civilian employer. These unique challenges sometimes force servicemembers to make tough choices. Congress has long recognized the need for legislative protection for servicemembers, especially since September 11. It has continued to identify the areas that need improvement.

Currently, employers have the ability to force servicemembers into binding arbitration for claims arising under USERRA. The first section of the Service Member Employment Protection Act clarifies that USERRA precludes these arbitration agreements. Arbitration can unnecessarily limit servicemembers' options.

That is why it is important that we provide our military members with the option to pursue their discrimination claims in Federal court where they have all the protections and transparency afforded under Federal law.

The second section of my bill expands the definition of service in the uniformed services. Currently, the definition does not include time away for members that need medical appointments for treatment of service-connected injuries. It is only fair that we expand this definition to protect our returning veterans while seeking medical treatment for injuries obtained in the line of duty.

The final section within the bill is very simple. It bans repeat USERRA violators from getting Government contracts. We already do this with laws such as Buy American Act, the Clean Water Act, the Drug-Free Workplace Act, just to name a few. It only makes sense to add servicemember protections to this list. We should always strive to prevent the award of contracts to vendors who have engaged in misconduct by failing to honor their legal obligations.

Finally, I would also like to discuss helping Iraq and Afghanistan veterans return to employment or the Hire at Home Act that Senator Johanns mentioned a few moments ago. He did a good job of explaining it, but as you know, many veterans have job skills and experiences that apply in the civilian world as well as in the war zone.

EMTs, truck drivers, paramedics, nursing assistants, they have all been trained by the military to use their skills in combat and they should be able to apply these skills in civilian life. This bill encourages States to consider our servicemembers' experience when issuing credentials and licenses, which would allow them to skip expensive and time-consuming classes or hurdles to employment.

I heard Senator Bill Nelson a few moments ago talk about the Bureau of Labor statistics reporting that unemployment for veterans who served in the military since 2001 was at 9.2 percent. Last month, this number climbed to 12.7 percent. At the end of 2011, young male veterans between the ages 18 to 24 had an unemployment rate of 29.1 percent. That is 29.1 percent.

As you know, there are a number of ideas and initiatives out there today to help lower these numbers, and I believe that these two bills that I have talked to the Committee about today would help to do just that. So I want to thank you for the opportunity to be here and would make myself available for any questions, and

make my staff available for anyone who wants to follow up. Thank you.

Chairman MURRAY. Thank you very much, Senator Pryor. I really appreciate it. I know Senator Isakson, you had an opening statement that you wanted to make?

STATEMENT OF HON. JOHNNY ISAKSON, U.S. SENATOR FROM GEORGIA

Senator ISAKSON. Madam Chairman, I will submit my opening statement for the record. I wanted to commend Senator Pryor on the consideration or alternative certification consideration for veterans' skills. If I am not already on the bill, I wish you would put me on it because I have been overseas and been at sea on some ships with some of our sailors.

I have seen the joint venture programs that we have now, for example, with Marriott Corporation training our chefs and our cooks. In the Navy, they help to assist the Navy and then bring them into the private sector when they leave. I think it is a great idea and it is a great consideration.

Senator PRYOR. Thank you. We will add you. We will be honored to. Thank you very much.

Senator BOOZMAN. Madam Chair?

Chairman MURRAY. Yes, Senator Boozman.

Senator BOOZMAN. I would like to comment on Senator Pryor's bill which he just described. This is something—I was Chair and Ranking Member of the Economic Opportunities Committee in the House and this is something that the Senate and the House have talked about, you know, ever since I have been in Congress.

We will really need to do something about this. The problem is, is that if you are a truck driver in the military and then you transition, you need to have the ability for that work-related skill to go with you. Yet, you encounter the application of State rules and things like that, which we have to separate out. But they need to get credit for that.

So it does not make any sense. We have got good job transition between our pilots and skills like that, but there is none for our medics, our plumbers, and electricians, all of those skills.

The other thing that I would like to see is us work with the Department of Defense so that as our men and women complete those training programs, that they are given some sort of a certificate or, you know, much like a pilot's license so that you have actually got something as you transition into the civilian world.

The blowback will be that they are concerned about retention and things when you do those kind of things, but that is a bogus argument. But I really do commend you for bringing this forward, and hopefully, with you and Senator Johanns, this will give us the impetus to actually get something done and quit talking about something that has lingered out there for many, many years.

Senator PRYOR. Thank you.

Chairman MURRAY. Thank you, thank you very much. Really appreciate that. Senator Begich, do you have an opening statement or comment?

Senator BEGICH. No.

Chairman MURRAY. OK. I really appreciate that, and I would like our first panel to move forward and join us at the witness table. I will introduce them as they come forward.

From the Department of Veterans Affairs, we have Curt Coy, who is the Deputy Under Secretary for Economic Opportunity at the Veterans Benefits Administration. Accompanying him is the Director of VA's Education Service, Robert Worley. I want to congratulate him on his new position. He has some very large shoes to fill, and I am sure he will be making many appearances before this Committee.

Also joining us today is Ruth Fanning who is Director of the Vocational Rehab and Employment Service, and John Brizzi from the Office of General Counsel. The Department's full statement will be entered into the record. Mr. Coy, if you are ready, we would like you to go ahead and testify.

STATEMENT OF CURTIS L. COY, DEPUTY UNDER SECRETARY FOR ECONOMIC OPPORTUNITY, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. COY. Madam Chairman Murray, Ranking Member Burr, and other Members of the Committee, I am pleased to address the Committee today with VA's views on pending legislation. Joining me today, as you indicated, is Ruth Fanning, Rob Worley, and John Brizzi. At the onset, I would like to apologize for the late submission of our testimony.

A major theme of the legislation on today's agenda is helping veterans make informed choices and succeed in their future endeavors. My full statement has been submitted for the record. Many of the bills we are discussing today compliment components of the recent Executive Order 13607 establishing principles of excellence for educational institutions serving servicemembers, veterans, spouses, and other family members, signed by the President on April 27, 2012.

These principles were developed to strengthen consumer protection for our servicemembers, veterans, and their families, as well as to ensure they have access to the information they need to make informed choices and decisions concerning their use of their well-earned education benefits. There are many areas of commonality with the features of these bills and the executive order, and we would be pleased to work with the Committee in all aspects.

For example, help ensure military and veteran students have the information they need and provide students with better data on educational institutions. S. 2179, Section 3, will require educational institutions to disclose course information to current and future veteran students. The information they must disclose includes, for example, graduation, drop-out rates, profit status, tuition and fees charged, transfer credit policies, description of veteran services available, and job placement rates.

VA supports the intent of this section and has been working to develop similar and complimentary outcome measures as required in the executive order. In all cases in implementing, we will need to ensure that information is available in a user-friendly format for veteran students.

As well, we support the intent of S. 2241, Section 2, which requires the publication of additional elements to provide veteran students the information they need.

Provide veterans with a complaint system. S. 2179, 2241, and 2206 all address the establishment of a complaint system so that consumers' concerns and issues with schools get raised at the appropriate level and are acted upon. The executive order also requires the establishment of a centralized complaint system and we are currently working with our partners at Departments of Education, Defense, Justice, and Consumer Financial Protection Bureau to determine what system that should be. We are still in the research phase of that process.

Improve support services for servicemembers and veterans. S. 2179, Section 4, identifies services that should be provided by education institutions with 20 or more covered individuals, to include the provision of adequate academic and student support services, including remediation tutoring and career and job placement counseling services to covered individuals.

S. 2241 requires institutions to offer counseling services if more than ten veterans. The executive order also requires that institutions designate points of contact for academic and financial advising, as well as providing educational plans.

VA has strongly encouraged schools to commit to quality education and services to facilitate veteran student informed choice, and we pledge to work with them constantly to ensure they act in the interest of our Nation's veteran servicemembers and families. VA welcomes to the opportunity to work with the Committee to further define some of the existing proposals in order to ensure that veterans have all the information they need to make informed choices.

Last, there are multiple bills discussed today that address increases in requirements for Chapter 36 vocational and educational counseling. VA supports any measure to improve the quality and delivery of benefits and services provided to our beneficiaries. However, we have some concerns regarding mandating educational and vocational counseling for all student veterans.

VA provides this counseling in an individualized manner and our beneficiaries' education experience varies widely. We would welcome the opportunity to work with the Committee to develop the language that takes into account these individualized needs.

Turning to other bills on the agenda, S. 1852, Spouses of Heroes Education Act, would expand the law to allow surviving spouses to become eligible for the post-9/11 GI Marine Gunnery Sergeant Fry scholarship. VA supports the intent of S. 1852. This bill would offer eligible surviving spouses more generous monetary benefits than they receive under current law, advancing their economic security, and honoring their spouse's sacrifices.

VA would need at least 1 year from the date of enactment to implement this change and funding to modify IT systems and procedures to administer the enhanced scholarship.

S. 2130, the Veterans Conservation Corps Authorization Act, would establish within the Department of Interior a veteran conservation corps. This legislation shares similar aims with the Veteran Job Corps Conservation program proposed in the President's

State of the Union address which is broader in scope, as detailed in my written statement. VA recently had the opportunity to brief Committee staff on this initiative and would like to work with you in the coming weeks in developing this proposal.

VA remains dedicated to improving economic opportunities for veterans and is excited to work with you on these bills that thoroughly support that commitment. The remaining bills are covered in my written statement, but, of course, we are glad to follow up with you and your staff on those and all bills on the agenda.

Chairman Murray, this concludes my statement. I would be happy to answer any questions you or the other Members of the Committee may have.

[The prepared statement of Mr. Coy follows:]

PREPARED STATEMENT OF CURTIS L. COY, DEPUTY UNDER SECRETARY FOR ECONOMIC OPPORTUNITY, VETERANS BENEFITS ADMINISTRATION (VBA), U.S. DEPARTMENT OF VETERANS AFFAIRS

Chairman Murray, Ranking Member Burr, and other Members of the Committee, I am pleased to provide the views of the Department of Veterans Affairs (VA) on pending legislation. Joining me today is Robert M. Worley II, Director of Education Service, VBA, Ruth A. Fanning, Director, Vocational Rehabilitation and Employment Service, VBA, and John Brizzi, Deputy Assistant General Counsel.

VA is pleased to provide our insight on several bills on today's agenda that would affect programs we administer. Other bills under discussion today would affect programs or laws administered by the Department of Labor (DOL), the Federal Aviation Administration (FAA) of the Department of Transportation (DOT), the Transportation Security Administration (TSA) of the Department of Homeland Security (DHS), the Department of Defense (DOD), the Department of Justice (DOJ), the Office of Personnel Management (OPM), and the Office of Federal Procurement Policy in the Office of Management and Bu8dget (OMB). Respectfully, we defer to those agencies' views with regard to the following bills, with supplemental comments on two of the bills as noted below:

- S. 1314 (requiring the establishment of minimum funding levels for States for the support of disabled veterans' outreach program specialist and local veterans' employment representatives—DOL);
- S. 1859 (including specific agencies for purposes of Federal employment provisions relating to administrative and judicial redress for Veteran preference eligibles—DHS and DOT);
- S. 2246 (providing for off-base transition training—DOL), with information regarding cost impact on VA;
- S. 2299 (improving civil relief and employment and reemployment rights of Servicemembers—DOD, DOL, and DOJ);
- S. 3233 (improving the enforcement of employment and reemployment rights of Servicemembers—DOL, OPM, and OMB);
- S. 3235 (conditioning receipt of certain funds by a State on that State considering a veteran's active-duty training in granting specific certificates—DOL);
- S. 3236 (improving the protection and enforcement of employment and reemployment rights of Servicemembers—DOL, OPM, and OMB).

We regret we did not have sufficient time to formulate costs for six measures: S. 1634; S. 1852; S. 2179; S. 2206; S. 2241; and S. 3179. We will provide cost estimates for these bills at a later date. We also regret we did not have sufficient time to formulate costs and views on S. 3210, which would modify the treatment, under contracting goals and preferences of the Department, of small businesses owned by surviving spouses following the death of a disabled Veteran-owner. We will be pleased to provide written views and costs on this bill for the record.

EDUCATION AND TRAINING MATTERS

Before addressing individual bills, VA wants to thank the Committee and the sponsors of legislation aimed at ensuring Veterans have the information they need to make the most informed educational choices they can, so that the benefits they have earned will help them reach their highest potential.

The Administration has joined this effort by issuance on April 27 of Executive Order 13607—Establishing Principles of Excellence for Educational Institutions

Serving Servicemembers, Veterans, Spouses, and Other Family Members. This Executive Order will:

• Help Ensure Military and Veteran Students Have the Information They Need: The Executive Order requires that colleges provide more transparent information about their outcomes and financial aid options for students, which will help ensure that students are aware of the true cost and likelihood of completion prior to enrolling. The Executive Order requires that the Know Before You Owe financial aid form, developed by the Consumer Financial Protection Bureau (CFPB) and the Department of Education (ED), is made available to every college student that participates in DOD's Tuition Assistance program (nearly 2,000 schools). The Executive Order also directs VA to encourage all schools—roughly 6,000 in total—participating in the GI Bill program to provide the Know Before You Owe form. This form provides students with critical information on tuition and fees, the availability of Federal financial aid, estimated student loan debt upon graduation, and information about student outcomes like graduation rates. Further, the Executive Order requires that students are provided additional critical information, including school performance information over time, consumer protection information, and key financial aid documents, prior to the use of their benefits through the eBenefits portal. VA will publically identify on its Web site the schools receiving GI Bill benefits that agree to adhere to the Executive Order.

• Keep Bad Actors Off of Military Installations: There have been numerous reports of institutions of higher education aggressively and inappropriately targeting military students. The Executive Order will require DOD to set forth rules for how educational institutions gain access to military installations in the first place, so that Servicemembers are not targeted by institutions known for a history of poor behavior in recruiting and marketing practices.

• Crack Down on Improper Online Recruiting Practices: The Executive Order directs VA to initiate a process to register the term "GI Bill," so that external Web sites and programs are not deceptively and fraudulently marketing educational services and benefits to program beneficiaries. For instance, some companies have set up Web sites that suggest that Veterans' benefits are only available at a subset of schools. The Web sites are also set up to resemble official government sites, and are marketed heavily at military installations and at separating Servicemembers.

• Provide Veterans with a Complaint System: The Executive Order requires VA, DOD, and ED, in consultation with the CFPB and DOJ, to create a centralized complaint system for students receiving military and Veterans' educational benefits. Currently, when military and Veteran students feel that their school has acted fraudulently, they have no centralized system to file complaints, and Federal agencies often lack access to information that will allow for follow-up enforcement or regulatory actions.

• Improve Support Services for Servicemembers and Veterans: The Executive Order requires that colleges participating in the military and Veterans education benefit programs do more to meet the needs of military and Veteran students by providing clear educational plans for students, academic and financial aid counseling services with staff that are familiar with the VA and DOD programs, and the ability of Servicemembers to more easily re-enroll and/or receive a refund if they must leave school for service-related reasons.

• Provide Students with Better Data on Educational Institutions: The Executive Order requires DOD, VA, and ED to develop improved student outcome measures, such as completion rates for Veterans, and a plan for collecting this data, which will be made available on ED's College Navigator Web site. Currently, retention and completion rates cannot be broken down by Veteran or Servicemember status. Given the unique educational needs of Veterans, active-duty Servicemembers, and their family members, it is important to provide them with a more accurate picture of what success looks like for students like them. The Executive Order also requires better reporting on the extent to which colleges rely on various types of Federal benefits for operational support.

• Strengthen Enforcement of Student Protections: The Executive Order requires that VA and DOD strengthen the enforcement and compliance functions of VA and DOD, so that, working in conjunction with the ED, DOJ, and the CFPB, agencies (including law enforcement agencies with responsibility over fraud investigations) can effectively act on complaints of improper activity.

We believe many features of the education bills on the agenda today can complement the initiatives set out in the Executive Order.

S. 1634

S. 1634 would amend title 38, United States Code, to modify the authorities relating to the approval and disapproval of programs of education for purposes of educational assistance benefits administered by VA.

Public Law 111–377, the "Post-9/11 Veterans Educational Assistance Improvements Act of 2010," deemed the following courses to be approved for VA education benefits purposes:

- Any accredited standard college degree programs offered at a public or private not-for-profit school 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) offered by a certified pilot school that possesses a valid Federal Aviation Administration pilot school certificate;
- An apprenticeship program registered with the Office of Apprenticeship (OA) of the Employment Training Administration of DOL or a State apprenticeship agency recognized by the OA pursuant to the Act of August 16, 1937 (popularly known as the "National Apprenticeship Act;" 29 U.S.C. 50 et seq.); and
- A program leading to a secondary school diploma offered by a secondary school approved in the state in which it is operating.

S. 1634 would repeal the "deemed" approval for the accredited standard college degree programs and programs leading to a secondary school diploma. The bill would also repeal VA's authority to approve and disapprove courses.

VA does not support this legislation. Section 326 of the Veterans' Benefits Improvement Act of 2008 (Public Law 110–389) directed VA to coordinate approval activities that are performed by the State Approving Agencies (SAAs) and approval activities performed by DOL and ED to improve efficiency. Additionally, section 203 of Public Law 111–377 allowed VA to rely on accreditations already in place by ED, providing VA with more flexibility in how to best utilize the SAAs to provide additional outreach, training, and oversight to school officials. S. 1634 would lessen VA's ability to use SAAs as a resource for compliance visits, since approval actions for accredited institutions of higher learning and high schools would be reinstated. SAAs currently assist with over 4,200 compliance visits that are necessary for proper oversight and monitoring of for-profit institutions. These compliance visits allow for more face-to-face interview time with Veterans at for-profit schools, proper monitoring of recruitment tactics, and investigation of misleading practices.

If FAA flight programs and registered apprenticeship programs continue to be deemed approved, VA must be able to disapprove those programs if it is determined those programs violate regulations.

Currently, the Secretary has authority to approve programs of education in the District of Columbia and in States in which a contract with a SAA does not exist. If schools' programs in certain jurisdictions are not approvable by VA, Veterans could not receive VA educational assistance benefits for their attendance at those schools, thus limiting their choices for pursuit of their educational goals.

VA will provide a cost estimate for S. 1634 as soon as it becomes available.

S. 1852

S. 1852, the "Spouses of Heroes Education Act," would expand subsection (b)(9) of section 3311 of title 38, United States Code, by allowing surviving spouses to become eligible for the Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry scholarship. Currently, only children of Servicemembers who die in the line of duty while serving on active duty in the Armed Forces are eligible to receive education benefits under the Scholarship provision. S. 1852 would allow surviving spouses to use the benefit through the date of a remarriage or 15 years from the date of the death of the spouse, whichever is earlier. In addition, the bill would require a surviving spouse to make an irrevocable election to receive benefits under the Fry Scholarship (Post-9/11 GI Bill) in lieu of the Dependents Educational Assistance program (chapter 35 of title 38). S. 1852 would become effective 90 days after the date of enactment of the Act.

VA supports the intent underlying S. 1852, provided Congress finds funding offsets but have concerns regarding the bill. The bill would offer eligible surviving spouses more generous monetary benefits than they may receive under current law. Currently, a surviving spouse of a Servicemember who dies in the line of duty may receive benefits only under the chapter 35 program. Benefits under that program include a 20-year delimiting date, 45 months of entitlement, and a current full-time monthly rate of $957. Under S. 1852, eligible spouses would receive full tuition and fees at a public institution (or an equivalent amount if attending a private institu-

tion), a housing allowance, and an annual books-and-supplies stipend of up to $1,000.

Since the benefits are greater under the Post-9/11 GI Bill, VA anticipates most surviving spouses would elect to receive benefits under this legislation. This would result in a corresponding decrease in the use of chapter 35 benefits.

This change would require programming changes to VA's Long Term Solution (LTS) system to include changes to newly-developed rules supporting end-to-end automation of some supplemental claims. Without funding required to implement this new program, manual processing would be required, resulting in a decrease in timeliness and accuracy in processing Post-9/11 claims. VA anticipates it would need at least one year from the date of enactment to implement this change without resulting in a negative impact on claims processing.

VA will provide a cost estimate as soon as it becomes available.

S. 2130

S. 2130, the "Veterans Conservation Corps Authorization Act," would establish within the Department of the Interior a Veteran Conservation Corps, which would provide training and employment to eligible Veterans, assist in the transition from service in the Armed Forces to civilian life, and assist in the maintenance of Federal lands and waterways. The Corps would be established in consultation with the Secretary of Veterans Affairs and the Secretary of Commerce.

VA would like to thank Senator Nelson for his leadership on this issue. VA would recommend to the Committee consideration of a broader proposal put forward in the President's State of the Union address, the Veterans Job Corps initiative (VJC). VA looks forward to working with Congress on developing this proposal, and believes we share the common goal of helping returning veterans transition from the military to civilian life utilizing the skills they gained while on active duty.

The core idea of the Administration's VJC proposal is the same as that of S. 2130—provide Veterans, especially those just returning from service, employment opportunities while at the same time helping protect and preserve America.

The Administration proposal is different from S. 2130 in four respects. First, it involves a wider range of conservation efforts by inviting proposals from the Department of Agriculture, the National Oceanic and Atmospheric Administration, , and the Army Corps of Engineers, as well as the Department of the Interior. We believe the Administration approach opens up a wider range of conservation opportunities.

Second, the emphasis of the conservation program is on non-Federal job opportunities, although it envisions a limited number of direct Federal hires. The emphasis would be on creating job opportunities through contracts to businesses, cooperative agreements, and grants to non-Federal entities. We believe this broader approach would achieve more in providing opportunities in the private sector and with State and community organizations.

Third, while the main focus of the program would be on conservation employment opportunities, the Administration's VJC proposal would also include a limited offset aside for first-responder job opportunities. The funding would be divided between the Department of Justice's COPS Hiring Grants and the Department of Homeland Security's SAFER grant program. Both of these grant programs currently have a Veteran hiring preference.

Finally, the Administration's VJC proposal would create a Federal Steering Committee composed of policy officials representing implementing Federal agencies, to select projects for funding based on selected criteria. VA would additionally serve in an administrative leadership role on the Federal Steering Committee, utilizing its understanding of Veterans and its expertise in Veterans employment in consideration of grant selections. The Administration has included $1 billion in its FY 2013 budget request to support the Veterans Job Corps over the next five years.

S. 2179

S. 2179, the "Military and Veterans Educational Reform Act of 2012," is intended to improve oversight of educational assistance provided by VA and DOD.

Section 2 of the bill would amend section 3675 of title 38, United States Code, by requiring additional approval requirements of educational programs providing educational assistance under laws administered by VA and DOD.

The bill would also require an educational institution to submit an application for approval of courses to the appropriate SAA. The application must include a copy of the school's catalog or bulletin that has been certified as true and correct that it—

- states specific requirements of the institution with respect to graduation;
- includes the information regarding standards of progress and conduct; and
- includes any attendance standards of the institution, if the institution has, and enforces, such standards.

Section 2 of the bill also would amend section 3676 of title 38, United States Code, to indicate that no course of education that has not been approved by ED can be approved by VA or the SAA unless it meets certain specified criteria. This section also would amend section 3676 to include several additional requirements for courses not approved by ED.

VA does not support section 2. Currently, VA or SAAs can approve a course if it meets the requirements provided in section 3675 or 3676 of title 38, United States Code. Courses accredited by an agency recognized by ED are already deemed approved for VA education benefits. Section 2 would require schools to provide job placement rates and information that would substantiate the "truthfulness" of the job placement rate. It is unclear whether the information obtained would be based on Veterans who merely provide supporting information on job-placement rates rather than being based on job-placement rates for all for those who attend the school. VA assumes the job-placement rate criteria will vary from school to school; therefore, VA may find difficulty validating the truthfulness of the information received.

Similarly, it is unclear how VA would verify misrepresentations regarding the nature of financial charges or the employability of graduates. While VA is aware that ED utilizes gainful employment requirements in a recognized occupation to determine eligibility for Federal aid (34 CFR § 668.7), VA believes ED is better positioned to make an assessment of courses (programs) meeting minimum standards with regard to gainful employment.

VA will provide a cost estimate regarding section 2 as soon as it becomes available.

Section 3 of S. 2179 would amend section 3672 of title 38, United States Code, to require educational institutions to disclose specific course information to current Veteran students, future Veteran students, and the public as a prerequisite for receiving course approval.

This required information would have to be disclosed and made readily available in a uniform manner, such as through publications, mailings, or electronic media, in language that could be easily understood by Veterans and other students. This section would become effective on August 1, 2013.

VA supports the intent behind section 3 and agrees that information pertaining to job placement, graduation and dropout rates, refund policies, policies on transfer of course credit, and tuition and fees charged for the course of study would improve transparency and is important information for students making decisions about their education. However, we are concerned that the policies in section 3 would create areas of overlap with the new information disclosures required by the Principles of Excellence in EO 13607, leading to redundancy and confusion. Given this concern, VA cannot support the legislation.

VA will provide a cost estimate as soon as it becomes available.

Section 4 of S. 2179 would require an educational institution with 20 or more covered individuals enrolled in programs of education at the educational institution to provide adequate academic and student support services (as determined by VA), including remediation, tutoring, and career and job-placement counseling services to covered individuals. VA may, on a case-by-case basis, waive the requirement to provide services for an educational institution for an academic year if VA determines that the educational institution has demonstrated that providing such services during such academic year would lead to severe financial hardship, and the educational institution submits to VA a plan to provide such services during the following academic year.

Under section 4, an educational institution would not be approved under chapter 36 unless it employs a not less than one full-time equivalent employee to act (on a full-time basis) as a point of contact for covered individuals on matters relating to educational assistance available under titles 38 and 10 who is knowledgeable about such educational assistance and such other financial aid, admissions, counseling and referral services, and other matters relating to post-secondary education as are important to the educational success of covered individuals.

With respect to enrollment in a program of education, a covered individual is one who is receiving educational assistance under chapters 30 through 36 of title 38 or under chapters 106A and 1606 of title 10. This section would become effective on August 1, 2013.

VA supports the intent behind section 4 of S. 2179, and believes this would complement existing VA programs and policies to ensure Veteran-student success in academic programs, but has significant concerns about the burden it would place on educational institutions.. VA's FY 2013 Budget included $5.9 million to expand VA's VetSuccess on Campus program to a total of 80 campuses, in addition to the educational counseling the Department plans to provide to 12,000 Servicemembers

and Veterans under its authority in Chapter 36 contract counseling. Furthermore, compliance with the Principles of Excellence established in the Executive Order, requires each campus designate a point of contact to provide academic and financial advising to Veterans and Servicemembers, each of whom will be provided with an educational plan.

Based on statistics in the 2010 calendar year, there were more than 4,000 schools with 20 or more recipients of VA education benefits. As the Post-9/11 GI Bill continues to grow, the number of schools with 20 or more recipients will likely increase. Small institutions may not have the funds to hire a dedicated individual to provide the services required by this section.

VA will provide a cost estimate as soon as it becomes available.

Section 5 of this bill would require that, as a condition of receipt of reimbursement for administrative expenses under section 3674 of title 38, each SAA shall conduct such education and outreach activities for individuals who are eligible to receive or are receiving educational assistance under any of chapters 30 through 36 of title 38 as VA considers appropriate to assist such individuals in making well informed choices about their education and successfully transitioning into an educational environment.

Each SAA conducting outreach activities would be required to coordinate with DOD to ensure, as DOD considers appropriate, that information on educational assistance available under chapters 30 through 36 of title 38 is made readily available as part of the Transition Assistance Program in the state of the SAA concerned.

Information made available as part of education and outreach activities under this section would have to be provided: (1) in language that can be easily understood by eligible individuals; (2) in a uniform and easily accessible manner; and (3) through such means as may be appropriate and effective, including through publications, mailings, and electronic media.

Each year, each SAA, as a condition of receiving reimbursement of expenses, would be required to conduct such audits as VA considers appropriate, including unannounced audits and audits using risk-based approaches, of educational institutions under its jurisdiction that have students enrolled in programs of education for which they are receiving educational assistance under title 38, United States Code, (without regard to whether VA or the SAA approved the courses offered) in such state. The purposes of such audits would be to detect misrepresentation, fraud, waste, and abuse; to ensure full compliance with the provisions of chapter 36; and for such other purposes as VA considers appropriate.

Each State in which a contract or agreement is entered into would be required to submit to VA a report including the following:

- The number of visits made by the agency to educational institutions, including the number of such visits that were made without the prior knowledge of such educational institution.
- A description of the audits carried out by the agency under section 3673(d)(2) of title 38 and the findings of the agency, including any substantiated findings of misrepresentation, fraud, waste, abuse, or failure to comply with an applicable requirement of this chapter and the steps taken by the agency to address such fraud, waste, abuse, or failure to comply.
- A description of the outreach and training activities conducted by the agency under section 3674B of title 38.

Section 5 would become effective on August 1, 2013. VA will provide views and a cost estimate for this section as soon as it becomes available.

Section 6 of S. 2179 would require VA to conduct, in addition to annual compliance surveys, a compliance review, in accordance with such regulations as VA shall prescribe, of an educational institution when VA finds any of the following:

- The number of student enrollments at, or the rate of student enrollments of, the educational institution has increased rapidly;
- The student dropout rate of the institution has increased rapidly;
- The cohort default rate of the educational institution has increased rapidly or is consistently higher than the average of cohort default rate of comparable educational institutions;
- The number of substantiated complaints filed under section 3697C(a)(1) of title 38 with respect to the educational institution has increased rapidly or is consistently higher than the number of substantiated complaints filed with respect to other comparable educational institutions;
- The educational institution is the subject of a civil lawsuit in Federal or state court, is charged with a crime under Federal or state law, or is the subject of an official investigation of a state or Federal agency for misconduct;

• The educational institution has significant growth in revenue resulting from tuition, including tuition paid with assistance provided under chapters 30 through 36 of title 38, or chapters 106A or 1606 of title 10, which cannot be attributed to changes made to such chapters by Acts of Congress or changes to the administration of such chapters; or

• Such other findings as VA considers warrant conducting a compliance survey.

Section 6 would become effective on August 1, 2013. While VA agrees that compliance reviews would improve oversight of a school's performance as it relates to Veterans, we believe ED is best positioned to review post-secondary enrollment and default rates, as well as monitor information pertaining to civil lawsuits for misconduct against a school in Federal or state courts.

VA opposes criteria that would penalize a school because of a lawsuit unless there has been an adverse judgment ordered by a court. This section could also unduly punish a school that has significant growth in revenue in tuition because Veterans used their benefit at that school. Unless the school has done something warranting a judgment of misconduct, VA finds no reason to scrutinize the school by way of a special compliance review.

VA will provide a cost estimate for this section as soon as it becomes available.

Section 7 of the bill would amend chapter 36 of title 38, United States Code to add a new section 3697B, "Required one-on-one educational counseling" that would require VA to provide counseling to all individuals considering using educational assistance under chapters 30 through 36 of title 38 at or before the individual's enrollment in a program of education. Section 7 of the bill also would require VA to establish procedures by which individuals may receive this counseling when providing it in person is not practicable. VA and DOD would be required to provide a link or links on VA's Web site(s) to the College Navigator Internet Web site of the ED to inform Veterans and Servicemembers of the resources available at that Web site. Section 3697A of title 38 provides for educational and vocational counseling for eligible individuals and transitioning Servicemembers. Section 7 of S. 2179 would also amend the title of section 3697A to read, "Educational and vocational counseling by election."

VA believes that the provision of counseling and information is important to help Veterans and Servicemembers make informed decisions about educational opportunities and the use of available benefits. In-person, one-on-one educational and vocational counseling is currently available to all Veterans and Servicemembers who are eligible for educational assistance from VA or are transitioning from military service. Such counseling is currently provided by qualified counselors and consists of most of the elements described in S. 2179, including an overview of available VA educational assistance, a personalized academic and career plan, and a discussion of the impact of enrollment in a particular educational institution. The information related to educational institutions' accreditation and outcomes that would be made available to individuals under this section is currently available from the ED. VA supports helping individuals access and understand this information through the educational and vocational counseling currently provided by VA. Under the Executive Order, VA will provide individuals with critical information, including school performance information over time, consumer protection information, and key financial aid documents, prior to the use of their benefits through the eBenefits portal.

VA does not support the requirement in section 7 of S. 2179 to make educational counseling mandatory. This requirement could result in delays for individuals who wish to enroll in educational institutions and unnecessary denials of claims for assistance. Veterans and Servicemembers have access to counseling through the Transition Assistance Program and through information provided on VA Web sites. Under the Executive Order, students will also have access to this information through the eBenefits portal. However, VA supports the inclusion of a link to the College Navigator Internet Web site on a VA Web site to inform Veterans and Servicemembers of the availability and benefits of using the College Navigator Internet Web site.

VA will provide a cost estimate regarding this section as soon as it becomes available.

Section 8 of S. 2179 would require that, not later than 180 days after the date of the enactment, VA and DOD shall each establish by regulation a process whereby persons are able to submit to the Departments, including by way of SAAs, complaints regarding educational institutions relevant to the provision of educational assistance provided under chapters 30 through 36 of title 38 and under chapters 106A and 1606 of title 10, including complaints regarding misrepresentation, fraud, waste, and abuse. The process shall establish procedures to address complaints in a timely manner, including review and investigation of such complaints. Each year,

VA and DOD would be required to compile the information they collect and share such information with each other as well as ED, as allowed under current law.

Not later than 180 days after the date of the enactment of S. 2179, VA and DOD would be required to establish, by regulation, a process by which information may be reported to ED and to each other regarding information with respect to substantiated acts by educational institutions of misrepresentation, fraud, waste, abuse, or failure to comply with an applicable requirement of chapter 36 or other information considered appropriate and relevant to the purpose and effective implementation of Federal programs of educational assistance provided by the respective departments.

Not later than 180 days after the date of the enactment of this bill, ED would be required to establish a process to notify VA and DOD of the following with respect to educational institutions:

- Substantiated acts by educational institutions of misrepresentation, fraud, waste, or abuse;
- Loss of accreditation;
- Loss of eligibility under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);
- Report by a Federal or state agency or a nationally recognized accrediting agency or association as failing to comply with, or having a significant risk of failing to comply with, a provision of Federal or state law or a requirement that is a condition for accreditation established by a nationally recognized accrediting agency or association; and
- Such other information as ED considers appropriate.

At least annually, VA and DOD would be required to submit to Congress separate reports on the provision of educational assistance under their respective authorities. Each report would be required to include, for the period covered by the report and disaggregated by for-profit and not-for-profit educational institutions, the following:

- The number of individuals who received assistance under laws administered by the respective Secretary;
- The amounts of assistance provided;
- A description of any complaints reported to the respective Secretary or SAAs by such individuals;
- All substantiated reports of misrepresentation, waste, fraud, abuse, or other acts that are inconsistent with the requirements of the respective educational assistance authorities;
- A list of educational institutions which had courses of education that were approved in the previous year but were found, in the year covered by the report, not in compliance with a requirement;
- Such recommendations for legislative or regulatory action as the respective Secretary considers appropriate to improve the provision of educational assistance under the laws administered by the respective Secretary;
- An assessment of the academic performance of individuals who received educational assistance, including graduation rates and dropout rates; and
- A list of educational institutions that were approved under the respective authorities, disaggregated by educational institutions approved under section 3676 of title 38.

VA supports the intent behind section 8 of the bill and is already taking steps, as outlined in the Executive Order, to evaluate existing systems and development of new systems to address these concerns. VA will provide a cost estimate for this section as soon as it becomes available.

S. 2206

Section 2 of S. 2206, the "GI Educational Freedom Act of 2012," would require any individual eligible for educational assistance through VA to be provided educational and vocational counseling services before the receipt of such educational assistance, unless the individual specifically declines such counseling. The bill outlines information to be included in such counseling, and would direct VA to make such information available to the public.

VA does not support the requirement in section 2 that an individual either receive or clearly decline this counseling before the individual may receive educational assistance. This could result in delays for individuals who wish to enroll in educational institutions and unnecessary denials of claims for assistance. A Veteran who applies for benefits in early August and wishes to begin using benefits for the fall term starting on August 20 would not be able to receive those benefits until VA is able to schedule and provide counseling. More than 900,000 individuals use VA education benefits each year; therefore, it may take several months to schedule and complete counseling. Individuals who do not respond to VA's invitation to partici-

pate in counseling, but who also do not clearly decline, would not receive any benefits until a follow-up contact is made and the individual's decision is clearly documented. VA may be unable to authorize benefits when the individual cannot be contacted or when a decision is not clearly documented.

VA believes that the provision of counseling and information is important to help Veterans and Servicemembers make informed decisions about educational opportunities and the use of available benefits. Educational and vocational counseling is currently available to all Veterans and Servicemembers who are eligible for educational assistance from VA or are transitioning from military service. It is currently provided by qualified counselors and may include an overview of available VA educational assistance, a personalized academic and career plan, and a discussion of the impact of enrollment in a particular educational institution. Veterans and Servicemembers are currently informed of the availability of such counseling through the Transition Assistance Program and through information provided on VA Web sites, including VetSuccess.gov and the eBenefits portal.

VA also supports providing Veterans with information about the policies and performance of educational institutions.

Section 3 of the bill would amend section 3697 of title 38, United States Code, to repeal the $6 million fiscal year limit on VA contracting for educational and vocational counseling services.

VA recognizes that the $6 million funding level is inadequate, and proposed in its fiscal year 2013 budget submission to raise that cap to $7 million. VA recommends that change instead of removal at the cap, and will continue to monitor demands on the program.

Further, section 4 of S. 2206 would direct VA to establish a system to collect, process, and track complaints submitted by individuals enrolled in VA programs of education to report instances of fraud, waste, and abuse with respect to benefits and services provided by educational institutions. It would require an SAA, when considering whether to approve a course of education at an educational institution, to review and take into consideration the complaints processed and tracked by such system. The bill also would provide for the confidentiality of such complaints.

VA supports the intent underlying section 4. As outlined in the Executive Order, VA is already evaluating existing systems and development of new systems to address these concerns.

As part of the existing approval process, SAAs assess recruiting practices for indications of deceptive or misleading information provided to potential students.

VA will provide a cost estimate for S. 2206 as soon as it becomes available.

S. 2241

S. 2241, the "GI Consumer Awareness Act of 2012," would ensure that Veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 GI Bill assistance.

Section 2 of the bill would add a new section to chapter 36 of title 38, United States Code, requiring VA to collect and publish to Veterans, Servicemembers, and eligible spouses and dependents detailed and extensive information about educational institutions and the programs of education available to such individuals. If the information required for publication is collected from educational institutions by DOL, ED, DOD, or other Federal agencies, VA would collect the information from those departments, rather than the educational institution. VA, DOD, and ED would form a partnership to facilitate the data collection process. VA would be responsible for reimbursing the agencies for any costs related to consulting and collaborating with VA. The information would not be collected if the number of students at an educational institution does not provide statistically-reliable information or the results would reveal personal identifiable information about an individual student.

In addition, section 2 of S. 2241 would require that all VA call center employees receive appropriate training on the published information not later than one year after enactment.

VA supports the intent behind section 2 of this bill but believes that the current efforts with other Departments, as outlined in the Executive Order, will accomplish many of these same goals.

VA supports providing all call center employees with effective and appropriate training on the information being collected under this section; however, there may be additional costs associated with developing such a comprehensive training program.

VA defers to DOD regarding the remaining provisions in this section.

Section 3 of the bill would amend chapter 36 of title 38 by adding a new section that would require educational institutions to meet specified additional requirements in order to obtain approval of a course of education.

Under section 3, a course of education could not be approved if the educational institution requires a student to waive the right to legal recourse under any otherwise applicable provision of Federal or state law or to submit to arbitration, or imposes onerous legal notice provisions in the case of a dispute with the educational institution.

The provisions of section 3 would take effect 180 days after the date of enactment.

VA does not oppose enactment of the provisions in section 3.

Section 4 of S. 2241 would amend title 38 to require VA to develop policies to curb aggressive recruiting. Not later than 90 days after the date of the enactment, VA and DOD would be required to jointly develop policies to curb aggressive recruiting of Veterans and members of the Armed Forces by educational institutions.

Section 4 of the bill would add a new section to title 38 that would prohibit VA approval of a course if the educational institution uses inducements or provides any gratuity, favor, discount, entertainment, hospitality loan, transportation, lodging, meals, or other item having a significant monetary value to any individual or entity (other than salaries paid to employees or fees paid to contractors in conformity with all applicable provisions of the law) for the purpose of securing enrollments.

This section would require VA and DOD, in consultation with ED, to establish a working group, not later than 60 days after the date of the enactment of the Act, to coordinate consumer protection efforts and develop policies related to post-secondary education and recruitment of Veterans and Servicemembers. The working group would conduct surveys with Veterans and Servicemembers to obtain feedback on the educational assistance they received and the program of education. The working group also would review marketing and recruiting efforts utilized by educational institutions and monitor the overall post-secondary education market for developments that affect Veterans and Servicemembers. The working group would consult with other relevant Federal agencies on their findings.

The working group would be required to submit a report to Congress, no later than 180 days after enactment, showing findings, actions taken, policies developed, and recommendations for action to be taken.

This section also would require VA and DOD to establish policies regarding conflicts of interest between their employees and educational institutions.

VA supports the intent behind section 4; however, VA already has existing policies in place that address these concerns. VA is already working with other agencies on policies regarding post-secondary education and recruitment of Veterans and Servicemembers. As of August 1, 2011, standard degree programs offered at accredited public and private not-for profit schools are deemed approved for VA education benefits without separate SAA approval, per section 203 of Public Law 111–377, the Post-9/11 Veterans Educational Improvements Act of 2010. In other cases, SAAs evaluate programs offered by each academic institution to determine whether their quality and offerings are similar to other programs offered in the state. If they are not, the SAA will not approve the program. This takes into account compliance with state and VA statutes, including those pertaining to misrepresentation or deceptive marketing.

Section 5 of S. 2241 would require an assessment of the quality and delivery of career information and counseling provided to Veterans and Servicemembers.

Section 5 of the bill also would require collaboration between VA, DOD, and DOL, particularly with regard to improving the One-Stop delivery system and the Transition Assistance Program. In addition, not later than 180 days after enactment, VA would be required to submit a report to Congress on the results of the assessment required under section 5, including recommendations for the improvement of career counseling services.

VA supports efforts to evaluate current processes and improve service delivery to Veterans and Servicemembers. VA believes that an assessment of the quality and delivery of career information and counseling as outlined under section 5 of S. 2241 and provided by VA to Servicemembers and Veterans would require a contracted study. The study would include a randomized sample of individuals that had received educational and vocational counseling under section 3697A of title 38, United States Code. Such a study to assess the process and outcomes of this counseling would take at least one year to complete and would require funding through congressional appropriation. Therefore, VA does not believe that the results of such a study could be included in a report to Congress within 180 days of the enactment as specified under section 5 of the bill.

VA supports efforts to collaborate, coordinate, and share information among programs serving Veterans and Servicemembers and is, therefore, more than willing

to work with other government departments as outlined in section 5 of the bill to assist Veterans and Servicemembers with their transition to civilian life.

Section 3697A of title 38, United States Code, provides for educational and vocational counseling for transitioning Servicemembers. Section 6 of S. 2241 would remove the condition that Servicemembers be within 180 days of discharge to receive this counseling and would add the conditions that a Servicemember be on active duty and have served on active duty at least 180 days. Section 6 of the bill would also remove the restriction that a Veteran be within one year of discharge from active duty in order to receive these counseling services.

VA does not support section 6 of S. 2241 because the bill would authorize payment of costs for educational and career counseling to Servicemembers at times when they are not in transition from military to civilian life. Under the provisions of this bill, section 3697A(a), as amended, would authorize counseling to all active-duty Servicemembers who have served at least 180 days "upon such individual's request." Therefore, a Servicemember could receive counseling multiple times each year for many years throughout a long military career. VA accepts the responsibility to help transitioning Servicemembers make the adjustment from military to civilian careers and become established in their civilian communities. However, VA believes that providing counseling to Servicemembers multiple times throughout their enlistments and military careers is not a function of transition to civilian life and, therefore, more appropriate as a DOD activity.

Section 7 of S. 2241 would amend chapter 36 of title 38, United States Code, by adding a new section that would require VA to establish procedures for fielding complaints from students regarding their VA education benefits. The complaints would be stored in a database to enable VA to improve service to beneficiaries, educational and vocational counseling, and to identify problems with the programs of education or assistance.

VA supports the intent behind section 7. As outlined in the Executive Order, VA is already evaluating existing systems and development of new systems to address these concerns. Section 8 of S. 2241 would require VA, DOD, and ED to collect and disseminate information about best practices in helping VA beneficiaries utilize their benefits in the most productive way. The information would be disseminated one year after enactment, as well as two and four years after enactment. VA would consult with Veterans' service organizations and educational institutions to acquire the needed information. VA supports the intent behind section 8; however, we believe this section would duplicate the information being collected and published in section 2 of this bill.

Section 3697 of title 38, United States Code, provides funding from the readjustment benefits account, not to exceed $6 million in any fiscal year for the educational and vocational counseling for transitioning Servicemembers authorized in section 3697A to be delivered through contracts arranged by VA. Section 9 of the bill would remove the annual $6 million limitation on funding for these contracts.

VA recognizes that the $6 million funding level is inadequate, and proposed in its fiscal year 2013 budget submission to raise that cap to $7 million. VA recommends that change instead of removal at the cap, and will continue to monitor demands on the program.

Section 10 of the bill would require VA to designate points of contact to assist educational institution personnel who are responsible for submitting reports to VA. This section would be effective not later than 90 days after enactment.

VA does not oppose this section. VA currently has employees who are responsible for maintaining direct contact with educational institutions. VA's education liaison representatives (ELRs) are the primary points of contact for school officials. ELRs have a wide range of responsibilities in support of education benefits programs and work closely with school officials to inform them of changes in VA policies and procedures.

Section 11 of the bill would require VA to create a report that includes a list of all schools with VA education beneficiaries, the number of beneficiaries enrolled at each institution, and the total dollars paid to the beneficiaries at each institution during the last academic year. The report would be required to be presented to Congress no later than 180 days after enactment. VA does not oppose this section.

VA defers to DOD with regard to section 12 pertaining to performance metrics for DOD education and workforce training programs.

VA will provide a cost estimate for S. 2241 as soon as it becomes available.

S. 2246

S. 2246, the "TAP Modernization Act of 2012," would direct the DOL to provide the Transition Assistance Program (TAP) during a three-year period to Veterans and their spouses at locations other than military installations in three-to-five

states selected by DOL. DOL would select states that have the highest rates of Veteran unemployment and would provide a sufficient number of training locations to facilitate access by participants to meet the need in each state. DOL also would include in any TAP contract a requirement for experts in subject matters relating to human resources practices, including resume writing, interviewing and job searching skills, and the provision of information about post-secondary education.

Reports to Congress would be required in each year of the training, and after the termination of the three-year period, the Comptroller General of the United States would submit to Congress a report on the training, to include the feasibility of carrying out off-base transition training at locations nationwide.

VA defers to DOL on the merits of S. 2246; however, VA is required to participate in TAP briefings. Therefore, we note the following economic impact on VA. Assuming the effective date of the bill would be October 1, 2012, VA's estimated administrative expenses would be $1.3 million the first year and $4.5 million over three years.

OTHER MATTERS

S. 1184

S. 1184 would amend section 8127(g) of title 38, United States Code, to mandate a minimum 5-year debarment from VA contracting for any business, including the principals of the business, determined by the Secretary to have misrepresented its status as a Veteran-owned or service-disabled Veteran-owned small business (VOSB/SDVOSB). Further, the bill would require VA to commence a debarment action within 30 days of determining the misrepresentation has occurred and to complete the action within 90 days.

VA shares the Committee's focus on aggressively protecting the Government from disreputable businesses in order that procurement dollars set aside for VOSB/SDVOSBs reach the intended recipients. VA has taken steps to protect the integrity of the VOSB/SDVOSB set-aside process. VA has added to its acquisition regulations the misrepresentation of VOSB/SDVOSB status as a specific cause of debarment for a period of up to 5 years. Also, VA has instituted a separate and distinct 8127 Debarment Committee to review, examine, and refer those who misrepresent themselves to VA's debarring official.

While we support the general intent behind the bill, VA cannot support S. 1184 in its present form. VA questions whether a mandatory debarment as proposed would be consistent with the general requirement in debarment actions established by the courts to provide appropriate due process, notice and an opportunity to be heard, to businesses prior to a final determination of debarment. VA also submits that there are varying degrees of misrepresentation of VOSB/SDVOSB status. Some may be the result of an "innocent" mistake whereas others evince a clear desire to circumvent the VOSB/SDVOSB status requirements by "seducer" companies or individuals to steer set-aside dollars to non-status firms or persons.

VA believes the debarring official should retain the discretion to make these determinations with respect to any debarment, including its duration, remedial measures and corrective actions to prevent the misconduct from recurring, based on the specific circumstances. VA requests the opportunity to work with the Committee to address its concern of protecting the VOSB/SDVOSB set-aside program while maintaining an equitable debarment process consistent with the requirement for an appropriate level of due process, including ways of improving VA's debarment authority.

VA estimates that enactment of this bill as written would result in no significant cost, since VA already has a standing "8127 Debarment Committee."

S. 1798

S. 1798, the "Open Burn Pit Registry Act of 2011," would require VA, not later than 180 days after enactment, to establish and maintain a registry for eligible individuals who may have been exposed to toxic chemicals and fumes caused by open burn pits. The bill would define an "open burn pit" as an area of land located in Afghanistan or Iraq that the Secretary of Defense designates for use for the disposal of solid waste by means of burning in the outdoor air without the use of a commercially manufactured incinerator or other equipment specially designed and manufactured for the burning of solid waste. It would define "eligible individual" as anyone who, on or after September 11, 2001, was deployed in support of a contingency operation while serving in the Armed Forces and who during such deployment was based or stationed at a location where an open burn pit was used.

S. 1798 would also require VA to include in the registry any information that VA deemed necessary to ascertain and monitor the health effects of such exposure. It

also would require VA to develop a public information campaign to inform eligible individuals about the registry and to periodically notify them of significant developments in the study and treatment of conditions associated with exposure to toxic chemicals and fumes from open burn pits. Additionally, VA would have to enter into an agreement with an independent scientific organization to report on the effectiveness of the Department's actions to collect and maintain information on the health effects associated with this particular type of environmental exposure. Specifically, the organization would be required to make recommendations on how the Department may improve its efforts (in collecting and maintaining registry information) and on the most effective and prudent means of addressing the medical needs of this cohort for conditions likely to result from their exposure to toxic chemicals and fumes from open burn pits.

Further, S. 1798 would require VA to submit the scientific organization's report to Congress not later than 18 months after establishment of the registry.

VA does not support S. 1798 for three major reasons. First, VA can identify all Servicemembers that deployed to Iraq and Afghanistan and has used this information in the development of an injury-and-illness surveillance system. Second, the most recent Institute of Medicine report on burn pits identified air pollution, rather than smoke from burn pits, as the most concerning potential environmental hazard. Third, all Iraq or Afghanistan Veterans are eligible for cost-free health care for a period of 5 years after discharge or separation from active-duty military service.

Special authority for such a registry is not required. In carrying out the Department's medical and research missions, VA may already establish under existing authority any needed health registry. Pursuant to section 703(b)(2) of Public Law 102–585 (1992), VA may also provide, upon request, an examination, consultation, and counseling to any Veteran who is eligible for inclusion in any Department health registry. S. 1798, therefore, duplicates existing authorities.

We do not believe that a health registry is the appropriate epidemiological tool to use in identifying possible adverse health effects associated with certain environmental exposures. Health registries by their nature can only produce very limited and possibly skewed results. The major purpose of a registry is to enable medical follow-up and outreach efforts of those potentially exposed to an environmental hazard. Studies of self-selected individuals, such as those in a registry, are not representative of an entire population of potentially-exposed individuals; they may, therefore, lead to false associations as to cause of perceived or actual illnesses. Indeed, for years, VA has maintained an Agent Orange health registry and a Gulf War health registry. While useful for outreach purposes, neither of these registries has been useful in terms of researching the types of health concerns raised by these Veterans. In addition to the issue of self-selection, there are other reasons why studies of registry populations are not useful, including exposure misclassification (self-reported but with no availability of data to support amount and time of exposure) and an inability to link to medical records to substantiate concerns about illnesses (not all registrants receive care from VA). We also note the particular timeframes under the bill are far too short to produce scientifically valid evidence.

VA and DOD have established a detailed action plan that includes research, clinical protocols, outreach, and education. VA believes the most effective way to capture the most complete and representative information on adverse health effects, including exposure to burn pits, among the Operation Enduring Freedom/Operation Iraqi Freedom/Operation New Dawn (OEF/OIF/OND) cohort, and all other cohorts, is to conduct a comprehensive, prospective study of long-term adverse health effects. VA and DOD are already engaged in several focused studies on health effects related to this cohort, including DOD's Millennium Cohort Study and VA's New Generation Study. Both studies are providing valuable insights into respiratory disease incidence in Veterans and Servicemembers in the OIF/OEF/OND cohort. VA is planning a large-scale epidemiological study that will provide improved understanding about a broad range of potential adverse health effects subsequent to deployment to OEF/OIF/OND. Additionally, VA and DOD are working together to establish a clinical protocol (expected to be complete by the end of the calendar year) to evaluate Veterans with respiratory complaints after deployment. VA and DOD are planning an airborne hazards symposium for both DOD and VA clinical providers during the fourth quarter of FY 2012. This combined and comprehensive approach will improve access to care and continuity to all Veterans and Servicemembers potentially exposed to airborne hazards while deployed.

Finally, we note that combat-theater Veterans are eligible to enroll in VA health care up to 5 years after discharge or separation from service and receive free hospital care and medical services for conditions possibly related to their combat service. Eligible Veterans may take advantage of their VA health care benefits to obtain any desired medical advice on this topic as well as any needed medical services.

VA estimates the total cost for S. 1798 would be $2.3 million during FY 2013, $6.2 million over 5 years, and $11.5 million over 10 years.

S. 2299

S. 2299, the "Servicemembers Rights Enforcement Improvement Act of 2012," would amend the Servicemembers Civil Relief Act (SCRA) and title 38, United States Code, to improve the provision of civil relief to members of the uniformed services and to improve the enforcement of employment and reemployment rights of such members. Because S. 2299 would not affect the provision of VA benefits, VA defers to the Departments of Defense and Justice concerning this bill.

S. 3082

Section 2 of S. 3082 would amend title 38, United States Code, by adding a new chapter 80, to establish a non-profit National Veterans Support Network, a federally-chartered corporation, for the primary purposes of—

- raising awareness of, and educating the public as to the challenges facing military families and Veterans through educational and media campaigns;
- providing analytical support to communities to track resources nationwide that support Veterans or military families and help communities align and scale such resources and develop and provide a best practices toolkit for these purposes;
- establishing a community support grant program to create or expand community-based programs that—
  - contribute to fostering the readjustment and reintegration of Veterans into their communities;
  - expand the capacity of such communities to provide services and supportive activities in a continuous and coordinated manner;
  - empower and engage Veterans; and
  - establish and sustain close working relationships between one or more VA facilities and entities participating in such community-based programs.
- encouraging and promoting private gifts of monies and services in support of such grants and other programs, services and activities supporting military families and Veterans.

The Corporation's secondary purposes would include the following:

- Compiling, analyzing and organizing information on organizations, programs and activities that assist Veterans and military families;
- Facilitating communication between the Secretaries of VA, DOD, DOL, and Homeland Security, the Director of Office of Personnel Management (OPM), private organizations, and organizations that have a mission to provide assistance to Veterans and their families, and promoting coordination of Veterans services and activities provided by these Secretaries and organizations.
- Promoting coordination of services, programs and activities provided by the Secretaries and organizations described in the above paragraph;
- Promoting national and community service activities serving Veterans and military families and increasing Veteran and military families participation in national and community service opportunities;
- Referring/connecting private organizations seeking to support Veterans and their families to organizations that provide such support; and
- Referring/connecting organizations and communities seeking to support Veterans and their families to Federal and private sector resources.

The Corporation would consult with VA, DOD, and the heads of other appropriate agencies in carrying out its purposes.

It would carry out support activities for the above purposes, either directly or through contracts or grants. In carrying out these support activities the Corporation would consult with VA, DOD, DOL, and the heads of other Federal agencies as the corporation deems appropriate.

The new chapter 80 would also include provisions delineating VA involvement with the Corporation.

The Corporation's Board of Directors would include the Secretaries of VA, DOD, DOL, and Homeland Security and the Director, OPM and other members as the VA Secretary deems appropriate serving as ex-officio non-voting members. The VA Secretary would select the Board members. In connection with four of those appointments, the Secretary would consult with the leadership of the Senate and House Committees on Veterans' Affairs.

The Corporation could, with the VA Secretary's concurrence, authorize the use of its name, trademark, or other indicia in advertising by contributors/suppliers of goods/services to the Corporation. The Secretary, or the Corporation with concur-

rence of the Secretary, could authorize use of the VA name, seal, or other VA indicia in advertising by contributors/suppliers of goods/services to the Corporation.

VA strongly supports the goals set out in this legislation. VA's partnerships with private organizations, from Veterans Service Organizations, the private sector, educational institutions, charitable and non-profit organizations, hospitals, faith-based organizations and others outside VA are vital to what VA does to serve Veterans and their families. They help us in every part of the organization, at every level. They are partners in caring for our Wounded Warriors, in our push to end Veteran homelessness and unemployment, in assisting Veterans prepare well-developed disability claims that will help them secure benefits due them as expeditiously as possible, and in helping the National Cemetery Administration provide deceased Veterans the final honors they have earned. The many other ways these organizations serve Veterans are too numerous to list here.

These partners are force-multipliers, and we could not do our jobs without them. Not only do they assist and supplement our work, they provide a great deal of wise and experienced counsel derived from the needs they witness as frontline service providers in the community.

S. 3082 seeks to add new dimensions to our partnerships with private organizations by establishing a National Veterans Support Network, which would carry out the purposes set out in the description of the bill above.

As supportive as we are of bill's aspirations, VA sees complications arising from the organizational structure that would be established in the bill, and thus cannot offer support for S. 3082. With the great number and variety of ways VA serves Veterans, a fixed Board of Directors with 12 members selected by the Secretary would be limiting, in terms of organizations and perspectives and supportive causes that would effectively be granted official status and endorsement by VA. That could result in discord by the great number of worthy organizations and causes that aren't selected to be represented in some manner on the Board, or selected by the Board for grants or other attention.

Allowing contributors and suppliers of goods and services to the Corporation the use of the VA name, seal and other indicia in their advertising, albeit with the Secretary's permission, would also create the appearance of official sanction or endorsement. We note that VA has never permitted the use of its seal or logo in advertising by private entities.

The Corporation would be essentially autonomous, but would be required to consult with VA and other agencies "in carrying out the purposes of the Corporation." While we presume the Corporation would endeavor to carry out this consultation for every significant action and in good faith, the Corporation's independence and the administrative challenges of coordination could present circumstances where the Board acts with the imprimatur of VA, but makes decisions that could be duplicative or work at cross purposes with VA programs.

VA also has questions regarding the community grant program that would be established under the Corporation. It is unclear where accountability would lie in terms of oversight for the grants, follow-up, and reporting, in addition for the potential described above for duplication or even conflict with VA programs.

VA is proud of our work with private organizations, but recognizes—as this legislation does—that more can be done to elevate and expand their role. There are potentially other types of structures or configurations that could serve the same ends, such as adjustments to VA's gift acceptance authorities to allow VA to use donations more broadly to augment VA's services to fill identified gaps in services and respond to new and emerging needs in a timely matter.

VA's roles and responsibilities as defined in S. 3082 would likely entail some relatively insignificant administrative costs, but they cannot be reliably predicted until the details of implementation are established.

Again, the Department greatly appreciates the goals of this bill and we would be glad to work with the Committee to discuss these important topics further.

S. 3179

Section 2(a) of S. 3179, the "Servicemember Housing Protection Act of 2012," would amend section 303 of the Servicemembers Civil Relief Act (SCRA) by expanding foreclosure protections to surviving spouses. The SCRA protects Servicemembers who, due to their military service, cannot repay secured obligations created before their period of service began. Currently, if a holder of such an obligation files a legal action for foreclosure, seizure, or sale of the secured property during, or within 9 months after, a Servicemember's period of military service, the SCRA allows a court to stay the proceedings of a foreclosure or to adjust the obligation to preserve the interests of all parties. A sale, foreclosure, or seizure of property for a breach of such a secured obligation is not valid if made during, or within 9 months after, the period

of the Servicemember's military service, except in certain circumstances prescribed. If S. 3179 were enacted, the same protections would extend to a Servicemember's surviving spouse, as long as the Servicemember has died while in military service from a service-connected cause. The 9-month protection would begin on the date of the Servicemember's death.

Section 2(b) of the bill would amend section 305 of the SCRA by allowing Servicemembers to terminate leases (of premises), without penalty, if they are assigned to or otherwise relocate to quarters of the United States or a housing facility under the jurisdiction of a uniformed service, including housing provided under the Military Housing Privatization Initiative. Currently, the protection only applies to (i) changes of permanent station from a location in the continental United States to a location outside the continental United States or from a location in a State outside the continental United States to any location outside that State, or (ii) deployment with a military unit, or as an individual in support of a military operation, for a period of not less than 180 days.

VA respectfully defers to the Departments of Justice and Defense regarding the merits of this bill.

Chairman Murray, this concludes my statement. I would be happy to answer any questions you or the other Members of the Committee may have.

POSTHEARING WRITTEN VIEWS SUBMITTED BY HON. ERIC K. SHINSEKI, SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

September 11, 2012

The Honorable Patty Murray
Chairman
Committee on Veterans' Affairs
United States Senate
Washington, DC 20510

Dear Chairman Murray:

I am pleased to respond to your request for the views of the Department of Veterans Affairs (VA) on S. 3318, the "GI Bill Protection Act of 2012" and S. 3322, the "Servicemembers' Protection Act of 2012."

S. 3318 would amend chapter 36 of title 38, United States Code, by adding section 3697B. That section would prohibit the use of the terms "GI Bill" or "Post-9/11 GI Bill," without the written permission of VA, in connection with any promotion, goods, services, or commercial activity in a manner reasonably tending to suggest that such use is approved, endorsed, or authorized by VA, despite any disclaimer to the contrary. The Attorney General of the United States could initiate a civil proceeding in any district court to enjoin the foregoing non-approved actions by any person.

VA supports S. 3318. If enacted, this bill would diminish aggressive advertising towards Veterans, as called for in Executive Order 13607: *Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members*. We note, however, that the Department of Justice advises that it has constitutional concerns with the bill, and VA defers to the Department of Justice on those matters. VA estimates that if S. 3318 were enacted, there would be no additional costs to VA since the Department of Justice would be responsible for enforcing the prohibition.

S. 3322 would amend the Servicemembers Civil Relief Act, the Uniformed and Overseas Citizens Absentee Voting Act, and chapter 43 of title 38, United States Code. Since this bill would affect programs or laws administered and enforced by the Department of Labor, the Department of Justice, and the Department of Defense, VA defers to those agencies' views with regard to S. 3322.

Thank you for your continued support of our mission and the opportunity to submit our views on this legislation. A similar letter is being sent to Ranking Member Burr. The Office of Management and Budget advises that there is no objection to the transmittal of this report as regards the program of the President.

Sincerely,

Eric K. Shinseki

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. PATTY MURRAY TO CURTIS L. COY, DEPUTY UNDER SECRETARY FOR ECONOMIC OPPORTUNITY, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS

EDUCATION

Question 1. Please describe the communication that VA has with servicemembers regarding their VA educational benefits.

Response. VA provides letters at various intervals within an individual's service—at 12 months of service, 24 months of service, and six months prior to separation. These letters provide information about applying for and using VA education benefits to pursue educational goals. In addition, VA hosts an eBenefits Web site (https://www.ebenefits.va.gov/ebenefits-portal/ebenefits.portal), which is a one-stop Web portal providing Servicemembers, Veterans, and their families with Web access for comprehensive health care and benefits information and self-service tools. The eBenefits Web site provides specific information on education benefits.

VA also provides comprehensive information on all of the benefits offered by VA during the Transition Assistance Program (TAP) for separating Servicemembers, and VA specifically dedicates one hour of the four hour mandated briefing period to explain education benefits. VA instructors use adult learning techniques to engage Servicemembers and provide information to determine how VA education benefits can assist with transitioning to civilian life. VA assists in identifying the necessary forms and documentation needed to access VA education benefits utilizing VA Web sites, job aids, and handbooks. The VA education briefing also emphasizes the Post-9/11 GI Bill benefit.

Question 2. What would be the effect on student-veterans of a process that relied on Title IV eligibility as a marker for what schools can receive GI Bill funds?

Response. VA's approval criteria are outlined in statute and permit a multitude of educational programs to participate in the GI Bill programs, including accredited, non-accredited, non-college degree, apprenticeship, on-the-job training, and other programs. VA approved institutions and programs are more inclusive than are the Federal student aid programs authorized under Title IV of the Higher Education Act of 1965, which include only institutions and programs accredited by an agency recognized by the Secretary of Education.

Eligibility to receive Title IV funds is not part of VA's approval criteria. VA approves schools that do not receive Title IV funds. This includes certain religious institutions as well as other institutions that are not accredited. If VA were to rely on the same criteria as Title IV or required participation in the Title IV programs, those schools and programs would no longer be available to Veteran students using GI Bill benefits.

Question 3. Several bills pending before the Committee address educational counseling for servicemembers and veterans.

a. How many of those eligible for educational counseling currently use this service?

Response. In FY 2011, VA received 16,937 applications for Chapter 36 services. VA does not currently have data on the number of individuals who received counseling under Chapter 36 in FY 2011 due to issues with corporate database reporting, which will be resolved no later than FY 2014.

b. Do they primarily meet with VA employees or contract counselors?

Response. Vocational Rehabilitation and Employment (VR&E) does not currently have data on the number of Veterans receiving counseling through contracted services versus a VA counselor due to issues with corporate database reporting, which will be resolved no later than FY 2014. VR&E has approximately 800 Vocational Rehabilitation Counselors, whose primary mission is to serve disabled Veterans in the VR&E program. These counselors, as ancillary duties, also provide counseling to Servicemembers and Veterans eligible for chapter 36. VR&E has awarded 53 VetSuccess contracts to 31 rehabilitation providers across the Nation. These contracts include a line item for the provision of chapter 36 counseling. As these are indefinite delivery, indefinite quantity (IDIQ) contracts, the total number of contract counselors available at any given time may vary based on the government's requirements. Although a specific data breakdown is not available, VR&E Service estimates, based on a review of contracting expenditures and total number of applicants, that approximately two thirds or more of chapter 36 applicants are referred to a contract counselor.

c. Where do these sessions take place?

Response. Counseling can take place at a VR&E office, training facility, or military installation.

d. What occurs during a typical counseling session?

Response. Each Veteran is provided services unique to his/her own vocational needs; however, a standardized process is in place. Counseling services include:

- Counseling to facilitate career decisionmaking for civilian and military occupations;
- Interest and aptitude testing, initiating occupational exploration, and setting of occupational goals;

• Educational and vocational counseling to choose an appropriate civilian occupation and develop a training program;
• Academic and adjustment counseling to resolve barriers that impede success in training or employment, including selecting an academic institution; and
• Information on VR&E and VA education benefits.

Eligible Servicemembers and Veterans may apply for Chapter 36 services using VA Form 28–8832. Once the application is received, a VR&E counselor or contract counselor contacts the Veteran to schedule an appointment. The process begins with vocational testing and assessments. Testing may consist of a computerized assessment or pencil/paper format that is scored by a VR&E counselor. Specific tests include career assessments, aptitude tests, and interest inventories. Scoring is based on baseline data determined by the author of the test, and scores are reported and discussed with the Servicemember or Veteran.

Following testing, a comprehensive analysis of current aptitudes, interests, and abilities is conducted to determine a promising career path and any appropriate training. Counseling services are provided in person and can be in a single session or multiple sessions lasting from one hour to three hours. After services are completed, the Servicemember or Veteran walks away with the next steps as well as valuable insight into the career track, training facility, and training requirements needed to enter the civilian labor market based on their unique wants and needs. The VR&E counselor or contract counselor prepares a final report for the file noting the assessment and testing scores, discussions and determinations made, referrals provided, and next steps for the Servicemember or Veteran.

e. What changes would be needed in order to prepare VA to take on mandatory counseling?

Response. In the event that Chapter 36 counseling becomes mandatory for active duty Servicemembers, the current cap of $6 million for contracted vocational and employment counseling would need to be increased or removed. The Department of Defense estimates that the number of Servicemembers on active duty is expected to be approximately 1.4 million in FY 2014. Assuming that every Servicemember would take advantage of this counseling at least once every 24 months, the number of assessments that VA would need to provide annually would be equal to half the number of Servicemembers on active duty each year.

Making counseling mandatory for Veterans before enrolling into school could result in delays for individuals who wish to enroll in educational institutions and unnecessary denials of claims for assistance. A Veteran who applies for benefits in early August who wishes to begin using benefits for the Fall term starting on August 20 would not be able to receive those benefits until VA is able to schedule and provide counseling.

The Department of Veterans Affairs will be submitting costs associated with S. 2241 and mandatory counseling in a separate views letter to be submitted to the Committee.

Question 4. I understand that the revised TAP curriculum includes a significant focus on higher education. What specifically will that new higher education section discuss, and when is it expected to be finalized and available system-wide?

Response. In addition to completing the mandatory core curriculum, transitioning Servicemembers will have the option to participate in curriculum tracks focused on preparing them to start their own business, further their academic achievements in a higher education learning environment, or enter a vocational technical learning environment. One of those optional tracks is an Accessing Higher Education Track for Servicemembers interested in pursuing a college education. The two-day Education Track addresses such topics as establishing educational goals and developing individual plans to meet those goals, higher education tuition funding options, and researching and comparing institutions and financial aid packages. Upon completion of the Education Track, servicemembers will be prepared to submit an application to an academic institution and connect with a student veterans organization on campus.

In addition, with respect to the VA benefits briefing, VA redesigned the original 111-page TAP slide deck to create two VA benefits briefing modules with a total of 36 slides. The first module is focused on VA education benefits, with references to Federal student aid, and the second module is focused on all additional VA benefits.

VA reengineered a long and detailed briefing into an engaging and interactive training session that highlights how Servicemembers can use VA benefits. To transform from a benefits-centric briefing to a Servicemember-centric learning experience, VA interviewed approximately 160 Veterans who had taken the current briefing within the last five years to determine how best to re-design the briefing. The results were consistent with the following adult learning theories:

• Adult learners dislike long lectures and one-way communication. Veterans almost unanimously reported the format of a four-hour, detailed lecture on benefits was ineffective.

• Adult learners want courses to focus on real-life problems and tasks rather than "academic" material. Veterans reported that they want two pieces of information from the benefits briefing: what benefits are available and how to access those benefits.

• Adult learners view learning as a means to an end—they do not want information just for information's sake. Veterans expressed that they were overwhelmed by detailed benefits information at the briefings and felt much of the benefit information was irrelevant to them.

To address Veterans' concerns, VA:

• Organized the benefits into "work, life, and home" categories instead of VA program offices;

• Provided three real-life video vignettes and 17 scenarios that allow Servicemembers to see how VA benefits can be applied to ease the transition to civilian life; and

• Designed a personal action plan for each Servicemember to map out how they will access benefits with timeframes.

Servicemembers will have a better understanding of how to plan for the future by knowing how and when to utilize benefits after their military service. The new briefing will be released by mid-November 2012.

Question 5. VA's written testimony went into some detail on the recent Executive Order 13607. Does VA envision monitoring compliance of those schools that hold themselves out as observing the Principles of Excellence?

Response. Yes, VA will incorporate Principles of Excellence-specific reviews into existing compliance procedures. VA's normal compliance review procedures do examine some components of the Principles of Excellence; however, schools indicating intent to adhere to the Principles of Excellence will be subject to some additional review to account for parts of the Principles not included in VA's typical process.

SMALL BUSINESS

Question 6. In VA's testimony, the department reported that VA has instituted a Debarment Committee to review, examine, and refer those who misrepresent themselves to VA's debarring official.

a. For the past two years, of those firms forwarded to the Debarment Committee, how many were actually debarred?

Response. As of August 1, nine firms have been debarred for misrepresentation over the past two years.

b. Finally, it is unclear to me from testimony on Senator Cantwell's small business bill how a mandatory debarment period of five years would interfere with due process. Please elaborate on this concern?

Response. Debarment is a protective measure designed to ensure that the government deals with responsible firms. It is not a punishment. (48 CFR 9.402(b)) Therefore, it is an inherently discretionary action where the debarring official is required in procurement regulations to take into account mitigating circumstances and corrective measures proffered by the potential debarred. An automatic five year debarment, even for an intentional act, without allowing for any consideration of mitigating factors could be challenged in Federal courts as narrowing or even eliminating the contractor's right to be heard. VA defers to Department of Justice on issues of constitutionality.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. RICHARD BURR TO CURTIS L. COY, DEPUTY UNDER SECRETARY FOR ECONOMIC OPPORTUNITY, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. An April 2012 Executive Order required the Department of Veterans Affairs (VA) to develop "principles of excellence" for schools that serve military personnel and veterans. Some schools have asked whether this is the first of many Administrative actions along these lines. Does the Administration have plans to issue follow-up executive orders or regulations governing schools serving veterans and military personnel?

Response. The Administration is committed to ensuring that veterans and servicemembers are well served by our Nation's postsecondary education system. While this is difficult because the Federal Government does not operate postsecondary education institutions, we will use our authority to develop rules and provide incen-

tives to encourage these improvements. We will continue to use existing authorities, reinforced by actions such as EO 13607, to gain better treatment for Veterans, servicemembers, and their families.[0]

Question 2. Many schools are already in the process of improving their supports and services for GI Bill users. For example, the University of North Carolina (UNC) system shared a matrix of the many good things they are already starting to do to address the needs of veterans, such as offering a military ombudsman, an orientation for veterans, and support staff trained in conditions like post-traumatic stress. Although that work is not yet completed, they are in the process of creating a model system through which veterans and servicemembers can receive a world-class education in North Carolina.

a. Does VA anticipate that a system like UNC is developing would comply with the "principles of excellence?"

Response. We would expect that an approach like you describe the University of North Carolina (UNC) adopting would help improve the services to Veterans. As Title IV participating institution, they likely will already have in place many of the safeguards called for in the executive order. As a result, it is unlikely that UNC would need to take further steps but we would encourage them to review the provisions of the executive order. VA, the Department of Defense, and Education are working together to develop criteria that might be helpful to UNC and other institutions. We will share this with the Committee when it is completed.

b. What would VA do to ensure that the "principles of excellence" do not end up discouraging schools from being innovative in their individual approaches to supporting military personnel and veterans?

Response. The Principles of Excellence require schools to undertake specific actions in order to comply, such as providing comprehensive cost information and avoiding fraudulent or misleading advertising practices. The Principles do not preclude schools from developing innovative approaches to support their Veteran and military students.

Question 3. The April 2012 Executive Order also requires VA, the Department of Defense, and other agencies to create a system for GI Bill users to submit complaints about their schools. According to VA's testimony for the June 13, 2012, hearing, if GI Bill users "feel that their school has acted fraudulently, they have no centralized system to file complaints."

a. For the record, please explain the existing options for students to lodge complaints against their schools, such as through the Department of Education's Inspector General.

Response. VA's mechanisms for submitting complaints include the GI Bill hotline, Ask a Question function on the GI Bill Web site, State Approving Agencies, and VA's Inspector General. The Departments of Defense (DOD) and Education (ED) may have additional avenues students can use, and VA defers to these Departments on their complaint processes.

b. Please explain how VA's new complaint system would coordinate with those other avenues for complaints.

Response. VA, DOD, and ED are currently developing a plan for a complaint system that would allow information sharing between the three agencies as well as the Federal Trade Commission and the Consumer Financial Protection Bureau. Plans for this complaint system are not yet finalized; consequently, the details of the system's workings are not yet available.

c. Would the complaint process VA is developing be better or fairer for schools and students than those avenues? If so, how?

Response. This process consolidates information about fraudulent practices into a single system for access by other agencies. Although the full plans for the complaint system are not final, it is intended to promote information sharing and complement existing processes and procedures for addressing complaints.

d. Would the new complaint system be limited to instances involving allegations of fraud? If not, what types of complaints would be included?

Response. The new complaint system is intended to field complaints concerning deceptive, fraudulent, or misleading practices by educational institutions. VA, DOD, and ED have existing mechanisms to address complaints about scenarios specific to their agencies.

e. Would VA take steps to verify the validity of complaints?

Response. The complaint system and associated procedures are currently under development. Once plans and procedures are finalized, VA, DOD, and ED will provide guidance to schools and other stakeholders about the complaint process. VA is aware of concerns, such as those outlined in this question, regarding the functioning

of the complaint system, and is taking these concerns into account when designing the system and process.

f. Could complaints be submitted anonymously or would the person lodging the complaint have to disclose his or her identity?

Response. A decision has not been reached about whether anonymous reporting will be permitted. Even if it is determined that anonymous reporting will not be permitted, the confidentiality of complainants will be respected to the maximum extent permitted by appropriate Federal laws.

g. If complaints can be anonymous, how would VA prevent mischief, such as—hypothetically—if schools that are competitors wanted to complain about each other?

Response. A decision has not been reached about whether anonymous reporting will be permitted. Even if it is determined that anonymous reporting will not be permitted, the confidentiality of complainants will be respected to the maximum extent permitted by appropriate Federal laws. However, this would not prevent the appropriate agencies to share information to prevent the kind of mischief you are concerned about.

h. If complaints would not be anonymous, who would be eligible to submit a complaint and how would VA verify the identities of individuals filing complaints?

Response. A decision has not been reached about whether anonymous reporting will be permitted. Even if it is determined that anonymous reporting will not be permitted, the confidentiality of complainants will be respected to the maximum extent permitted by appropriate Federal laws.

i. How much funding would it take to operate a complaint system and how many VA employees would be needed?

Response. The complaint system and associated procedures are currently under development. Once plans and procedures are finalized, VA will be able to estimate the number of VA employees needed to operate and maintain this system and process.

j. Does VA plan to collaborate with schools in developing this complaint system?

Response. VA, together with its agency partners, havereached out to schools through informational webinars on the Principles of Excellence and gathered their feedback and concerns. VA will continue to engage schools, as appropriate, in the process of implementing the Principles of Excellence and other components of the President's Executive Order.

Question 4. According to written testimony, VA is concerned about bill provisions that would require schools to disclose certain information about their courses, because it could "create areas of overlap with the new information disclosures required by [the April 2012 Executive Order], leading to redundancy and confusion." What steps does VA believe should be taken to ensure that any additional reporting requirements for schools—either as a result of the executive order or legislation—will also be coordinated with what is required by the Higher Education Act and Department of Education regulations?

Response. One goal of the Executive Order is to better coordinate reporting and disclosures to align with existing Department of Education requirements to ensure that redundancy and confusion are alleviated. VA understands the burden of reporting on schools, and encourages Congress to thoroughly examine existing reporting requirements for schools prior to proposing any related legislation.

Question 5. VA has authority to spend up to $6 million in mandatory funding providing contract counseling services to certain servicemembers and veterans considering using their GI Bill benefits.

a. In fiscal year 2012, how much of the $6 million in mandatory funding does VA expect to spend on these contract counseling services and how many veterans or servicemembers will be served?

Response. VR&E plans to spend the $6 million allowed by law; however, should demand exceed the current dollar limitation, the gap would be filled by VR&E counselors providing these services directly. The $6 million in funding will enable VR&E to fund contracted counseling for approximately 12,000 Servicemembers or Veterans.

b. How much in discretionary spending does VA expect to use in fiscal year 2012 for this purpose and how many veterans or servicemembers will be served?

Response. Chapter 36 services are either provided through contract counseling, for which funding is capped at $6 million annually, or through a VA counselor as part of his/her normal job duties, which is funded through discretionary spending. VA does not currently have information on how much discretionary funding goes toward Chapter 36 counseling. VR&E plans to institute the performance metrics in FY 2014.

c. How many requests does VA receive each year for this type of educational counseling?

Response. VR&E receives between 15,000–19,000 applications for Chapter 36 services each year.

d. How many of those requests are granted and how long on average does it take to respond to a request for educational counseling?

Response. VA does not currently have information on how long it takes to respond to a request for educational counseling. VR&E plans to institute the performance metrics in FY 2014. Chapter 36 services are provided to each eligible Veteran who applies, and VA's goal is to contact the applicant within 30 days from receipt of application. Counseling sessions can be provided in one session or multiple sessions depending on the unique needs of each Veteran.

e. Once a request for educational counseling has been granted, how long on average does it take before that counseling is actually provided?

Response. VA's goal is to contact the applicant within 30 days from receipt of application. VA does not currently have data on how many sessions on average are provided or how long these take to schedule and complete. VR&E plans to institute the performance metrics in FY 2014.

Question 6. Under current law (section 3696 of title 38, United States Code), VA "shall not approve the enrollment of an eligible veteran * * * in any course offered by an institution which utilizes advertising, sales, or enrollment practices of any type which are erroneous, deceptive, or misleading." Also, VA is required by that section of law to enter into an agreement with the Federal Trade Commission (FTC) to investigate deceptive advertising practices by educational institutions.

a. Over the past five years, how many times has VA invoked its authority to refuse to approve enrollment at an institution because it was found to be using deceptive, incorrect, or misleading advertising?

Response. Four schools have had VA approval pulled for deceptive or misleading practices over the past two years.

b. Does VA plan to enter into an agreement with the FTC to investigate those types of allegations?

Response. Fraudulent and deceptive practices identified by VA are referred to VA's Office of Inspector General. Per statute, VA also has the authority to refer cases involving fraudulent or misleading practices to the Federal Trade Commission.

Question 7. VA expressed concern over S. 1184, a bill that would require a five-year debarment from VA contracting if a business is found by VA to have misrepresented its status as a veteran-owned or service-disabled veteran-owned small business. VA's testimony stated that "VA has instituted a separate and distinct 8127 Debarment Committee to review, examine, and refer those who misrepresent themselves to VA's debarring official."

a. How many companies have been found to have misrepresented their status?

Response. We believethat Senator Burr was referring to those companies that have been found to have intentionally misrepresented their status. As of August 1, 2012, nine firms have been found to have intentionally misrepresented their status over the past two years.

b. How many of these companies have been reviewed and later debarred following examination by the Debarment Committee?

Response. All nine firms found to have misrepresented their status have been debarred for misrepresentation.

c. VA's testimony also noted that "there are varying degrees of misrepresentation" and "[s]ome may be the result of an 'innocent' mistake." Would VA support a mandatory debarment for companies found to have "deliberately" misrepresented their status?

Response. VA does not believe additional legislative changes are necessary to enhance VA's debarment authority. VA believes thedebarment authority contained in 38 U.S.C. § 8127 is sufficient.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. SCOTT P. BROWN TO CURTIS L. COY, DEPUTY UNDER SECRETARY FOR ECONOMIC OPPORTUNITY, VETERANS BENEFITS ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. S. 3210, the Veterans' Small Business Opportunity Act provides surviving spouses with a three year transition period to utilize contracting benefits if a veteran small business owner dies of causes not related to service, allowing the spouse to determine the best option for the survival of the veteran's small business.

Currently, if a vet passes away due to causes unrelated to service, the spouse is left with no time to decide how best to transition the business. You stated in Wednesday's hearing that family businesses shouldn't be punished when a veteran unexpectedly passes away. Please comment on S. 3210 given that VA continually encourages veterans to enroll in small business programs and urges government agencies to utilize veteran-owned small businesses when awarding Federal contracts. In your judgment, would S. 3210 help to assist surviving spouses transition their spouse's veteran-owned small business?

Response. Yes. VA supports this provision. The provisions in S. 3210 have no operational effect on VA's Veteran-owned small business (VOSB) Verification program. However, this would require a change to 38 CFR Part 74 and an Acquisition Information Letter to implement. It is understood that any surviving spouse must meet the same ownership and control eligibility criteria as the Veteran owner.

Question 2. Please comment on the relative level of difficulty to implement S. 3210.

Response. VA expects that the relative level of difficulty of implementation of this provision should it be enacted is low. There may be some additional oversight on ensuring that the eligible firms properly notify VA in the event that a subsequent marriage or date on which the surviving spouse relinquishes an ownership interest in the small business concern.

Question 3. Please comment on the cost of S. 3210.

Response. The cost to implement S. 3210 would in our estimation be negligible, due to the estimate that there will not be many companies that are eligible for this. Additional oversight on ensuring proper notification can be rolled into the Quality Assurance program.

Chairman MURRAY. Thank you very much, Mr. Coy. I am going to withhold my questions right now. There are a number of Committee hearings going on. I want to be able to turn to the Committee Members.

Senator Isakson, do you have some questions you would like to start with?

Senator ISAKSON. Yes. Mr. Coy, thank you for your service and your testimony. With regard to the President's executive order, at what exact stage is the VA in, in terms of implementing that?

Mr. COY. Thank you, sir. The order was signed on April 27th. We have established work groups and teams. We are currently in the process of developing the implementation plans and a report is due to the President toward the end of July.

Senator ISAKSON. Do you know if any of those working groups that you have put together have any interface with the Department of Education or with the Education Committees in the House and the Senate?

Mr. COY. Yes, sir, absolutely. We are working with our partners at Education on that work group for the implementation of the executive order.

Senator ISAKSON. For the Chairman's benefit, and the Chairman probably is well-aware of this, the Health Committee has been working on this subject as well and there is a lot of information sharing that could be done that could be beneficial to that development.

Second, or third I guess, of the working groups that you have put together, do they involve soldiers who have actually been through using the GI Bill for education and had problems?

Mr. COY. Mr. Worley has been working on that closely, but I do not think it yet, that we have had soldiers or sailors or Marines on those work groups yet. Is that a correct statement, Rob?

Mr. WORLEY. That is correct, sir. Just in the initial stages, it is primarily interagency groups. We will engage the veteran service

organizations, other stakeholders as we work to implement the executive order.

Senator ISAKSON. Well, I hope you will because, you know, sometimes we put together all these officials and bureaucrats and politicians to be working groups to come up with a plan to solve a problem and we never talk to the people affected by the problem, and the servicemembers are the ones that, in some cases, may have suffered because of this. I think it is important to include some our veterans in there. Thank you, Madam Chairman.

Chairman MURRAY. Thank you very much. Senator Begich.

STATEMENT OF HON. MARK BEGICH, U.S. SENATOR FROM ALASKA

Senator BEGICH. Madam Chair, thank you very much. I have a couple of questions. I am not sure who is the right person to answer this, so I will just ask it and maybe, Mr. Coy, you could point out who you think would be appropriate. You had in your—well, actually, in your testimony there is a chart in the back. I think it is like it says each bill. I am not sure if it is connected directly to your testimony, but talks about each bill you support or that are supported or not supported.

There is one that is not supported, which is 1314, which would establish minimum funding levels for disabled veterans outreach program specialists and local veterans employment representatives per 5,000 square miles. Basically, it is a rural effort to ensure there is minimum funding for rural communities and States.

As Senator Tester has introduced the bill, we think it is an important bill, obviously from Alaska's perspective. But maybe, could you expand on why your agency is not supportive of that bill? It is one of only a few bills—I think there are only two or three that you guys did not support and this was one of them.

Mr. COY. I believe I will go back and check, sir, but I believe we deferred to DOL that particular piece of legislation for them. I do not believe that we——

Senator BEGICH. OK. Let me ask it this way then because you took a stance. No, I understand. Are you familiar enough with the legislation to comment from how it would affect veterans in a positive or negative way?

Mr. COY. At this point, no, sir, I am not.

Senator BEGICH. Then let me go to my next question. I was in a Government Services Committee meeting, Homeland Security, and Government Services Committee meeting not long ago where GAO gave a report on how many different programs we have available to veterans for employment and training spread across a pile of agencies, Department of Labor being one of them.

And for you not to be able to respond to this makes me a little anxious and it actually goes to my issue, which I brought up there—and you may not want to comment on this, but I am going to put it on the table and see what happens here.

Why do we not just consolidate all those labor and training programs for veterans and just put them under veterans programs? So when a veteran comes in—because most veterans are not searching all over the place trying to figure out where they are going to get job training. They call the VA.

Then the VA parcels them out to somebody or directs them. Why not just have that right inside the VA? I know Department of Labor will call my staff within seconds of me saying this explaining why that is such a bad idea. But at the end of the day, our service and our responsibility is to ensure that veterans get easy access without the bureaucracy that goes along with it.

I was shocked how many different programs there are spread across multiple agencies, and then we expect a veteran returning home to weave through the Federal bureaucracy and figure it out. We had to have a GAO report do it for us. Give me your thoughts on that. And, you know, I am probably putting you on the spot and that is OK.

Mr. COY. Yes, sir, you are putting me on the spot. I testified a number of months ago on H.R. 4072, I believe it is, which is to move the DOLVETS into VA, and at that point my testimony essentially indicated that the Administration is looking at that. There are numerous issues that we have all looked at. We would all want to ensure that we provide good service to our veterans.

So, at this point, we are looking at that piece of legislation. We are looking at putting together a position on that, but at this juncture, I do not have an opinion, yea or nay, sir.

Senator BEGICH. Do you think—if I can just probe a bit more here. I am sure you are not anxious for me to do this, but I guess I am worried.

Here is my experience as a former mayor. Whenever I wanted to talk about consolidation or moving things, each department would kind of start getting hunkered down, and at the end of the day sometimes they were not as forthright as needed in what would be the end result because they were worried about employees, who they would get to keep, and all that stuff.

Give us a time table that you think you might be able to, and second, as you think about that answer, do you feel you are going to have the latitude to put out to this Committee and/or whoever it would be appropriate to say, here is the right thing at the end of the day for veterans? Not Department of Labor, not the bureaucracy, but for veterans.

Mr. COY. Senator, thank you for your question. We have not established a definitive time table in coming up with all of those answers. We will be happy to get back to you with that response.

[Responses were not received within the Committee's timeframe for publication.]

Senator BEGICH. That is fair. Thank you very much. Do you think you will have the latitude when you roll through this discussion process, that—and again, this may be an unfair question—but to be caught up in that kind of agency tug-of-war that may occur and that you will be able to focus on? Is this the right decision for a veteran?

And it may be contrary to some folks within the Administration of what you are trying to do. Do you feel comfortable enough that you have that? I know these are uncomfortable questions, but what the heck, you are here.

Mr. COY. Yes, sir, I am uncomfortable.

Senator BEGICH. If you want to think about that one, I might let you off the hook.

Mr. COY. The short answer, sir, is that I know that my entire chain of command believes in one thing and one thing only and that is what is best for the veteran.

Senator BEGICH. Good.

Mr. COY. I do not think anyone in the VA would take steps that would be contrary to that.

Senator BEGICH. Perfect. I will leave it at that. Thank you, Madam Chair.

Chairman MURRAY. Thank you very much.

Senator Boozman.

Senator BOOZMAN. Thank you, Madam Chair. I just want to real quickly ask, Mr. Coy, we are all really very concerned about veterans being treated unfairly, whether that is from the for-profit schools or the other schools. I know in the past, the State approval agencies have talked about the same kind of issues going on in both sectors, you know, as far as problems. And you can jump in, also, Mr. Worley, whoever is most appropriate.

But are we looking at both? If we find practices that are going on in the for-profit institutions, and I agree totally with Senator Isakson. Hopefully, we will have a bunch of people that are involved in the process that have had problems. Then also, I would like to see a bunch of people that have gone through it.

I think a significant percentage of our enlisted corps and our officer corps have actually had a positive experience and gained a lot of education and been able to advance their careers seeking the non-profit school route because of convenience or whatever. I mean, those are things that you all have to figure out.

I guess my concern is that I do not want either group—and there is a tremendous amount of money involved with either group—to unfairly treat our veterans. So are we going to—are we looking at both? Are we going to take what we find in one and transfer that over as we look at enforcement?

Mr. COY. Thank you, sir. We are very interested in ensuring that all schools are reviewed. As you know, last year the changes to Public Law 111–377 provided the VA the flexibility to have SAAs do compliance surveys. That has been a big help to us. Last year or the year before, we completed about 1,700 compliance survey visits. With the assistance of the SSAs this year—and the year is not over—we have completed more than 2,700 compliance surveys, of which 1,500 of them were for-profit institutions.

So this is the first year that we have been using SAAs for those compliance surveys. As we go down the path, we think that that will bear some fruit, sir.

Senator BOOZMAN. Mr. Worley, do you have anything to add?

Mr. WORLEY. Really nothing to add to that. We take this part of the oversight responsibilities very seriously. We continue to see, again, growth in our compliance outreach by the law and working closely with SAAs to help them as they perform that function.

Senator BOOZMAN. Thank you, Madam Chair.

Chairman MURRAY. Thank you. I have a number of questions regarding the education benefits that I will submit for the record and work with the Department on. As you know, we have a number of bills before us on that issue. I just want to ask one question at this point so we can get to our next panel.

Mr. Coy, I really appreciate the Administration's continued emphasis on getting veterans the training and employment opportunities they need. Can you tell us how the Administration envisions the Veterans Job Corps benefiting private sector employment?

Mr. COY. Yes, ma'am. VA certainly appreciates any legislation or proposal that provides employment opportunities for our veterans, and we certainly appreciated Senator Nelson's leadership on his proposal and we look forward to working with the Committee, and certainly his staff, on developing this proposal.

The current Administration proposal for the Veteran Job Corps has a number of key issues and differences, perhaps, with Senator Nelson's, but with respect to the kinds of employment opportunities that the Veteran Job Corps proposal—that the President outlined in his State of the Union address looks at employment principally in the private sector, perhaps some Federal sector employment, but principally in the private sector in many of the type of jobs that have already been outlined.

For example, recreational resource management positions for visitor programs, forest programs, brush removal, IT and administrative positions. The Army Corps of Engineers has maintenance and construction issues. NOAA is looking at doing some of those things. There are certainly public/private partnerships with the Forest Service, for example, the Vets Green Jobs, Vet Fire Corps, Vets to Farmers.

The vision is, is to develop some of that work experience to perhaps leading to some certifications and meaningful occupational work down the road. It also looks at perhaps some seasonal work to do those kinds of things. The Administration's proposal also looked at developing what we called a Federal steering committee that would be comprised of various agencies on that committee. That committee would receive proposals from various aspects, judge and evaluate them, and award funds for veterans' employment based upon those proposals.

Chairman MURRAY. OK. Thank you very much. I am going to give the rest of my questions to you for the record. And with that, I want to turn it over to Senator Burr and then Senator Brown for their questions before we go to the second panel.

Senator BURR. Chairman, if I can, can I yield to Senator Brown?

Chairman MURRAY. Absolutely.

STATEMENT OF HON. SCOTT P. BROWN,
U.S. SENATOR FROM MASSACHUSETTS

Senator BROWN OF MASSACHUSETTS. Thank you, Madam Chair and Ranking Member. I only have a couple of questions and then we can go back to the next panel. As you know, at least in Massachusetts, hiring veterans is one of the more important things that we do. We have had many jobs fairs focusing on veterans, the Hire Here a Veteran's bill providing up to a $9,600 tax credit for businesses that want to hire our unemployed veterans.

Trying to work on things that make sense and dealing with the stigma associated with hiring, especially Guard and Reservists with the potential of more deployments and the like. One of the things that we have identified, and Senator Burr and I are co-spon-

sors of, and I am hoping, Madam Chair, that you will get behind this because it is a no-brainer.

When we have veterans who are in a business and they are, in fact, killed not in the line of duty, say they get hit by a bus, that spouse who has an interest in that business has to basically divest of that business almost right away. However, if that servicemember passes away with a servicemember-related injury, they have 10 years in order to transfer that—figure out what to do with that business.

My bill actually—Senator Burr and my bill, which I thought we had a fair amount of Democratic support, but it seems to have gone away a little bit. I am hoping we can re-visit this and get it done through a mark-up. It amends Section 8127(h) and provides the spouse of any veteran with a service-connected disability may be treated as the deceased veteran if other conditions of (h) are satisfied. If the veteran was rated 100 percent or died in service connection, we know that they have up to 10 years.

Our proposal would allow, if a veteran is rated less than 100 percent and did not die as a result of a service-connection condition, the surviving spouse would be eligible to be treated as the veteran for 3 years following the veteran's death. And these changes would take effect 180 days after the date of enactment.

So I am wondering—I am presuming you would hope that a family would not be punished when a veteran unexpectedly passes away, and would you then also agree that the spouse should have time to get the business on solid ground and figure out what to do with it?

Mr. COY. Thank you, Senator, for that question. I am not familiar with that particular bill, and so I am not at liberty to be able to respond in kind, although the VA certainly values all of its family members. So, we would look very carefully at that bill. But we would be happy to take any questions you may have for the record and be able to provide you a fuller and more robust response.

Senator BROWN OF MASSACHUSETTS. It is probably not a bad idea, not just for the record, but let us just work on it and make a recommendation. With your help, this is something that I am presuming would be placed in the mark-up and we could get it done.

Because to have folks that have served as heroes with our country and have the ability of them to be able to pass an asset over, at least for a transitional period of 3 years, which is a compromise, it is cost-neutral as well, and I would certainly welcome your leadership and an opportunity to work with you on this very important issue.

It is something Senator Burr and I feel very strongly about and hopefully the other Members of the Committee will get behind.

Mr. COY. Senator, we would be happy to work with your staff and the Committee for anything that would enhance our veterans and servicemembers and their families.

Senator BROWN OF MASSACHUSETTS. Great. Well, thank you. As I said, one of the biggest challenges I recognize, as somebody who is still serving and somebody who has been on this Committee and somebody who has been dealing with our returning veterans is the stereotype associated not only dealing with the potential combat

stressors and health issues affecting our veterans, but basically—for example, in Massachusetts, we have a welcome home bonus. They get up to $1,000 just by—your first deployment, $500, and your second.

We have re-employment rights. We have anti-discrimination. We have educational opportunities. We do, I think, more than many other States in the country regarding a lot of these issues. And I am hopeful that we can adopt a similar type of thing.

For example, I have also filed a bill that I am hoping this Committee will get behind. We had a situation in Massachusetts where a veteran who served a couple of tours of duty came back and applied for rental housing. And the woman basically said, Well, I do not agree with your position on service in our country.

So to amend the Fair Housing Act to include veterans as a protected status, I think, is critically important. So hopefully the Chairman and the Ranking Member will work with me to get that done as well. So thank you. I have nothing further.

Chairman MURRAY. Thank you very much, Senator Brown. Senator Burr?

Senator BURR. Thank you, Madam Chairman, and I thank Senator Brown being still an active Reservist. He brings a different perspective that is real and recent and we are blessed with that.

Mr. Coy, welcome, and let me say, in your testimony, VA expressed support for several proposals, some of which have an increased cost. Does VA have a suggestion as to how to pay for those?

Mr. COY. No, sir, we do not at this juncture. We would be happy to work with the Committee to come up with ideas and thoughts and alternatives.

Senator BURR. I would like to ask that you submit for the record a list of the options that VA recognizes that could be pay-for's.

Mr. COY. Yes, sir.

[The information requested during the hearing follows:]

VA has proposed legislative initiatives in the 112th Congress that create savings or improve efficiency and business practices, including collections. The Department is always ready to discuss these proposals and its priorities as far as desired legislation, whether proposed by VA or initiated in the Congress. Of course, VA will also provide its views on options for offsets when they are included as part of measures put forward at legislative hearings.

Senator BURR. Thank you. As you know, the VA asked schools to indicate by June 30, 2012, whether they plan to comply with the principles of excellence outlined in the April 2012 executive order. Schools in North Carolina have expressed some concerns about how this is being implemented. For example, VA held webinars so schools could learn more about those principles.

But it is my understanding that the webinars were over-subscribed and schools were left out and were simply told they would get a chance to read the notes about the webinar in 2 weeks just before the June 30th deadline. Four questions.

What are you doing to make sure all schools have enough time to learn about the principles of excellence and get answers to the questions before the June 30th deadline?

Mr. COY. Senator, we have had two webinars so far. The response was very high. We have now scheduled a third webinar for this coming Friday, and so once we collect that information and

those questions and issues, we are going to need to stand back and take a look and see where we are on that response and process.

Senator BURR. If needed, will you extend the June 30th deadline?

Mr. COY. At this juncture, we have not talked about doing that, but we certainly would look at any and all options.

Senator BURR. Well, let me just remind you that it is June——

Chairman MURRAY. Something.

Senator BURR [continuing]. Something, about halfway through. I do know it is Wednesday. [Laughter.]

If there is one at the end of the week, that allows a school about 10 days to understand it, to execute, because I guess my follow-up question, what happens if a school does not sign under the principles of excellence at this time?

Mr. WORLEY. Senator, if I could, first it is important to understand that what we are asking the schools to do is to sign—we are encouraging them to respond with their intent to comply with the principles of excellence. We will not fully know the ramifications of how we are going to implement the executive order for some time. That is work yet to be done.

The letter that we sent to all the institutions asked for their response of intent by 30 June with the understanding that compliance with all the principles of excellence would need to happen by the end of the academic year 2012–2013. So there is a significant amount of time to evaluate and work through various issues.

Senator BURR. So you are asking them to commit their intent to participate to something that they do not know what the requirements are yet?

Mr. WORLEY. Well, many of the requirements are listed in the principles of excellence themselves and as always, the devil is in the details of how to implement it, and we will be working collaboratively with all those with support.

Senator BURR. Well, if schools choose not to commit, will they have an opportunity to come back into the system?

Mr. WORLEY. Yes, they will. And the 30 June—I mean, if someone comes in and says they intend to comply on 1 July, we are not going to say no. And at some point in the future, the schools that have agreed to comply will be listed per the executive order on our GI Bill.

Senator BURR. Well, do note that there is concern within the education community that they have yet to have the opportunity to be exposed to the webinar. It was over-subscribed. To read the notes 2 weeks from now probably puts them the week before June 30th to try to go through the traps and get a sign-off of an academic institution the size of the University of North Carolina-Chapel Hill, or something smaller. Probably it is just out of the question.

So I would ask you to go ahead and think about now a delay in that June 30th date. I need to move to the GI Bill real quick, and I just want to paraphrase an article that was written on June 12, which was Tuesday, in the Charlotte Observer.

It talks about local veterans who are now enrolled in school that are not getting their tuition and student housing money as promised from the GI Bill and it is threatening their ability to stay in school and pay their rent. I will not name the veterans, five of them. They say that they are facing the same problems, thousands

of dollars in Government-backed tuition money from their GI Bills, plus a monthly basic housing allowance which has not come through since they started class May 7; not even a book fee.

They have not received anything. We got out of the U.S. Marine Corps April 22. Hall's certification of eligibility says he is entitled to 100 percent of benefits covered under the GI Bill at an institution of higher education. He is in school, but his tuition has not been paid. Hall said he might have to drop out if the GI Bill tuition payment does not come through.

He added, the Department of Veterans Affairs, they told him his benefit would kick in May 15. Then the first week of June. Hall said the Department of Veterans Affairs has also told him that they are 6–8 weeks behind in processing payments.

Hall is already at the end of the line with rent money that could be paid for with his housing allowance. He is faced with eviction if he did not receive the money. Some veterans have taken out student loans that they did not need. Others are working all night to make up for the missing benefits. I have received zero of my VA benefits, White said, and Maxwell said, Nothing.

Does that disturb you? Because every time this Committee asks the question of the VA, Are we late on payments? Is this thing working. The answer we get is yes, it works perfectly. We are getting them out there. Now, these are guys that have been in school since May 7; they are veterans.

It is a pretty reputable media outlet. I feel fairly certain that this Bring did not get it wrong, 100 percent eligible, but there is no payment going to his school. There is no housing stipend, no book fee that is being made.

Mr. COY. Senator, we are always concerned with any of our veterans who are getting payments late. We process educational claims in four different sites across the country. Right now for original claims, Mr. Worley can correct me on the exact number, perhaps, but on original claims, we are looking at processing times of around 30 to 35 days, and for supplemental claims, anywhere from 10 to 15 days.

Senator BURR. So was the VA official that talked to this Marine and told this Marine that they were six to 8 weeks behind processing payments, is that bogus?

Mr. COY. No, sir, I do not think it is bogus at all. There are some that take longer than others. What I gave you was an average time, not the range of times. We have ranges much higher than that, as you might imagine. We track these claims on a daily basis, and so we take all of those kinds of issues very seriously.

Senator BURR. What do these Marines do, Mr. Coy? I mean, the school is working with them. They are keeping them in. He may be in school, but he might be evicted from his place on a benefit that he has earned, he deserves. What are we going to do? And if I thought I was talking about an isolated case, I would not press this. I do not think I am.

Mr. WORLEY. Ranking Member Burr, sir, I would only say that when these come to our attention, we find out what happened and we correct them as quickly as possible.

Senator BURR. I will make sure when you leave you have got this news article.

Mr. WORLEY. Thank you, sir.

Senator BURR. One last question, if I could, Chairman. Mr. Coy, in your written statement you discuss the Veterans Job Corps initiative as proposed by the President in his State of the Union address. The President's proposal calls upon the Department of Veterans Affairs to administer a Veterans Job Corps that would provide funding for up to 20,000 veterans over a 5-year period to participate in conservation projects sponsored by Government agencies.

In meeting with my staff, the VA and Administration officials have indicated that one of the reasons the Veterans Job Corps is needed is the backlog of forestry and conservation projects and the number of current employees who will be leaving Federal service creating openings.

In the absence of new legislation, are there steps being taken to fill those jobs that are going to open up with veterans? Does it take a Job Corps initiative to actually fill those jobs with veterans?

Mr. COY. No, sir, not necessarily. The Federal Government hiring procedures always provides veterans preferences across the board with Federal Government hiring.

Senator BURR. So as it relates to those forestry and parks jobs, if there are openings, the preference should go to veterans? It would not need the Job Corps to create the opportunity for them?

Mr. COY. Sir, the backfilling of Federal jobs is entirely separate, if you will, from the Administration's Veterans Job Corps conservation program.

Senator BURR. Tell me how the Job Corps is different than the effort that is currently underway at the Department of Labor in the VETS program and its mission. The Department of Labor has sort of the lead responsibility for employment of our country's veterans. We have got a VETS program there that is sort of the tip of the spear for veterans' employment and training.

Mr. COY. I think the focus of the Administration's proposal for the Veterans Job Corps is in those conservation areas, and so with that respect, that is why the proposal was made by the President in his State of the Union address. The VETS of Department of Labor provides the one-stop levers for—and many grants and so on for projects along those lines, but does not address those nuances of the Veterans Job Corps.

Senator BURR. I will say this to the Members. I have attempted to get details as to how the Veterans Job Corps is going to be implemented and administered. If, in fact, that is put together yet, I hope you will share it for the record with the Committee. But when I have called, I cannot get an answer as to what the structure is going to be or how it is going to be implemented.

If you have got any further information you would like to share with us today, I would be more than happy to have it, or you can submit it for the record.

Mr. COY. We would be happy to submit that for the record, Senator. With respect to these very, very specifics, the Administration—the decision was made in consultation to craft this legislation. So the Administration would like very much to work with the Committee to come up with what we believe would be a good pro-

posal and piece of legislation, and we will be happy to provide any responses for the record for any questions as well.

Senator BURR. Thank you, Mr. Coy. Thank you to your colleagues who have joined you.

Mr. COY. Yes, sir.

Chairman MURRAY. Thank you very much. And thank you very much to this panel. We look forward to your answers to our submitted questions.

I now want to bring our second panel up. I will introduce you as you are switching places at the table there as well. Representing the Iraq and Afghanistan Veterans of America is their Deputy Policy Director, Tom Tarantino. We are also joined by Peter Meijer. He is a member of the Board of Directors, Student Veterans of America. And rounding out the panel is Deputy Director of Government Relations at the Military Officers Association of America, retired U.S. Army Colonel Bob Norton.

I want to thank all of you for joining us today. We look forward to hearing your testimony. I will let you get settled there for just a minute and then I will begin with Mr. Tarantino. Mr. Tarantino, if you want to begin?

STATEMENT OF TOM TARANTINO, DEPUTY POLICY DIRECTOR, IRAQ AND AFGHANISTAN VETERANS OF AMERICA

Mr. TARANTINO. Thank you, Madam Chairwoman and Ranking Member Burr, Members of the Committee. On behalf of Iraq and Afghanistan Veterans of America's over 200,000 veterans and supporters, I thank you for allowing me to submit testimony sharing our members' views on these important issues.

IVA would like to thank this Committee for its constant working supporting the new greatest generation. Our written testimony outlines IVA's positions on all the bills before us today. However, I would like to spend the balance of my time discussing three in particular.

IVA strongly supports S. 2241, the GI Bill Consumer Awareness Act of 2012; S. 2179, the Veterans Educational Support Act of 2012; and S. 2206, the GI Educational Freedom Act of 2012. We believe that passing these three bills will go a long way toward protecting the GI Bill and empowering student veterans to make educational choices that meet their needs. We thank Senators Murray, Webb, and Lautenberg for their work and for their leadership on these issues.

IVA is deeply concerned about multiple reported abuses from the for-profit school industry. Currently there is no clear method to separate schools that provide quality education programs from ones that are only trying to profit from veterans benefits.

Several for-profit colleges are valued participants in higher education. They provide veterans with a service that is not widely available in traditional non-profit universities, including online and vocational programs that offer highly technical degrees that are largely unavailable at traditional non-profit public and private colleges.

Essentially, they give veterans and their families the flexibility to obtain career-ready education required to be competitive in the

workforce. Unfortunately, it is highly difficult to separate the good actors from the bad actors in for-profit education.

Many for-profit schools are excessively and unreasonably expensive. They are plagued with high drop-out rates. They engage in very aggressive, sometimes deceptive, and I will argue fraudulent, marketing and recruiting practices targeted at veterans. IVA believes that through transparency, oversight, and consumer education veterans can separate the good schools from the bad actors and make more informed choices.

S. 2241 will establish the basic framework for transparency veterans need to make choosing a school a data-driven process. By requiring uniform reporting of data that is focused on consumer education, veterans will be able to compare schools to find one that meets their needs. Additionally, S. 2241 will require the VA to study what practices and policies promote veterans' success on campus.

There is a lot of great work happening all across the country in campuses everywhere. Now is the time to identify what is working so that all schools can benefit and create an atmosphere that promotes success for student veterans.

S. 2179 will enact reasonable oversight of education programs. This bill mandates that a vocational school that trains students for a course that will eventually require a license or a certification to get a job will actually meet the training requirements for that license or certification, as defined by that State or the approving body.

Additionally, the legislation requires that all students using benefits are properly informed of their choices and have the ability to report fraud, waste, and abuse.

S. 2206 will help hundreds of thousands of student veterans take advantage of the excellent educational counseling resources available at the VA to help make the most of their GI Bill. Unfortunately, few veterans actually know they can receive educational counseling, and those who do have to go through a lot of red tape to get it.

This bill cuts the red tape by requiring veterans to opt out of education counseling, rather than having to opt in. IVA believes that this will help veterans use their benefits to their fullest potential and ensure that their educational choices meet their needs.

IVA is confident that this Committee can take these bills and pass comprehensive legislation that incorporates these critical priorities. However, we have to acknowledge that it is not going to solve all the problems faced by student veterans.

Although not before this Committee, Congress has to act and continue its work to pass additional legislation such as S. 2116 that will close the loophole in the 90/10 rule, and S. 2296 that will prohibit schools from using Government funds for marketing and recruiting.

These bills, coupled with those before this Committee today, will help restore free market control of the for-profit school industry and will prevent veterans from being harassed by predatory schools that are poaching veterans' benefits and not providing the services that they advertise.

The post-9/11 GI Bill is the most significant veterans' benefit since World War II. With it, veterans and their families have the opportunity to, as Senator Webb used to say, build a first-class future and shape the destiny of the new greatest generation. As veterans' advocates, educators, and lawmakers, we all have a shared responsibility to ensure that every student veteran is empowered to use their benefits wisely and build that first-class future.

This is why IVA supports these bills and looks forward to working with Congress to pass them in 2012. Thank you for your time and attention. I look forward to taking your questions.

[The prepared statement of Mr. Tarantino follows:]

PREPARED STATEMENT OF TOM TARANTINO, DEPUTY POLICY DIRECTOR, IRAQ AND AFGHANISTAN VETERANS OF AMERICA

Madam Chairwoman, Ranking Member, and Members of the Committee, on behalf of Iraq and Afghanistan Veterans of America's over 200,000 member veterans and supporters, thank you for allowing me to submit testimony sharing our members' views of on these important issues.

My name is Tom Tarantino and I am the Deputy Policy Director with IAVA. I proudly served 10 years in the Army beginning my career as an enlisted Reservist, and leaving service as an Active-Duty Cavalry Officer. Throughout these 10 years, my single most important duty was to take care of other soldiers. In the military they teach us to have each other's backs. And although my uniform is now a suit and tie, I am proud to work with this Congress to continue to have the backs of America's servicemembers and veterans.

IAVA would like to thank this Committee for its constant work supporting the New Greatest Generation and would like to offer our comments on several of the bills that the Committee is currently considering.

Bill	Description	Sponsor	IAVA Pos.
S. 1184	Fraud in SDVOSB representation	Cantwell	Support
S. 1314	Minimum funding for DVOPs and LVERs	Tester	Not Support
S. 1634	Restore SAA approval for education	Tester	Not Support
S. 1798	Open Air Burn Pit Registry Act of 2011	T. Udall	Support
S. 1852	Spouses of Heroes Education Act	Merkley	Support
S. 1859	FAA & TSA employment grievance	Akaka	Support
S. 2130	Veterans Conservation Corps Authorization Act	Bill Nelson	Support
S. 2179	Military and Veterans Educational Reform Act	Webb	Support
S. 2206	GI Educational Freedom Act of 2012	Lautenberg	Support
S. 2241	GI Bill Consumer Awareness Act of 2012	Murray	Support
S. 2246	TAP Modernization Act of 2012	Boozman	Support
S. 2299	Servicemembers Rights Enforcement Act of 2012	Murray	Support
S. 3082	National Veterans Support Network Act	Bennet	Not Support
S. 3179	Servicemembers Housing Protection Act of 2012	Reed	Support
S. 3210	Veterans' Small Business Opportunity Act of 2012	Scott Brown	Support
S. 3233	Servicemembers Access to Justice Act of 2012	Casey	Support
S. 3235	Helping OIF/OEF veterans return to employment	Pryor	Support
S. 3236	Servicemembers Employment Protection Act	Pryor	Support

S. 1184—IAVA supports S. 1184, which will curb fraud in awarding government contracts to businesses erroneously claiming to be owned by a service-disabled vet-

eran. Considerations earned through service or disability incurred in the line of service should benefit veterans trying to win Federal contracts, not unscrupulous individuals who use such veterans to "front" a company in order to gain an unjust and unearned advantage when competing for Federal contracts. Disbarment of companies and their principals who falsely claim status as a veterans or disabled veteran owned small business is an important enforcement technique that will serve to discourage fraud.

S. 1314—IAVA does not support S. 1314 which would change the way we assign DVOPs and LVERs. IAVA understands and supports the concepts expressed in this bill, but we have concerns about its methods. IAVA believes that every veteran should receive the assistance that they have earned through service to country, including the assistance of representatives from the Disabled Veteran Outreach Program (DVOPs)s and Local Veteran Employment Representatives (LVERs). Half of all veterans of Iraq and Afghanistan live in rural areas where access to employment services and jobs is difficult. S. 1314 attempts to address this issue by requiring the provision of at least one DVOP or LVER for every 5,000 square miles. Currently, the formula is based on the population of the area. IAVA has concerns about the impact that this change might have on veterans in more populous areas. IAVA strongly believes that serving veterans in rural areas, whether for health care, education, employment or another issue, is paramount; however, we must find ways, including technological solutions, to serve one veteran demographic without adversely impacting another.

S. 1634—IAVA does not support S. 1634 which would reinstate the authority of the State Approving Agencies (SAA) to approve educational programs for use with the GI Bill. In 2010, Congress unwisely removed SAA oversight of educational programs and relegated them to conducting compliance audits of schools. While IAVA opposed this change, we do not believe that returning to the pre-2010 system is the appropriate way forward. SAAs are a critical component to the success of the GI Bill. However, they were created 60 years ago in a very different educational environment. Rather than revert to the old model, IAVA believes that we should take this opportunity to examine how we can modernize the roll of the SAAs for veterans in the 21st century.

S. 1798—IAVA supports S. 1798 which would establish a registry of veterans that may have been exposed to potentially harmful toxins when stationed near open-air burn pits in Iraq or Afghanistan. Any veteran who lived near an open-air burn pit is familiar with the short-term health effects, such X, Y, Z, caused by burning trash. However, the lasting effects of toxic exposure from burn pits are unknown without data tracking the health and well-being of deployed servicemembers. With more and more data leaked from DOD about the potential for long-term health problems related to toxic exposure, it is imperative that we act now. We cannot afford to let yet another generation of veterans suffer from deployment-related illnesses without proper care.

S. 1852—IAVA strongly supports the Spouses of Heroes Education Act (S. 1852). Eligible servicemembers may elect to transfer their Post-9/11 GI Bill benefits to spouses or children. If a servicemember dies before transferring the benefit, however, his or her children will have access to the Post-9/11 GI Bill but a surviving spouse will not. Spouses are eligible for Survivors and Dependents Educational Assistance (DEA) that provides a much lower benefit and lacks some of the crucial provisions of the Post-9/11 GI Bill, such as a housing stipend. Surviving spouses already face substantial difficulties: military spouse unemployment and underemployment is astronomically high; military housing privileges and housing allowances are lost necessitating sudden moves; and the income of a spouse is lost compounding the emotional stress left in a family by the loss of a husband or wife. It is irrational to say that a spouse does not qualify for a benefit that their children qualify for, save for the stroke of pen and bad luck. Remedying this loophole in the Post-9/11 GI Bill has been a priority for IAVA and we strongly urge you to pass S. 1852 into law.

S. 1859—IAVA supports S. 1859 which would protect veteran employee grievances at the FAA and TSA. IAVA believes that the Federal Government should be a model for all other employers. Unless there is a valid national security concern, there is no reason for an agency within the Federal Government to be exempt from giving a strong, clear and transparent avenue of redress for employment grievances from its employees.

S. 2130—IAVA supports the Veterans Conservation Corps Authorization Act (S. 2130). Veteran unemployment has remained stubbornly high. The latest Department of Labor figures have veteran unemployment significantly higher than the civilian rate. Establishing a Veterans Conservation Corps and putting veterans to work on conservation and infrastructure projects will help lower that unemployment

rate. The inclusion of a summer employment program in this legislation to support veterans pursuing higher education is also important. Such a program would provide student veterans with summer jobs and real world career experience that is recognized by civilian employers.

S. 2179—IAVA strongly supports the Military and Veterans Educational Support Act of 2012 (S. 2179). This bill will help ensure that veterans using their military and veterans educational benefits do not fall victim to deceptive and predatory practices by for-profit schools. In addition to enacting reasonable oversight of educational institutions, the bill mandates that any vocational schools that train students for a course that requires a license or certification actually meet the training requirements for that license or certification as defined by the state or approving body issuing the license or certification. Above all, the legislation requires that all students using benefits are properly informed about their choices and have the ability to report fraud, waste and abuse.

S. 2206—IAVA strongly supports the GI Educational Freedom Act of 2012 (S. 2206). The VA currently has excellent resources available to veterans to help them make the most of their GI Bill. Unfortunately, few veterans know they exist and must go through red tape to use them. This bill will cut the red tape by requiring veterans to opt out of education counseling. IAVA believes that this will help veterans use their benefits to their fullest potential and ensure that their educational choices meet their needs.

S. 2241—IAVA strongly supports the GI Bill Consumer Awareness Act of 2012 (S. 2241). Right now, it is extremely difficult for veterans and their families to choose educational programs that meet their needs. Many, lured by aggressive and often deceptive marketing by for-profit schools, choose programs that do not match their career-intent or qualify them for jobs after graduation. Veterans should have the data they need about schools' costs, graduation rates and more when choosing a program. This bill will provide veterans and their families with clarity about their educational choices by establishing a robust system of consumer reporting and education.

S. 2246—IAVA strongly supports the TAP Modernization Act of 2012 (S. 2246). Allowing veterans and their spouses to retake a Transition Assistance Course at a time after separation will be an invaluable aid as servicemembers transition to yet another phase of their lives. At separation, a veteran or spouse may choose to continue their education. After graduating, a veteran or spouse who will be embarking on a new phase of life, such as a career or entrepreneurship, would benefit from knowing what programs or assistance they qualify for on this new path. IAVA believes that S. 2246 is a minimal investment that will achieve maximum returns for veterans, our society and our economy.

S. 2299—IAVA strongly supports the Servicemembers Rights Enforcement Act of 2012 (S. 2299). With the increased use of the National Guard and reserves in the last decade, there has been a corresponding increase in USERRA and SCRA claims. Even as the war in Iraq has ended and Afghanistan comes to an end, the military has said it plans to continue regular deployments for Guard and Reserve units. Therefore, we should expect the increase in USERRA and SCRA claims to continue. IAVA welcomes any legislation designed to strengthen the protections these laws afford servicemembers. Requiring plaintiffs to affirm they have determined a defendant's military status is an important safeguard in ensuring that the "We didn't know" line of defense is legally unacceptable and that plaintiffs are aware of a defendant's service status. Equally important are the powers granted to subpoena and serve civil investigative demands.

S. 3082—IAVA does not support the Nationwide Network of Support for Veterans and Military Families Act of 2012. IAVA agrees with the bill in principle and believes that the intentions of this bill are right. However, we have serious concerns about its execution and the ability to achieve the goals set out in the legislation. We do agree that their needs to be some sort of tool to gather and report information about all the services available in the veterans support community. However, we don't think creating a VA-connected super VSO is the answer. The real power in a VA-connected organization would be its ability to gather, synthesize and publish information about the veteran support community that no one nonprofit has the resources to do on its own. This is something that only the government has the resources or the reach to do. However, we are highly skeptical that a privately funded organization will be able to gather the resources needed to be successful and also be able to issue grants to others in the nonprofit sector. IAVA recommends that the VA should focus on strengthening the National Resource Directory, and making its entire data open source and available to the veterans' community. Through this channel, the current VSOs can develop innovative products and programs that better distribute information to our respective memberships.

S. 3179—IAVA supports the Servicemembers Housing Protection Act of 2012 (S. 3179). Housing issues have been a major concern for servicemembers and their families. Extending the Servicemembers Civil Relief Act to expand foreclosure protection to surviving spouses for a short period after a servicemember's death will help a significant number of servicemembers and their families. This is paramount during trying circumstances in the aftermath of a servicemember's death.

S. 3210—IAVA supports the Veterans' Small Business Opportunity Act of 2012 (S. 3210). This legislation extends protections for surviving spouses of 100 percent disabled veterans who own a small business, as well as surviving spouses of less than 100 percent disabled veterans who own a small business. This is an important protection that would allow surviving spouses of less than 100 percent disabled veterans, who still are owners of service-disabled veteran owned (SDVO) small businesses, adequate transition time to diversify their business without abruptly losing their SDVO status and any contracts that derived from being an SDVO business. The three year period proposed in S. 3210 is a reasonable period to diversify or liquidate a business.

S. 3233—IAVA strongly supports the Servicemembers Access to Justice Act of 2012 (S. 3233). Recently, many cases of servicemembers being dismissed from their employment as a result of military service have gained national notoriety and many studies and surveys have indicated a potential bias against hiring military members and veterans, particularly serving members of the Guard and Reserves. One of the main problems with USERRA enforcement is the lack of "teeth" in the law. S. 3233 significantly remedies this problem. Removing sovereign immunity as a defense, removing USERRA claims from arbitration, enhancing the remedies for USERRA violations by including mandatory recovery of legal fees, making notice of USERRA compliance a contractual obligation for contractors and requiring equitable relief and granting the right to a jury trial are huge strides forward in the law that will finally make enforcement of USERRA viable and worthwhile, particularly for individuals seeking redress.

S. 3235—IAVA supports the HIRE at HOME Act (S. 3235). We believe that states should take military training into consideration when issuing vocational licenses and certifications. However, IAVA recognizes that no service or agency has qualified what that training means in the civilian market. IAVA worked with Congress in 2011 to include a study in the VOW to Hire Heroes Act that will quantify and qualify the gaps and overlaps between military training and civilian certifications. But without studying the core skills one receives in a given military school we cannot establish a standard. By requiring states to make and report that evaluation, we will accelerate the process with state specific data. This data, combined with the study from the VOW to Hire Heroes Act, will lead to developing clear guidelines for the military, veterans and employers on how their skills and education should translate.

S. 3236—IAVA strongly supports the Servicemember Employment Protection Act of 2012 (S. 3236). This legislation addresses some substantial areas where USERRA protections are lacking and adds some powerful incentives for USERRA compliance and penalties for USERRA violations. S. 3236 significantly expands the scope of USERRA coverage by removing USERRA complaints from arbitration, expanding USERRA to protect servicemembers undergoing medical treatment for deployment-related injuries and disbarring government contractors who violate USERRA. Coupled with the provisions of S. 3233, passage of S. 3236 would be part of the most significant upgrades to USERRA since it became law in 1994.

Chairman MURRAY. Thank you very much. Mr. Meijer.

STATEMENT OF PETER MEIJER, MEMBER, BOARD OF DIRECTORS, STUDENT VETERANS OF AMERICA

Mr. MEIJER. Madam Chair Murray, Ranking Member Burr, Members of the Committee, on behalf of Student Veterans of America, I would like to express our sincere gratitude at being invited to testify here today.

The bills in question represent numerous efforts toward a single goal, a goal that we all share, the establishment of a system that provides the security and protections necessary to ensure successful outcomes for student veterans. It is clear that these efforts are critical, not just for student veterans, but for the American people

whose trust and confidence we in the veterans affairs community hold.

The public expects that there will be a system in place to provide for the education of our veterans, that this system will have adequate protections to prevent fraud and abuse, and to ensure that veterans have the information and guidance they need to graduate and lead productive lives.

I will now comment on specific bills and give the Committee the input of Student Veterans of America. However, before I do, I would like to mention that SVA is the only organization that is solely devoted to helping veterans in higher education. We have over 550 campus-based chapters in the United States and our members are directly impacted by the changes proposed in these bills. Thus, we have considered these bills carefully and are here to give a voice to those who will be impacted directly by the legislation before you today.

With respect to Senate Bill 1634, the power to approve which courses are eligible to be paid for by educational benefits is among the most significant in the entire system set out by the post-9/11 GI Bill. SVA supports expanding the authority of State approving agencies to evaluate private and public schools in addition to for-profits.

What is needed at this time is more uniformity and consistency in the system. In addition, we also recommend that the Veterans Administration set a more detailed framework to ensure consistency across various State approving agencies and empower these agencies to best achieve their mission.

With respect to Senate Bill 1852, SVA supports and has also supported the Marine Gunnery Sergeant John David Fry scholarship. After 10 years of continuous deployment, we can no longer continue to understand the military to be comprised only of uniformed servicemembers. Military families have borne the hardship and struggle of war alongside the men and women who fight.

SVA feels that it is just to consider them eligible for benefits and so supports the proposed expansion. Families are as much a part of the military and veterans community as those who wore the uniform and we owe them our support.

With respect to Senate Bill 2179, SVA supports further integrating the Department of Education standards and to the approval process for courses to be eligible for the GI Bill. In general, one of the persistent problems that has remained unsolved in the system is that the VA is neither designed nor established as an agency focused on education policy.

Since the implementation of the GI Bill, the VA has tried to become such an agency. SVA feels that this is potentially problematic. The Department of Education is the Federal Government's agency for matters dealing with education and possesses the institutional competency to evaluate courses.

Rather than develop a redundant competency in another agency, SVA feels that it is wiser to either defer to the capabilities that already exist within the Department of Education, or that the VA form a joint committee with the Department of Education to address such issues.

In addition, SVA supports the use of GI Bill funds to provide training that leads to meaningful employment. But as with degree programs, the focus of requirements for eligibility ought to be an outcome, not potential. Any program that claims to prepare veterans for employment must be required to show proof to back up these claims, and SVA supports provisions to codify such requirements.

With respect to Senate Bill 2206, SVA strongly supports efforts to provide educational counseling to veterans before receiving such assistance. At present, much of the educational counseling veterans receive comes from educational institutions whose position is not necessarily objective.

Knowledge of pertinent institutional characteristics such as median student loan debt, cohort default rate, degree completion at regular 150 and 200 percent intervals, accreditation status, and post-graduation employment statistics will help prospective student veterans make informed decisions regarding their education.

In addition, the establishment of a complaint tracking system will serve to hold schools better accountable and correct practices that may not serve in the best interest of veterans. For these reasons, we support this provision.

With respect to Senate Bill 2241, SVA believes this legislation will prepare veterans to make informed decisions regarding their education. As the short title suggests, consumer awareness is needed for veterans as they pursue training and educational opportunities. SVA strongly supports any provision that increases protections for student veterans from institutions that may engage in predatory practices.

SVA believes that it is wise for Congress to intercede in this matter to orient the market toward results for veterans instead of results for companies. Madam Chair and Ranking Member Burr, I stand ready to answer any questions concerning our stance on the aforementioned legislation. Thank you for your time.

[The prepared statement of Mr. Meijer follows:]

PREPARED STATEMENT OF PETER MEIJER, MEMBER, BOARD OF DIRECTORS, STUDENT VETERANS OF AMERICA

Mrs. Chairman, Senator Burr, Members of the Committee, On behalf of Student Veterans of America I would like to express our sincere gratitude at being invited to testify here today. The bills in question represent numerous efforts toward a single goal, a goal that we all share: the establishment of a system that provides the security and protections necessary to ensure successful outcomes for student veterans.

It is clear that these efforts are critical not just for student veterans, but for the American people whose trust and confidence we in the veterans affairs community all hold. The public expects that there will be a system in place to provide for the education of our veterans, that this system will have adequate protections to prevent fraud and abuse, and to ensure that veterans have the information and guidance they need to graduate and lead productive lives.

I will now comment on specific bills and give the Committee the input of Student Veterans of America. However, before I do, I would like to mention that out of all veteran service organizations, SVA is the only organization that is solely devoted to helping veterans in higher education. We have over 550 campus-based chapters in the United States and our members are directly impacted by the changes proposed in these bills. Thus, we have considered these bills carefully and are here to give a voice to those who will be impacted directly by the legislation before you today.

With respect to Senate Bill S. 1634

The power to approve which courses are eligible to be paid for by educational benefits is among the most significant in the entire system set out by the Post-9/11 GI Bill. While SVA is generally in favor of empowering State Approving Agencies (SAA), we have concerns about whether each SAA is capable of being the sole authority on who gets what programs approved and what effect this may have on student veterans who begin their education in one state and seek to transfer credits to another. What is needed at this time is more uniformity and consistency in the system, not less. As a result of that fact, we have reservations concerning this bill and recommend that the VA, at a minimum, set a framework to ensure consistency across various state approving agencies.

With respect to Senate Bill S. 1852

SVA supports, and has always supported, the Marine Gunnery Sergeant John David Fry scholarship. After ten years of continuous deployment we can no longer continue to understand the military to be comprised only of uniformed servicemembers. Military families have born the hardship and struggle of war alongside the men and women who fight. SVA feels that it is just to consider them eligible for benefits and so supports the proposed expansion. Families are as much a part of the veterans community as those who wore the uniform, and we owe them our support.

With respect to Senate Bill S. 2179

SVA supports further integrating the Department of Education standards into the approval process for courses to be eligible for the GI Bill. In general, one of the persistent problems that has remained unsolved in the system is that the VA is neither designed nor established as an agency focused on education policy. Since the implementation of the GI Bill, the VA has tried to become such an agency. SVA feels that this is potentially problematic. The Department of Education is the Federal Government's agency for matters dealing with education and possesses the institutional competency to evaluate courses. Rather than develop a redundant competency in another agency, SVA feels it is wiser to either defer to the capabilities that already exist within DOE or the VA form a joint committee with DOE to address such issues.

In addition, SVA supports the use of GI Bill funds to provide training that leads to meaningful employment, but as with degree programs the focus of requirements for eligibility ought to be on outcome, not potential. Any program that claims to prepare veterans for employment must be required to show proof to back up these claims, and SVA supports provisions to codify such requirements.

With respect to Senate Bill S. 2206

SVA strongly supports efforts to provide educational counseling to veterans before receiving such assistance. At present, much of the educational counseling veterans receive comes from educational institutions whose position is not necessarily objective. Knowledge of pertinent institutional characteristics such as median student loan debt, cohort default rate, degree completion at regular, 150, and 200 percent intervals, accreditation status, and post-graduation employment will help prospective student veterans make informed decisions regarding their education. In addition, the establishment of a complaint-tracking system will serve to hold schools better accountable and correct practices that may not serve in the best interest of veterans. For these reasons, we support this provision.

With respect to Senate Bill S. 2241

SVA believes that this legislation will prepare veterans to make informed decisions regarding their education. As the short title suggests, consumer awareness is needed for veterans as they pursue training and educational opportunities. SVA strongly supports any provisions that increase protections for student veterans from institutions that engage in, or are likely to engage in, predatory practices. At the heart of much of the turmoil in the system right now is the practice of paying recruiters per student, creating inappropriate incentives for companies to orient themselves internally toward getting veterans in the door instead of preparing them for their future. SVA believes it is wise for the Congress to intercede in this matter to orient the market toward results for veterans instead of results for companies. As a result, we support these provisions.

I stand ready to answer any additional questions concerning our stance on the aforementioned legislation. Thank you for your time.

Chairman MURRAY. Thank you very much.

Colonel Norton.

STATEMENT OF COL. ROBERT F. NORTON, USA (RET.), DEPUTY DIRECTOR, GOVERNMENT RELATIONS, MILITARY OFFICERS ASSOCIATION OF AMERICA

Colonel NORTON. Thank you, Madam Chair, Ranking Member Burr, it is an honor to be here today to represent the 370,000 members of the Military Officers Association of America. I would like to offer MOAA's views on two baskets of issues and one specific bill before you today.

First, MOAA strongly endorses the GI Bill watchdog legislation, including S. 2241, S. 2179, and S. 2206. As you know, the Administration recently issued Executive Order 13–607 to require Government agencies to develop a comprehensive approach to overseeing military and VA educational programs.

The three bills before you go the next important step by putting a number of the executive order requirements into law, including reporting standards, outcome measures, consumer education, and compliance. Each of the three bills takes a slightly different approach to the issue of counseling for veterans planning to use the new GI Bill.

S. 2241 would widen the circle of eligibility for counseling under the current law to all those who have served at least 180 days of active duty. S. 2206 would repeal the $6 million cap for optional counseling. And S. 2179 would mandate counseling on campuses that have a minimum of 20 enrolled veterans.

As noted in our statement, we strongly support mandatory counseling, but we believe a conversation is needed to distinguish roles and missions for colleges, the VA, and the State approving agencies. Most colleges worth their salt already provide academic counseling and program guidance to students. It may make sense to let the VA do what it does best, focus on GI Bill enrollment, health care, and mental health counseling.

It may make more sense to expand the VetSuccess program which is growing from about 20 programs on campuses to 80, expand that for the VA-related counseling and support issues. In short, we believe the VA should focus primarily on supporting student veterans non-academic counseling needs going forward.

The second basket of issues concerns protections under the Uniformed Services Employment and Re-Employment Rights Act, USERRA, and the Service Members Civil Relief Act, SCRA. S. 2299, S. 3233, and S. 3236 would strengthen the enforcement of employment and re-employment protections for members of the National Guard and Reserve.

S. 3179 would extend mortgage foreclosure protections to surviving spouses after the death of a military member and for other purposes. MOAA strongly supports these four bills.

Our Nation's unprecedented reliance on the National Guard and Reserve is the primary reason why the USERRA and SCRA need to be continually reviewed and updated. Since 9/11, almost 850,000 Reservists have been called to the colors on Federal orders. 264,000 members of the Guard and Reserve have served two or more tours of active duty.

In 2012, in the Defense authorization, Congress took an unprecedented step by authorizing DOD to call up as many as 60,000 Reservists at any one time to perform pre-planned and budgeted national security missions. In plain language, that means Reservists can now be used routinely around the world without a formal Presidential call-up or a declaration of a national emergency.

Madam Chair, there is no precedent for such an authority in our Nation's history. That is why the USERRA and SCRA must have airtight protections for our Guard and Reserve warriors and a strong enforcement capability by the Government. We strongly support S. 2299, S. 2233, and S. 3236.

Last, MOAA would like to highlight S. 1852, the Spouses of Heroes Education Act. This bill would open post-9/11 GI Bill benefits for the surviving spouses of those who have died in service since 9/11. The children of those surviving spouses already have the new GI Bill under the Gunnery Sergeant John D. Fry scholarships.

Unfortunately, we have left behind about 7,000 surviving spouses with an inferior educational benefit, no housing allowance, and no book allowance while they are in school. Informally, the 10-year cost of the legislation we understand is less than $300 million. That is not insignificant, we acknowledge, but MOAA feels very strongly that the Nation can do better to honor the ultimate sacrifice of its fallen warriors and support the surviving spouses who face daunting challenges after their catastrophic loss.

Thank you, Madam Chair, Ranking Member Burr for this opportunity to appear before you today. I look forward to your questions.

[The prepared statement of Colonel Norton follows:]

PREPARED STATEMENT OF COLONEL ROBERT F. NORTON, USA (RET.), DEPUTY DIRECTOR, GOVERNMENT RELATIONS, MILITARY OFFICERS ASSOCIATION OF AMERICA

Madam Chair Murray, Ranking Member Burr and Distinguished Members of the Committee, On behalf of the over 370,000 members of The Military Officers Association of America (MOAA), I am pleased to present the Association's views on selected bills that are under consideration at today's hearing.

MOAA does not receive any grants or contracts from the Federal Government.

EDUCATIONAL BENEFITS PROGRAMS

S. 1634 (Sen. Tester, D-MT)

S. 1634 would amend title 38, United States Code, to improve the approval and disapproval of programs of education for purposes of educational benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

Basically, this bill would restore the major responsibilities of State Approving Agencies (SAAs) to what they were prior to enactment of Public Law 111–377.

Established after World War II to support the States' interest in supporting the original GI Bill, the SAAs previously conducted the following activities:

- *Program Approval:* Determine whether programs meet the requirements of law and are eligible for the use of veterans' benefits—focusing on program quality and integrity.
- *Compliance:* Provide oversight of institutions to verify continued compliance with state and Federal requirements, and the rendering of technical assistance and timely intervention.
- *Technical Assistance:* Offer counsel and assistance to veterans, school and job training officials, and local VA personnel in helping achieve the goals and objectives of the GI Bill.
- *Outreach and Liaison Activities:* Outreach to promote the increased usage of veterans' educational benefits and coordination with government, veteran and educational entities to facilitate the approval of programs and increase educational opportunities for veterans.

P.L. 111–377 narrowed the role of the SAAs almost exclusively to VA benefit payment issues—auditing schools to resolve under- and over-payment issues.

When the SAAs were established, the Department of Education did not exist and, thus, "program approval" was a vital function for reducing waste, fraud and abuse of GI Bill resources. That function remains particularly valuable today in our view with regards to non-degree vocational and technical training programs. Distinguishing the SAAs' mission in program review for academic programs from that of the Department of Education has not been accomplished in our view.

Moreover, the resources for the SAA program have remained static for years at $19 million per year. (Further discussed in the comments on S. 2179).

MOAA supports modernizing the role of the SAAs. We believe that student veterans, schools and the integrity of the GI Bill will best be served by clarifying the SAAs' mission, restoring some of their earlier functions, raising their funding levels and adopting aspects of S. 2179.

S. 1852 (Merkley, D-OR)

The Spouses of Heroes Education Act would authorize Post-9/11 GI Bill benefits under Chapter 33, 38 U.S. Code to the surviving spouses of those who died in the line-of-duty after September 10, 2001.

Congress established Post-9/11 GI Bill benefits for the dependent children of servicemembers who died in the line-of-duty under the Gunnery Sergeant John D. Fry Scholarship program (P.L. 111–32).

Unfortunately, however, surviving spouses themselves are ineligible for "Fry Scholarships." At the time the legislation was being considered, no one stopped to think that the surviving spouses would need a robust benefit in order to attain the skills and education to provide for their children and prepare them for college.

Survivors and Dependents Educational Assistance (DEA) program benefits under Chapter 35, 38 U.S.C. simply do not afford surviving spouses a realistic opportunity to raise young (in most cases) children and go to school concurrently without shouldering burdensome debt while dealing with enormous life challenges.

For surviving spouses of the Iraq and Afghanistan conflicts, DEA translates to "college is unaffordable." For full-time college enrollment, a Survivor receives only $936 per month, no cost-of-living (housing) allowance, and no book stipend.

Today, the total potential DEA benefit is $43,065 compared to $53,028 under the Montgomery GI Bill. By comparison, the Fry Scholarships pay the full cost of enrollment at any public college or university, a housing allowance based on a Sergeant's (E–5) "with dependents" housing rate for the zip code of the college, and up to $1000 annually for books.

Conservatively, the Fry Scholarship benefit is worth at least double the amount available under DEA. For example, an eligible child attending college near Fort Bragg, North Carolina would receive $1104 per month housing allowance for 36 months of full-time study, a total of $39,744 for living expenses alone. A surviving spouse would not get a penny toward her housing needs if attending college under DEA.

For full-time study in Seattle, Washington a Fry Scholarship participant would receive $55,620 for housing alone (assuming full-time study). A surviving spouse would get nothing toward housing.

MOAA strongly recommends the Committee support S. 1852 to authorize Post-9/11 GI Bill benefits (Chapter 33, 38 U.S.C.) for Survivor Spouses of members who died in the line-of-duty after 10 September 2011 in lieu of Survivors and Dependents Educational Assistance (DEA) benefits. As an interim measure, if resources are not available, authorize DEA participants a housing allowance and book stipend.

S. 2179 (Sen. Webb, D-VA)

The Military and Veterans Educational Reform Act of 2012 would strengthen oversight of the new GI Bill; require all degree-granting programs to meet compliance measures under Title IV of the Higher Education Act of 1965; require State Approving Agencies (SAAs) to conduct annual audits of institutions that have VA programs; mandate one-on-one educational counseling for military members and veterans considering applying for military tuition assistance or GI Bill benefits; establish a complaint resolution process for individuals, and for other purposes.

S. 2179 is consistent with recommendations that MOAA and other military/veterans groups made to the Administration in January 2012 to strengthen consumer education for military and veteran students applying to college or non-degree training and ensuring rigorous oversight of all institutions that receive military tuition assistance and GI Bill funding. A number of MOAA's recommendations are reflected in Presidential Executive Order 13607.

MOAA feels that the government should require institutions of higher learning to track and report costs, graduation rates, degrees granted and similar data for the use of military members and veterans contemplating enrolling in college. The Dept. of Education's "College Navigator" online also is a valuable resource in that regard. We recommend further modification of College Navigator to enable comparative 'shopping' of programs.

MOAA supports the concept of modernizing the role of the State Approving Agencies (SAAs) to meet the needs of 21st century GI Bill participants, as discussed above. Public Law 111–377 modified the SAAs' mission and responsibilities but made no adjustment in funding. The rules implementing the legislative change have not been published in the *Federal Register*. SAA funding poses a particular challenge because it is mandatory spending and can only be increased by raising taxes, finding offsets or deficit spending.

MOAA recommends the Committee hold a roundtable or separate hearing to discuss the role, mission and funding of the SAA program consistent with the change proposed in S. 2179.

MOAA strongly endorses the objective of one-on-one counseling to prospective military and veteran students contemplating using military tuition assistance or GI Bill benefits. MOAA does not have first-hand information about the value of VA contracted counseling under Section 3697, 38 US Code. Informally, some service organizations have reservations about contracted counseling.

Colleges already provide counseling through faculty advisors and others. With the expansion of "VetSuccess" programs on campus, we would suggest that tailoring that program might be the way to proceed. We also believe that basic counseling on choosing a school/program could be provided online via webinars and other technologies.

A practical concern on mandatory counseling is matching supply to demand. Since the start of The Post-9/11 GI Bill on 1 August 2009, the VA has paid 735,549 beneficiaries through fiscal year 2011. Another 650,000 or more beneficiaries are expected to enroll this year. If the mandatory counseling provision is adopted, MOAA recommends development of a range of options to ensure it is carried out. In line with the President's Executive Order, the Departments of Education, VA and DOD should lead this effort working with degree and non-degree providers, higher education groups and the military and veteran service organizations.

S. 2206 (Sen. Lautenberg, D-NJ)

The GI Educational Freedom Act of 2012 would, like S. 2179, require educational or vocational counseling unless an eligible veteran opts out of such counseling. The bill also would repeal the $6 million fiscal year limitation for VA to contract out for counseling services and establish a system to collect, process and track complaints submitted by individuals enrolled in VA programs of education to report instances of waste, fraud and abuse.

MOAA supports S. 2206.

S. 2241 (Sen. Murray, D-WA)

The GI Bill Consumer Awareness Act of 2012 would establish clear and consistent standards for reporting certain information about educational institutions and programs available to veterans and members of the Armed Forces, including student loan debt, transferability of credits, veteran enrollment, qualification for licensing and certification, and job placement rates. It also would require schools to have at least one employee who is knowledgeable about benefits available to servicemembers and veterans; require the Depts. of VA and DOD to develop a joint policy on aggressive recruiting and marketing practices aimed at servicemembers, veterans and other beneficiaries; and modify the educational and counseling provision to expand eligibility.

MOAA applauds this legislation. In common with S. 2179 and S. 2206, S. 2241 provides stronger government oversight, disclosure and consumer support for military members and veterans enrolled in or contemplating using military and veteran educational assistance programs. The bill is consistent with recommendations MOAA and other groups (discussed above) made to the Administration. The underlying intent of these recommendations is to protect the integrity and credibility of the new GI Bill, stop waste, fraud and abuse, and ensure the greatest potential for successful outcomes for military and veteran students.

Strengthening oversight is a core feature of S. 2241. This is consistent with our recommendation for a coordinated, Federal response to protecting the new GI Bill. Adding to that, S. 2241 would require information on employment-related outcomes from educational and training programs managed by the government.

A second key feature of S. 2241 is counseling. Each of the bills before the Committee takes a slightly different approach. S. 2241 would widen the circle of eligibility for counseling to all those currently serving on active duty of at least 180 days or has completed 180 days active duty. S. 2241 would leave in place the authority for the VA to contract out educational counseling, unlike S. 2206, which would repeal the $6 million cap for such counseling. S. 2179, by contrast, would set a threshold of 20 eligible students on campus for such counseling.

As discussed earlier, MOAA strongly supports educational counseling. We believe academic counseling should primarily be in the hands of degree-granting schools. VetSuccess programs on campus should focus primarily on VA-benefit delivery, enrollment in VA care and help in accessing readjustment and mental health counseling.

The Student Veterans of America (SVA), higher education groups, veterans and other stakeholders should be consulted regarding educational counseling options.

MOAA recommends that the oversight, reporting, disclosure and counseling features of S. 2179, S. 2206 and S. 2241 be integrated in a single measure and favorably reported out of the Committee.

REEMPLOYMENT AND CIVIL RELIEF PROTECTIONS

S. 2299 (Sen. Murray)

The Servicemembers Rights Enforcement Improvement Act of 2012 would amend the Servicemembers Civil Relief Act to improve the provision of civil relief to members of the uniformed services and to improve the enforcement of employment and reemployment rights of such members, and for other purposes.

S. 2299 reflects a number of recommendations from the U.S. Department of Justice to strengthen enforcement of the USERRA and SCRA statutes. The bill would enable the Attorney General to investigate and file suit against a pattern or practice of USERRA violations by a state or private employer; allow the government to serve as a named plaintiff in USERRA suits and to issue civil investigative demands for relevant documentary material; and provide the Special Counsel with authority to subpoena relevant testimony and documents from Federal employees and agencies to carry out investigations.

This bill also would strengthen the statutory protections of SCRA as well as the mechanisms used to enforce them by: strengthening the protections that prevent judgments against a servicemember when they cannot appear in court because of military service; broadening the authority of the Attorney General to investigate allegations of SCRA violations; and establishing a private right of action for a violation of the SCRA to December 19, 2003.

Not long after the Sept. 11, 2001 attacks, MOAA testified before the Veterans' Affairs Committees on the need to upgrade protections under the USERRA and SCRA because of the ongoing call-ups of the Guard and Reserve. We recommended adoption of legislation for a pilot that would give authority to the Office of Special Counsel to monitor and enforce the USERRA for members of the Federal workforce who are members of the National Guard and Reserve. In our view, the Federal Government must be the bellwether and standard for USERRA compliance. MOAA continues to support tougher enforcement measures for the USERRA and SCRA.

MOAA also strongly supported establishment of a private right of action for Reservists whose rights were trampled by willful disregard of SCRA protections.

Our Nation's growing reliance on the National Guard and Reserves for operational duties here and overseas means that our warrior-citizens must have airtight reemployment rights and financial protections when they are called to the colors.

MOAA strongly supports the Servicemembers Rights Enforcement Improvement Act of 2012 and urges quick passage of the bill to strengthen enforcement of the rights of those who defend the rest of America.

S. 3179 (Sen. Jack Reed, D-RI)

The Servicemember Housing Protection Act of 2012 would amend the Servicemembers Civil Relief Act (SCRA) to enhance the protections accorded to servicemembers and their spouses with respect to mortgages, and for other purposes.

S. 3179 would permit a servicemember to terminate a lease agreement without penalty in situations where on-post housing suddenly becomes available. Several states already have similar laws; the legislation would extend this opportunity to servicemembers serving at any military base.

The legislation also enables military families to gain SCRA protections as needed via a commanding officer letter. There have been instances in recent years where servicemembers are activated prior to the issuance of formal orders. This bill would apply the broader definition of military orders, allowing for commanding officer let-

ters in all sections of the SCRA in which a servicemember is required to submit copies of military orders. This change will make it easier for servicemembers to get their affairs in order more quickly prior to deployment.

Last, S. 3179 would extend the nine-month window of foreclosure protections to surviving spouses. After suffering such an unspeakable loss, a military spouse should not have the additional burden of dealing with the potential of a mortgage foreclosure so soon after the death of her/his military sponsor.

MOAA supports The Servicemember Housing Protection Act, S. 3179.

S. 3233 (Sen. Casey, D-PA)

The Servicemembers Access to Justice Act of 2012 would amend Title 38, United States Code, to improve the enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3233 would protect National Guard/Reserve state-workers by requiring states to waive their sovereign immunity in cases requiring the enforcement of USERRA rights; make workplace arbitration agreements unenforceable in disputes arising under USERRA; authorize punitive damages against employers' egregious violations of the statute and provide for a jury trial in such cases; require (current law only "authorizes") a court to use equitable relief, including injunctions and restraining orders when appropriate, for USERRA violations; require a report on the effectiveness of Federal education and outreach efforts on employer obligations under the law; and, for other purposes.

The Pentagon's Operational Reserve policy means that National Guard and Reserve forces are routinely called to active duty for operational duties at home and overseas. The policy does not end when the troops come home from Afghanistan. In fact, as our Armed Forces are drawn down in the coming years, we can expect even greater reliance on the Guard and Reserve to perform military missions. In this context, laws that protect the re-employment rights of reservists must be adjusted to reflect the new realities of reliance on our Guard and Reserve men and women.

Since September 11, 2001, 848,359 Guard and Reserve members have served on operational active duty (as of 29 May 2012), and 263,839 (as of 31 March 2012) have served multiple tours.

The FY 2012 National Defense Authorization Act (NDAA) further expanded the Operational Reserve policy by authorizing non-emergency access to the Guard and Reserve. The NDAA contains a provision that permits the Service Secretaries to activate up to 60,000 reservists for up to one year to perform pre-planned, budgeted missions—missions that no longer will require a national emergency declaration by the Commander in Chief.

Non-emergency call-ups of the Guard and Reserve have no precedent in our Nation's history. This sea-change in reliance on the Reserves means it will be important that the Committee, working with the Armed Services Committee, must ensure that this expansion of policy does not adversely affect Guard and Reserve members, their families and employers. And, it means that the laws protecting our Guard and Reserve members when they return to the community and workplace must be robust and well-understood in the public space.

MOAA continues to endorse a comprehensive approach to supporting Guard and Reserve servicemembers, including expansion of incentives for employers to hire and retain them. But the cornerstone of this effort must be ensuring a strong, responsive set of laws that protect their return to the workplace.

MOAA supports S. 3233.

S. 3236 (Sen. Pryor, D-AR)

The Servicemember Employment Protection Act would amend Title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

Section 2 of S. 3236 would make workplace arbitration agreements unenforceable in disputes arising under USERRA. The Section is similar to Section 3 of S. 3233, above.

Section 4 of the legislation would suspend, terminate or debar a government contractor if the head of the government agency determined that a contractor had repeatedly failed or refused to comply with the USERRA. By comparison, Section 7 of S. 3233 would require Federal agencies to notify contractors of potential obligations relating to the USERRA.

MOAA supports Sections 2 and 4 of S. 3236 and recommends the Committee coordinate final legislative language with similar provisions in S. 3233.

Section 3 of S. 3236 would extend USERRA protections to members of the uniformed services to include protections for absences from employment for medical treatment relating to service-connected injuries and illnesses.

MOAA supports Section 3 in principle. We are concerned, however, over the practical challenges in implementing the change. Over the past 10+ years of conflict, only one case concerning a workplace absence for medical treatment arising from military service has come to our attention. For example, if a Reservist were required to provide documentation to his employer of the nature of the injury or illness for which medical treatment is needed, that could compromise her private medical record from military service.

Moreover, we would be concerned if an employer were to use military medical information to find a Reservist-employee later unfit for employment. MOAA recommends that this provision be tabled until implementation questions are clarified in the interest of protecting members of the Guard and Reserve returning to the workplace with injuries or illness, including Post Traumatic Stress Injury or Traumatic Brain Injury.

OTHER LEGISLATION BEFORE THE COMMITTEE

S. 2246 (Sen. Boozman, R-AR)

The TAP Modernization Act of 2012 would direct a three-year pilot of providing Transition Assistance Program (TAP) services at locations other than military installations in at least three and up to five states based on the highest unemployment rates of veterans.

This legislation's purpose is akin to the National Guard's 'yellow ribbon' transition support programs for returning members of the Guard and their families. States like Arkansas, Maryland, Minnesota, New Hampshire and others have pioneered very effective TAP-like programs. Title 10 requires reintegration activities be conducted at 'home station' at 30, 60 and 90 day intervals for Guard and Reserve members and their families following deployment.

The focus on veteran unemployment is a commendable objective of S. 2246. If the bill is enacted, MOAA would suggest that the states selected for the pilot should include one or more successful 'yellow ribbon' reintegration program states.

MOAA supports S. 2246.

S. 1798 (Sen. Tom Udall, D-NM)

The Open Burn Pit Registry Act of 2011 would establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S. 1798 is consistent with other actions taken Congress to track the long-term effects on service women and men from toxic exposures.

MOAA believes S. 1798 supports the long-term health of our Nation's veterans exposed to toxic substances in open burn pits, protects the government's interest, and ensures that future benefits, treatments and outcomes can be tracked back to data on exposure.

MOAA supports S. 1798.

CONCLUSION

The Military Officers Association of America is grateful to the leadership and Members of the Committee on Veterans Affairs for its enduring commitment to the support of our veterans, who have stood in the breach and protected the freedoms that their fellow citizens sometimes take for granted.

Chairman MURRAY. Thank you very much. We really appreciate the testimony from all of you. We are going to have several votes called. I do have a number of questions I will submit for the record, but I just want to just quickly say, Colonel, thank you so much for your support of S. 2299. It is important that we have that balance between incentives for employers to hire and strong protections for our men and women as they return to the workplace.

I just wanted to quickly ask Mr. Tarantino, given the significant contributions of our Guard and Reserve over the last decade, how important is strong enforcement of USERRA for your members in combating the high rate of veteran unemployment?

Mr. TARANTINO. Madam Chairman, I would say it is incredibly important. I mean, IVA strongly supports all the bills that deal with USERRA and the SCRA protections. We have gone over them

thoroughly. They are a major component to our employment agenda this year. The fact is, is that this—particularly this generation of warriors has been deployed so much that it is compounding an already dire employment situation.

I am concerned that if we do not act now, that we are going to slide further down. I am also concerned that we have to make sure that we act in a way that not just protects veterans, but also does not alienate them from employers. I think that these bills are sensible, I think that they are good ideas, and I think we need to move forward with them. I think if we do not pass them this year, we would be doing a great disservice to unemployed veterans.

Chairman MURRAY. Thank you very much. Senator Burr.

Senator BURR. Mr. Tarantino, if I understood you correctly, you set the bar for good institutions being do they provide value. Did I understand that correctly?

Mr. TARANTINO. It is a little simplistic, but it depends on how you define value. There are lots of ways to define value. I would say if, as a student—and this is coming from the individual's perspective—if you get out of your education program what was either promised to you or what was intended—so for me, I am an international relations major. I work in politics. That is kind of what I was intending anyway, so it was fine.

But if I am going to a vocational program that is saying, You are going to get a job in accounting, or this leads to a field in the health care field, and it turns out that your program actually does not prepare you for the licensing and certification test, nor does it qualify you to even remotely get a job, things like nursing technology and financial management technician, I think that harms the value of the entire educational institution.

And what we are finding is that because, as a country and as a separate problem, we do not collect sensible metrics on education almost at all, that it is very easy to hide. It is very easy for good institutions to get drowned out——

Senator BURR. Let me ask you, you talked about the for-profit institutions, but you left out not-for-profit institutions. Do all non-profit institutions provide value?

Mr. TARANTINO. I do not think it is an either/or scenario, Senator. I think——

Senator BURR. It is a simple question. Do you believe that all non-profit institutions provide value, or is that a concern of yours for non-profit?

Mr. TARANTINO. I think that the for-profit, the value proposition in the for-profit institutions is severely in question due to drop-out rates in the average——

Senator BURR. You said they were expensive and they had a high drop-out rate, and the question is, should it be unemployment? We have got gainful employment rules that take effect later this year. Are those good? Is that a good matrix?

Mr. TARANTINO. I think it is a good start.

Senator BURR. OK.

Mr. TARANTINO. And I am looking forward to seeing them reported in a reasonable manner and not hidden on each individual school's Web site.

Senator BURR. Let me ask you, which are the bad not-for-profit institutions?

Mr. TARANTINO. Well, I am glad you asked, actually, because this is something that we have been trying to look at. It is not as easy as saying there is a good school and a bad school. I think there are industry-wide problems with marketing and recruiting. Certainly the University of Phoenix and the Education Management Corporation, which are the top two GI Bill recipients, have serious problems.

Senator BURR. I just asked you about the not-for-profit. Those would be for-profit, would they not?

Mr. TARANTINO. Well, I mean, you would have to look at their graduation rates and I am sure that there are bad ones, too.

Senator BURR. Well, gainful employment, actually, has an impact or graduation rates.

Mr. TARANTINO. I think there is a significant difference, Senator, between a school whose job it is——

Senator BURR. Should we do it based upon how many years it takes an individual to graduate?

Mr. TARANTINO. I think——

Senator BURR. I have got community colleges in North Carolina that are visibly some of the best in the country. They have a graduation rate, after 6 years, of 28 percent. Is that good or bad?

Mr. TARANTINO. It depends on how you compare programs. Community colleges serve five distinct populations, only one of which is mostly considered graduation in this country. The other four will never be counted as graduation, so to compare community college to an institution that is a for-profit primarily vocational school is not a like comparison, Senator.

Senator BURR. Is it fair to compare it to a not-for-profit institution?

Mr. TARANTINO. It depends on the programs that the not-for-profit offers.

Senator BURR. Well, you said the gainful employment should be a good gauge, right?

Mr. TARANTINO. I have no problem with establishing gainful employment reporting for across the educational——

Senator BURR. Why would you exclude gainful employment from the evaluation of not-for-profit institutions which is what the President did?

Mr. TARANTINO. I do not have a problem with extending gainful employment. In fact, IVA has been consistent in saying that all of these metrics should be reported across the board. But we have to acknowledge that there is a significant difference between an institution whose job it is and mission it is to primarily educate and an organization which has a major profit motive. And I think that adds something into the—that adds something into the equation.

Senator BURR. Sir, is there—and I ask this more because I am on the Health Committee—should we be looking at for-profit hospitals differently than we do not-for-profit hospitals?

Mr. TARANTINO. It is not the same comparison.

Senator BURR. Oh, it is not? Why is that? It is the same label, is it not?

Mr. TARANTINO. No, actually, Senator, it is not. For-profit——

Senator BURR. For-profit institutions have——

Mr. TARANTINO. For-profit institutions take almost 90 percent, on an average 86 percent, Government funded. These are not institutions that are businesses. These are institutions that are unregulated Government programs. These institutions are not funded by the free market.

Senator BURR. How much of a not-for-profit——

Mr. TARANTINO. These institutions are funded by tax——

Senator BURR. How much of the not-for-profit world is funded by the Federal Government?

Mr. TARANTINO. They are public schools, Senator, and I think a lot of them are funded primarily by a lot of private tuition. But it is also hard. You cannot compare——

Senator BURR. There are a lot of for-profit schools. People pay to go. The Government is not the sole payer of for-profit institutions.

Mr. TARANTINO. If you add in military benefits and financial aid, that number is easily over 90 percent, on average, for for-profit schools and you know this, Senator, because you are on the Committee that did the investigation.

Senator BURR. I would not call that an investigation. I would call it a whitewash. But we will have that debate later on.

Let me ask you, Mr. Meijer, do you agree that excluding not-for-profit institutions is a good practice in the gainful employment? Because two of the bills here today, S. 2241 and S. 2179, exclude not-for-profit institutions as well. They just apply to for-profit.

Mr. MEIJER. I mean, sir, we agree that the issue of gainful employment is an issue across the board. The majority of the issues that we have had at SVA where we have our student veterans coming back to us and saying, I did not get the value that I was supposed to get out of my education, what I was promised going in and what I got at the outset, those are completely different and I feel cheated.

And the majority of those are coming from for-profit schools. Now, for-profits are also a large part of our contributing student veteran population, and we have a lot of student veterans who are getting an excellent education at for-profit schools. But there are those predatory for-profits.

Senator BURR. Have any idea what the percentage of veterans under the GI Bill are actually enrolled in for-profits versus not-for-profit?

Mr. MEIJER. We have between 20 and 40 percent, sir.

Senator BURR. Enrolled in for-profit versus not-for-profit?

Mr. MEIJER. Yes, sir.

Senator BURR. Colonel Norton, what do you think? Do you think gainful employment ought to be a gauge for not-for-profit as well?

Colonel NORTON. I think it is one of the—excuse me. Senator, I think it is one of the measures that needs to be considered, but answering maybe the broader thrust of your inquiry, I like the idea in Senator Webb's bill that all schools would meet a basic standard of quality as determined under Title IV.

Senator BURR. It is sort of novel to apply the same thing to everybody, is it not?

Colonel NORTON. I think it is a great idea.

Senator BURR. I agree with you. I agree with you. I thank all of you. Thank you, Chair.

Chairman MURRAY. Thank you very much. I think it really is important that our veterans get the best information possible so they can make the best choice for themselves to get the education that this country has rightfully said that they are going to get.

I want to thank all of our witnesses for appearing before us today and appreciate all of your responses. Our next hearing is scheduled for June 27. We are going to be examining health and benefits legislation.

I appreciate everybody's participation today. With that, this hearing is adjourned. Thank you.

[Whereupon, at 12 p.m., the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF THE U.S. DEPARTMENT OF DEFENSE

Chairman Murray, Ranking Member Burr, and members of this distinguished Committee thank you for extending the invitation to the Department of Defense to address pending legislation that would significantly affect our Servicemembers: S. 2179, the proposed "Military and Veterans Educational Reform Act of 2012," S. 2246, the proposed "TAP Modernization Act of 2012," S. 2299, the proposed "Servicemembers Rights Enforcement Improvement Act of 2012," S. 2241, the proposed "GI Bill Consumer Awareness Act of 2012," and S. 3179, the proposed "Servicemember Housing Protection Act of 2012."

S. 2179, "MILITARY AND VETERANS EDUCATIONAL REFORM ACT OF 2012"

S. 2179 would improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and Secretary of Defense.

The Department does not object to the intent of the requirements stated in this Bill, however there may be a significant increase in the workload incurred by the institutions and government agencies as a result. This increase will require additional funding and manpower. For example, the Bill mandates new requirements for institutions to provide one-on-one counseling with 20 or more students enrolled in education programs. The Bill also adds several reporting requirements from the institutions, Department of Veterans Affairs, and DOD. Finally, the Bill requires establishment of a database to house all complaints submitted by students using VA or DOD education assistance. DOD does not object to the additional requirements that this Bill would impose on our Department, but we defer to VA on the other provisions in this bill.

S. 2246, "TAP MODERNIZATION ACT OF 2012"

S. 2246, "TAP Modernization Act of 2012," calls for "Off-Base Transition Training" in at least three and no more than five states with the highest rates of veteran unemployment, over a three year period. Because of the increased workload this legislation would place on government agencies, DOD defers to the Department of Labor (DOL) regarding this proposal.

The Department of Defense has a strong relationship with theDOL, which is evident in our daily collaborations on the Transition Assistance Program. DOL has worked very closely with the Department of Defense in redesigning the Department of Labor Employment Workshop for our transitioning Servicemembers and their spouses. The Office of the Secretary of Defense and the Military Services have been actively engaged in the development of the revised Employment Workshop curriculum. We look forward to it being rolled out in July at some of our installations.

S. 2299, "SERVICEMEMBERS RIGHTS ENFORCEMENT IMPROVEMENT ACT OF 2012"

The Department supports the provisions of S. 2299 that are discussed below, but defers to DOL and the Department of Justice on the other provisions, including provisions that affect the Uniform Services Employment and Reeemployment Rights Act of 1994 (USERRA). The Servicemembers Rights Enforcement Improvement Act of 2012 would modify the filing requirements for plaintiffs seeking default judgments against Servicemembers and provide for retroactive application of the private right of action. This legislation would amend the Servicemembers Civil Relief Act (SCRA) to enhance the protections afforded Servicemembers when lenders file affidavits seeking default judgments in mortgage situations, and would allow for retroactive application of the private right of action for Servicemembers under the SCRA.

The amendment to Section 521 of the SCRA would strengthen Servicemembers' protections from default judgments, since the plaintiff-creditors would have an en-

hanced statutorily-mandated burden of investigation. While we believe such a burden exists now, the current provisions have not been applied uniformly.

The Department also supports the retroactivity of 597a. The Bill enhances the existing provisions and provides a vehicle to enforce them. We have no objection and great support for that proposed legislative language.

S. 2241, "GI BILL CONSUMER AWARENESS ACT OF 2012"

The Department does not support S. 2241. This legislation would direct the Secretary of Defense, on an ongoing basis, to make available to individuals eligible to receive, or who are receiving, assistance under the DOD Military Spouse Career Advancement Account program specified information about the types of accreditation available to educational institutions and programs of education, a general overview of Federal student aid programs and the implications of incurring student loan debt, and educational program results. We believe that we will accomplish many of these goals through our current efforts, in conjunction with other Departments, to comply with the recent Executive Order 13607—Establishing Principles of Excellence for Educational Institutions Serving Servicemembers, Veterans, Spouses, and Other Family Members.

Section 3(b) adds a section to chapter 106A (formerly 107), title 10, U.S.C., with a requirement for the Department of Defense to enter into a memorandum of understanding with educational institutions for individuals receiving assistance under that chapter. Eligibility for benefits under chapter 106A was limited only to individuals who enlisted in the Armed Forces during Fiscal Year 1981.

Although codified in title 10, U.S.C., educational benefits under this chapter are funded and administered by the Department of Veterans Affairs (VA) in conjunction with benefits under chapters 30–35, title 38, U.S.C. Additionally, VA administers the benefits under chapters 1606 and 1607, title 10, U.S.C., and, as such, any memorandum of understanding with an educational institution entered into by VA would cover such individuals.

S. 3179, "SERVICEMEMBER HOUSING PROTECTION ACT OF 2012"

The Department supports S. 3179, the Servicemember Housing Protection Act of 2012 which provides protections of surviving spouses with respect to mortgage foreclosure and creating protections in the event of termination of residential leases. This legislation would amend the Servicemembers Civil relief Act to enhance the protections afforded Servicemembers and their spouses with respect to mortgage foreclosures, and simplify the process for Servicemembers and spouses to terminate residential leases to move into government housing. It would also modify the definition if military orders for purposes of the Act.

Section (a) would amend 50 U.S.C. App. 533 to protect surviving spouses from nonjudicial mortgage foreclosure for nine months after the spouse's service-connected death. This is favorable and we have no objection. We do urge consideration of the fact that the DMDC database will not and cannot reflect or provide surviving spouse information to financial institutions that may search for same in the same manner that they do as an element of their obligations to determine Servicemember protections under the SCRA. There are, however, other means by which lenders may determine or be informed of surviving spouse status and we believe these protections to be valuable and the right thing to do.

Section (b) would amend 50 U.S.C. App. 535 to add as a basis for terminating an off-base lease that the member is ordered into or offerred base housing. This is also a favorable provision. This has been a recurring problem, especially around large Army bases, and this has been a long term priority. The definition of base housing used has been carefully crafted and also covers privatized on-base (and even off-base). Thus, the amendment covers all government/privatized housing into which the member could be ordered and this is a good amendment and should be supported.

Section (c) would amend 50 U.S.C. App. 511 to move the definition of "military orders" from Section 535 and place that definition in Section 511 which covers all definitions applicable to the entire SCRA. This is also acceptable and we have no objection.

PREPARED STATEMENT OF THOMAS BABEL, VICE PRESIDENT, REGULATORY AFFAIRS, DEVRY INC.

Re: 2241 GI Bill Consumer Awareness Act of 2012

In general, DeVry supports the measurement of and greater transparency in student performance and institutional practices as well as increased accountability in serving our student customers. We think Sen. Murray's bill goes a long way in meeting these expectations. We offer the following suggestions to further strengthen the provisions.

General Comments

- In general, we think the publications items listed in Sec. 2(a) and (c) are appropriate areas for measurement and disclosure. We would suggest that instead of an agency collection and distribution process, institutions be required to measure and disclose to students as part of the enrollment process. The collection and validation processes typically undertaken by federal agencies lead to out-of-date and suspect disclosures. For example, the recent price disclosures produced by the U. S. Department of Education were captured from 2010-11 data and will primarily be used by students intending to enroll in 2013-14. Institutions could be required to make disclosures with as little as 6 months lapsed from the most recently completed year...making use of the data much more meaningful in the decision-making.
- We also suggest merging the requirements in Sec. 2(a) and (c). In most cases, the information requirements of the Secr.of Veterans Affairs and Defense (for the MyCAA program) are identical. The few differences are not so significant to warrant a different disclosure template that could lead to confusion when both spouses may be considering enrollment.

Sec. 2(a)(1)(d)(1) and Sec. 2(c)(4)(A) We recommend changing this provision to read "*An explanation of the difference between institutional and programmatic accreditation.*" We think this distinction is important and should be made. Qualification for state licensing is often tied to programmatic accreditation. However, the distinction between national and regional accreditation does not carry the same ramifications. The Department of Education makes no distinction between national and regional accreditation in determining eligibility for Title IV participation. Any distinctions at this level are subjective to individual situations and misrepresentation.

Sec. 2(a)(1)(d)(3)(A) and Sec. 2(c)(4)(C)(i) We recommend changing this provision to read *"The percentage of students who successfully complete at least one course and who begin a 2nd academic year of enrollment within 13 months of their initial enrollment date."* The objective of this provision is to measure persistence of new students from their first academic year to their second. However, as defined, it does not necessarily do that and will measure different types of institutions differently. For example, a student enrolling in a traditional Aug-May calendar may withdraw or fail all classes in their first term, not enroll in their second term, but re-enroll in the 3rd term and be counted as a successfully persisting student. Conversely, a student enrolled in a year-round calendar, may start in August, successfully complete three semesters and then sit out a semester and be counted as a non-persisting student. This latter scenario is not uncommon among working adult and veteran students who often must balance school with life demands. This approach treats progress alike under all calendars and especially notes successful progress, not just enrollment.

Sec. 2(a)(1)(d)(3)(B) We recommend changing this provision to read *"The percent of total enrolled courses successfully completed with a grade of C or better (or the equivalency of such), disaggregated by students who receive and don't receive assistance for the pursuit of education under this chapter or any chapters 30 through 35 of this title or chapter 106A or 1606 of Title 10."* We understand the meaningfulness of measuring and disclosing completion rates. However, current definitions are limiting and do not fit either the active or veteran service-member well. Active-duty students are generally enrolled on a part-time basis with an extended horizon to complete their studies. The measurement of completion has little relevance. However, completion performance is highly relevant for veterans, but the measure of normal or other time is also meaningless. Most veterans enroll with transfer credit, are thus excluded from current definitions of completion and with the transfer credit, have expectations of completing in a quicker than normal timeframe. Measurement of successful completion provides transparency into student performance and permits students to project their completion given their own individual situation.

Sec. 2(a)(1)(d)(3)(E) and Sec. 2(c)(4)(C)(iii) We recommend changing this provision to read *"The rates of employment and graduate school admission of students who complete a program of education offered by the educational institution and the rate of transfer to another institution for students who discontinue their studies at the educational institution."* Almost all students enroll with an expectation that an institution prepares them for a next step. The likelihood of successful attainment of that next step is a key metric for informed decision-making.

Sec. 2(a)(1)(d)(3)(F),Sec. 2(c)(4)(C)(iv) and Sec. 2(c)(4)(C)(vi)(IV) We're curious as to how this information is to be captured and how programs the "prepares students for gainful employment" is to be defined. We do not believe these are sector-specific concerns. Accounting students, regardless of the type of institution or service-member status, want to know employment and earnings prospects. We would suggest building off the Department of Education GE process recently implemented with the SSA, exempting graduates who re-enrolled in a higher education level and applying it to graduates of all institutions.

Sec. 2(a)(1)(d)(3)(H)(i) Aligned with the reasoning in Sec. 2(a)(1)(d)(3)(A), we recommend changing this provision to *"The percentage of students in the program of education who successfully complete at least one course and who begin a 2nd academic year of enrollment within 13 months of their initial enrollment date."*

Sec. 2(a)(1)(d)(3)(H)(ii) Aligned with the reasoning in Sec. 2(a)(1)(d)(3)(B), we recommend changing this provision to*"The percent of total enrolled courses in the program of education successfully completed with a grade of C or better (or the equivalency of such), disaggregated by students who receive and don't receive assistance for the pursuit of education under this chapter or any chapters 30 through 35 of this title or chapter 106A or 1606 of Title 10."*

Sec. 2(a)(1)(d)(3)(H)(vii) and Sec. 2(c)(4)(C)(vi)(III) Aligned with the reasoning in Sec. 2(a)(1)(d)(3)(F), we recommend changing this provision to *"The rates of employment and graduate school admission of students who complete the program of education offered by the educational*

institution and the rate of transfer to another institution for students who discontinue their studies at the educational institution."

Sec. 2(a)(1)(d)(3)(J) Following from our recommendation to place these disclosures at the institutional level, we recommend changing this provision to *"The average tuition and fees for a full-time student for all programs of education leading to a baccalaureate degree or lesser degree, license, or certificate."* The original provision requires a comparison to similar programs at public institutions within each state. This is problematic for several reasons. Tuition price varies significantly among institutions in many states. A comparison to either an average or the lowest or highest is not meaningful if these programs are not readily available to the student. Even if a comparison can be made to programs at available institutions, those programs cannot be considered similar if they do not account for selectivity, enrollment start dates and the academic calendar. A program that can be completed in less than 3 years is not similar to a program that requires 4 and a half at another institution, unless opportunity cost in the delayed workforce entry is considered in the comparison.

Sec. 2(a)(1)(d)(3)(M) Performance measures are useful in the decision-making process when a prospective student can assess their attributes in comparison to those of students of the studied institution. To the extent their attributes approximate those of an institution's students, they can expect to succeed in a manner similar to its other students. However, if their own personal attributes are distinctly differentthan the institutions' students, then the reliability of the institution's performance as a predictor wanes. Similarly, the validity of an institutional comparison wanes unless the student attributes of each are similar or performances are adjusted for the differences in those attributes. For example, a highly selective institution, admitting only students with test scores in the upper quintile, should be expected to have a higher completion rate than an institution with an open enrollment. A student with a score at the bottom of that top quintile will not be able to reliably predict their likelihood of success at the two schools unless those rates have been adjusted to consider selectivity. Consequently, we recommend eliminating this provision.

Sec. 2(a)(1)(d)(3)(O) Disclosing the number of veteran students enrolled at an institution helps inform students of possible fit as well as the experience that a school has in serving veterans and administering the tuition assistance programs. However, this metric is just a current snapshot and may provide a limited or distorted measure of an institution's capacity in serving veterans. Consequently we recommend adding a requirement that a school disclose the tenure of its participation in the tuition assistance programs: *"The number of veterans enrolled in programs of education at the educational institution who are receiving assistance under this chapter and chapters 30 through 35 of this title and chapters 106A and 1606 of Title 10 for pursuit of such programs of education and the initial year of participation under any of these chapters."*

Sec. 2(c)(4)(C)(ii) We are not sure why this information is important. Regardless, any requirement in this area should address whether a transfer is inclusive of just transfers at the same award level or includes enrollment in programs at higher award levels. For example, does enrollment in an associate degree in medical assisting after completing a certificate program in medical billing and coding count as a transfer?

§3679A(a)(2) We recommend changing this provision to read ***"If more than 10 veterans or members of the Armed Forces are enrolled in a course of education and receiving benefits underthis chapter and chapters 30 through 35 of this title and chapters 106A and 1606 of Title 10 at the educational institution…"*** It is possible that veterans may enroll who have either exhausted their benefits or do not yet want the clock on their benefit use to begin. Unless the veteran is using their benefits, it is likely they will not know of their veteran status and thus may not know they have met this standard.

§3679A(b)(2) We suggest the restriction on arbitration be limited to binding arbitration. Arbitration is frequently a low-cost, expeditious solution to grievance settlement that benefits both parties and should be allowed for as long as the complainant has further recourse.

Sec. 4(b)(c) Many institutions today, whether public or private, offer veteran and active duty students tuition pricing that is lower than the tuition assessed other students. We are concerned that a prohibition on discounts as provided for in this subsection would restrict those pricing programs and recommend the following change: ***"…or other item having a monetary value of more than a de minimis amount to any individual or entity, other than the tuition and fee rate assessed the veteran or member of the Armed Forces (and other than the salaries…"***

PREPARED STATEMENT OF MARGARET BAECHTOLD, LEGISLATIVE DIRECTOR, NATIONAL ASSOCIATION OF VETERANS PROGRAM ADMINISTRATORS

Chairman Murray, Ranking Member Burr, and Members of the Committee on Veterans' Affairs, the National Association of Veterans Program Administrators (NAVPA) is pleased to be invited to provide comment on the bills currently under consideration by this Committee. NAVPA's membership is comprised of educational institutions from all sectors with an organizational commitment to advocating for what is in the best interests of student veterans at our institutions. Our expertise lies in the administration of veterans programs at colleges, universities, and other education providers and most of our members serve as School Certifying Officials for VA education benefits. Our organization represents close to 400 educational institutions Nation-wide and our leadership is comprised of non-paid staff members. We voluntarily serve NAVPA in an effort to better serve the veterans on our campuses.

NAVPA is a voluntary organization with a primary mission to provide training and professional development to member institutions, collect and disseminate best practices surrounding support for student veterans and military members, and advocate on behalf of students and our institutions. As an organization, we believe strongly that all educational institutions should be forthright and open with all students, particularly with regards to veterans' and military servicemembers' unique needs and circumstances. We also believe that institutions should provide the appropriate support and services needed by all students, especially veterans, military members, and their families.

Regarding complaint systems: NAVPA has no objection to any of the bills' provisions to create a centralized complaint system. We would request that there be at least a minimal requirement that students attempt to resolve their issues at the local campus level before reporting to the VA or other agencies. We would also hope that in this same spirit of soliciting feedback about support for student veterans, there would also be a mechanism created by which students could provide feedback regarding the support and services they receive from the VA and DOD as they pursue their educational objectives.

Regarding S. 1634: NAVPA is not convinced that simply repealing the "deemed approved" clause of Pub. L. 111–377 will provide the schools' needed training and oversight. Our membership recalls the days when Education Liaison Representatives (ELR) and State Approving Agencies (SAA) once had time and resources to provide assistance visits, claims resolution, technical assistance, and training for school staff members. Now they seem to be limited to once a year state training conferences which are of limited use since we and the VA are currently working without regulations for Pub. L. 111–377 and the new Veterans Retraining Assistance Program (VRAP). We understand the desire to put SAAs back in their old approval role, but in our observation, the current concerns about the treatment of veterans by some institutions did not appear only once Pub. L. 111–377 took effect in August 2011. Documented evidence that these bad practices were allowed to flourish due specifically to the lack of approval by SAAs since August 2011 would justify this

bill's removal of the "deemed approved" provisions of Pub. L. 111–377. But if these "predatory" schools have been in operation under SAA and VA oversight for years, returning the SAA back to their previous approval role won't necessarily impact this situation. Also, requiring accredited schools to again submit significant documentation for SAA or VA scrutiny after already gaining State and accrediting agency approvals for new programs seems redundant. The VA does need more people to conduct compliance surveys now that benefit programs are so complicated and diverse—and we agree that the SAA may not be the correct organization to do that. Only VA employees with total information access and training by VA are really qualified to do this. If the role of SAA is intended to be more about outreach and assistance to individual veterans and military members, let them focus on that. If SAAs are going to revert to a training and assistance role for schools, however, the VA must ensure that the SAAs have the information and expertise to share with institutions.

Regarding S. 2206: NAVPA supports the goal of well-informed students who can make good choices about their education, but we are concerned whether the VA will have the resources and experienced personnel to conduct this mandatory counseling. If not, student enrollment at institutions and the receipt of educational benefits could be delayed to the point of hardship while awaiting this mandatory counseling or because benefit processing is delayed due to the VA's diversion of resources from processing to delivery of this counseling. How will VA be structured to deliver this counseling—in person, by phone, via the internet? Will the VA be able to easily track the completion of this counseling to authorize enrollment and benefit payment? Will most students simply opt-out of this counseling all together to avoid compromising their desired entrance into school?

Regarding S. 2179: NAVPA supports the goal of a well-informed and supported student veteran, but has concerns about the following specific provisions of this bill.

Section 3: Information listed for disclosure is, in most cases, already available to all students. There are some specific requirements that may prove problematic or impossible to accomplish. An exhaustive list of courses and schools from which those courses may be accepted for transfer in to an institution is not possible, for example. Correspondingly, a school has no visibility on which other institutions might accept courses for transfer out.

Section 4: We caution against any statements concerning minimum institutional staffing. While well intentioned, these requirements could create an environment in which schools with very robust veterans support programs could justify a reduction in their staffing to meet this lowest-common denominator. Also, an unfunded mandate for specifically defined staff positions can be burdensome for some institutions and reduce their flexibility to provide the necessary support in a manner that fits with their existing staffing models and resources.

Section 5: While we believe that veterans deserve access to information to assist them in making good academic and financial choices, we do not see that the SAA is positioned to provide this assistance while also assisting the VA with compliance visits. The VA needs to dedicate more resources to compliance activities so that SAA members can be available to conduct outreach efforts as described in this section.

Section 6: NAVPA has no objection to these additional compliance requirements. We are concerned, however, that the VA will not have the resources to add this to their already extensive list of compliance and other activities for Education Liaison Representatives, their staffs, and the SAAs.

Section 7: NAVPA supports the goal of providing comprehensive and easily understandable counseling to prospective students. We are again concerned that the VA does not have the manpower, expertise, or resources to fulfill this task.

Regarding S. 2241: We are concerned here, as well as in provisions of other bills, that data collected based on benefit-eligible student status will not be useful in tracking veterans' academic success. Without further distinction, dependents using transferred Post-9/11 GI Bill benefits will be included in the data designed to measure the success rates of veterans themselves, for example. We also have concerns regarding the following sections:

Section 3: We reiterate our concerns about specific staffing requirements for institutions that can have unintended consequences of setting a lowest-common-denominator standard.

Section 6: NAVPA supports the expansion of eligibility for counseling under this reference

Section 8: NAVAP strongly supports efforts to collect and share best practices for institutions supporting veterans and military members. We especially appreciate the inclusion of both Veterans Service Organizations and Educational Institutions in the determination of what constitutes best practices in this area.

Section 10: NAVPA supports the concept of dedicated personnel to assist school certifying officials with their tasks, but have always believed this was the original intent of the role of the Education Liaison Representative within each state. We would recommend that ELRs be staffed and resourced such that they could return to this very helpful role for institutions. We would also support the concept of easier access for School Certifying Officials to dedicated staff members at the Regional Processing Offices or the Education Call Center to assist with the resolution of claims questions.

Madam Chairman, thank you again for the opportunity to contribute these statements on behalf of the National Association of Veterans Program Administrators. Our organization stands ready to assist in all efforts to better support the women and men who have served this Nation. We thank you for your continued leadership on issues of critical importance to America's veterans. NAVPA would be happy to respond to any questions you may have.

PREPARED STATEMENT OF PATRICK BELLON, MPA, EXECUTIVE DIRECTOR, AND CHRISTOPHER MILLER, LLB (HONS), VETERANS FOR COMMON SENSE

The economic opportunities of America's veterans are being threatened by bad actors in the for-profit education sector. After America's young men and women in uniform have come home and hung up their uniforms for the last time they expect and deserve the right to pursue happiness like any other American and to enjoy the benefits that come along with having devoted years of their lives to serving their country. The GI Bill is not only a successful veterans program; it is the most successful public education and employment program in American history.

Unfortunately, bad actors in the education industry are trying to take advantage of veterans and servicemembers for their own profit. They mock the sacrifices of our men and women in uniform. Veterans find their mailboxes, inboxes, and social networking pages filled addresses and phone numbers are bothered with spam and calls from college recruiters often working on commission. Some have been known to recruit on military posts and in other questionable settings that confer an assumed level of trustworthiness.

Recruiters for these bad-actors sign up Marines who are being treated for brain injuries. Sailors are not being told that classes they're working hard on won't transfer to other schools. Soldiers are not informed that they're paying many times what the same program would cost at a community college. Airmen are finding that the support and employment prospects they were promised by college recruiter is not there. Veterans are all too often discovering too late that industry won't recognize their qualifications. One of the primary issues is that Veterans and servicemembers don't have neutral information to make informed decisions. The result is that education dollars are lining the pockets of dishonest colleges using aggressive or misleading advertising and recruitment tactics rather than benefiting the veterans and servicemembers as intended.

Veterans for Common Sense supports recent efforts by two great champions of veterans, Senators Webb and Murray who have taken the lead along with Senator Harkin in trying to protect veterans from wily bad actors intent on cheating veterans and gaming the system. Veterans for Common Sense supports these efforts to protect our veterans well earned economic opportunities. All Americans of good conscience should be offended that our veterans would be taken advantage of for profit. This situation has to change.

Recognizing this situation, Sen. Patty Murray (D-WA) and Sen. Jim Webb (D-VA), along with numerous co-sponsors, have introduced bills to confront these aggressive and decisions regarding their education and benefits.

Sen. Murray's bill, the GI Bill Consumer Awareness Act, takes on the aggressive advertising and recruiting practices by requiring a joint DOD/VA working group to identify these practices, develop steps to combat them, and report them to Congress for further action. This bill gives veterans easy-to-understand information that they need, information on veteran enrollment, loan debt, credit transferability, preparation for licensing or certification, and employment prospects among others, including clear notice of which schools are approved for GI Bill benefits. Colleges will be prevented from recruiting on military installations or providing any sort of remuneration to recruiters based upon the number of vets signed up. Knowledge is power and in this case we feel that Congress should side with veterans. Veterans should have easy access to any and all pertinent information to make decisions about their future. No school should be allowed to hide or misrepresent this vital information.

Sen. Webb's bill, the Military and Veterans Educational Reform Act, will require all schools approved for military education benefits have an accreditation recognized

by the Department of Education and have a student drop-out rate under 33%, among other targets. Those that do not will be reviewed by the DOE and State Approving Agencies and possibly subject to sanctions. It requires the DOD and VA to develop centralized complaint processes for veterans and servicemember to report instances of fraud, abuse, and misrepresentation by universities. It also requires the sharing of information regarding graduation rates, default rates, and other enrollment information and requires coordination of the sharing of information by the DOD, DOE, and VA. Schools of all kinds must be held accountable. They cannot be allowed to take advantage of our brave men and women. They deserve better. They deserve the best future

Both of these bills go a long way toward curbing aggressive and misleading advertising and recruiting tactics, requiring greater coordination between the Departments of Defense, Education, and Veterans Affairs, and ensure veterans and servicemembers are provided with information to make fair and informed decisions regarding where they use their education benefits. Servicemembers and veterans have sacrificed much to obtain these benefits and protecting them from abusive practices and helping them make better choices recognizes their sacrifice.

Congress needs to take the lead by implementing measures to stop predatory practices by for profits. This is not political, it is not about free enterprise, it is about right and wrong. Congress must take action to ensure our veterans, in uniform and out, are not being taken advantage up for the sake of profit. This exploitation hurts our veterans and our society and must be stopped now.

TESTIMONY SUBMITTED FOR THE RECORD BY MARK DREYFUS, PRESIDENT, ECPI UNIVERSITY

CHAIRMAN MURRAY, RANKING MEMBER BURR AND DISTINGUISHED MEMBERS OF THE COMMITTEE: On behalf of ECPI University and our 2,000 veterans school-wide, thank you for the opportunity to submit testimony today.

ECPI University is a closely held Private Sector University with ten campuses located throughout Virginia, North and South Carolina. The University also offers online programs through which about 10% of our students take classes. ECPI University is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) to award Masters, Bachelors and Associates degrees and diplomas in the areas of Technology, Health Care, Business and Culinary.

ECPI University has been successfully educating veterans for over 46 years and we have many veteran-focused programs and services. ECPI also has numerous military partnerships including SOCNAV, SOCMAR and SOCAD; Army, Navy, Marine Corps and Air Force Distance Learning; and full participation in the Yellow Ribbon Program with no limit, to name a few. We have found that our veterans appreciate the convenience, location, ability to fast-track their degree, flexible hours, smaller class sizes, and year-round learning that ECPI offers, as well as our career-based programs in technology, health care and other high-demand applied skills programs that often fit their military background. Most veterans are non-traditional students who may be older, have families, are already working or are changing careers, so they are eager to pursue career-focused programs that will speed their entry into the job market or accelerate advancement at their current jobs. Due to these factors, as well as our longstanding locations in Virginia Beach and other military communities, nearly 30% of ECPI University's student population is made up of veterans, which is a great honor to the school and a responsibility we take very seriously.

ECPI University was named to GI Jobs' 2012 Military Friendly Schools list, which honors the top 20 percent of colleges, universities and trade schools that are doing the most to embrace America's military servicemembers and veterans as students. ECPI was also the highest ranked nontraditional school in the Military Times' 2011 survey of "vet-friendliness." Furthermore, the U.S. Department of Education's College and Affordability Center places ECPI in the top 10% of lowest net-cost 4-year and above private for-profit colleges.

Several Senators have introduced legislation to address concerns about how some colleges and universities are recruiting and educating veterans. While it is unclear how widespread the alleged problems are, there is a perception that veterans are not getting the education they deserve and this is an excellent opportunity to improve veterans' education and services across the board at all educational institutions.

ECPI supports S. 2206, The GI Educational Freedom Act introduced by Senator Lautenberg and S. 2241, The GI Bill Consumer Awareness Act introduced by Senator Murray. We feel these bills are an excellent step in the right direction and with

some adjustments would go a long way in helping veterans succeed at their chosen educational institutions.

ECPI strongly supports the provisions in both bills that would increase transparency through disclosures, offer up-front counseling and create a system to track complaints through the VA.

However, we strongly believe that while counseling should be available and promoted, it should not be mandatory. Instead, schools should offer pre-admissions testing, as ECPI University has done for many years. ECPI has found that program-specific tests are an excellent indicator of whether a potential student has a good chance of succeeding in that field. For example, a nursing student must have a certain level of math and science knowledge and ability in order to do well our RN program, so applicants are tested prior to admission to gauge whether they have the fundamental skills necessary to succeed.

We also believe that the disclosure requirements for military applicants should apply to all programs at all institutions, not just those that happen to be subject to the recently defined gainful employment requirements. By definition, "transparency in veterans' education" must include all schools. Requiring disclosures for only one sector which makes up about 20% of schools nationwide severely limits the information veterans receive, and in order to make truly informed decisions about their education they must have comparable information on all schools.

Finally, we support a complaint system through the VA that will track and address valid complaints from veterans at all educational institutions to make sure they are receiving the education and services they deserve.

In addition to disclosures and pre-admissions testing, there are other standards ECPI has had in place for many years that have been very effective in helping veterans select the institution that best meets their needs that would benefit veterans at all higher education institutions.

- Liberal refund policy for first enrollment period—Military and veteran students should be able to attend any institution initially for a trial period. If the student leaves the institution during the first month, neither the student nor the government will be billed for tuition.
- Graduate Employment Assistance—Each institution should provide information about their Career Services office and this office should be proactive and an integral part of their education. There should be appropriate career services staff available to assist veterans. ECPI also has an Employer Advisory Board for each of our programs to make sure we are providing students the most up-to-date skills necessary to compete and succeed in their chosen field.
- Suitability of online programs—Each institution must ensure the prospective student has the ability and is prepared to learn in an online educational environment. ECPI does this through pre-admissions testing specific to online learning including technology skills. Institutions should provide prospective students with information about the advantages and disadvantage of attending online versus on-campus programs, and regularly evaluate the success of their online programs.

ECPI University has had these practices in place for some time, which has enabled the school to prepare veterans for success both in the classroom and, ultimately, the workforce, for over 46 years, and all veterans would greatly benefit from these standards at their chosen educational institutions.

Because of ECPI University's experience and commitment to veterans, we are dedicated to being part of the solution that ensures veterans get the education and services they deserve at their chosen institutions. We support S. 2206 and S. 2241 and hope Members of the Committee will implement the adjustments mentioned, and would welcome an opportunity to work with the Committee in this endeavor.

Chairman Murray, Ranking Member Burr and Members of the Committee, thank you again on behalf of ECPI University and our student veterans for the opportunity to submit testimony for the record today.

PREPARED STATEMENT OF HARVEY V. FINEBERG, M.D., PH.D.,
PRESIDENT, INSTITUTE OF MEDICINE, THE NATIONAL ACADEMIES

CHAIRMAN MURRAY, RANKING MEMBER BURR, AND MEMBERS OF THE COMMITTEE ON VETERANS' AFFAIRS: My name is Harvey V. Fineberg. I am the President of the Institute of Medicine of the National Academies. The Institute of Medicine (IOM) is an independent, nonprofit organization that works outside of government to provide unbiased and authoritative advice to decisionmakers and the public.

Established in 1970, the IOM is the health arm of the National Academy of Sciences, which was chartered under President Abraham Lincoln in 1863. Nearly

150 years later, the National Academy of Sciences has expanded into what is collectively known as the National Academies, which comprises the National Academy of Sciences, the National Academy of Engineering, the National Research Council, and the IOM.

I have been asked by your committee to submit a statement for this hearing on the topic of S. 1798, the proposed "Open Burn Pit Registry Act of 2011." Our service men and women have long indicated concern that their health may have been adversely impacted by the burning of solid waste in open pits at US bases overseas where they were or are stationed. This concern has been echoed by Congress and the Department of Veteran's Affairs. In 2009 the IOM was asked by the Department of Veterans Affairs to assess the long-term health risks from open pit burning at bases in Iraq and Afghanistan, using Joint Base Balad (JBB) near Bagdad, one of the largest military bases in Iraq as an example.

IOM convened an expert committee to study this matter and the Committee completed their report in 2011. This report is available to the public at no charge from the National Academy Press at the web address shown. [http://www.nap.edu/catalog.php?record_id=13209].

I am submitting a copy of the complete summary of this IOM report for the record here. Briefly, the IOM collected data on environmental releases and concentrations of combustion products at JBB, considered information on possible human exposures at the base and elsewhere, and assessed the potential for long-term health effects of those exposures. The Department of Defense provided raw air-sampling data from JBB taken when the burn pit was in operation (it has since been replaced by incinerators), which were used to determine which chemicals were present at JBB. Based on these data, the Committee found that levels of most pollutants at the base were not higher than levels measured at other polluted sites worldwide.

However, insufficient evidence prevented the IOM committee from developing firm conclusions about what long-term health effects might be seen in servicemembers exposed to burn pits. Along with more efficient data-gathering methods, the report recommends that a study be conducted that would evaluate the health status of servicemembers from their time of deployment to JBB over many years to determine the incidence of chronic diseases, including cancers, that tend to show up decades after exposure. Given the many hazards to which military personnel are exposed in the field, service in Iraq and Afghanistan in general, rather than exposure to burn pits only, might be associated with long-term adverse health effects.

In addition to instructing the Department of Veteran's Affairs to establish a health registry, the proposed S. 1798 instructs the VA to enter into an agreement with an independent scientific organization to accomplish tasks outlined in Section 3 of the legislation. I will offer brief comments about those tasks. The three tasks are appropriate and feasible for an independent scientific organization to accomplish. For example, task 1 is to assess of the effectiveness of actions taken by the Secretaries to collect and maintain information on the health effects of exposure to toxic chemicals and fumes caused by open burn pits. The independent organization could invite the Secretaries and their technical staffs to review with the outside group their plans and programs for carrying out the legislation's requirements. That review would include assessing the completeness of toxic agents inventory that the VA Secretary believes are associated with the open burn pits, how and where the information is being derived and maintained, and how accessible it is to veterans included in the registry. This assessment would naturally lead to a set of recommendations (Task 2) to improve the collection and maintenance of such information. Finally Task 3 requires an independent organization to review epidemiological studies, established and previously published, and to offer recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to conditions that are likely to result from exposure to open burn pits. An independent scientific organization would be able to scour the world literature for relevant articles relating to this topic. Depending on the nature of the information discovered, the independent organization could ascertain which exposures might present the most significant potential long-term health risks. That, in turn, would lead to recommendations about how best to prevent or clinically manage these potential effects. If little or no information could be obtained from a comprehensive literature review, the independent organization could suggest new research, epidemiological and otherwise, to inform the health risks.

In sum, the tasks outlined in section 3 of S. 1798 can be accomplished by a credible independent organization. That concludes my comments.

PREPARED STATEMENT OF RYAN M. GALLUCCI, DEPUTY DIRECTOR, NATIONAL LEGISLATIVE SERVICE, VETERANS OF FOREIGN WARS OF THE UNITED STATES

MADAME CHAIRMAN AND MEMBERS OF THE COMMITTEE: On behalf of the more than 2 million men and women of the Veterans of Foreign Wars of the U.S. (VFW) and our Auxiliaries, I would like to thank you for the opportunity to testify on today's pending legislation. With the conflict in Iraq drawing to a close, withdrawal from Afghanistan on the horizon, and proposals to scale back our Nation's active duty military, the VFW believes economic opportunity for today's war-fighters is a national imperative that continues to demand the kind of decisive action we saw with last year's passage of the VOW to Hire Heroes Act. Recent unemployment numbers indicate that veterans of the current conflicts remain unemployed at a higher rate than their civilian counterparts, with young veterans and female veterans have experienced unemployment rates well over twice the national average in the last year. The VFW is encouraged to see that this Committee continues to take this situation seriously, and we are honored to share our thoughts on today's bills in an effort ensure our veterans have the opportunities they have earned to succeed in a cut-throat economy after leaving military service.

S. 1184, DEBARMENT FOR MISREPRESENTED VETERAN BUSINESSES

The VFW has consistently called for improved oversight on businesses claiming to be owned and controlled by veterans and service-disabled veterans. Too often we have heard that businesses skirt Federal regulations to take advantage of potentially lucrative set-aside contracts for veteran-owned business ventures. Unfortunately, penalties for misrepresenting your small business entity are entirely too relaxed to discourage nefarious practices. With this in mind, the VFW is proud to support a minimum of five year debarment from Federal contracts for small businesses that misrepresent themselves as veteran-owned or service-disabled veteran-owned small businesses.

S. 1314, ESTABLISHING DVOP/LVER GEOGRAPHIC FUNDING THRESHOLDS

The VFW supports the intent of this bill to revisit the funding model for Disabled Veterans Outreach Program specialists, or DVOPS, and Local Veterans Employment Representatives, or LVERs, but we have serious concerns about unintended consequences for the proposed guidelines on how Department of Labor would establish minimum state thresholds. The VFW believes this bill could swing the pendulum too far in favor of large geographic states, diverting too many resources away from population centers that may need them. VFW members have consistently supported the concept of DVOP and LVER staffing grants, rather than the current correlation between unemployed veterans as a segment of the population, as reflected in our national resolutions. We invite the Committee to further deliberate on this issue by hosting a roundtable discussion with stakeholders from the veterans' community and state workforce agencies to develop a responsible solution.

S. 1634, RESTORING STATE APPROVING AGENCY AUTHORITY

The VFW supports this bill, which would restore state approving agency, or SAA, authority to approve and disapprove G.I. Bill-eligible programs in every state. Under Public Law 111–377, the SAAs were stripped of their authority to approve certain kinds of schools and the Secretary of Veterans Affairs was granted additional authority to monitor programs. This change has resulted in diverting SAA resources to assist VA in financial compliance surveys, rather than program quality control. This change to the SAAs' mission has lowered the quality of services delivered to veterans. In light of recent reports on the state of student-veterans in higher education, the VFW asks the Committee to not only pass this bill, but to also revisit the role of SAAs by hosting a hearing or roundtable discussion to understand how this tremendous resource could be best utilized in the 21st century.

S. 1798, OPEN BURN PIT REGISTRY ACT OF 2011

Open-air burn pits were used extensively in Iraq and Afghanistan to incinerate everything from medical supplies to automobiles, with possible hidden and grave health reactions on the military personnel exposed to them. VA, DOD, and other partners in the civilian sector are working to give us the tools necessary to properly diagnose and treat the conditions associated with open-air burn pits and other exposures to environmental hazards. However, much work remains to be done, and any delay means less than optimal treatment options now. In addition to working to treat these conditions, the Veteran Benefits Administration must continue to improve their ability to account for their effects when evaluating claims, and DOD

could make a greater effort. The VFW believes that by allowing servicemembers to go on record with VA at the earliest possible time will help VA deploy advances in medicine and technology as they become available to treat the serious conditions associated with burn pit exposure. We know that the physical effects of environmental exposures can go unnoticed for decades, and it can be extraordinarily difficult to establish causation to military service that has long since passed. This legislation is a positive step forward, and we ask the Committee to pass this measure without delay.

S. 1852, SPOUSES OF HEROES EDUCATION ACT

The Marine Gunnery Sgt. John D. Fry Scholarship Program offers the surviving children of fallen servicemembers the opportunity to earn a quality education. This bill would expand Fry Scholarship opportunities to surviving spouses and the VFW is proud to support this initiative. Military spouses often must sacrifice careers of their own to support the service obligations of their loved ones. By extending this kind of educational opportunity to a surviving spouse, we demonstrate our commitment to serving not only the servicemember, but also the one ones they may leave behind.

S. 1859, TSA/FAA AGENCY STATUS FOR VETERANS PREFERENCE

The VFW supports this bill, which will close a loophole whereby Transportation Security Administration, or TSA, and the Federal Aviation Administration, or FAA, are not considered "Federal agencies" for the purposes of preference-eligible redress for potential veteran employees. At a time when unemployment of Iraq and Afghanistan-era veterans far outpaces unemployment among civilians, we have an obligation to ensure that veterans receive quality career opportunities. We also believe that the Federal Government should serve as the example of a model employer. Both TSA and FAA can stand to benefit by closing this loophole by ensuring their potential veteran employees receive the hiring preferences we have promised to them.

S. 2130, VETERANS CONSERVATION CORPS AUTHORIZATION ACT

In 2010, the VFW supported the concept of a Veteran Conservation Corps as part of a broader veterans' employment initiative before this Committee. We continue to support this concept, which would offer opportunities to veterans who do not participate in other Federal training programs to work preserving national parks, monuments and other infrastructure projects. At a time when veterans have been hit disproportionately hard by tough economic times, this is just one more step to help veterans get back to work and acquire the kinds of skills that will make them competitive in the jobs market.

S. 2179, S. 2206, S. 2241, VETERANS' EDUCATION REFORM LEGISLATION

The VFW supports each of these bills designed to ensure that military and veterans' education programs provide servicemembers and veterans with the opportunity to acquire critical job skills in a harsh economic climate. To the VFW, we believe each of these bills contain strong provisions that could offer the framework for a comprehensive veterans' education bill, designed to offer improved consumer protections to student-veterans and improved accountability for schools participating in military and veterans' education programs, while continuing to offer veterans choice in the academic marketplace.

In S. 2179, the VFW supports the notion that degree-granting schools should participate in Title IV. However, we would hope to see assurances that religious-based schools that choose not to participate in Title IV would have an opportunity to continue to participate in G.I. Bill programs. We also support the idea of revisiting the role of State Approving Agencies, or SAAs, but believe this concept merits further discussion before this Committee to develop a solution that best serves the needs of student-veterans.

In S. 2206, we believe that front-end consumer education on an "opt-out" basis will ensure that all student-veterans have reasonable access to educational and vocational counseling resources available to them under Chapter 36 or title 38. We also believe that codifying a formal complaint process for student-veterans will ensure accountability of the benefit within VA and offer clear redress mechanisms for student-veterans who believe they have been victims of fraud, waste or abuse.

In S. 2241, we support improving data collection from schools participating in G.I. Bill and military education programs to ensure that student-veterans have relevant information from which to make an educational choice and to demonstrate student-

veteran success in higher education. We have heard anecdotally from VA that student-veterans remain enrolled at higher rates than their civilian counterparts, but we have little additional data to back this up. Chairman Murray's bill also lifts the cap on Chapter 3697A education counseling, which the VFW believes has long tied VA's hands in its ability to deliver quality educational counseling.

The VFW applauds Chairman Murray, Senator Webb and Senator Lautenberg for each taking the issue of student-veteran success very seriously. We are pleased that each of these bills offers unique solutions to the problem and that this Committee has decided to host a hearing on this critical issue. We believe that given the wealth of ideas, that the Committee should build a comprehensive piece of legislation that includes ideas from each of these bills. The VFW has consistently taken the lead in building consensus among higher education stakeholders and the veterans' community on this issue, and we look forward to working with this Committee to develop a package that meets the needs of today's student-veterans.

S. 2246, TAP MODERNIZATION ACT OF 2012

As the debate on whether or not to mandate participation in the military's transition assistance program (TAP) unfolded, the VFW learned that many servicemembers on active duty failed to understand why they would need to participate in the program. However, once servicemembers left the military, many wondered why they never received comprehensive training and information on how to access their earned benefits and successfully transition from military to civilian life. Unfortunately, a veteran has no way to reasonably anticipate all of the challenges he or she may face once out of the military, which is why the VFW believes TAP resources must be available to veterans after they have transitioned off of active duty. The VFW supports H.R. 4051 and its pilot program to offer off-base TAP to communities where veterans have been hit disproportionately hard by difficult economic times.

S. 2299, SERVICEMEMBERS RIGHTS ENFORCEMENT IMPROVEMENT ACT OF 2012

The VFW fully supports this bill, which will strengthen USERRA and SCRA protections for servicemembers and their families. Recent reports have shown that some banks choose to shirk their legal obligations under SCRA, foreclosing on military families, while servicemembers are deployed overseas. S. 2299 closes this loophole once and for all. In the years since 9/11, we have also seen a precipitous rise in USERRA complaints. Unfortunately, many veterans simply move on from their complaints, rather than waiting for Department of Justice to take action. This bill streamlines the process and still allows DOJ to take action without the pursuit of the veteran. This will give USERRA teeth and demonstrate to employers that we take this law seriously.

S. 3179, SERVICEMEMBER HOUSING PROTECTION ACT OF 2012

The VFW proudly supports this bill. In a time of war, and when a large portion of our fighting force is being drawn from the National Guard and Reserve, every protection must be taken to ensure their lives are not further complicated by financial worries while they are deployed and once they return home. This bill offers more protection and piece-of-mind for active duty personnel and their loved ones who may need financial protection by making it easier for personnel to claim deployment-related financial and credit protections, extending foreclosure protections to surviving spouses, and allowing servicemembers to terminate lease agreements without penalty when on-base housing becomes available.

S. 3233, SERVICEMEMBERS ACCESS TO JUSTICE ACT OF 2012

The VFW supports this bill, which not only seeks to ensure that companies cannot force veterans to waive their reemployment rights as a condition of employment, but also streamlines processes through which veterans can take action against non-compliant employers. This bill also improves outreach and education to companies that do business with the Federal Government and to small businesses, informing them of their obligations under USERRA.

S. 3236, SERVICEMEMBER EMPLOYMENT PROTECTION ACT OF 2012

This bill affirms the VFW's long-held belief that USERRA precludes an employer from forcing servicemembers to sign into binding arbitration agreements, basically forfeiting their employment and reemployment rights. This bill will allow servicemembers to continue to pursue redress through the courts, while preserving the option to enter into an arbitration agreement after a dispute arises. This bill also ensures that treatment for service-connected medical conditions will be treated as

"service in the uniformed services" for the purposes of USERRA, ensuring that employers cannot take negative action against an employee seeking treatment for the wounds of war. This bill also ensures that businesses that willingly violate USERRA will be barred from doing business with the Federal Government. The VFW is proud to support this bill.

PREPARED STATEMENT OF SPECIAL COUNSEL CAROLYN N. LERNER, UNITED STATES OFFICE OF SPECIAL COUNSEL

Chairman Murray, Ranking Member Burr, and Members of the Committee: Thank you for the opportunity to submit written testimony on behalf of the Office of Special Counsel (OSC) in connection with today's legislative hearing. OSC protects the merit system for over 2 million civilian employees in the Federal Government. Congress has tasked OSC with four distinct mission areas: First, we protect Federal employees from prohibited personnel practices, especially retaliation for whistle blowing. Second, we provide a safe and secure channel for employees to disclose waste, fraud, abuse, and threats to public health or safety. Third, we enforce the Hatch Act, which keeps the Federal workplace free from political coercion and improper partisan politics. Finally, we are the primary enforcement agency for Federal sector claims under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

USERRA protects the civilian employment and reemployment rights of those who serve the United States in the Armed Forces, including the National Guard and Reserves. OSC plays a critical role in enforcing USERRA, and helps to fulfill Congress' goal that the Federal Government serve as a "model employer" under the law. This is especially important because the Federal Government is the largest civilian employer of National Guard and Reserve members. In August 20 II, OSC took on new and increased responsibilities for USERRA enforcement. OSC is currently investigating over half of all Federal sector USERRA claims, in addition to receiving referrals from the Department of Labor for possible prosecution of violations.

S. 2299

OSC strongly supports S. 2299, the "Servicemembers Rights Enforcement Improvement Act of 2012." Section 5 of S. 2299 clarifies that OSC has the authority to subpoena the attendance and testimony of witnesses, as well as the production of documents from Federal employees and agencies. This provision is necessary to assist this office in determining whether a servicemember is entitled to relief. Section 5 also sets forth a streamlined process for enforcement of such subpoenas against Federal executive agencies or their employees by order of the Merit Systems Protection Board (MSPB). Explicit authority under Title 38 to issue subpoenas to Federal employees and agencies will assist OSC in protecting rights of servicemembers.

S. 3233

OSC also supports S. 3233, the "Servicemembers Access to Justice Act of 2012." Section 4 of S. 3233 would clarify and expand the types of damages the MSPB may order Federal agencies to provide in successful USERRA claims. This provision will help ensure that servicemembers are fairly compensated for violations by Federal agencies and provide a stronger incentive for agencies to comply with the law and settle meritorious claims. In addition, Section 7 requires Federal agencies to provide notice to contractors of USERRA obligations, which will help prevent USERRA violations by government contractors.

PREPARED STATEMENT OF S. KAY LEWIS, ASSISTANT VICE PRESIDENT FOR STUDENT LIFE, DIRECTOR OF FINANCIAL AID AND SCHOLARSHIPS, UNIVERSITY OF WASHINGTON

Chairman Murray, Ranking Member Burr, and Members of the Committee on Veterans' Affairs: Thank you for the opportunity to provide written testimony on the array of education legislation pending before the Committee impacting student veterans. The University of Washington (UW) supports Congress's efforts to provide consumer protection to our Nation's student veterans—these students are a significantly growing population on all three of UW's campuses. In August 2011, UW Seattle was proud to have 934 veterans and their dependents actively enrolled as Huskies; we believe that many of the provisions in these bills will help strengthen the oversight of veterans' benefits programs and help student veterans make wise and informed choices.

Collectively, UW, the higher education community, and this Committee all understand that there are too many institutions of higher education offering low-quality academic programs that are not truly intended to educate, do not lead to a degree or certificate, and do not have the student's employability after graduation as their ultimate goal; rather, these programs exist for the sole purpose of making money. The UW applauds the Committee in continuing to address this issue and exert further oversight and protections into these programs. It is the right thing to do for the stability of these education benefits and for the protection of veteran students.

Generally, the legislative provisions to require that the Secretary of Veterans' Affairs provide pre-counseling to student veterans on their individual eligibility for veterans' benefits is an important addition to the mandated services veterans will receive when leaving service. We believe that all students, whether veterans or civilians, should make informed choices about pursuing post-secondary education. Although UW's veterans' certification professionals can answer many questions about eligibility, there are significant complexities in determining benefits (especially pre-enrollment) and important decisions students must make to maximize the use of their benefits. At UW, we welcome the assistance this would give to student veterans as they face crucial decisions about their enrollment. Like the Committee, we believe that veterans need to be well-informed about their tuition benefits to be able to make choices and decisions which will best address their educational needs.

We are concerned, however, that the proposals put forth do not distinguish between institutions of higher education that provide a quality education and those institutions that do not provide a quality education. Consideration of performance based regulations presents the opportunity for reducing administrative burden for institutions while simultaneously improving outcomes. Performance measures such as low average debt at graduation, low default rates, and exceptional graduation or retention rate levels would indicate schools are good stewards of tuition assistance and do not need additional oversight. For example, the national average for undergraduate debt is $25,000. The UW average is $20,316, well below the national average. The UW 2010 cohort default rate is 2.3 percent. In the last reported year, the graduation rate is 80 percent while our retention rate is 93 percent.

Allowing a performance based system would allow high performance schools, similar to UW, to continue to focus efforts on addressing the needs of veterans and helping them make informed choices without adding extra reporting burdens on the institution.

Additionally, schools should not be required to report duplicative or similar data because much of the information the legislation requires is currently available from the Department of Education. Ultimately, it is our hope that legislation under consideration could be written to exempt or reduce the administrative oversight, reporting requirements, and some of the consumer disclosure measures for high performance schools. "One size fits all" regulations are typically ineffective or inefficient means to help our student veterans and we would rather concentrate a school's efforts on educating and counseling our student veterans rather than using that time and energy to comply with additional, unnecessary regulatory burdens.

We encourage modifications to the proposals, to the extent possible, that would use current Department of Education definitions for inducement rules, program eligibility, and gainful employment provisions as a consistent base for legislation. We also hope that the data provided by institutions of higher education as already required by law in national data clearinghouses such as the National Center for Education Statistics (NCES), Integrated Post-Secondary Data Systems (IPEDS), National Student Loan Data System (NSLDS), and other existing Federal data reports be used to populate many of the measurements required in these proposals before requiring additional data from schools. Although the Secretary of Veterans Affairs will be required to provide much of this information to student veterans, the institutions will need to provide supplementary information to meet all proposed requirements and the existing data reported by institutions is already extensive and arduous to compile in order to meet Department of Education reporting requirements.

An additional measurement, which may be considered, is altering the 90/10 revenue test rules. The rule was first enacted to prevent institutions from being established solely to profit from the payments received by Federal aid recipients. Under current law, for profit colleges are expected to derive at least 10 percent of a program's revenue from institutional revenue or non-Title IV Federal student aid. Further under this rule, veteran's tuition assistance is calculated as institutional revenue. Congress may wish to consider amending the formula so for profit schools are required to obtain a higher ratio of revenue from non-Federal sources, as well as exclude veterans' benefits from institutional revenue. Schools that do not meet the appropriate revenue test for the appropriate time periods would not be considered eligible for veterans' benefit payments. This addition to veterans' benefit rules would

be an important safeguard, dealing with the overall eligibility of institutions allowed in the program.

Chairman Murray, the University of Washington is proud of our student veterans and the education, skills, and services that we provide them so that they may make informed choices about their post-secondary experience. We are fully aware of the urgency of the problems facing our veterans as they exit military service and return to our communities, and we believe education is a key element to a successful transition. Further, the UW believes we need to protect veterans from nefarious parties, which is why UW presents good and informed choices to our student veterans. A veteran's service to our country is a debt that can never be fully repaid, which is why we work so hard to ensure they have the best information to enter school and receive adequate preparation in school for the next chapter of their lives.

Again, thank you for considering these comments and for your efforts to protect our student veterans.

PREPARED STATEMENT OF ISMAEL ORTIZ, DEPUTY ASSISTANT SECRETARY, VETERANS' EMPLOYMENT AND TRAINING SERVICE, U.S. DEPARTMENT OF LABOR

CHAIRMAN MURRAY, RANKING MEMBER BURR, AND OTHER MEMBERS OF THE COMMITTEE, Thank you for the opportunity to provide the views of the Department of Labor (DOL or Department) on pending legislation aimed at helping Veterans and transitioning Servicemembers succeed in the civilian workforce.

The Department looks forward to working with the Committee to ensure that the men and women who serve this country have the employment support, assistance and opportunities they deserve to succeed in the civilian workforce.

While this hearing is focused on numerous bills before the Committee, I will limit my remarks to those pieces of legislation that have a direct impact on the programs administered by the Department of Labor, including S. 1314, S. 2246, S. 2299, S. 3233 and S. 3236. DOL respectfully defers to the Department of Veterans' Affairs (VA), Department of Education (ED), Department of Defense (DOD), Department of Justice (DOJ), Department of Homeland Security (DHS) and Department of Interior (Interior) on the other bills listed.

S. 1314, A BILL TO AMEND TITLE 38, UNITED STATES CODE, TO REQUIRE THE SECRETARY OF LABOR TO ESTABLISH MINIMUM FUNDING LEVELS FOR STATES FOR THE SUPPORT OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

S. 1314 would require the Secretary of Labor to establish minimum funding levels for States for the support of disabled Veterans' outreach program specialists (DVOP) and local Veterans' employment representatives (LVER). The bill would require that the minimum funding levels ensure that each State receives sufficient funding to support at least one DVOP specialist and one LVER per 5,000 square miles of service delivery area within States. Counties with less than one person per square mile may be excluded from consideration. Currently only Guam and the U.S. Virgin Islands receive funding in support of just one DVOP specialist or LVER staff.

The current funding formula was authorized in the Jobs for Veterans Act of 2002 (JVA, Public Law 107–288). The formula allocates the JVSG appropriation to the states as a ratio of the number of Veterans looking for work in that state compared to the total number of Veterans looking for work in the Nation. Pursuant to Section 4102A of the JVA, the Department published rules (20 CFR 1001.152) establishing minimum funding and hold-harmless requirements. This regulation established a hold-harmless rate of 90 percent of the prior year's funding level and a minimum funding level such that, in any year, no State receives less than 0.28 percent (.0028) of the previous year's total funding for all States.

The Department shares the Committee's concerns and would like to work with the Committee regarding the sufficiency of service in rural areas, which may include opportunities to provide additional access points for Veterans by addressing alternative work arrangements and an expanded use of technology to meet the intent of the bill to ensure access in remote areas, minimum levels of capacity, and uniform quality of service. Veterans living in rural areas can already utilize DOL's available suite of electronic tools such as *mySkills myFuture and My Next Move for Veterans*.

This bill would also require the Secretary to report on the effect of this Title 38 amendment on Veterans who reside in "highly rural" areas, defined as one or more counties having a population of less than seven persons (not Veterans) per square mile. The Department is concerned that the collection of such data and the requirement to study or visit each such area would be labor intensive and the cost may

not be justified. The Department would like the opportunity to explore alternate ways to ensure that services can be delivered to rural populations and how those improvements can be funded.

S. 2246, "TAP MODERNIZATION ACT OF 2012"

S. 2246, the "TAP Modernization Act of 2012," would require the Secretary of Labor to provide the Transition Assistance Program (TAP) under title 10, U.S.C., section 1144 (10 U.S.C. 1144) "to eligible individuals at locations other than military installations in not less than three and not more than five States selected by the Secretary" during the three year period beginning on the date of the enactment of this bill.

Unlike the TAP DOL Employment Workshops currently provided to transitioning Servicemembers and their spouses under 10 U.S.C., 1144, an "eligible individual" for this program would be a Veteran or the spouse of a Veteran. The TAP DOL Employment Workshop is designed specifically for transitioning Servicemembers and their spouses and as such, the curriculum is not appropriate for all Veterans. However, One-Stop Career Centers typically provide specific workshops on resume writing, interviewing, and how to conduct a job search. Thus, the relevant components of the DOL Employment Workshop are already available to all Veterans.

If the intent of the legislation is to increase outreach to unemployed Veterans, DOL is already involved in Veteran-targeted outreach initiatives. These include the Gold Card initiative, offered through the One-Stop Career Centers, which provides up to 6 months of case management and intensive services to Post-9/11 era Veterans, and an initiative with the Army to develop and test strategies to provide enhanced outreach and employment assistance to recently separated Army Veterans who are collecting unemployment compensation benefits.

Since employment workshops are already provided for job seekers at One-Stop Career Centers, and DOL is engaged in a number of initiatives specifically focused on unemployed Veterans, this proposed legislation appears to be duplicative. We look forward to working with the Subcommittee to identify any needed program improvements.

S. 2299, "SERVICEMEMBERS RIGHTS ENFORCEMENT IMPROVEMENT ACT OF 2012"

S. 2299, the "Servicemembers Rights Enforcement Improvement Act of 2012," would amend the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. §§ 4301–4335 and the Servicemembers Civil Relief Act (SCRA) to enhance enforcement and strengthen protections for Servicemembers and their families. In general, DOL supports the intent of this legislation and looks forward to working with the Committee to further enhance USERRA protections for our Servicemembers, but defers to DOJ on sections of the bill that fall outside our purview.

S. 2299 would give the Attorney General authority to initiate his or her own investigations and file suit in Federal District Court on behalf of the United States in situations in which the Attorney General reasonably believes that a State or private employer has engaged in a pattern or practice of violating USERRA. S. 2299 also confers civil investigative demand authority upon DOJ in such cases in which it has initiated investigations, or needs additional information to assess a complaint for litigation, in order to compel production of documentary evidence and unsworn answers to written questions from the custodian of such documentary evidence

Under current law, USERRA is "complaint driven," meaning the Federal Government can only investigate a suspected USERRA violation after a claimant has filed a formal complaint with the Veterans' Employment and Training Service (VETS) at DOL. Consequently, DOJ can only review the case after VETS has completed the investigation and the claimant has requested that his or her case be referred to DOJ. S. 2299 creates limited authority for DOJ to initiate its own investigation and litigation without a formal complaint from a USERRA claimant in those situations in which it believes a State or private employer has engaged in a pattern or practice of violation of Servicemembers' USERRA rights. The Department looks forward to working with the Committee on these USERRA provisions.

Last, DOL also supports the language in S. 2299 which confers subpoena authority upon the Merit Systems Protection Board (MSPB) to enforce subpoenas issued by the U.S. Office of Special Counsel (OSC) in pursuing its enforcement duties under USERRA, to compel attendance and testimony of Federal employees and production of documents from those employees as well as from Federal agencies.

S. 3233, "SERVICEMEMBERS ACCESS TO JUSTICE ACT OF 2012"

S. 3233, the "Servicemembers Access to Justice Act of 2012," contains a number of provisions intended to enhance protections offered under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. §§ 4301–4335, including the following:

• Waiver of State sovereign immunity under the 11th Amendment of the U.S. Constitution;
• Invalidation of any agreements to arbitrate employment disputes as they may affect USERRA rights generally, except in the case of collective bargaining agreements (with no retroactivity provision);
• Enhanced remedies under USERRA, providing for the greater of liquidated damages or $10,000 for willful violations of the statute, shifting the burden of proof to employers to show that the adverse action was not intentional (applying to Federal and all non-Federal employers);
• Court-awarded punitive damages for willful or recklessly negligent violations for State employers or private employers with more than 25 employees;
• Right to a Jury trial for USERRA claimants;
• Mandatory court-awarded attorney fees—removing the court's discretion whether or not to award attorney fees;
• Mandatory equitable relief—likewise removing the court's discretion to award equitable relief;
• Federal agencies must provide notice of USERRA obligations to contractors;
• Clarification that USERRA protections extend to both "procedural" as well as "substantive" rights or benefits; and
• Requiring a study by the Comptroller General of the United States to evaluate the effectiveness of Federal USERRA education and outreach programs to assess current practices and procedures, identify best practices, determine if the Small Business Administration (SBA) and the National Committee for Employer Support of the Guard and Reserve (ESGR) should collaborate to develop an employer education program, and to determine the effect on recruitment into the Reserve Components, resulting from employers' failures to comply with USERRA.

My statement today will focus on several important provisions in S. 3233, but I also hope that the Department will have the opportunity to provide technical assistance to the Committee on these and other provisions in the bill.

Section 2 of the proposal would limit the ability of State employers to undermine enforcement of their employees' USERRA rights by asserting their immunity from individual suits under the 11th Amendment to the U.S. Constitution. The Attorney General has the authority, and has exercised its authority, to bring actions against States in Federal District Court on behalf of individuals in the name of the United States. Individual State employees, however, represented by private counsel or by themselves are unable to avail themselves of USERRA protection unless their State employers choose to waive their 11th Amendment sovereign immunity. The Department strongly supports this provision which would remove a significant impediment to individuals who seek to hold public State employers accountable for meeting their USERRA obligations.

USERRA is intended to ensure that Servicemembers' and Veterans' employment and reemployment rights are protected to the greatest extent possible, while avoiding placing an unreasonable burden on employers. As a result, the Department has serious concerns with the potential impact of the language in Sections 4, 5 and 6 of the legislation involving punitive damages, mandatory award of attorney fees, and mandatory equitable relief on the Department's efforts to effectively investigate and resolve USERRA disputes. However, the Department supports efforts to strengthen USERRA's enforcement remedies and welcomes the opportunity to work with the Committee to ensure that those remedies: encourage compliance with this important law; provide meaningful and prompt relief; can be flexibly applied by the courts or the Merit Systems Protection Board so that liabilities are proportionate to statutory responsibilities; and do not create disincentives to hiring Servicemembers.

Section 7 of the legislation would require Federal agencies to notify their contractors of their USERRA obligations. Ensuring that Federal contractors are fully aware of their obligations under the statute only serves to strengthen Servicemembers' rights under the law, and does not impose a substantial burden on Federal agencies or contractors in discharging their shared responsibilities.

Finally, Section 9 of S. 3233 directs the Comptroller General to conduct a study on the Federal Government's USERRA education and outreach programs and activities. Over the years, the Government Accountability Office (GAO) has conducted a number of studies involving USERRA, and has provided many important and useful

recommendations for improving the Department's administration of the statute. Should this provision be enacted into law, the Department will again look forward to helping GAO meet its statutory mandate.

S. 3236, "SERVICEMEMBER EMPLOYMENT PROTECTION ACT OF 2012"

S. 3236, the "Servicemember Employment Protection Act of 2012," also contains a number of provisions intended to enhance USERRA protections, and the Department looks forward to working with the Committee on this important legislation.

Section 3 of S. 3236 would extend full USERRA coverage and protections to Servicemembers and Veterans leaving civilian employment to undergo treatment for service-connected disorders incurred in or permanently aggravated by periods of active military service. USERRA generally provides employment and reemployment rights to individuals on the basis of their past, present, or future military service, status, or obligations. S. 3236 seeks to extend those protections to individuals who seek or obtain treatment for service-incurred medical disorders that were either incurred in or aggravated by periods of covered military service.

While DOL supports the intent of Section 3, the Department has technical concerns about its interaction with USERRA's reemployment eligibility provisions, as well as with the Family and Medical Leave Act. In addition, the Department recommends including a definition or standard to determine what medical disorders are or are not incurred in military service as well as a timeframe by which service-incurred disorders should be afforded USERRA protection. Such a definition should specifically include categories of military mental health conditions such as PTSD and related afflictions.

Section 3, as drafted, would also have a significant impact on relationships between employees with past, present, or future military obligations and their current and prospective employers. We look forward to working with the Subcommittee to provide any requested technical assistance and to better understand the intent of the legislation, to help ensure that it does not unintentionally harm Veterans' employment relationships.

Finally, Section 4 of the legislation would provide for the suspension, termination, or debarment of any Federal contractors who are shown to have repeatedly violated USERRA. Such a provision would provide additional assurances that Servicemembers' and Veterans' employment rights are protected.

The Department looks forward to working with the Committee to ensure that these and other provisions of the bill address the Congress' intent in the most efficient and effective way possible.

S. 3235, A BILL TO AMEND TITLE 38, UNITED STATES CODE, TO REQUIRE AS A CONDITION UNDER ON THE RECEIPT BY A STATE OF CERTAIN FUNDS FOR VETERANS EMPLOYMENT AND TRAINING, THAT THE STATE ENSURES THAT TRAINING RECEIVED BY A VETERAN WHILE ON ACTIVE DUTY IS TAKEN INTO CONSIDERATION IN GRANTING CERTAIN STATE CERTIFICATIONS OR LICENSES, AND FOR OTHER PURPOSES.

S. 3235 would require the Secretary of Labor to establish, as a condition of a grant or contract to carry out DVOP or LVER services, that when the State approves or denies an application from a veteran to obtain: (1) a license as State-tested nursing assistant or a certified nursing assistant; (2) a commercial driver's license; (3) an emergency medical technician license EMT-B or EMT–1; and (4) an emergency medical technician-paramedic license, that the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces.

The State must disclose to the Secretary in writing the following: (1) the criteria applicants must satisfy to receive a license; (2) a description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the documented experience of such veterans during service; and (3) identification of area in which training and experience described fail to meet the criteria.

The Secretary of Labor must share the information received from the State with the Secretary of Defense to help the Department of Defense to improve training for military occupational specialties described above.

The Department supports the intent of this legislation and looks forward to working with the Committee to ensure that our Veterans and transitioning Servicemembers have every opportunity available to leverage their skills and training in pursuit of civilian careers. The Department of Labor recognizes that a more focused effort on credentialing can help lay the human capital foundation necessary to support veterans' transition to civilian employment and meet the needs of growing sectors of the civilian economy. As we invest in skills development, we help job seekers,

including recently returning veterans, acquire the measurable and specific skills they need to move along directed career pathways, and give employers access to the skilled workers they need to compete globally.

This legislation proposes leveraging Federal funding to incentivize states to facilitate veterans qualifying for certain licenses and credentials. The Department notes that states likely would require assistance in obtaining information on the skills possessed by veterans separating from various military occupations in order to be able effectively evaluate the equivalence of that training and experience against existing certification or licensing requirements. In addition, the Department would need to evaluate the adequacy of each state's effort in this area.

CONCLUSION

Every day, we are reminded of the tremendous sacrifices made by our service men and women, and by their families. One way that we can honor those sacrifices is by providing them with the best possible services and programs our Nation has to offer. Secretary Solis and VETS strongly believe that Veterans deserve not only the chance to find good jobs, but the certainty that they can retain their civilian employment when they must leave it to serve the Nation.

I again thank the Committee for your commitment to our Nation's Veterans and for the opportunity to submit this statement for the record.

PREPARED STATEMENT OF PARALYZED VETERANS OF AMERICA

CHAIRMAN MURRAY, RANKING MEMBER BURR, AND MEMBERS OF THE COMMITTEE, Paralyzed Veterans of America (PVA) would like to thank you for the opportunity to present our views on the broad array of legislation being considered by this Committee. We support your efforts as you address these issues that may affect veterans of previous eras, new veterans, and future veterans.

S. 1184

S. 1184 would amend title 38, United States Code, to increase the penalties for misrepresentation of a business as a small business owned and controlled by a veteran or owned and controlled by a service-disabled veteran. PVA supports this legislation. Although regulations currently prohibit unqualified businesses from participating in government contracts that are specifically reserved for veteran owned, or service-disabled veteran owned small businesses, this has not discouraged businesses from fraudulently claiming that status. In Congressional hearings on this issue, it has been reported that often upon disclosure of this Federal crime, those same businesses continue to pursue and receive government contracts intended for veterans. The penalty should be increased to a monetary amount, including prison time for repeat offenders, that sends the message that will discourage the falsifying of the status of veteran owned small business or service-disabled veteran owned small business.

S. 1314, "ENHANCING EMPLOYMENT SERVICES FOR RURAL VETERANS"

PVA supports S. 1314, which would amend title 38, Unites States Code, to require the Secretary of Labor to establish minimum funding levels for States for support of Disabled Veterans Outreach Program Specialists (DVOPS) and the Local Veterans Employment Representatives (LVER) . The current funding formula for the DVOPS and LVER positions is based on population. This method does not take into consideration the geographic size of the service area. Thus, states such as Montana which have the lowest number of employment representatives with the largest land mass will not have adequate employment representation. This bill would make minor adjustments in the distribution of the DVOPS and LVERS to better serve the rural veterans.

Our concern for rural veterans and urban veterans receiving the employment direction and support needed has led us, as well as other VSOs, to the conclusion that their employment needs would be better served by moving the Veterans Employment and Training Service (VETS) to the Department of Veterans Affairs. By placing VETS in the VA we feel this would increase the attention and oversight that is needed for better results from that program.

S. 1634

S. 1634 would amend title 38, United States Code, to improve the approval and disapproval of programs of education for the purpose of educational benefits. PVA

supports this legislation. Recent legislative changes within the Post-9/11 GI Bill redefined some functions of the State Approving Agencies (SAA). This legislation would redirect some required functions of the SAAs to allow them to use their expertise to insure the programs available to veterans using the GI Bill would be beneficial and purposeful for veterans.

S. 1798, THE "OPEN BURN PIT REGISTRY ACT OF 2011"

PVA supports S. 1798, the "Open Burn Pit Registry Act of 2011." We believe this registry is necessary and the responsibility of the VA. In past military operations some participants within an operation have been exposed to chemicals or fumes that have afterwards been connected to various illnesses, some being fatal. Many years later this has created a difficult task for the VA to attempt to identify, notify, monitor, and treat and compensate those veterans. This legislation will help the VA inform and monitor veterans that have been exposed to toxic environmental conditions that are recognized as harmful or toxic conditions that are suspected to be harmful but not yet medically proven harmful. Upon passage of this legislation, Congress must conduct oversight of the VA to insure that the veterans are being identified, informed, and receiving appropriate treatment if necessary. Delays in implementation of this registry should not be allowed.

S. 1852, THE "SPOUSES OF HEROES EDUCATION ACT"

PVA supports S. 1852, the "Spouses of Heroes Education Act." This legislation would allow the spouses of a military veteran that died while in the line of duty to use that deceased veterans Post-9/11 GI Bill. Making this educational benefit available for the remaining spouse will allow that spouse to improve their preparations for employment as they become the sole financial provider for the family of the deceased servicemember.

S. 1859

PVA supports S. 1859. This requires the Federal Aviation Administration and the Transportation Security Administration to recognize the intentions of Congress with respect to the Federal Government's policies of hiring and rehiring those that have served their country in the military service. Any reprieve from the Federal employment requirements may have been necessary during the period of reorganization and formation of Federal transportation agencies immediate following the events of 9/11. A decade later, it is unfortunate these programs claim immunity from Federal hiring requirements with regard to veterans. This legislation will correct this oversight.

S. 2130, THE "VETERANS CONSERVATION CORPS AUTHORIZATION ACT"

PVA supports S. 2130, the Veterans Conservation Corps Authorization Act. This program would benefit many veterans that have been recently discharged from military service. Those new veterans are often younger veterans that have not acquired skills in the military that can be easily transferred to the civilian world. Those same veterans may have decided not to commit to a four year college program. The younger veterans that perhaps joined the military after high school have very limited knowledge of opportunities or career options that exist in the civilian world. This program would offer a one or two year period for the veteran to earn money to support themselves while learning of options for their future. This type of program may not benefit a majority of new veterans, "one size cannot fit all." But for those that find themselves without direction upon discharge this program can be invaluable.

S. 2179, THE "MILITARY AND VETERANS EDUCATION REFORM ACT OF 2012"

PVA supports S. 2179, the "Military and Veterans Education Reform Act of 2012." This legislation will continue in the process of making necessary adjustments and corrections in the landmark educational benefit program recently passed by Congress, the Post-9/11 GI Bill.

This legislation also requires the State Approving Agencies (SAA) to conduct education and outreach activities to assist participants in making well-informed choices about their education and successful transition into an educational environment. This bill also requires the SAAs to be more diligent in their review and approval of institutions offering programs to veterans.

S. 2206, THE "GI EDUCATIONAL FREEDOM ACT OF 2012"

PVA supports S. 2206, the GI Education Freedom Act of 2012. This legislation requires any individual eligible for veterans' educational assistance through the Department of Veterans Affairs to be provided educational and vocational counseling services before the receipt of such educational assistance, unless the individual specifically declines such counseling. This informational counseling will help veterans better understand the programs they are about to enroll in. Provides better understanding of the commit and outcome of their time and benefit required before they undertake what should be a career enriching experience. It also requires the VA to establish a system to collect, process, and track complaints submitted by individuals enrolled in VA programs of education. VA will make available the reports of instances of fraud, waste, and abuse with respect to benefits and services provided by educational institutions.

S. 2241, THE "GI BILL CONSUMER AWARENESS ACT OF 2012"

PVA supports S. 2241, the "GI Bill Consumer Awareness Act of 2012." This legislation will require the VA to make available to veterans, members of the Armed Forces, and spouses and dependents who are eligible to receive educational assistance through the Department of Veterans Affairs or the Department of Defense, specified information about educational institutions and the programs of education available to such veterans and members. It also provides additional requirements to inform participants for the institutions providing programs of education under VA and DOD educational assistance programs, including employee training about benefits and assistance available to those enrolled in the institutions' programs. The legislation would insure that institutions must provide special advising and support services for such veterans and military members enrolled.

S. 2246, THE "TAP MODERNIZATION ACT OF 2012"

PVA supports S. 2246, the "TAP Modernization Act of 2012." This legislation requires the Secretary of Labor to provide the Transition Assistance Program (TAP) to veterans and their spouses at locations other than military installations in at least three and up to five states selected by the Secretary based on the highest rates of veteran unemployment. This relocation of the TAP presentation will benefit many of the Guard and Reserve Members that have served their tour, sometimes multiple tours, and then return to the rural communities where they live. Many times this is a great distance from major cities (VA Regional Offices) and military installations where TAP may be available. Another helpful benefit of this relocation may be for members that have been exposed to TAP before returning home and six months later find themselves still unemployed. Reluctant to travel a long distance to revisit TAP, temporarily relocating TAP will help these veterans with their continued job search.

S. 2299, THE "SERVICEMEMBERS RIGHTS ENFORCEMENT IMPROVEMENT ACT OF 2012"

PVA supports S. 2299, the "Servicemembers Rights Enforcement Improvement Act of 2012." This legislation will amend the Servicemembers Civil Relief Act to improve the enforcement of employment and reemployment rights of servicemembers, including members of the Guard and Reserve.

S. 3082, THE "NATIONALWIDE NETWORK OF SUPPORT FOR VETERANS AND MILITARY FAMILIES ACT OF 2012"

PVA supports the concept of a Veterans Support Network. More unmet needs exist today within the veterans' community than in past decades. Recognizing this critical shortage most Federal agencies have raised their awareness for providing information, employment opportunities, small business contracts, and other support functions directed at veterans. At this same time many families of the men and women serving in the military have unique problems that are not shared by those in civilian life. Nonprofits organizations and veterans' service organizations have increased their focus on the recent returning veterans from the Iraq and Afghanistan era. Although much attention has been placed on these veterans, many of them have unmet needs. Unmet needs in a local community could vary from community to community, or region to region. This program could help in addressing local needs since it directs support to community based organizations. If nonprofit organizations identify an issue and suggest their solution for the issue, this could be an expedient and direct attack of that problem. The Veterans Support Network should develop detailed application procedures, periodic monitoring procedures, and yearly reviews

of the organizations receiving funds. Detailed scrutiny should be used to insure applicants fulfill their commitment to the veterans they propose to serve.

S. 3179, THE "SERVICEMEMBERS HOUSING PROTECTION ACT OF 2012"

PVA supports S. 3179, the "Servicemember Housing Protection Act of 2012." This legislation will enhance the protection that is available under the Servicemembers Civil Relief Act by offering protection to the surviving spouse of a servicemember who has died while in the service. This legislation shall provide the same protection to the spouse with respect to foreclosure of the property that is provided to the servicemenber for a period of 9-months, beginning on the date of such death of the servicemember.

S. 3233, THE "SERVICEMEMBERS ACCESS TO JUSTICE ACT OF 2012"

PVA supports S. 3233, the "Servicemembers Access to Justice Act of 2012." This legislation increases the protection available to the servicemembers to return to their employment after serving. This addresses civilian employment, state employment, and employment with the Federal Government. For state government workers it requires states to waive their sovereign immunity in cases requiring the enforcement of Uniformed Services Employment Rights and Reemployment Act (USERRA) rights.

S. 3236, "SERVICEMEMBER EMPLOYMENT PROTECTION ACT OF 2012"

PVA supports S. 3236, the "Servicemembers Employment Protection Act of 2012." This legislation will amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, including members of the Guard and Reserve under the USERRA laws. It also would suspend government contractors that have repeated to comply with USERRA regulations.

Chairman Murray, Ranking Member Burr, once again we would like to thank you for the opportunity to provide our views on these important issues that the Senate Committee on Veterans' Affairs will address in the coming months. Many of these issues if passed into law will be a tremendous benefit for veterans of today and tomorrow as they make the difficult transition from military life to the civilian world.

PREPARED STATEMENT OF THOMAS E. PEREZ, ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE

Madam Chairman Murray, Ranking Member Burr, and Members of the Committee, thank you for the opportunity to present the views of the Department of Justice on S. 2299, the proposed, "Servicemembers Rights Enforcement Improvement Act." The Department welcomes the introduction of this legislation, which incorporates a number of the Department's proposals to amend and to strengthen enforcement of two important statutes that protect the rights of servicemembers and their families—the Servicemembers Civil Relief Act (SCRA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

S. 2299 would amend the SCRA's affidavit requirement, which provides that a party seeking foreclosure or other default judgment against a servicemember must first file with the court an affidavit stating whether or not the servicemember is in military service. Section 2 would amend that provision to clarify that such requirement includes the obligation to take reasonable steps to determine the servicemember's military status, including but not limited to searching available Department of Defense records. The amendment would simply codify what several courts have already held. The Department of Justice supports this provision because it would make clear that the party seeking a default judgment has an affirmative obligation to determine the servicemember's military status.

The bill would also amend the SCRA to clarify that the private right of action, added to the SCRA by the Veterans Benefits Act of 2010, applies retroactively to violations occurring before the date of enactment of that Act. The Department supports this provision because it would strengthen the ability of servicemembers to vindicate their rights under the SCRA. The Department has proposed a similar amendment to clarify that the Attorney General's authority to enforce the SCRA, which was made explicit by the 2010 Act, also applies retroactively. Both proposals are consistent with the Department's litigating position and with recent decisions of the Fourth Circuit Court of Appeals. Accordingly, the Department strongly urges the Committee to revise Section 3 to make clear that both the private right of action and the Attorney General's authority apply to violations occurring before enactment

of the Veterans Benefits Act of 2010. By including only the private right of action in Section 3, Congress could signal, incorrectly, that it did not intend that the Attorney General's authority also apply retroactively.

Further, S. 2299 would amend USERRA to allow the Attorney General, acting on behalf of the United States, to serve as a plaintiff in all USERRA suits, rather than only in suits filed against State employers. The amendment would preserve the right of the aggrieved servicemember to intervene in such suits or to bring his or her own suit where the Attorney General has declined to file suit. The amendment would require that the Attorney General keep the aggrieved servicemember informed of the status of the Attorney General's decision and to provide written notice of such decision within a specified time period. Importantly, Section 4 also would grant independent authority to the Attorney General to investigate and file suit to challenge employment policies or practices that establish a pattern or practice of violating USERRA. The Department strongly supports these changes, which would make USERRA operate more like the SCRA and other civil rights laws by allowing the United States to always serve as the plaintiff to vindicate the public interest in ensuring the statute is enforced. The changes also would strengthen significantly the Department's ability to enforce USERRA to address a systemic violation (such as a policy prohibiting extended absences, including absences for military service) that could adversely affect the employment rights of multiple servicemembers.

Section 6 would amend both the SCRA and USERRA to provide the Attorney General with civil investigative demand authority (CID) to compel the production of existing documents and unsworn answers to written questions from the custodian of such documents. The Department strongly supports this amendment. The Department of Labor has subpoena power in its investigations under USERRA. The Department of Justice, however, has no pre-suit investigative authority under USERRA or the SCRA, and therefore must rely on the voluntary cooperation of respondents when assessing matters for litigation. If a respondent is not cooperative, the Department must undertake a costly effort to try to obtain the necessary evidence through alternate routes or forego litigation. Providing the Department with CID authority to complement the USERRA pattern-or-practice authority proposed in Section 4 is critical because pattern-or-practice authority includes the authority to initiate an investigation. The Department has existing authority to initiate investigations under the SCRA but has no CID authority. Section 6, therefore, would strengthen the Department's ability to enforce both statutes. The Department notes that the proposed CID authority is narrow in scope. In addition, the authority would be subject to the same limitations that apply to the Department's authority under the False Claims Act. For example, it would require high-level approval and would not include the power to compel documents protected from disclosure under the Federal Rules of Civil Procedure. Section 6 therefore strikes the proper balance between the Department's need for greater authority to enforce laws that protect the rights of servicemembers on the one hand, and the respect for civil liberties concerns on the other.

Finally, the Department urges the Committee to include in this bill a provision that would double the amount of civil penalties available under the SCRA. When Congress amended the SCRA with the Veterans Benefits Act of 2010 to provide for civil penalties, it used the same amounts authorized under the Fair Housing Amendments Act ($55,000 for the first violation and $110,000 for any subsequent violation). Those amounts, however, have not been adjusted for inflation or for any other reason—not even in response to recent abuses in the lending market—since 1999. Civil penalties can serve as an important tool for deterring violations and for remedying violations that do not result in large damages awards for victims. Accordingly, the Department, in its legislative proposals transmitted to Congress on September 20, 2011, proposed amendments to double the amount of civil penalties available in litigation under both statutes. Another bill before this Committee, S. 486, the proposed "Protecting Servicemembers from Mortgages Abuses Act," also would increase the amount of civil penalties under the SCRA. The Department strongly urges the Committee to act on this proposal.

The Department appreciates the opportunity to submit its views on S. 2299, and stands ready to work with the Committee in moving forward this important legislation to strengthen enforcement of laws that protect the rights of servicemembers.

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