



**STATEMENT FOR THE RECORD
OF
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THE AMERICAN LEGION**

TO THE

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

ON

"PENDING AND DRAFT LEGISLATION"

MARCH 20, 2024

EXECUTIVE SUMMARY

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Chairman Van Orden, Ranking Member Levin, and distinguished members of this committee, on behalf of National Commander Daniel J. Seehafer and more than 1.5 million dues-paying members of The American Legion, we thank you for the opportunity to offer this statement for the record on pending and draft legislation.

The American Legion is directed by active Legionnaires who dedicate their time and resources to serve veterans, servicemembers, their families, and caregivers. As a resolution-based organization, our positions are guided by more than 105 years of advocacy and resolutions that originate at the grassroots level of our organization. Every time The American Legion testifies, we offer a direct voice from the veteran community to Congress.

H.R. 7323

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to disapprove courses of education offered by a public institution of higher learning that does not charge the in-state tuition rate to a veteran using certain educational assistance under title 10 of such Code.

The Department of Veterans Affairs (VA) currently has the prerogative to disapprove courses at higher education institutions that do not offer in-state tuition rates for veterans using certain benefits as defined in 38 U.S. Code § 3679(c). Furthermore, under the Veterans' Access to Care through Choice, Accountability, and Transparency Act of 2014, the VA has confirmed its support for universities by granting veterans and active-duty members in-state tuition regardless of residency.

Under current law, however, selected reservists are not guaranteed the benefit of in-state tuition. The Montgomery GI Bill-Selected Reserves Tuition Fairness Act aims to correct this discrepancy and give students using Montgomery GI Bill-Selected Reserves education benefits the same tuition rates as their active-duty peers.

This bill seeks to allow the VA to disapprove higher education courses that do not offer in-state tuition rates for selected reservists by amending section 3679, Disapproval of Courses.¹ This would extend the financial safeguards to these students attending universities in states where they do not reside.

Through Resolution No 335: Support Major Enhancements for the Montgomery GI Bill, The American Legion believes Congress should move the Montgomery GI Bill–Selected Reserve from Title 10 to Title 38.²

Through Resolution No 24: GI Bill Fairness for Activated National Guard and Reserve Servicemembers, The American Legion seeks and supports any legislative or administrative proposal proving Post 9/11 GI Bill eligibility for National Guard and reserve service.³

The American Legion supports H.R. 7323 as currently written.

Draft Legislation - Fair Access to Co-op for Veterans Act of 2024

To amend title 38, United States Code, to provide for the improvement of the Department of Veterans Affairs loan guarantee for purchase of residential cooperative housing units, and for other purposes.

This draft bill seeks to improve the Department of Veterans Affairs (VA) loan guarantee for the purchase of residential cooperative housing units through enhanced loan advertising and loan regulation standards. Usage of the VA Home Loan Program is limited for cooperative housing units due to funding fees, stricter appraisal requirements, and the lack of equity in homes without a down payment. This bill will help restore loan guarantees for residential cooperative housing units and make the VA home loan application process more seamless.⁴

Specifically, the bill amends 38 U.S. Code § 3710 by adding: “A loan may not be guaranteed under subsection (a)(12) before the date on which the Secretary prescribes regulations, setting forth requirements for underwriting, loan processing, project standards, share eligibility,

¹ “38 USC 3679: Disapproval of Courses,” n.d. [https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38section3679&num=0&edition=prelim#:~:text=\(c\)\(1\)%20Notwithstanding%20any,who%20are%20pursuing%20the%20course.](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38section3679&num=0&edition=prelim#:~:text=(c)(1)%20Notwithstanding%20any,who%20are%20pursuing%20the%20course.)

² “Resolution No. 335: Support Major Enhancements for the Montgomery GI Bill | Digital Archive,” n.d. <https://archive.legion.org/node/483>

³ “Resolution No. 24: GI Bill Fairness for Activated National Guard and Reserve Servicemembers | Digital Archive,” n.d. <https://archive.legion.org/node/14062>

⁴ Team, Paddio. “VA Loan Pros and Cons.” Paddio, March 4, 2022. <https://www.paddio.com/learn/va-loan-pros-and-cons/>

valuation, and other criteria the Secretary determines necessary. The Secretary shall ensure that such regulations are consistent, to the extent that the Secretary determines suitable, with the requirements of the Federal National Mortgage Association for the purchase or securitization of cooperative housing loans.”

The Access to Co-op for Veterans Act of 2024 will improve the Department of VA Home Loan Program by expanding choices for veterans by improving loan regulation standards, ensuring that loans for cooperative housing can be approved, and increasing the advertisement of these loans.

Through Resolution No. 8: Home Loan Guaranty Program Eligibility, The American Legion supports any administrative and/or legislative efforts that will improve and strengthen the VA's Home Loan Guaranty Program for America's veterans and their children and dependents.⁵

The American Legion supports H.R. 7223 as currently written.

Draft Legislation - Misrepresentation

To amend title 38, United States Code, to provide for the restoration of entitlement of individuals entitled to educational assistance under the laws administered by the Secretary of Veterans Affairs who use such entitlement to pursue a course or program of education at an educational institution found to have violated certain prohibitions on advertising, sales, and enrollment practices, and for other purposes.

This draft bill seeks to restore veterans’ eligibility for educational benefits, if their eligibility is revoked due to violations committed by the educational institution which they are attending. Under this bill, the violations and misrepresentations committed by an institution will not affect the eligibility for assistance of an individual who attended one of these institutions.

Furthermore, the violating institutions will be required to repay funds to the Secretary of Veterans’ Affairs (VA) on behalf of the individual. VA approval of violating institutions will be revoked until the repayment occurs.

38 U.S. Code § 3696 refers to the prohibition on certain advertising, sales, and enrollment practices. The draft bill will permit the restoration of eligibility, the repayment of funds, disapproval of courses, reinstatement of benefits, and violation applicability. This will restore benefits to eligible veterans who, through no fault of their own, lost education opportunities by

⁵ “Resolution No. 8: Home Loan Guaranty Program Eligibility | Digital Archive,” n.d. <https://archive.legion.org/node/15012>.

attending a school that violated the agreement to provide educational programs, marketing, advertising, recruiting, or admissions services.

Through Resolution No. 327: Support Further Assessment and Evaluation of Institutions of Higher Learning to Enable Veterans to Make Informed Education Choices, The American Legion supports opportunities to educate service members and student-veterans on selection and attendance at post-secondary education institutions.⁶

The American Legion supports this draft legislation *as currently written*.

H.R. 7732 - TAP Reform Act of 2024

To amend titles 10 and 38, United States Code, to make improvements to certain programs for a member nearing separation, or for a veteran who recently separated from the Armed Forces, and for other purposes.

The Transition Assistance Program (TAP) is designed to assist the 200,000 men and women leaving military service and entering civilian life every year. The TAP Reform Act of 2024 improves the current program by further assisting veterans with pre-separation counseling with aid from Veterans Service Organizations (VSOs) and the Department of Labor to present the various resources and opportunities available to transitioning servicemembers. A program for spouses of veterans will also be introduced.⁷

This bill will ensure that a member receives pre-separation counseling even if they have secured full-time employment or enrolled in a full-time education or vocational training program. Counseling shall commence after the member separates, retires, or is discharged, not fewer than three days prior to separation. In the case of a member, other than described in 10 U.S. Code, counseling shall commence not fewer than five days prior to separation.⁸ To continue, “A member described in this subsection may elect to receive pre-separation counseling regardless of whether such member reenlists or agrees to a new period of obligated service.” Spouses of the members may be included in the counseling process if they wish.

⁶ “Resolution No. 327: Support Further Assessment and Evaluation of Institutions of Higher Learning to Enable Veterans to Make Informed Education Choices | Digital Archive,” n.d. <https://archive.legion.org/node/475>.

⁷ DOL. “Transition Assistance Program,” n.d. <https://www.dol.gov/agencies/vets/programs/tap>.

⁸ LII / Legal Information Institute. “10 U.S. Code § 1142 - Preseparation Counseling; Transmittal of Certain Records to Department of Veterans Affairs,” n.d. <https://www.law.cornell.edu/uscode/text/10/1142>.

Additionally, a national representative of a VSO will hold a standardized presentation that has been previously reviewed by the Secretary of Veterans Affairs (VA) to promote the benefits available to veterans under laws administered VA.

The TAP Reform Act of 2024 also authorizes the Employment Navigator and Partnership Program. the Secretary of Labor will enter into public, private, and non-profit contracts under the Employment Navigator and Partnership Program to provide individualized employment counseling for members and their spouses after consulting with the Department of Defense, the Department of Homeland Security, and the VA. Such a program aims to provide both career assistance and placement for servicemembers and spouses of service members.

Through Resolution No. 70: Improve the Transition Assistance Program, The American Legion urges Congress to require that the Department of Labor thoroughly review the new TAP for maximum effectiveness in helping servicemembers transition to civilian life and find gainful employment.⁹

The American Legion supports this draft legislation *as currently written*.

Draft Legislation - Work Study Act of 2024

To amend title 38, United States Code, to authorize the use of Department of Veterans Affairs work-study allowance to carry out casework, policy making, and oversight related to the activities of the Department at certain congressional offices.

In its current form, the Department of Veterans Affairs (VA) work-study program allows veterans who are in college to be paid to work a part-time job for VA facilities, select programs that serve veterans through other federal agencies, and certain veteran-related roles at institutions of higher education.

The Work Study Act of 2024 aims to enhance the work-study program by increasing the types of jobs that would be eligible for an allowance under the work study program. Under the bill, the Secretary of VA can authorize jobs in congressional offices and congressional committees, or jobs that entail case study work, policy making, and oversight conducted by congressional committees, the Congressional Research Service, the Government Accountability Office, or the Congressional Budget Office related to VA.

⁹ “Resolution No. 70: Improve Transition Assistance Program | Digital Archive,” n.d. <https://archive.legion.org/node/317>.

Through Resolution No. 349: Support Legislation to Improve the Post-9/11 GI Bill, The American Legion supports legislation to restore funding in the Post-9/11 GI Bill and Vocational Rehabilitation and Employment Programs for veterans attending school during this break or interval between terms.¹⁰

The American Legion supports this draft legislation *as currently written*.

Conclusion

Chairman Van Orden, Ranking Member Levin, and distinguished members of the subcommittee; The American Legion thanks you for your leadership and for allowing us the opportunity to submit the positions of our more than 1.5 million members on the importance of these pieces of proposed legislation. Questions concerning this statement for the record can be directed to Katherine Ryan at 202-263-2986, or kryan@legion.org.

¹⁰ “Resolution No. 349: Support Legislation to Improve the Post-9/11 GI Bill | Digital Archive,” n.d. <https://archive.legion.org/node/497>.