



**TESTIMONY
OF
ANDREW T. PETRIE
SENIOR POLICY ASSOCIATE
VETERANS' EDUCATION AND EMPLOYMENT DIVISION
THE AMERICAN LEGION
BEFORE THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
ECONOMIC OPPORTUNITY SUBCOMMITTEE OVERSIGHT HEARING
ON
"MISSION INCOMPLETE: STRENGTHENING THE TAP PROGRAM TO
ENSURE A SMOOTHER TRANSITION TO CIVILIAN LIFE FOR
TOMORROW'S VETERANS"**

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Chairman Van Orden, Ranking Member Pappas, and distinguished members of this subcommittee, on behalf of National Commander Jim LaCoursiere Jr., and more than 1.6 million dues-paying members of The American Legion, we thank you for the opportunity to offer our statement for the record on the Transition Assistance Program (TAP). The American Legion is guided by active Legionnaires who dedicate their time and resources to serve veterans, service members, their families, and caregivers. As a resolutions-based organization, our positions are directed by more than 106 years of advocacy and resolutions that originate at the post level of our organization. Every time The American Legion testifies, we offer a direct voice from the veteran community to Congress.

Through its founding principles, The American Legion offers a unique perspective on this issue—especially as TAP straddles both the service member and veteran community. As Congress knows, the TAP is critical to ensuring that those leaving the military have the proper tools and resources to transition back into civilian life. Military Commanders are responsible for a full range of tasks that are paramount to the success of units across the globe. Unfortunately, operational requirements frequently overshadow a service members' transition needs as they enter their final phase of military service.

As our nation's technology capabilities and data collection improves, it is imperative that the TAP program is continuously modernized and streamlined. Transition is not a one-size-fits-all journey. Addressing the innumerable needs of transitioning service members requires the program to impart all available information to them ahead of their unique journey. Additionally, the experience and requirements for active-duty service members are vastly different than those in the National Guard or the Military Reserves. The American Legion believes that TAP must meet service members and their families where they are to provide the most effective information for their unique needs, which will require change.

To ensure the success of our service members transitioning back to civilian life, TAP must continue to improve to better serve those who are embarking on this major life shift. As The American

Legion is a resolution-based organization, the following resolutions support and inform the recommendations below: Resolution No. 100: Accountability of the Department of Defense's Transition Assistance Program (TAP),¹ Resolution No. 13: Transition Assistance Program App,² and Resolution No. 81: Transition Assistance Program Employment Workshops for National Guard and Reserve Members.³ The American Legion looks forward to continuing to work on improvements with both the veterans and armed services committees.

Background on TAP

According to the Congressional Research Service, the U.S. Department of Defense (DOD) estimates that more than 200,000 service members (both the active and reserve component) transition to civilian life each year—joining the more than 18 million veterans nationwide.⁴ This transition to civilian life is not the first major life transition that the service member has faced, but for many it can be the most difficult. Often, a service member's transition is filled with financial instability, lack or loss of purpose, food insecurity, familial and marital hardship, all while struggling to navigate the Veterans Health Administration (VHA) and the Veterans Benefits Administration (VBA).

TAP was established through the Fiscal Year (FY) 1991 National Defense Authorization Act (NDAA). At its inception, TAP was designed to be a cooperative federal interagency effort led by the DOD, the Department of Veterans Affairs (VA), the Department of Labor (DOL), The Department of Education, the Department of Homeland Security, and the Office of Personnel Management to provide assistance, resources, and training to retiring or separating active duty service members, National Guard and Reserve members, and their spouses.⁵ TAP is governed by both the Deputy Secretary of Veterans Affairs and the Under Secretary of Defense for Personnel and Readiness who co-chair the Department of Veterans Affairs-Department of Defense Joint Executive Committee (JEC). The JEC oversees the Transition Assistance Program Executive Council (TAP-EC), which is responsible for the oversight of the TAP course curriculum, performance management, communication, supportive services, and data sharing with input from various working groups.

¹ "Resolution No. 100: Accountability of the Department of Defense's Transition Assistance Program (TAP)." Resolution No. 100: Accountability of the Department of Defense's Transition Assistance Program (TAP) | Digital Archive, n.d. <https://archive.legion.org/node/586>.

² "Resolution No. 13: Transition Assistance Program App." Resolution No. 13: Transition Assistance Program App | Digital Archive, n.d. <https://archive.legion.org/node/15147>.

³ "Resolution No. 81: Transition Assistance Program Employment Workshops for National Guard and Reserve Members." Resolution No. 81: Transition Assistance Program Employment Workshops for National Guard and Reserve Members | Digital Archive, n.d. <https://archive.legion.org/node/328>.

⁴ Military transition assistance program (TAP): Background and issues for Congress | congress.gov | library of Congress, n.d. <https://www.congress.gov/crs-product/R48114>.

⁵ Text - H.R.4739 - 101st congress (1989-1990): National Defense Authorization Act for fiscal year 1991 | congress.gov | library of Congress, n.d. <https://www.congress.gov/bill/101st-congress/house-bill/4739/text>.

The most significant recent changes to the TAP took place in the FY 2019 NDAA with the requirement that service members need to begin the TAP curriculum no later than 365 days before their anticipated separation or release from active duty, or 24 months prior to their retirement date.⁶ The updated program was comprised of the following mandatory days of instruction: DOD Transition Day, VA Benefits and Services Day, and the DOL Employment Fundamentals Day. Once these three days are completed, service members are then required to complete the final two days known as career tracks, covering entrepreneurship, employment, educational, and vocational pathways. The FY 2019 NDAA also required inclusion of immigration status on pre-separation checklists, and authorized federal agency participation in Skillbridge, a program later codified in the FY 2023 NDAA. The TAP's most recent updates came from the FY 2024 NDAA in which the counseling pathways and requirements for the Skillbridge program were amended.⁷

Service members are assigned to one of three tiers based on their preparedness level for transition as identified in their pre-TAP counseling. Factors for the tiers include rank, time in service, disability, health, military occupational specialty, and previous employment history. Service members who are placed in tier one requires minimal support and only need to attend the first three days of TAP. Those placed in tier two are also only required to take the first three days of TAP but are encouraged to participate in the career track portion. However, service members assigned to tier three are required to complete the TAP curriculum in full. Following the completion of the required curriculum, all service members must complete the Capstone certification showing that they have a verified individual transition plan approved by the commander at least 90 days prior to separation.

Force Readiness and Accessibility Challenges

The American Legion holds a unique position and perspective, in that our advocacy is not simply rooted in veterans' issues. As an organization, we advocate for our veterans, service members, their families, America's youth, and on occasion, the general public. Because of our position and perspective, we understand that the highest priority for the DOD is to ensure our country's security needs are met, but without proper recruiting and retention within the department, security needs cannot be accomplished. Additionally, to ensure DOD can accomplish its mission, military leaders must ensure that service members return to society as successful citizens. To achieve this, service members must be permitted to complete the necessary TAP training activities to be best prepared for their transition back to the civilian world. Frequently, force readiness requirements create competing priorities for commanders, leading to service members being prevented from

⁶ Text - H.R.5515 - 115th congress (2017-2018): An Act to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes | congress.gov | library of Congress, n.d. <https://www.congress.gov/bill/115th-congress/house-bill/5515/text>.

⁷ Military transition assistance program (TAP): Background and issues for Congress | congress.gov | library of Congress, n.d. <https://www.congress.gov/crs-product/R48114>.

completing the entire TAP program. Lack of participation in TAP leads to an ill-prepared veteran and future challenges.

In December 2022, the U.S. Government Accountability Office (GAO) released a report on TAP that found 22% of service members in tier three did not attend or did not complete the required two-day career track portion of the curriculum. Further, GAO found that 70% of servicemembers failed to meet the statutory requirement to initiate TAP counseling at least one year in advance of separation. GAO brought forth recommendations for the DOD to remediate the identified deficiencies.⁸ However, GAO has not determined if DOD implemented said recommendations, nor have they been able to measure the recommendation's impact. By delaying TAP participation, the window in which service members have to participate in or learn about post-service programs, apply for earned benefits, or prepare for their transition properly is drastically reduced. Systemic delays must be remedied to ensure service members thrive rather than struggle in life post military service.

The American Legion believes that as long as a service member is operationally ready in their primary occupational specialty or who is deployed or on temporary duty during the transition phase, the challenges GAO noted will not be resolved. If service members are not in an operationally ready status during their transition phase, participation and compliance in the TAP as codified in law can be ensured. Similarly, participation in the Skillbridge program is less likely as service members must remain operationally ready and employed in their primary duties. Far too often, we have heard from veterans that they simply could not participate or plan for life after service because they were needed for training, field operations, exercises, or because they were deployed until weeks or months prior to the end of their service. With these factors in mind, military leaders must ensure that service members have all the training they need before deployments that are close to the end of a service member's career. Veterans who experience a turbulent transition will surely influence how friends, family, and siblings view service in the military. The American Legion supports legislation that would identify service members who express an intent to complete their current contract and separate from the military. Once said service member has been identified, they will only report to their respective command to ensure that military operations do not interfere with the transition process.

TAP Modernization Through Technology

Beyond the TAP curriculum, there are a wide array of resources available to separating service members and veterans, but the most common hurdle lies in finding resources that are reliable. The VA currently offers Military Life Cycle (MLC) modules that centralize reliable information for

⁸ Office, U.S. Government Accountability. "Servicemembers Transitioning to Civilian Life: DOD Could Enhance the Transition Assistance Program by Better Leveraging Performance Information." Servicemembers Transitioning to Civilian Life: DOD Could Enhance the Transition Assistance Program by Better Leveraging Performance Information | U.S. GAO, November 9, 2023. <https://www.gao.gov/products/gao-23-106793>.

separating service members and their families. The MLC's robust modules, which consist of 14 distinct sessions, address a wide range of topics in-depth, including VA Education Benefits, the VA Home Loan Guaranty Program, Community Integration Resources, and other critical areas that support service members' transition from military to civilian life.⁹ The modules are offered in-person or online—allowing users to access information at their own pace.

The MLC module's structure, while currently underutilized, appears to be the most promising approach in reaching a wider audience in a faster and more efficient manner. MLC modules offer a promising model for government agencies involved in military transition to promote easily accessible micro-learning opportunities and increase awareness of benefits long before military separation. Simply creating educational content is insufficient if the intended recipients are not fully aware of its availability or relevance to their needs.

With the ever-evolving landscape of media and artificial intelligence, Congress should take advantage of emerging technologies to make TAP more accessible. The American Legion believes that the creation of a mobile application would serve as a powerful alternative to existing virtual offerings—providing servicemembers with an extensive toolkit of on demand, easily accessible, transition-related content. By making TAP resources available on smartphones and tablets, the application would enable the military-connected community to access critical information any time and place, facilitating consistent engagement with the material. Moreover, the application would offer personalized features, allowing users to tailor their career and transition plans to their unique circumstances—ensuring the information they receive is relevant to their specific needs. Finally, the application would ideally incorporate offline capabilities so that personnel deployed in remote or low-connectivity areas could still access essential resources without interruption.

The American Legion cautions that the development of such an application must be done thoughtfully, ensuring it is user-friendly, effective, and accessible. The application should not be rushed into design but rather implemented with careful consideration of the diverse needs of servicemembers, veterans, and their families. Lastly, it is critical that interagency partners, community resource groups, and veterans service organizations, such as The American Legion, be actively involved in the design process to provide feedback and suggest potential improvements to ensure that the final product meets the needs of its users and maximizes its impact on transition readiness.

Establishing Separate Pathways for Active Duty, National Guard, and Reserve

Currently the benefits earned for military service to this country are varied based on the component in which an individual served. The requirements and ability to use the Post 9/11 GI Bill differ based on whether the service member was active duty, National Guard, or Reserve. Additionally,

⁹ "TAP ONLINE COURSES." Tapevents.mil, n.d. <https://tapevents.mil/courses>.

the transition process for active-duty service members is different than those in the Guard and Reserves.

In 2023, GAO identified that information disseminated through TAP was applicable for active duty members but not the National Guard and Reserves—leading to numerous TAP managers and counselors raising concerns regarding how the program meets their unique needs.¹⁰ Because of the identified gap, there is a need for an alternative pathway for National Guard and Reserve service members to complete TAP so that they have the best information possible when pursuing their transition back to civilian life.

Challenges faced by National Guard and Reserve component service members do not mirror those faced by active-duty service members. Members who serve in the National Guard or Reserves have a civilian profession and have utilized the *Uniformed Services Employment and Reemployment Rights Act* while activated, therefore not requiring as much in-depth training on seeking employment. Occasionally, some service members need additional services to enter a new occupation due to injuries sustained while activated. Within the National Guard and Reserve pathway, the objective is to clarify which VHA, VBA, and retirement benefits are available to the National Guard and Reserves in comparison to their active-duty counterparts.

The unique experience of being deployed one day and then returning to a civilian job the next is a transition that needs to be facilitated with resources and a potential warm handoff to one or multiple federal agencies, which will assist in the process of assimilating back into the general public. Recently, there has been a wave of confusion regarding the benefits available to service members who are activated under Title 32 versus Title 10 orders. The American Legion has previously supported legislation that would improve TAP by specifically tailoring the program for National Guard and Reserve members, such as *The Improving TAP for Guard and Reserve Servicemembers Act*.¹¹ The modification of the TAP program through this bill would ensure all service members, regardless of component, receive quality and informative transitional assistance.

Conclusion

Chairman Van Orden, Ranking Member Pappas, and distinguished members of the subcommittee, The American Legion thanks you for your leadership and for allowing us the opportunity to provide our insight on the Transition Assistance Program.

¹⁰ Office, U.S. Government Accountability. “Servicemembers Transitioning to Civilian Life: DOD Could Enhance the Transition Assistance Program by Better Leveraging Performance Information.” *Servicemembers Transitioning to Civilian Life: DOD Could Enhance the Transition Assistance Program by Better Leveraging Performance Information* | U.S. GAO, November 9, 2023. <https://www.gao.gov/products/gao-23-106793>.

¹¹ H.R.8336 - 118th Congress (2023-2024): To amend title 10, United States Code, to establish a counseling pathway in the Transition Assistance Program for members of the reserve components of the Armed Forces., n.d. <https://www.congress.gov/bill/118th-congress/house-bill/10545/text>.

The American Legion stands ready to work with the subcommittee on changes as they develop, and we look forward to sharing the feedback we receive from our membership. For 106 years, The American Legion has never shied away from the responsibility of being a voice for veterans, and we will not start now.

Questions concerning this testimony can be directed to Eric C. Johnson, Legislative Associate, at ejohnson@legion.org.