



# IRAQ *and* AFGHANISTAN VETERANS *of* AMERICA

**U.S. HOUSE COMMITTEE ON VETERANS' AFFAIRS,  
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY  
"LEGISLATIVE HEARING"**

**FEBRUARY 25, 2010**

**TESTIMONY OF TIM EMBREE  
IAVA LEGISLATIVE ASSOCIATE**

Madam Chairwoman, Ranking Member, and members of the subcommittee, on behalf of Iraq and Afghanistan Veterans of America (IAVA), thank you for allowing us to testify before your committee. Many of the ten pieces of legislation being considered today will profoundly affect veterans of Iraq and Afghanistan and their families. We appreciate this opportunity to offer our feedback.

**Executive Summary:**

Three of the bills being considered today touch on key priorities for IAVA: education, rights for female servicemembers and seamless transition. Two years ago, Congress passed the new GI Bill, helping to build the next greatest generation. We believe: H.R. 3813, the Veterans Training Act, will further this commitment by streamlining and simplifying the new Post 9/11 GI Bill to include vocational training; H.R. 4469 will better support the 30,000 single mothers who have deployed since 9/11 by granting them child custody protections; and H.R. 3976, the Helping Heroes Keep Their Homes Act, will ensure military families are able to stay in their homes during a deployment.

<b>Bill #</b>	<b>Bill Title</b>	<b>Author</b>	<b>IAVA Position</b>
H.R. 3257	Military Family Leave Act of 2009	Smith, Adam	Support
H.R. 3484	Reauthorizing VA work-study program	Herseth Sandlin	Support
H.R. 3579	Increasing the School Reporting Fee	Filner	Support
H.R. 3813	Veterans Training Act	Sestak	Support
H.R. 3948	Test Prep for Heroes Act	Putnam	Support
H.R. 3976	Helping Heroes Keep Their Homes Act	Perriello	Support
H.R. 4079	Temporarily remove the requirement to increase wages for OTJ vets.	Perriello	Oppose
H.R. 4203	Requiring GI bill payments to be offered through direct deposit.	Hall	No Position
H.R. 4359	WARMER Act Warriors Adapting Residences with Mortgages for Energy Renovations Act	Boozman	Support
H.R. 4469	Provide protection of child custody arrangements for deploying parents	Turner	Support

**Full Testimony:****H.R. 3257, Military Family Leave Act of 2009**

The Military Family Leave Act would grant a family member of a deployed servicemember at least two weeks of military family leave for every year that the servicemember is deployed. This family member would not be required to use accrued vacation time to utilize these two weeks of military family leave; however, the employer has the discretion to determine whether military family leave is considered paid or unpaid leave time. Failure to grant military family leave or penalizing a family member for taking this leave will result in the same punishment as a violation of USERRA protections.

IAVA fully supports this legislation. This bill will give family members of servicemembers on leave the opportunity to spend time with the servicemember instead of working during that limited time. It will also provide a cushion for family members to handle all of the unexpected tasks, errands and responsibilities that surface during a deployment.

Lastly, IAVA recommends that H.R. 3257 be amended to prohibit employers from requiring family to exhaust other forms of leave not explicitly outlined in the bill, such as sick leave and so-called "comp time."

H.R. 3257 is an expansion of the Family and Medical Leave Act that passed in the 2008 NDAA and was forcefully endorsed by IAVA.

**H.R. 3484, To amend title 38, United States Code, to extend the authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs.**

H.R. 3484 will reauthorize the VA work-study allowance program for another four years. This vital program helps campuses hire student veterans to assist processing GI Bill paperwork, work at a local VA facility, or perform veteran outreach in their community. Student veterans earn minimum wage and can work up to an average of 25 hours/week. Veterans can also receive up to 40% of their payment as an advance payment.

In 2009 the VA spent \$23 million on work-study programs and the VA's budget request for 2011 lowers that figure to \$18 million.<sup>1</sup> The program was created in 1972, paying veterans \$250 in advance pay in exchange for the student veteran agreeing to work 100 hours.

IAVA supports H.R. 3484 because it provides meaningful employment opportunities for student veterans while improving services for other veterans. We have met many student veterans who

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<sup>1</sup> VA Annual Budget Submission (FY 2011); Volume III: Benefits and Burial Programs and Department Administration; page 82; [http://www4.va.gov/budget/docs/summary/Fy2011\\_Volume\\_3-Benefits\\_and\\_Burial\\_and\\_Dept\\_Admin.pdf](http://www4.va.gov/budget/docs/summary/Fy2011_Volume_3-Benefits_and_Burial_and_Dept_Admin.pdf)

assist their school certifying official with processing GI Bill paperwork through this program and we believe that the mentoring they provide to other veterans is invaluable.

**H.R. 3579, To amend title 38, United States Code, to provide for an increase in the amount of the reporting fees payable to educational institutions that enroll veterans receiving educational assistance from the Department of Veterans Affairs, and for other purposes.**

H.R. 3579 would increase the payments made to colleges for processing a veteran's GI Bill paperwork, called reporting fees, to \$50/student veteran. This is a much needed increase from the current and embarrassingly low rate of \$7/veteran. School certifying officials are required to verify a student veteran's enrollment before that veteran can begin receiving their education benefits. This online certification form can take upwards of an hour to complete and must be updated if the student veteran changes their enrollment status.

Given their unique role as the gatekeeper for student veterans GI Bill benefits, school certifying officials are often mistaken for VA employees and are often a veteran's first and only contact with the VA. They answer questions about benefits, explain the application process and sometimes refer veterans to other VA services. Unfortunately, poor training and/or a lack of a full-time certifying official on a campus will lead to unnecessary friction between veterans and the school. For example, any mistakes in the certification process will mean the veteran will likely have to wait months for their education benefits or they may be billed for overpaid benefits. Because of the current extremely low reporting fees there is no financial incentive for schools to make veterans' certification a top priority for their best people. Many colleges delegate this responsibility to entry-level staff, where there is often high turnover. And often the university employees have too many other responsibilities to make certifying veterans' enrollment their top priority. Furthermore, schools are reluctant to send certifying officials to vital VA trainings held regionally each summer.

IAVA strongly supports H.R. 3579 because we believe that student veterans should receive first class service when they access their education benefits, from the VA and from their school. We also believe that the current policy of paying certifying officials less than the federal minimum wage to process student veterans' paperwork, worth tens of thousands of dollars to each veteran, is unfair and needs to be fixed immediately.

**H.R. 3813, Veterans Training Act**

The Veterans Training Act would expand the Post 9/11 GI Bill to cover vocational training at vocational schools. Currently, the Post 9/11 GI Bill will only cover vocational training at a degree granting college, but not at an exclusively vocational training program. IAVA believes it is unfair and confusing that a veteran can be reimbursed under the Post 9/11 GI Bill for studying to be an EMT at their local community college, but cannot take the same course at an EMT school.



Vocational training has always been an important part of the GI Bill, 70 percent of the 8 million veterans who used the WWII GI Bill did not seek college degrees but instead participated in vocational and apprenticeship training programs. While that number has decreased over the years, the fact remains that a traditional college education isn't for everyone. IAVA believes that veterans should have a choice on how to use their GI Bill benefits. The over 16,000 veterans enrolled in vocational programs<sup>2</sup> should not be excluded from the robust new Post 9/11 GI bill.

IAVA strongly endorses H.R. 3813, the Veterans Training Act. On a technical note, section 2(b)(1) of H.R. 3813 is unnecessarily duplicative because it includes programs that would already be covered under section 2(b)(2).

### **H.R. 3948, Test Prep for Heroes Act**

The Test Prep for Heroes Act would allow veterans taking a preparatory course for a licensing or certification test to be reimbursed under the new GI Bill helping veterans have higher success rates on their exams. Currently, veterans can use their Post 9/11 GI Bill benefits to cover the cost of a single licensing or certification test, up to \$2,000, but are forced to pay out of pocket for preparatory courses. For example, the GI Bill will cover a bar examination test but will not cover the bar prep course that nearly every law student takes to prepare for such a rigorous examination. H.R. 3948 will help veterans be more successful in their licensing and certification exams by making prep courses financially available.

IAVA believes this act should be expanded to allow veterans to be reimbursed for taking multiple licensing or certification tests up to the \$2,000 cap. Under the old GI Bill, veterans could use their education benefits to cover multiple licensing and certifications tests while the new GI Bill will only reimburse for a single test. We believe that veterans, whose career path requires multiple certification tests, should not be penalized. For example, the new GI Bill will reimburse a future mechanic for only one of the following certifications:

Automobile: Automatic Transmission/Transaxle	\$23.00
Automobile: Brakes	\$23.00
Automobile: Engine Repair	\$23.00

A mechanic would only receive \$23 for her or his certifications under the new GI Bill while an aspiring attorney in Nevada could receive \$1225 for their bar exam. Expanding H.R. 3948 to include multiple licensing and certification tests will level the playing field and provide a more equitable benefit for veterans.

### **H.R. 3976, Helping Heroes Keep Their Homes Act of 2009.**

The Helping Heroes Keep Their Homes Act of 2009 will extend vital foreclosure protections for deploying servicemembers that are set to sunset at the end of this year. Returning service members now receive nine months of protection from mortgage foreclosures after they

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<sup>2</sup> Based on VA GI Bill data for 2008.

separate from active-duty. Originally, servicemembers had only 90 days before they risked foreclosure on their homes. At the height of the housing crisis, foreclosure rates in military towns were increasing at four times the national average. IAVA was strongly supportive of these protections when they were passed back in August of 2008 as part of the Housing and Economic Recovery Act. We strongly support their extension as part of H.R. 3976. Technical note: the Thomas version of H.R. 3976 has a typo, it should be called the "Recovery Act" not the "Recover Act."

**H.R. 4079, To amend title 38, United States Code, to temporarily remove the requirement for employers to increase wages for veterans enrolled in on-the-job training programs.**

H.R. 4079 would temporarily lower the mandatory wages being paid by an employer to veterans enrolled in on-the-job training (OJT) programs. Veterans enrolled in OJT programs currently receive a monthly stipend under the GI Bill worth \$1026/month for the first six months, \$752 for the second six months and \$478 for the rest of their training. This stipend is meant to support a veteran while they are completing their vocational training. For example, many cadets attending police and fire academies utilize this benefit.

Since 1967, when this program began, employers wishing to participate in the GI Bill as an eligible OJT program were required to pay a participating veteran 50 percent of the wages they would receive if they were fully trained. That percentage would increase to 85 percent throughout the veteran's training period. The clear purpose of this requirement is to offset the diminishing GI Bill OJT stipend while gradually increasing the employer's obligation, meaning the veteran would receive a steady stream of income through their training. H.R. 4079 would temporarily remove the employer's obligation to increase wages above the 50 percent threshold for the next five years consequently, as the OJT stipend decreased the veterans wages would decrease.

As it is currently written, IAVA opposes H.R. 4079 because we cannot support lowering wages for our nation's veterans, especially in this time of fiscal crisis. By removing the requirement that employers increase wages during the veteran's training we would be incentivizing participating OJT programs to lower their wages to the 50 percent threshold. If wages remain stagnant throughout a veterans training program, they will receive progressively less money every six months due to the drop in GI Bill rates. This is unacceptable.

If the end purpose is to encourage more employers to offer OTJ programs and/or increase the number of veterans utilizing this program, we believe the H.R. 4079 could be modified to achieve those ends. By coupling the temporary removal of requirements for wage increase with the stipulation that OJT rates do not drop after six months, participating veterans will not experience lowered wages and more employers would participate. Without such a stipulation or a similar modification IAVA must oppose H.R. 4079.



**H.R. 4203, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide veterans certain educational assistance payments through direct deposit.**

H.R. 4203 would require the Department of Veterans Affairs to ensure that all veterans be eligible to receive Post 9/11 GI Bill payments via direct deposit. VA Education Services, which administers GI Bill benefits, has already implemented a direct deposit program for GI Bill beneficiaries. A student can sign up for direct deposit when they apply for their GI Bill benefits. This bill is basically redundant so IAVA takes no position on H.R. 4203. However, if this committee sees fit to consider this legislation IAVA recommends a technical correction by changing the word “veteran” to “student” because the Post 9/11 GI Bill pays education benefits to veterans, spouses and dependents.

**H.R. 4359, WARMER Act: Warriors Adapting Residences with Mortgages for Energy Renovations Act**

The WARMER Act would help veterans finance money-saving energy efficient improvements to their homes using VA home loans. A veteran wishing to install a solar heating system would be able to use a VA home loan to cover the installation costs up to 5 percent of the established property value of the home. The VA currently has a program that authorizes them to make similar loans. However the WARMER Act improves upon that pilot program by capping the loan based on the established value of the property. Currently they are capped at an arbitrary fixed rate that requires the VA Secretary to develop new standards for evaluating energy efficiency improvements.

IAVA supports the WARMER Act because it modernizes and expands a useful benefit for veterans seeking to reduce their carbon footprint and their monthly bills.

**H.R. 4469, To amend the Servicemembers Civil Relief Act to provide for protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.**

H.R. 4469 would provide critical protections for deploying parents. More than 30,000 single mothers have deployed to Iraq and Afghanistan as of March 2009,<sup>3</sup> H.R. 4469 would prohibit a permanent change of custody order while the servicemember is deployed as well as ensure that the servicemember’s deployment status is not counted against the servicemember in future custody hearings. This will grant deploying parents the peace of mind knowing that their military service will not come between them and their children.

IAVA wholeheartedly endorses H.R. 4469 because we believe forcing a deployed parent to worry about child custody hearings while they are deployed in a war zone is cruel and damaging to our fighting force. The whole purpose of the Servicemember’s Civil Relief Act (SCRA) is to

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<sup>3</sup> “Women Warriors: Supporting She ‘Who Has Borne the Battle’”; Erin Mulhall; page 4;  
[http://media.iava.org/IAVA\\_WomensReport\\_2009.pdf](http://media.iava.org/IAVA_WomensReport_2009.pdf)



ensure a deployed servicemember's attention is on the task at hand and not on their responsibilities back home. We believe that H.R. 4469 is a vital improvement to the SCRA.

IAVA has heard some concerns expressed about the unintended consequences of such a law and we are confident those concerns are unwarranted. H.R. 4469 adequately protects the best interest of the children in question by allowing temporary custody orders while the servicemember is deployed and an exemption from reinstating a custody order if it is not in the best interest of the child.