



**OFFICIAL STATEMENT OF
MATTHEW L. SCHWARTZMAN**

**FOR THE
U.S. SENATE AND HOUSE COMMITTEES ON
VETERANS' AFFAIRS**

**ON
119th CONGRESS
VETERANS' POLICY PRIORITIES**

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The Reserve Officers Association of the United States, now doing business as the Reserve Organization of America, is a military service organization incorporated under Internal Revenue Service Code section 501(c)(19), and comprising all ranks of servicemembers, veterans, and family members of our nation's eight uniformed services separated under honorable conditions. ROA is the only national military service organization that solely and exclusively supports the reserve components.

ROA was founded in 1922 by General of the Armies John "Black Jack" Pershing, during the drastic reductions of the Army after World War I. It was formed to support a strong national defense and focused on the establishment of a corps of reserve officers who would be the heart of a military expansion in the event of war. Under ROA's 1950 congressional charter, our purpose is unchanged: To promote the development and execution of policies that will provide adequate national defense. We do so by developing and offering expertise on the use and resourcing of America's reserve components.

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DISCLOSURE OF FEDERAL GRANTS OR CONTRACTS

The Reserve Officers Association of the United States, now doing business as the Reserve Organization of America, has not received any grants, contracts, or subcontracts from the federal government in the past three years.

CURRICULUM VITAE

Matthew Schwartzman serves as the Director, Legislation and Military Policy, for the Reserve Organization of America. Responsible for ROA's government relations program and public policy portfolio, Matthew has more than seven years of experience in government affairs, legislative analysis, customer relations, and communications.

In his more than five years working in the military and veterans' policy sector, Matthew has testified before Congress, analyzed more than 300 public policy proposals, cultivated relationships with more than 60 mission partners in a non-partisan manner, planned events with more than 100 attendees, and presented briefings before crowds exceeding 500 people.

Matthew is also the Secretary, Board of Directors, for The Military Coalition, representing, on select issues, a consortium of more than 30 military and veterans service organizations with approximately 5.5 million members collectively.

INTRODUCTION

Chairmen Bost and Moran, Ranking Members Takano and Blumenthal, and distinguished members of the Senate and House Committees on Veterans' Affairs, on behalf of the Reserve Organization of America, the only national military organization that solely and exclusively supports the Reserve and National Guard, *thank you* for the opportunity to testify on our veterans' policy priorities for the 119th Congress.

Before diving in, ROA thanks the members and staff of the Committees on Veterans' Affairs from the 118th Congress for addressing challenges unique to reserve component servicemembers, veterans, and families. Particularly, through Sections 221 and 222 of Public Law No: 118-120, the *Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act*.

For more than a century, ROA has fought for a strong and ready reserve force to ensure military readiness and national security. Although the Department of Veterans Affairs (VA) as we know it today was not formally established until the signing of Executive Order 5398 by President Herbert Hoover in 1930¹, eight years after ROA's founding, ROA recognizes the inextricable connection between the VA and Department of Defense (DoD).

This connection has been compelled by law and policy and should be strengthened through the common-sense reforms proposed by ROA in this statement.

As outlined in the VA-DoD Joint Executive Committee's *Joint Strategic Plan for Fiscal Years 2022-2027*, "Today, VA and DoD leadership. . . have moved past the historically bifurcated views that DoD's role ends and VA's role begins when the Service member separates, to embrace a new appreciation of overlapping interests and intertwined responsibilities across the Service member and Veteran life cycle."²

While this sentiment is commendable, significant discontinuities remain that hinder effective collaboration between DoD and VA in executing their individual and joint mission(s). Indeed, this has directly and uniquely impacted servicemembers, veterans, and families of the reserve components.

A retired Air Force Master Sergeant once shared with me that the military "likes to work in threes." Three notable discontinuities uniquely impacting those in the reserve components include:

- ❖ DoD not sharing sufficient data with VA, hindering claims processors' ability to accurately and timely process claims.
- ❖ Lack of DoD guidance on line of duty determinations limiting access to VA disability compensation.
- ❖ Inaccessibility of DD Form 214s preventing access to VA benefits and leaving no recourse to appeal or retroactively receive otherwise earned benefits.

With this in mind, ROA offers its veterans' priorities for the 119th Congress and urges the members and staff of the Committees on Veterans' Affairs, Armed Services, and Appropriations to achieve a degree of interoperability equal to, if not greater than what is expected and needed between DoD, VA, and other agencies, including the Department of Homeland Security (DHS), Department of Health and Human Services (HHS), and Department of Labor (DoL).

¹ <https://department.va.gov/history/featured-stories/va-created/>

² https://prhome.defense.gov/Portals/52/Documents/JEC%20Joint%20Strategic%20Plan%202022-2027_FINAL_Unsigned.pdf

EXECUTIVE SUMMARY

- ✦ ROA supports efforts to eliminate waste, fraud, and abuse (WFA) within government, and *constitutionally* promote efficiency.
- ✦ ROA opposes efforts to reduce VA's budgetary liability at the expense of DoD's value proposition, including the OMB's withholding of Duty Status Reform.
- ✦ ROA urges Congress to acquire more information about the recent dismissal of more than 1,000 VA employees and exercise oversight where appropriate.
- ✦ ROA urges Congress to confer veteran status (for federal veterans' hiring preference) on reserve component members after 180 "cumulative" days on active duty.
- ✦ ROA urges Congress to compel the VA to administer specialized training for its workforce on reviewing reserve component claims.
- ✦ ROA urges Congress to help the nation and VHA overcome the critical nurse workforce shortage by establishing a national strategy, funding academic nurse education, expanding student nursing programs, and authorizing a "Health Care Workforce Commission."
- ✦ ROA urges Congress to establish a presumption of service connection to those service members who were in the Pentagon on 9/11 and were forced to come back to work beginning 9/12.
- ✦ ROA urges Congress to amend TAP's eligibility requirements to allow reserve component servicemembers who accumulate 180 cumulative days of active service, which includes drill weekends and active duty for training, to participate.
- ✦ ROA urges Congress to provide reserve component servicemembers who take TAP multiple times with diminishing returns the opportunity to opt out of their TAP requirements, with certain restrictions.
- ✦ ROA urges Congress to add certain reserve component focused matters to the TAP preseparation checklist and process.
- ✦ ROA urges Congress to ensure military spouses are fully integrated in their service spouse's TAP process.
- ✦ ROA urges Congress to expand VA Home Loan program eligibility for Reserve and National Guard servicemembers who spend 30 or more consecutive days on Active Duty for Training (ADT).
- ✦ ROA urges Congress to ensure veterans prescribed black box warning drugs provide written informed consent and include caregivers in the process.
- ✦ ROA urges Congress to allow all members of the Reserve and National Guard to receive a VA furnished headstone or grave marker for their burial site.
- ✦ ROA urges Congress to create a reserve component committee within the VA-DoD Joint Executive Committee (JEC).
- ✦ ROA urges Congress to support the *Restore VA Accountability Act*.
- ✦ ROA urges Congress to require the VA to disapprove courses offered by a public institution of higher learning not priced at the in-state tuition rate to MGIBSR enrollees, regardless of their state of residence.
- ✦ ROA urges Congress to prohibit the use of forced arbitration disputes under USERRA and SCRA.
- ✦ ROA urges Congress to incorporate reserve component data in VA's *National Veteran Suicide Prevention Annual Report*.
- ✦ ROA urges Congress to allow all paid points days to count towards the Post 9-11 GI Bill.

SHORTENED STATEMENT

ROA THANKS THE COMMITTEES FOR THE USERRA REFORMS CODIFIED IN THE DOLE ACT

ROA is pleased that many of its recommendations related to modernizing USERRA were included in the *Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act*, signed into law on January 2, 2025. ROA appreciates the Committees' support and will monitor these reforms' implementation.

Read more on page 12.

VA'S BUDGET

VA's budget is the fifth largest in the federal government, with its spending increasing by almost 300% since 1980, even as the veteran population has declined. VA's budget has quadrupled since 1999 and is projected to reach \$500 billion in five FYs. ROA supports efforts to eliminate waste, fraud, and abuse within government while promoting efficiency through constitutional means. This includes funding the government on time with full-year appropriations.

ROA opposes reducing VA's budget at the expense of DoD's value proposition and believes funding for veterans' programs is an obligation, not a convenience. ROA further urges the Committees to consider the *Independent Budget Recommendations for FYs 2026 and 2027*.

Read more on pages 12 to 14.

VA'S WORKFORCE

VA needs sufficient, capable staff to fulfill its mission, and ROA supports efforts to hire the right people and ensure accountability. However, ROA is concerned about the dismissal of over 1,000 VA employees, which appears tied to the Administration's goal of reducing the federal workforce. This has impacted veterans, military spouses, and national security personnel, and ROA urges the Committees on Veterans' Affairs to stress the importance of ensuring job opportunities for veterans, who make up 23% of the federal workforce.

Additionally, ROA advocates for reforming federal veterans' hiring preference, specifically by conferring veteran status on reserve members after 180 cumulative days of active duty. Reserve members bring specialized skills, leadership, and valuable perspectives to the federal workforce.

ROA also monitors VA healthcare and benefits, particularly within the Veterans Benefits Administration (VBA) and Veterans Health Administration (VHA). VBA's claims processing workforce has grown by 50% since FY 2021, leading to faster claim processing, but ROA is concerned about the lack of specialized training for Reserve and National Guard claims.

ROA urges Congress to require VA to provide specific training on reserve component claims and offer extra credit for processing these claims. In VHA, severe staffing shortages persist, especially in clinical roles like Medical Officers and Nurses.

ROA proposes a national strategy to address the nursing shortage, including expanding Medicare funding for nurse education and establishing a Health Care Workforce Commission to help recruit and retain needed talent.

Read more on pages 15 to 18.

EXPAND PACT ACT PROTECTIONS TO CERTAIN ELIGIBLE 9/11 SURVIVORS

Since the codification of the *PACT Act*, over 1.9 million claims have been processed, with a 74.5% approval rate.

Despite its successes, veterans exposed to toxicants at the Pentagon on 9/11 and in the days and weeks following have been overlooked. Many, including those who returned to work the next day, were exposed to harmful substances such as asbestos, lead, and mold. Although programs like the World Trade Center Health Program support first responders, servicemembers who returned to the Pentagon after the attack remain excluded.

Retired Air Force Reserve Lt. Col. Susan Lukas shared her ongoing health struggles related to this exposure, including a tracheomalacia diagnosis, which she only connected to her time at the Pentagon after seeking outside medical help. ROA urges Congress to establish a presumption of service connection for these veterans to recognize their service and the toxic exposure they endured.

Read more on pages 18 to 20.

IMPROVE THE TRANSITION ASSISTANCE PROGRAM (TAP) FOR THE RESERVE COMPONENTS

TAP plays a crucial role in helping service members and their families navigate the transition to civilian life. However, it does not adequately meet the needs of reserve component members, who frequently move between military and civilian life.

A recent RAND report highlighted several shortcomings of TAP for these individuals, such as a lack of tailored support for their specific transition needs and limited understanding of VA benefits processes. The codification of a reserve component curriculum track within TAP is set to occur via Section 571 of the *Fiscal Year 2025 National Defense Authorization Act*.

ROA wrote to DoD, VA, and DoL urging inclusion in the implementation process and detailed its vision.

ROA urges Congress to amend TAP eligibility requirements to include reserve component members with 180 cumulative days of service, create a waiver system for members who have repeatedly taken TAP, and ensure that reserve component matters are included in the TAP pre-separation checklist.

Additionally, ROA supports fully integrating military spouses into the TAP process, as proposed in Chairman Van Orden's *Enhancing the Transition Servicemember's Experience (ETS) Act*, introduced in the 118th Congress.

Read more on pages 20 to 23.

EXPAND THE VA HOME LOAN PROGRAM TO THE RESERVE AND NATIONAL GUARD

Affordable housing is a growing national concern, with median home prices surpassing \$419,000 and reserve component servicemembers facing challenges similar to civilians.

The VA Home Loan program offers a valuable solution, with no down payments and lower interest rates, yet many reserve members struggle with eligibility. Unlike active duty servicemembers, reserve component members cannot count all their duty days, including training, toward home loan eligibility, restricting access.

The *Expanding Home Loans for Guard and Reservists Act*, introduced in the 118th Congress, seeks to address this gap by allowing training days to count toward VA loan eligibility.

This expansion would enhance financial stability, support homeownership, and strengthen national security by reducing debt burdens among reserve component members. ROA urges Congress to reintroduce and swiftly codify this legislation.

Read more on pages 23 to 25.

REQUIRE THE VA TO AUTHORIZE WRITTEN INFORMED CONSENT WHEN PRESCRIBING BLACK BOX WARNING LABEL DRUGS

ROA urges Congress to require the VA to obtain written informed consent before prescribing medications with black box warnings. These warnings, issued by the FDA, highlight serious, potentially life-threatening side effects and critical usage instructions.

While the VA's Informed Consent Handbook mandates consent for treatments, it does not require written consent for black box drugs.

Written informed consent would ensure both clarity for patients and healthcare providers and enable veterans to collaborate with their providers on treatments that will not negatively impact their wellbeing or military status. Additionally, caregivers should be included in this process.

Read more on page 25.

ALLOW ALL MEMBERS OF THE RESERVE AND NATIONAL GUARD TO RECEIVE A VA FURNISHED HEADSTONE OR GRAVE MARKER FOR THEIR BURIAL SITE

The tradition of military funeral honors recognizes those who have served the nation. However, current law restricts eligibility for a VA-furnished headstone or grave marker to certain members of the Reserve and National Guard, creating disparities.

Only reservists entitled to VA retirement pay, those called to active duty for purposes other than training, or those who die due to training are eligible for a headstone or marker.

H.R.5114, the *Giving Reservists a Valiant Eternity (GRAVE) Act*, introduced in the previous Congress by Rep. Mike Lawler, aims to amend this, and allow all Reserve and National Guard members to receive a VA-furnished headstone or marker.

ROA supports the reintroduction of this bill to ensure access to this significant benefit.

Read more on page 26.

ROA URGES SUPPORT FOR THE RESTORE VA ACCOUNTABILITY ACT

ROA strongly supports H.R.472/S.124, the *Restore VA Accountability Act of 2025*, which seeks to close the gaps in the *2017 VA Accountability and Whistleblower Protection Act*.

While that law granted the VA additional authority to hold employees accountable, its implementation has been hindered by court decisions, making it largely ineffective. H.R.472/S.124 will restore Congress's original intent by enabling the VA to swiftly remove, demote, or suspend employees who fail to serve veterans effectively, and strengthen disciplinary measures for middle managers.

ROA emphasizes that accountability is essential for improving VA care, as poor performance has cost veterans their health and lives. ROA has voiced concerns about the issuance of over \$10 million in bonuses to senior VA executives despite their failures and urges Congress to ensure rigorous oversight of the VA to ensure accountability measures are effectively used.

Read more on pages 26 to 27.

ESTABLISH A RESERVE COMPONENT EXECUTIVE COMMITTEE UNDER THE VA-DoD JOINT EXECUTIVE COMMITTEE

The VA-DoD Joint Executive Committee (JEC) aims to improve the overall well-being of service members, veterans, and their families by enhancing coordination, shared resources, and ensuring an efficient healthcare, transition, and benefits experience.

The JEC's goals focus on healthcare collaboration, benefits integration, transition support, business modernization, and strengthening interoperability. However, ROA highlights the lack of representation for reserve component servicemembers and veterans in the JEC's structure, despite their critical role in national defense.

The absence of a federal reserve representative in key military advisory bodies, such as the Joint Chiefs of Staff, further underscores this gap.

To address this, ROA proposes creating a dedicated Reserve Component Executive Committee within the JEC to ensure reserve component needs are considered in policymaking and program development. This would give reserve forces a consistent voice in joint VA-DoD matters and ensure their unique needs are addressed, especially as the JEC plans for its next strategic phase beyond 2027.

Read more on pages 27 to 28.

PROHIBIT FORCED ARBITRATION OF DISPUTES UNDER USERRA

Under USERRA, veterans and servicemembers are protected from discrimination due to their military service, including the right to return to their civilian jobs after active duty. However, mandatory arbitration agreements, increasingly required by employers, undermine these protections by preventing servicemembers from accessing the court system to seek justice.

Arbitration clauses have become common in workplaces, limiting servicemembers' ability to file USERRA claims, which have declined from 1,675 in 2011 to 862 in 2021.

DoL and DOJ have recommended amending USERRA to prohibit forced arbitration for servicemembers unless both parties' consent after a complaint is filed. This change would ensure servicemembers' rights are upheld.

ROA thanks Ranking Member Mark Takano for sponsoring H.R.5116, the *Justice for Servicemembers Act*, in the previous Congress, which would prohibit forced arbitration in USERRA and SCRA disputes and urges its reintroduction in the 119th Congress.

Read more on pages 28 to 30.

REQUIRE THE VA TO DISAPPROVE COURSES OFFERED BY A PUBLIC INSTITUTION OF HIGHER LEARNING NOT PRICED AT THE IN-STATE TUITION RATE TO MGIBSR ENROLLEES

ROA thanks Chairman Van Orden and Rep. McGarvey (KY-03) for introducing H.R.7323, the *MGIB-SR Tuition Fairness Act*, in the previous Congress. This bill seeks to extend protections to Montgomery GI Bill Selected Reserve (MGIB-SR) enrollees by requiring the VA to disapprove courses at public institutions not priced at in-state tuition rates, regardless of the student's state of residence.

While similar protections already apply to other GI Bill programs, including the Post-9/11 GI Bill and Survivors' and Dependents' Educational Assistance, they have yet to be extended to the MGIB-SR.

Given rising college tuition costs and the growing disparity between in state and out-of-state rates, this legislation is crucial for ensuring the financial stability of reserve component enrollees. It will help sustain the VA's educational benefits program and maintain the financial readiness of reserve component servicemembers. ROA urges Congress to support this bill and ensure its enactment in the 119th Congress.

Read more on pages 30 to 31.

ALLOW ALL PAID POINTS DAYS TO COUNT TOWARDS THE POST 9-11 GI BILL

Under current law, reserve component members *do not* earn Post-9/11 GI Bill benefits for their standard annual service requirement and certain orders on Titles 10 and 32, putting them at a disadvantage compared to active-duty counterparts who receive credit for the same training days and missions.

This discrepancy discourages reserve participation in critical missions and undermines recruitment, retention, and operational readiness.

Expanding Post-9/11 GI Bill eligibility would create parity, strengthen national security, and support the economic stability of reservists, who often rely on dual incomes and benefit from higher education for career advancement. Additionally, ensuring fair compensation aligns with the All-Volunteer Force's original intent of reducing turnover, lowering training costs, and enhancing force readiness.

The *Guard and Reserve GI Bill Parity Act of 2024* (H.R.7543/S.3873), introduced in the previous Congress, addresses this issue by allowing reserve service members to count all paid points days toward Post-9/11 GI Bill eligibility.

ROA thanks Reps. Mike Levin (CA-49), Juan Ciscomani (AZ-06), Trent Kelly (MS-01), Andy Kim (NJ-03), Mark Takano (CA-49), Frank Mrvan (IN-01), Mike Thompson (CA-04), Mike Lawler (NY-17), Derrick Van Orden (WI-03), and Chris Pappas (NH-01), and Sen. Jerry Moran (KS), for their leadership in sponsoring this legislation in the previous Congress.

We urge its reintroduction and swift passage into law.

Read more on pages 31 to 32.

Full Statement

ROA THANKS THE COMMITTEES FOR THE USERRA REFORMS CODIFIED IN THE DOLE ACT

ROA testified twice before the House Committee on Veterans Affairs Economic Opportunity Subcommittee in the previous Congress on ways to modernize Public Law No: 113-353, the *Uniformed Services Employment and Reemployment Rights Act* (USERRA).

We once again thank Subcommittee Chairman Derrick Van Orden (WI-03) for the opportunity to testify.

We also extend our gratitude to Rep. Scott Franklin (FL-18) for introducing H.R. 3943, the *Servicemember Employment Protection Act*, in the previous Congress, which incorporated many of ROA's recommendations.

ROA is very pleased to see most, if not all, of these provisions included in the *Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act*, signed into law January 2, 2025, by President Joe Biden.

Notably, Sections 221 and 222, which include:

- ❖ Elimination of the word “noncareer” from USERRA’s first statutory purpose, ensuring proper judicial interpretation regarding the duration of permissible absences from civilian work for uniformed service.
- ❖ Increase in liquidated damages to the greater of \$50,000 or the amount of actual damages if an employer is found to have willfully violated USERRA.
- ❖ Prohibition on courts denying motions for injunctive relief on the grounds that an employee may be awarded “wages unearned” after an unlawful termination of employment.
- ❖ Mandatory awarding of reasonable attorney fees, expert witness fees, and other litigation expenses to plaintiffs in cases before the Merit Systems Protection Board.
- ❖ Government Accountability Office (GAO) report requirement on how the Secretary of Labor processes actions for relief under USERRA, including details on erroneously dismissed actions, referrals to the Department of Justice, and trends in such actions.
- ❖ GAO report requirement to assess compliance with USERRA in certain federal intelligence agencies.
- ❖ Review by the secretary of labor of the *Veterans’ Employment and Training Service Investigations Manual*, with necessary changes and a subsequent report to the Committees on Veterans’ Affairs.³

ROA thanks the Committees for their support in advancing these important reforms and looks forward to closely monitoring their implementation, as well as the anticipated reports.

VA’S BUDGET

VA’s budget is currently the fifth largest in the federal government. Since Fiscal Year (FY) 1980, overall federal spending has risen by 193%, while VA’s spending has increased by almost 300%.⁴

³ https://www.dol.gov/sites/dolgov/files/VETS/files/USERRA-VEOA-VP-Investigations-Manual-v2024-1_Redacted.pdf

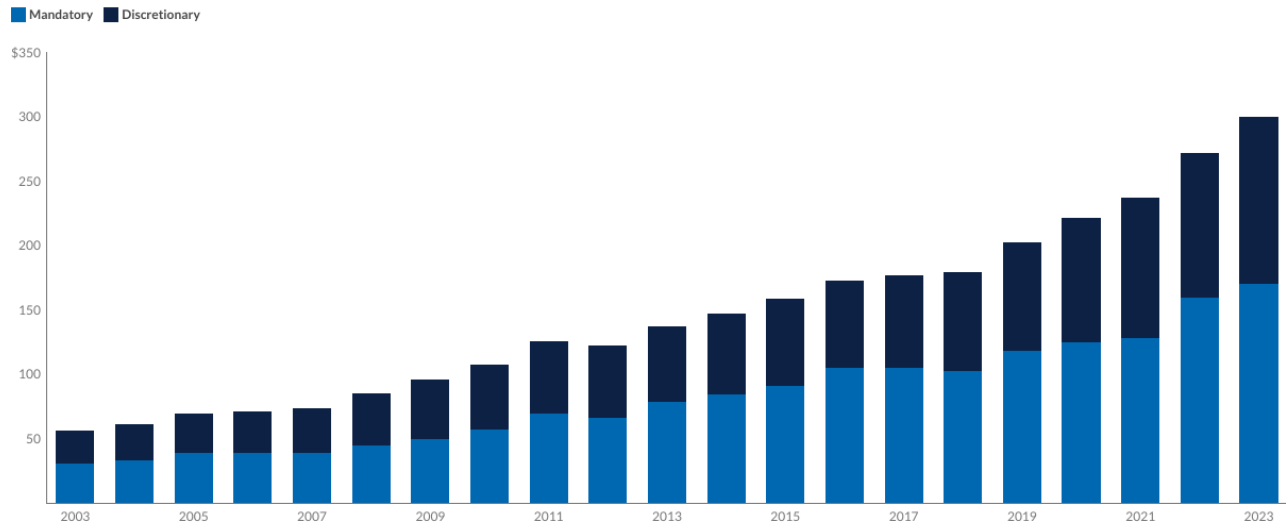
⁴ <https://usafacts.org/explainers/what-does-the-us-government-do/agency/us-department-of-veterans-affairs/>

According to the Congressional Budget Office (CBO), VA’s budget has quadrupled in real terms since 1999, though the number of veterans has declined.⁵ This includes an increase in VA’s compensation benefits liability from approximately two trillion dollars in 2014 to an estimated \$7.4 trillion currently.

Based on this rate of growth, total VA appropriations will rise to roughly \$500 billion in five FYs.

Veteran support includes mandatory and discretionary programs

Total Veteran Spending, by Budget Enforcement (Billions)



Source: Office of Management and Budget



ROA supports efforts to eliminate waste, fraud, and abuse (WFA) within government, and *constitutionally* promote efficiency.

Our founders, in their wisdom, embedded friction within government to prevent tyranny, encourage deliberation and compromise, and maintain federalism. As Alexander Hamilton and/or James Madison wrote in Federalist No. 51, “Ambition must be made to counteract ambition.”⁶

In accordance with Article I, Section 9, Clause 7, of the Constitution⁷, one action Congress can take to eliminate WFA is to fund the government on time with full-year appropriations, which *has not* happened in my lifetime. ROA has joined forces with other military and veterans’ organizations urging this in the past and will continue to do so.⁸

ROA opposes proposals or efforts aiming to reduce VA’s budgetary liability at the expense of DoD’s value proposition.

⁵ <https://www.cbo.gov/system/files/2023-12/59475-Military-Compensation-Infographic.pdf>

⁶ <https://guides.loc.gov/federalist-papers/text-51-60>

⁷ <https://constitutioncenter.org/the-constitution/articles/article-i/clauses/756>

⁸ <https://www.ausa.org/sites/default/files/Military-Assn-Letter-Urging-FY24-Appropriations-20240315.pdf>

One example is the Office of Management and Budget's (OMB's) insistence on withholding Duty Status Reform⁹, last reviewed in detail by the House Committee on Veterans' Affairs Subcommittee on Economic Opportunity in October 2019.¹⁰

The term "service-connection" is commonly viewed in the context of illnesses or injuries caused by "active military service."¹¹

However, ROA sees a deeper meaning.

Indeed, a servicemember's experience in uniform dictates their experience with the VA. Thus, DoD's resourcing inevitably dictates VA's.

One example is the impact DoD safety equipment (or lack thereof) has on VA's budget via the presumptive process.

Caring for veterans is one of the inherent responsibilities of having a military and waging war. In the 118th Congress, ROA urged Congress to see funding for effective veterans' programs as "an obligation, not an afterthought to be indulged in when budgetarily convenient."¹²

ROA maintains this position and urges the Committees on Veterans' Affairs to seriously consider the Independent Budget Recommendations for the Department of Veterans Affairs for Fiscal Years (FYs) 2026 and 2027.¹³

VA'S WORKFORCE

Like any organization, VA needs sufficient and capable staff to execute its mission, which requires competing successfully for talent and high-quality training. The difference? Veterans' lives and wellbeing are at stake.

ROA generally supports providing VA with the tools it needs to hire the right people and "fire" the wrong people.

However, ROA is concerned with VA's most recent "dismissal" of more than 1,000 employees¹⁴ and thanks Ranking Member Mark Takano (CA-39) and Reps. Julia Brownley (CA-26), Sheila Cherfilus-McCormick (FL-20), Morgan McGarvey (KY-03), Delia Ramirez (IL-03), Nikki Budzinski (IL-13), Timothy Kennedy (NY-26), Maxine Dexter (OR-03), Herbert Conway (NJ-03), and Kelly Morrison (MN-03) for seeking further information.

These dismissals seem to be related to the Administration's goal of "significantly" reducing the size of the federal government.¹⁵ It has not gone unnoticed that the actions of the president and his

⁹ <https://www.defense.gov/News/News-Stories/Article/Article/3761131/top-reserve-component-officials-express-support-for-pay-benefit-alignment/>

¹⁰ <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=110102>

¹¹ <https://www.va.gov/disability/eligibility/#:~:text=A%20service%2Dconnected%20condition%20means,of%E2%80%94your%20active%20military%20service.>

¹² https://cdn.ymaws.com/www.roa.org/resource/resmgr/legislation/roa_statement_for_hvac_svac_.pdf

¹³ https://www.dav.org/wp-content/uploads/IB_FY26_27.pdf

¹⁴ <https://news.va.gov/press-room/va-dismisses-more-than-1000-employees/>

¹⁵ <https://www.whitehouse.gov/fact-sheets/2025/02/fact-sheet-president-donald-j-trump-works-to-remake-americas-federal-workforce/#:~:text=The%20Executive%20Order%20will%20make,limit%20hiring%20to%20essential%20positions.>

Department of Government Efficiency (DOGE) Commission have directly impacted veterans, military spouses, and key national security personnel.¹⁶

ROA believes that for DOGE to avoid irreversible consequences, it must be more deliberate. VA's most recent financial report expressed concerns about the impact of staffing levels on delaying appointments within the direct care system and moving care into the community, where "VHA has struggled to oversee the performance of third party administrators."¹⁷

Further, ROA urges the Committees on Veterans' Affairs to communicate with DOGE and the president the need for and importance of ensuring ample employment opportunities for our nation's veterans, who constitute approximately 23 percent of the federal workforce.¹⁸

ROA also believes that reforming eligibility for federal veterans' hiring preference must be a part of the federal workforce reform conversation. Specifically, ROA urges Congress to confer veteran status on reserve component members after 180 "cumulative" days on active duty, as opposed to 180 "consecutive" days.

While the goals of veterans' hiring preference may appear to be at odds with efforts to reduce the federal workforce, including the president's hiring freeze¹⁹, ROA sees it as a tool to increase the pool of qualified candidates for roles in areas where the government may want to maintain or optimize personnel levels following enterprise-wide downsizing.

Specifically, reserve component members can help the federal workforce by offering specialized skills, leadership, adaptability, and cost-effective support, while bringing valuable perspectives from their military and civilian careers.

In addition, ROA also closely monitors how changes and nuances in VA healthcare and benefits eligibility impact its workforce, with an emphasis on the Veterans Benefits Administration (VBA) and Veterans Health Administration (VHA).

VBA

ROA is pleased that VBA's claims processing workforce has increased by more than 50 percent since FY 2021.

ROA believes this played a role in enabling VBA to process claims "faster than ever before."²⁰ In FY 2024, VA reduced over 112,000 claims in its inventory, decreased its backlog by nearly 60,000, and processed its one millionth benefits claim faster than the previous record (established the prior year).

ROA is displeased, however, that VA *does not* provide specialized education, training, or guidance on processing claims for Reserve and National Guard claimants.

¹⁶ The Trump Administration abruptly laid off an estimated 350 employees at the National Nuclear Security Administration (NNSA); 30 percent, of whom, were responsible for reassembling nuclear warheads (<https://fox4kc.com/politics/ap-politics/trump-administration-tries-to-bring-back-fired-nuclear-weapons-workers-reversing-doge-cuts/>).

¹⁷ <https://department.va.gov/wp-content/uploads/2024/11/2024-va-afr-full-report.pdf>

¹⁸ <https://www.opm.gov/fedshirevets/hiring-officials/ved-fy21.pdf>

¹⁹ <https://www.whitehouse.gov/presidential-actions/2025/01/hiring-freeze/>

²⁰ <https://department.va.gov/wp-content/uploads/2024/11/2024-va-afr-full-report.pdf>

In October 2023, the Government Accountability Office (GAO) released a report revealing that, from 2012 to 2021, the VA approved 11 to 20 percent fewer initial disability compensation claims for reserve component members compared to their active-duty counterparts. This trend was consistent across all branches of service, ranks, races, ethnicities, sexes, and during both wartime and peacetime, as well as within each wartime service period.²¹

There are many reasons for this problem, and many of ROA's solutions jointly involve DoD and VA.

Specific to VBA's workforce, ROA urges Congress to compel the VA to administer specialized training on reviewing reserve component claims for its claims workers, including Veterans Service Representatives (VSRs) and Ratings Service Veterans Representatives (RSVRs). Such training should include, for example, information on how to find and review a reserve component member's detailed retirement points statement.

ROA further urges Congress to compel the VA to provide VSRs and other applicable claims workers with extra "credit" as part of VBA's performance management system, acknowledging the additional time and effort to process reserve component claims due to insufficient paperwork and an outdated duty status system.

VHA

The VA Office of Inspector General (OIG) is required to report annually on a minimum of five clinical and nonclinical VHA shortages within each VHA medical facility.

According to the OIG's most recent report, VHA facilities reported a total of 2,959 severe occupational staffing shortages.²²

While this is a five percent decrease from FY 2023, there are recurring trends, and the top two reported shortages were both clinical occupations (Medical Officers and Nurses).

ROA has previously detailed its concerns about the national nursing workforce shortage, estimated to soon reach upwards of 300,000. The solution? ROA proposes²³:

- ❖ Establishing a national strategy to combat the shortage and prevent future shortages.
- ❖ Broadening Medicare's aperture beyond physician training to include funding for academic nurse education.
- ❖ Expanding programs administered by the Health Resources and Services Administration to increase the throughput of students and expand their programs.

²¹ <https://www.gao.gov/assets/gao-24-105400.pdf>

²² <https://www.vaogig.gov/sites/default/files/reports/2024-08/vaogig-24-00803-222.pdf>

²³ <https://thehill.com/opinion/healthcare/3856126-nurses-are-in-critically-short-supply-in-the-defense-department-will-congress-act/>

- ❖ Authorize a “Health Care Workforce Commission” dedicated to reducing the likelihood of future crises.

While these solutions would not solve VHA’s nursing shortage overnight, they would better position the VA and its community care partners to recruit and retain needed talent in the future.

EXPAND PACT ACT PROTECTIONS TO CERTAIN ELIGIBLE 9/11 SURVIVORS

As part of the 72-hour “fire watch vigil” that ensured the codification of the *PACT Act*, I slept alongside toxic-exposed veterans and patriotic Americans on the Capitol steps.

With ROA’s Minute Man Memorial Building located within walking distance, I ensured those present could access our building for use of our facilities, thus sustaining the vigil in its waning hours. That night, a veteran satirically called me “bathroom guy,” a nickname I wear as a badge of honor to this day.

Since then:

- 1,963,141 PACT Act claims have been completed.
- 1,461,759 PACT Act claims have been approved (74.5% approval rate).
- 6,023,932 toxic exposure screenings have been administered.²⁴

Indeed, the *PACT Act* has met expectations. That said, there are still veterans left behind, including those servicemembers who were in the Pentagon on 9/11 and were forced to return to work beginning as early as the next day.

At 9:37 a.m. on September 11, 2001, American Airlines Flight 77 crashed into the Pentagon, killing all 64 people on the plane and 125 people in the Pentagon. Flight 77 was the third plane to strike its target that day.²⁵

Shortly after the attack, Secretary of Defense Donald Rumsfeld held a news briefing at the Pentagon to tell the world what had happened. Secretary Rumsfeld spoke on the importance of ensuring the continuation of operations at the Pentagon, beginning as early as the very next day.

“It’s an indication that the United States government is functioning in the face of this terrible act against our country. I should add that the briefing here is taking place in the Pentagon,” said Rumsfeld. “The Pentagon’s functioning. It will be in business tomorrow.”²⁶

With that announcement, thousands of dedicated employees, including members of ROA, arrived for work at the Pentagon on Sept. 12, 2001.

Unfortunately, those who returned were exposed to these toxicants²⁷:

- Cement dust
- Glass fibers

²⁴ <https://department.va.gov/pactdata/interactive-dashboard/>

²⁵ <https://history.defense.gov/Portals/70/Documents/pentagon/Pentagon9-11.pdf>

²⁶ <https://www.americanrhetoric.com/speeches/donaldrumsfeld911pentagonpresser.htm>

²⁷ <https://history.defense.gov/Portals/70/Documents/pentagon/Pentagon9-11.pdf>

- Asbestos
- Crystalline Silica
- Metals
- Polycyclic aromatic hydrocarbon
- Polychlorinated biphenyls
- Pesticides
- Dixons
- Mold
- Lead

The initial concern following the impact was about the effects of the fire and associated toxic fumes. However, after the fire was controlled and extinguished, additional concerns became evident, including asbestos and lead contamination; surface contamination from residues resulting from the fire; lingering air contamination; and the potential compromise of the water system.²⁸

Programs established by Congress such as the World Trade Center Health Program (WTCHP) and September 11th Victim Compensation fund provide healthcare and other forms of support to 9/11 survivors and first responders.²⁹

In fact, Congress recently expanded access to WTCHP via Public Law No. 118-41, the *National Defense Authorization Act for Fiscal Year 2024*, for employees of DoD and other federal agencies who worked between September 11 and September 18, 2001, for a contractor of those agencies or were part of the uniformed services, and who were involved in rescue, recovery, debris cleanup, or related activities at the Pentagon site following the 9/11 terrorist attack, until the cleanup was finished as determined by the WTC Program Administrator.³⁰

This extension, and the WTCHP is narrowly tailored to support first responders.

Still left behind are those servicemembers who were in the Pentagon on 9/11 and were forced to return to work at the Pentagon.

Retired Air Force Lt. Col. Susan E. Lukas shared with ROA how her exposure to toxicants at the Pentagon continues to impact her mental and physical health:

“Feeling the impact of the plane and seeing the dark plumes of smoke and debris was an experience I will never forget. There were many people who had difficulties getting out of the building. Those who did get out saw horrific things. A woman who was picked up out of the rubble cried hysterically about seeing a ball of flame coming down the corridor in her direction. Everyone in her office died. At first, we weren’t thinking about our health. We were just happy to be alive. My supervisor required me to come back to the Pentagon for work beginning the very next day. For years, I did not realize my health issues were related to the 9/11 Pentagon attack. I actually discovered how that impacted my health by accident. In part, this was because I was relying on military doctors who were not trained in how to treat and identify toxic exposure. However, it’s also the case that I was relying on military doctors who served in a military that did not identify us as a cohort for toxic exposure. After experiencing persistent and significant

²⁸ <https://pubmed.ncbi.nlm.nih.gov/12363145/>

²⁹ <https://www.cdc.gov/wtc/vcf.html>

³⁰ <https://www.congress.gov/118/plaws/publ31/PLAW-118publ31.pdf>

difficulties with swallowing and breathing, I went to a doctor and was diagnosed with tracheomalacia. My doctor said off handedly that I was ‘very young to have this condition’ and that I was the ‘fourth patient in recent time’ suffering from this condition. I asked my doctor if those individuals had been at the Pentagon on 9/11. It was almost as if my doctor had an epiphany when he answered ‘yes.’ One of the reasons I had to quit my job was because of the impact that my diagnosis had on my breathing. But the truth is, that was just the tip of the iceberg. Aside from strong flashes of PTSD, my toxic exposures, in the absence of any protection from the VA, have impacted my day to day life. I even had to purchase a special iodizing system to purify the air in my house, which cost me thousands of dollars. It’s no exaggeration to suggest that every action I take is designed to overcome the health challenges posed by my time in the Pentagon on and after 9/11.”

Lt. Col. Lukas’ story is unfortunately one of many, as evident by the exchange she had with her doctor.

To recognize the patriotic service of those bravest among us during the 9/11 terrorist attacks, ROA urges Congress to establish a presumption of service connection to those service members who were in the Pentagon on 9/11 and were forced to come back to work beginning as early as 9/12.

IMPROVE THE TRANSITION ASSISTANCE PROGRAM (TAP) FOR THE RESERVE COMPONENTS

TAP has a significant role in ensuring service members and their families are equipped to manage transition(s) between military and civilian life.

Unlike their active-duty counterparts, reserve component members and their families must frequently transition between their military and civilian lives prior to separating from service.

Also, some reserve component retirees, referred to as “gray area” retirees, are required to wait many years before receiving their retirement benefits, including retirement pay and healthcare under TRICARE Prime, TRICARE Standard, TRICARE for Life, and the U.S. Family Health Plan.³¹

Despite this, TAP *is not* uniquely structured to meet the transition needs of citizen-warriors and their families.

This fact was recently validated by a RAND report³² assessing the transition experiences of Reserve and National Guard servicemembers and making recommendations on how to better meet their transition needs.

ROA provides the following excerpts from the report, which capture numerous challenges reserve component members and their families face throughout their many transitions between military and civilian life:

- ❖ “Many reserve component members feel that, in its current form, TAP does not adequately address reserve component needs.” (page vii)
- ❖ “. . . research has demonstrated that some reserve component members experience difficult transitions back to civilian life after prolonged active military service of 180 consecutive days or more.” (page 1)

³¹ <https://www.dfas.mil/RetiredMilitary/plan/Gray-Area-Retirees/>

³² https://www.rand.org/pubs/research_reports/RRA2071-1.html

- ❖ “Unfortunately, for many reserve component members heading back to college, their schools do not provide specific guidance or programming to address their particular needs.” (page 14)
- ❖ “Research shows that reserve component members desire more time than they received to readjust to their civilian lives.” (page 15)
- ❖ “. . . service providers noted that reserve component members need assistance in better understanding the details of the GI Bill.” (page 17)
- ❖ “Service providers noted that TAP course content could be better suited to address reserve component members’ needs.” (page 19)
- ❖ “. . . the needs of reserve component do not end once they have fully transitioned from the military to civilian world.” (page 21)
- ❖ “The retiring reserve component subpopulation is more dispersed and less connected to their represented services, especially for those members for whom there is a gap in active service between meeting their 20-year service requirement and reaching retirement age.” (page 23)

Also validated by the report was TAP’s “one-size two-components” construct, which places reserve component members in a position where:

- ❖ They may not qualify for TAP and must partake in an unorganized, non-standardized out-processing.
- ❖ They are required to participate in TAP many times with diminishing returns.
- ❖ Commanders question their readiness.
- ❖ The information received through TAP is not tailored to their needs.
- ❖ The location and timing of TAP is inconvenient at best and obstructive at worst.

ROA was pleased to see TAP become a major focus for the Committees during the 118th Congress, including the Senate Committee on Armed Services. Hearings on TAP were held in both chambers.³³

At the kind invitation of Chairman Derrick Van Orden of the House Committee on Veterans' Affairs Subcommittee on Economic Opportunity, ROA had the opportunity to testify on its five-step plan to improve TAP for reserve component members and their families, referred to as the *Delivering Reservist Integration and Veterans Education (DRIVE) Plan*.

One of the steps outlined was the creation of a reserve component curriculum track within TAP.

Section 571 of the *Servicemember Quality of Life Improvement Act and National Defense Authorization for Fiscal Year 2025*, based on legislation introduced by Rep. Jennifer McClellan (VA-04) and Rep. Trent Kelly (MS-01) and supported by ROA,³⁴ established this track.

In a letter to the secretaries of the various agencies responsible for TAP, ROA detailed its vision for this track and urged cooperation during implementation. ROA further urges the Committees to closely monitor the implementation of Sec. 571 and work with ROA to ensure appropriate partners participate in the process.

³³ <https://www.veterans.senate.gov/2023/10/military-to-civilian-transition-ensuring-success-after-service>

³⁴ <https://mcclellan.house.gov/media/press-releases/mcclellan-kelly-introduce-bipartisan-legislation-ease-servicemembers#:~:text=Washington%2C%20D.C.%20%E2%80%93%20Today%2C%20Congresswoman,transition%20back%20to%20civilian%20life.>

Beyond Sec. 571, there is more Congress can do to improve TAP for reserve component members and their families. This includes:

1. Amending TAP's eligibility requirements to allow servicemembers who accumulate 180 cumulative days of active service, which includes drill weekends and active duty for training, to participate.

Current TAP eligibility requires servicemembers to spend "180 continuous days" on active-duty, severely limiting access.

Additionally, time on inactive duty for training (IDT) and active duty for training (ADT) does not count toward eligibility, further restricting access.

ROA spoke with a retired Air Force Master Sergeant who shared their experience of separation and retirement without TAP:

"At the beginning of my out processing, I was given a bunch of literature and told to ask questions if confused. If done right, retirement is something you do only once. So, going in, I didn't know exactly what questions to ask. Frankly, I only really learned those questions when going through the motions. I've been out for a little over a year now and I'm still learning. It would have been nice to sit down in an auditorium or seminar just to make sure I was doing everything I had to do and to learn more about my benefits."

To ensure better access to TAP, ROA urges Congress to amend existing law so reserve component members who serve a cumulative total of 180 days of active service (including IDT and ADT) can participate.

2. Provide reserve component members that take TAP multiple times with diminishing returns the opportunity to opt out, with certain restrictions.

In the 118th Congress, Chairman Van Orden introduced H.R.7732, the *Enhancing the Transition Servicemember's Experience (ETS) Act*³⁵, which aims to improve TAP. ROA sees great promise in this bill and would like to work with the Chairman and Committee staff on further refining it in the 119th Congress.

Sec. 2(c) grants reserve component members the ability to waive their TAP requirement(s) if they have already participated within the past three years.

Many reserve component members report diminishing returns with TAP, mainly because its curriculum has not been tailored to their needs. Allowing these members to waive their TAP requirement(s) if they recently attended could help address this issue.

However, ROA recommends that reserve component members seeking a waiver be properly informed about any changes to TAP's content since last receiving counseling. Additionally, waivers should not be granted in cases of anticipated or unanticipated retirement or separation, or a retirement or separation due to disability.

³⁵ <https://www.congress.gov/bill/118th-congress/house-bill/7732/text?s=1&r=4>

3. Add reserve component focused matters to the TAP preseparation checklist and process.

Currently, TAP requirements are heavily based on the active-duty servicemember's battle rhythm, which is reflected in the preseparation process. To address this, ROA urges that the checklist be amended to include the following:

- ❖ An explanation of the circumstances under which the member may be subject to a retried recall to active duty.
- ❖ Information, discussion, and counsel on pathways to obtain and properly use military service records for the purpose of accessing benefits available to the member under the laws administered by the Secretary of Defense and Secretary of Veterans Affairs.
- ❖ Information, discussion, and counsel on pathways to report and document health conditions and duty status, during time in service and following separation from service, for the purpose of accessing benefits available to the member under the laws administered by the Secretary of Defense and Secretary of Veterans Affairs.
- ❖ Information and discussion on the Retirement Points Accounting System, verifying retirement point calculations, and retirement benefits to which the member may be eligible for, including retirement pay.

4. Ensure military spouses are fully integrated in their service spouse's TAP process.

Allowing military spouses to participate in their servicemember spouse's TAP experience has the upside of improving decision making and providing better support throughout the transition process.

Sec.2(e) of Chairman Van Orden's *ETS Act* offers this, and ROA fully supports it.

EXPAND THE VA HOME LOAN PROGRAM TO THE RESERVE AND NATIONAL GUARD

Affordable housing is a pressing national issue. With median home prices currently exceeding \$419,000³⁶, many Americans, including Reserve and National Guard servicemembers, are facing adverse housing conditions that could get worse before they get better.

Current housing challenges:

- ❖ Home prices are 66.7 percent higher than in the first quarter of 2008.³⁷
- ❖ Homeowner vacancy stands at just one percent³⁸, well below the ideal range of five to seven percent.³⁹
- ❖ The number of mortgages originated is at its lowest level in 20 years.⁴⁰

The VA Home Loan program can significantly improve access to homeownership by offering no-down-payment loans and lower interest rates compared to conventional home loans.

³⁶ <https://fred.stlouisfed.org/series/MSPUS>

³⁷ https://www.bls.gov/data/inflation_calculator.htm

³⁸ <https://www.census.gov/housing/hvs/current/index.html>

³⁹ <https://www.uslendingcompany.com/blog/what-is-a-vacancy-rate-how-does-this-help-predict-housing-markets/>

⁴⁰ <https://nationalmortgageprofessional.com/news/origination-volume-plummets-lowest-level-millennium-began>

In fact, 85% of first-time VA home loan buyers are unable to qualify for conventional loans due to debt-to-income ratios or down payment requirements.⁴¹

Expanding access to the VA Home Loan program will provide reserve component members and their families with a more reliable path to homeownership, which ROA supports for reasons of national security and parity.

National Security

Excessive debt is the leading reason for security clearance denials or revocations, leaving service members vulnerable to foreign adversaries who may try to exploit personal vulnerabilities for intelligence purposes.⁴²

By expanding VA Home Loan eligibility to more Reserve and National Guard members, Congress can offer a key tool for financial stability, reduce debt burdens, and protect servicemembers against predatory practices from adversaries.

Parity

While active-duty servicemembers can count all their duty days, including training and deployments, toward VA Home Loan eligibility, reserve component members currently cannot. Congress can fix this.

The last expansion to the VA Home Loan program, under Public Law No. 116-135, the *Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020*, was limited to National Guard servicemembers who perform “full-time” state active-duty for at least 90 days, of which 30 are consecutive.⁴³

Current VA Home Loan program eligibility for Reserve and National Guard members:

- ❖ Completed a minimum of 90 days of active duty service.
- ❖ Served at least 6 years in the Reserves or National Guard.
- ❖ Completed at least 181 days of active service during peacetime.
- ❖ Accrued a total of 90 cumulative days of active service under Title 10 or Title 32, with at least 30 consecutive days of Title 32 service.
- ❖ Be the spouse of a military service member who died in the line of duty or because of a service-related disability.

While these changes made some progress, eligibility remains a barrier for many reserve component members. In the 118th Congress, Reps. Jen Kiggans (VA-02) and Pat Ryan (NY-19) sponsored ROA H.R.6225, the *Expanding Home Loans for Guard and Reservists Act*, which ROA supports.⁴⁴

This bill would expand eligibility to Reserve and National Guard servicemembers who spend 30 or more consecutive days on ADT, helping close the gap in eligibility between reserve component members and their active-duty counterparts.

⁴¹ https://www.benefits.va.gov/homeloans/documents/docs/final_report.pdf

⁴² <https://news.clearancejobs.com/2024/01/08/top-causes-of-clearance-denial-and-revocation-in-2023/>

⁴³ <https://www.congress.gov/116/plaws/publ315/PLAW-116publ315.pdf>

⁴⁴ <https://www.congress.gov/bill/118th-congress/house-bill/6225/all-info>

Like drill weekends, time spent on ADT is service to the nation. Its primary purpose is to instill and ensure that members of the reserve component have the skills required to support military operations or future mobilizations within the first 30 days of deployment.⁴⁵

As former Chairman of the Joint Chiefs of Staff Gen. Mark Milley has said, America's military cannot go to war without the reserves.⁴⁶ The U.S. Army Reserve, for example, plays a crucial role in theater-opening operations, including logistics, infrastructure, and medical support, enabling rapid deployment of combat units.

ROA has long advocated for reservists to receive benefits for every day in uniform, including Inactive Duty for Training (IDT) and ADT. Expanding VA Home Loan eligibility to include these training days would help reserve component members achieve homeownership and contribute to national security by promoting financial stability.

ROA respectfully calls for the reintroduction of the *Expanding Home Loans for Guard and Reservists Act* and urges Congress to codify it swiftly in public law.

REQUIRE THE VA TO AUTHORIZE WRITTEN INFORMED CONSENT WHEN PRESCRIBING BLACK BOX WARNING LABEL DRUGS

A black box warning is the most serious warning the Food and Drug Administration (FDA) can issue for a medication. These warnings typically highlight rare but dangerous side effects and provide important instructions for safe use.

According to FDA Industry Guidance, black box medications may cause "persistent or significant incapacity" or "substantial disruption of the ability to conduct normal life functions," as well as "life-threatening adverse events."

The *Veterans Health Administration Handbook 1004.01(5)*, which covers informed consent for clinical treatments and procedures, requires informed consent but does not mandate that healthcare providers obtain written consent.

Requiring written informed consent would improve clarity in the prescription process for both healthcare providers and patients. It would also help patients work with their providers to select treatments that do not negatively affect their military status, overall wellbeing, or ability to function.

ROA urges Congress to direct the Secretary of Veterans Affairs to ensure that patients prescribed black box warning drugs provide written informed consent before any authorization or agreement to undergo such treatments.

Additionally, caregivers should be included in the written consent process.

⁴⁵ <https://www.mynavyhr.navy.mil/Career-Management/Reserve-Personnel-Mgmt/IRR/ADT/#:~:text=The%20primary%20purpose%20of%20ADT,be%20contacted%20with%20recall%20opportunities.>

⁴⁶ https://www.army.mil/article/155850/general_milley_there_is_only_one_army

ALLOW ALL MEMBERS OF THE RESERVE AND NATIONAL GUARD TO RECEIVE A VA FURNISHED HEADSTONE OR GRAVE MARKER FOR THEIR BURIAL SITE

The tradition of military funeral honors renders the highest commemoration to those who have served the nation honorably. As former President George W. Bush said, “Their sacrifice was great, but not in vain. All Americans and every nation on earth can trace their liberty to the white markers of places like Arlington National Cemetery.”

Currently, certain members of the Armed Forces can receive a headstone or grave marker from the VA at no cost. However, the existing eligibility requirements disadvantage members of the Reserve and the National Guard.

Under current law, only reservists who were entitled to VA retirement pay, who were called to active duty for purposes other than training, or who died because of training are eligible to receive headstones or grave markers.⁴⁷

The *Giving Reservists a Valiant Eternity (GRAVE) Act*, introduced by Rep. Mike Lawler (NY-17) in the previous Congress, seeks to amend this law to allow all members of the Reserve and National Guard to receive a VA-furnished headstone or grave marker for their burial site at no cost.

As mentioned throughout this statement, law and policy ration the delivery of service-earned benefits for reserve component members and their families based on the amount of time they spend continuously on active duty. These disparities must be addressed.

As President Bush highlighted, the markers at cemeteries like ANC are more than just a mold of granite, marble, or bronze. They are symbols of the courage and commitment shown by service members in defending our nation and the cause of freedom worldwide.

Without equitable access to these markers, surviving reserve component family members may be denied the opportunity to honor their loved ones with the customary military funeral honors. This would also deny the American public, and every nation on earth, the chance to “*trace their liberty.*”

ROA thanks⁴⁸ Rep. Lawler for introducing the *GRAVE Act*⁴⁹ in the previous Congress and urges its reintroduction and codification in the 119th.

ROA URGES SUPPORT FOR THE RESTORE VA ACCOUNTABILITY ACT

In 2017, ROA supported Public Law No: 115-41, the *Department of Veterans Affairs Accountability and Whistleblower Protection Act*, which granted the Secretary of Veterans Affairs additional authorities to hold employees accountable while protecting whistleblowers.⁵⁰

⁴⁷ <https://www.va.gov/vaforms/va/pdf/VA40-1330.pdf>

⁴⁸ <https://lawler.house.gov/news/documentsingle.aspx?DocumentID=617>

⁴⁹ <https://www.congress.gov/bill/118th-congress/house-bill/5114?q=%7B%22search%22%3A%22Giving+Reservists+a+Valiant+Eternity+%28GRAVE%29+Act%22%7D&s=3&r=1>

⁵⁰ <https://www.govinfo.gov/content/pkg/PLAW-115publ41/pdf/PLAW-115publ41.pdf>

Unfortunately, the legislation has not been implemented as intended. Instead, decisions from the Federal Circuit, the Federal Labor Relations Authority, and the Merit Systems Protection Board (MSPB) have rendered these authorities ineffective.

H.R.472/S.124, the *Restore VA Accountability Act of 2025*,⁵¹ introduced by House Committee on Veterans Affairs Chairman Mike Bost (IL-12) and Senate Committee on Veterans Affairs Chairman Jerry Moran (KS), aims to give the VA the authority it needs to hold employees accountable. It does so by:

- ❖ Closing gaps created by court decisions, ensuring the VA can swiftly remove, demote, or suspend employees who do not serve the interests of veterans.
- ❖ Strengthening VA's authority to discipline unsatisfactory middle managers, aligning the process with that used for Senior Executive Service members.⁵²

Veterans, and the American people, must trust the VA's ability to provide veterans, survivors, and caregivers the support they deserve with dignity and respect.

As mentioned earlier, the stakes are high. Veterans' lives are on the line. Poor VA care has already cost countless veterans their health and even their lives. In 2024, for example, five veteran suicides were attributed to VA failures.⁵³

Civil servants must be held accountable. Poor performance should not be tolerated, and mediocre work should not be rewarded with promotions and bonuses.

This is why ROA expressed serious concerns about the wrongful issuance⁵⁴ of more than \$10 million in bonuses to VA senior executives in June, and why ROA supports this critical legislation.

That said, the "buck does not stop" with this bill.

Congress must continue to exercise rigorous oversight over the VA and federal government, as evidence shows that merely giving a federal agency the tools to make internal corrections *does not* necessarily lead to their use.

ESTABLISH A RESERVE COMPONENT EXECUTIVE COMMITTEE UNDER THE VA-DOD JOINT EXECUTIVE COMMITTEE

The mission of the VA-DoD Joint Executive Committee (JEC) is to "enhance the overall social, physical, emotional, mental health and well-being of Service members, Veterans, and their eligible beneficiaries throughout the duration of their life cycle journey." Its vision is to "Provide an efficient, effective, and quality health care, transition, and benefits experience through enhanced coordination and shared resources, with a commitment to interoperability, accountability, collaborative growth, and long-term stewardship."⁵⁵

⁵¹ <https://www.congress.gov/bill/119th-congress/senate-bill/124?q=%7B%22search%22%3A%22Moran%22%7D&s=4&r=36>

⁵² https://veterans.house.gov/uploadedfiles/restore_accountability_act_of_2025_one_pager_final.pdf

⁵³ <https://www.propublica.org/article/how-veterans-affairs-fails-mental-health-patients>

⁵⁴ [https://www.vaogig.gov/reports/administrative-investigation/va-improperly-awarded-108-million-incentives-central-office#:~:text=In%20total%2C%20VA%20awarded%20%2410.8,VBA\)%20at%20VA's%20central%20office.](https://www.vaogig.gov/reports/administrative-investigation/va-improperly-awarded-108-million-incentives-central-office#:~:text=In%20total%2C%20VA%20awarded%20%2410.8,VBA)%20at%20VA's%20central%20office.)

⁵⁵ https://www.va.gov/opa/docs/remediation-required/oei/JEC_Joint_Strategic_Plan_2022_2027_FINAL.pdf

The JEC has five shared goals, according to its current strategic plan:

1. Health care collaboration.
2. Integration of benefits and services delivery.
3. Enhancement of the transition and post-separation experience.
4. Modernization of shared business operations.
5. Strengthening interoperability.

Codified under Title 38, U.S.C., Sec. 320, the JEC is required to have various subordinate Executive Committees, along with “such other committees or working groups as considered necessary” by the Deputy Secretary of Veterans Affairs and the Under Secretary of Defense for Personnel and Readiness.⁵⁶

ROA believes that the voices and experiences of reserve component servicemembers and veterans must be integrated into the JEC’s structure. Despite the critical role that federal reserve forces have in national defense, their representation at the highest levels of government is still lacking.

For example, the Joint Chiefs of Staff, the primary body advising the president and secretary of defense on military matters, does not have a representative from the federal reserve.⁵⁷

This absence highlights the gap in direct representation for this essential component of our Armed Forces.

Given the nature of reserve service, which often involves serving in non-continuous periods, it is essential that reserve members and representatives have access to and the ability to inform and influence different entities within the federal government, including the JCE.

To address this, ROA proposes the creation of a dedicated reserve component Executive Committee within the JCE.

This would provide the reserve components with a consistent, authoritative voice in joint VA-DoD matters, ensuring that the component’s unique needs are fully considered in the formulation of policy, procedures, and programs.

Given that the JCE’s current strategic plan extends only until 2027, ROA believes swift action is crucial and advocates for the establishment of the Reserve Component Executive Committee in time to inform the development of the JCE’s next strategic plan.

PROHIBIT FORCED ARBITRATION OF DISPUTES UNDER USERRA

Under USERRA, veterans and servicemembers are entitled to protections against discrimination due to their military service, including the right to return to their civilian jobs after active service.

⁵⁶ <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38-section320&num=0&edition=prelim>

⁵⁷ <https://uscode.house.gov/view.xhtml?path=/prelim@title10/subtitleA/part1/chapter5&edition=prelim>

In 1991, the U.S. Supreme Court ruled⁵⁸ that claims under the *Age Discrimination in Employment Act of 1967* (ADEA) could be subjected to compulsory arbitration if required by an arbitration agreement in a securities registration application. Since then, many employers have increasingly demanded workers sign mandatory arbitration agreements.

Recent estimates indicate that over half (53.9%) of nonunion private-sector employers and 65.1% of large companies (with more than 1,000 employees) have adopted mandatory arbitration procedures.⁵⁹ These procedures often prevent servicemembers from seeking judicial relief, as courts have upheld arbitration clauses, ruling that USERRA's procedural rights can be waived in favor of arbitration.

USERRA was enacted to ensure servicemembers, particularly those in the Reserve and National Guard, are not penalized for their military service in civilian jobs. However, forced arbitration clauses undermine these protections by denying servicemembers access to the court system.

This may be evident in the decline of new USERRA claims, from 1,675 in 2011 to 862 in 2021, with an average of 924.5 new claims annually between 2016 and 2021.⁶⁰ In comparison, the share of workers subject to mandatory arbitration has more than doubled since the early 2000s, now surpassing 55%.

Servicemembers returning from service may face unlawful termination or demotion, and arbitration clauses enable employers to avoid accountability. Moreover, the confidential nature of arbitration makes it difficult to track the full extent of such violations.

According to GAO, federal courts have upheld arbitration clauses in USERRA cases, limiting servicemembers' ability to seek justice.⁶¹

DoL and the Department of Justice (DOJ) have jointly recommended that Congress amend USERRA to explicitly prohibit forced arbitration for servicemembers unless both parties' consent to arbitration after a complaint has been filed.⁶²

This change is essential to protect servicemembers' rights and reinforce USERRA and the Servicemember Civil Relief Act (SCRA).

Requiring servicemembers to submit to arbitration could deny them access to critical legal processes typically available in court, such as discovery or appeals, and may reduce the compensation awarded to successful parties.

Studies on mandatory arbitration highlight the disadvantages for employees. In a 2011 study of 1,213 arbitration cases between 2001 and 2007, employees won only 21% of the time and were awarded median damages of \$36,500.

Subsequent research showed a similar trend, with employees winning 19% of cases and receiving median damages of \$49,000 in 2014. By contrast, employees in federal and state courts win at higher

⁵⁸ <https://supreme.justia.com/cases/federal/us/500/20/>

⁵⁹ <https://files.epi.org/pdf/135056.pdf>

⁶⁰ https://www.dol.gov/sites/dolgov/files/VETS/legacy/files/USERRA_Annual_FY2021.pdf

⁶¹ <https://www.gao.gov/assets/720/712678.pdf>

⁶² https://www.dol.gov/sites/dolgov/files/VETS/legacy/files/USERRA_Annual_FY2015.pdf

rates, with some studies showing win rates of 33% to 44% and significantly higher awards, particularly in state courts.⁶³

Given these disparities, ROA supports the *Justice for Servicemembers Act*⁶⁴, which prohibits forced arbitration of USERRA and SCRA disputes.

ROA urges the reintroduction and codification of this bill in the 119th Congress, and thanks Ranking Member Mark Takano for sponsoring it in the 118th Congress.

REQUIRE THE VA TO DISAPPROVE COURSES OFFERED BY A PUBLIC INSTITUTION OF HIGHER LEARNING NOT PRICED AT THE IN-STATE TUITION RATE TO MGIBSR ENROLLEES

ROA thanks Chairman Van Orden and Rep. McGarvey (KY-03) for introducing H.R.7323, the *Montgomery GI Bill Selected Reserves Tuition Fairness Act of 2024*, in the previous Congress. This bill directs the VA to disapprove courses at public institutions of higher learning that charge tuition rates higher than in-state tuition rate for Montgomery GI Bill Selected Reserve (MGIB-SR) enrollees, regardless of their state of residence.

The MGIB-SR is the first GI Bill to offer educational and training assistance to eligible members of the Selected Reserve. As of FY 2023, the program serves 39,849 enrollees, representing approximately five percent of the total GI Bill population.⁶⁵

Under Title 38, U.S.C., Sec. 3679(c), the VA is required to disapprove educational programs for payments of benefits under the Post-9/11 GI Bill, Montgomery GI Bill-Active Duty (MGIB-AD), and Survivors' and Dependents' Educational Assistance (DEA) program if students are not charged in-state tuition, no matter where they live.

This protection was most recently extended in 2021 to DEA with the signing of Public Law No: 117-68, the *Colonel John M. McHugh Tuition Fairness for Survivors Act*. However, it has not yet been extended to MGIB-SR.

The cost of attending public institutions of higher learning is continuing to increase for most students. So too is the gap between in state and out-of-state tuition rates. In fact, college tuition rates have increased by 153 percent in the last 40 years (when adjusting for inflation).⁶⁶ In the past 20 years, the difference between in and out of state tuition has grown by 38 percent.⁶⁷

Requiring these institutions to charge in-state tuition under MGIB-SR, regardless of the student's state of residence, is vital for maintaining the financial health of the VA's educational benefits program and ensuring the financial readiness of reserve component enrollees.

H.R.7323, the *MGIB-SR Tuition Fairness Act*, simply extends this existing protection to MGIB-SR enrollees, ensuring that citizen-warriors receive the same tuition fairness as all other veterans.

⁶³ <https://www.annualreviews.org/deliver/fulltext/lawsocsci/19/1/annurev-lawsocsci-120822-112007.pdf?itemId=/content/journals/10.1146/annurev-lawsocsci-120822-112007&mimeType=application/pdf>

⁶⁴ <https://www.congress.gov/bills/118/congress/house-bill/5516?q=%7B%22search%22%3A%22Takano%22%7D&s=1&r=9>

⁶⁵ <https://www.benefits.va.gov/REPORTS/abr/docs/2023-education.pdf>

⁶⁶ <https://www.bankrate.com/loans/student-loans/college-tuition-inflation/>

⁶⁷ <https://gradlime.com/in-state-vs-out-of-state-tuition/>

ROA thanks Chairman Van Orden and Rep. McGarvey for sponsoring this bill and the House of Representatives for passing it⁶⁸, and urges strong support for its reintroduction and codification in public law in the 119th Congress.

INCORPORATE RESERVE COMPONENT DATA IN THE NATIONAL VETERAN SUICIDE PREVENTION ANNUAL REPORT

Since 2016, the VA has published an annual report on veteran suicide rates. According to the most recent report, in 2022, there were 6,407 veteran suicides (an average of 17.6 per day). Unfortunately, the report *does not* include any data specific to reserve components. In fact, after the 2020 report, the VA stopped tracking suicides among former members of the Guard and Reserve who were not federally activated.⁶⁹

This oversight highlights the broader issue of systemic data collection and reporting failures that negatively impact veterans in the reserve force.

To address this, H.R. 6873⁷⁰, introduced in the 118th Congress by Reps. Guy Reschenthaler (PA-14), Joe Neguse (CO-2), and Derrick Van Orden, directs the Secretary of Veterans Affairs to include suicide rate data for reserve components in future reports.

ROA thanks Reps. Reschenthaler, Neguse, and Van Orden for sponsoring this bill and urges its reintroduction and codification in the 119th Congress.

ALLOW ALL PAID POINTS DAYS TO COUNT TOWARDS THE POST 9-11 GI BILL

Under current law, reserve component members can earn “qualifying days” toward Post-9/11 GI Bill benefits if they serve at least 90 cumulative or 30 continuous days on active duty and are discharged with a service-connected disability or awarded the Purple Heart after September 10, 2001.

However, their standard annual service requirement (24 inactive duty training days and 15 days of active duty in annual tour status) *does not* count toward eligibility. Additionally, many activation statuses under Titles 10 and 32 are not covered.

This discrepancy puts reserve component members at a disadvantage. For the same training day or mission, an active-duty member may earn GI Bill credit, while a reserve member does not.

Expanding eligibility would not only create parity but also increase reserve participation in operations vital to national security, such as the southern border mission.⁷¹ The All-Volunteer Force (AVF) was designed with economic and readiness benefits in mind, including longer service terms, lower turnover, reduced training costs, and capital substitution for labor.⁷²

⁶⁸ <https://www.congress.gov/congressional-record/volume-170/issue-150/house-section/article/H5778-1>

⁶⁹ In 2018, there were 538 suicides among former members of the Armed Forces who were never activated for Federal military service, an average of 1.5 suicide deaths per day, according to the 2020 National Veteran Suicide Prevention Annual Report.

⁷⁰ <https://www.congress.gov/bills/118/house-bills/6873/text/s-3/r-5>

⁷¹ <https://www.usar.army.mil/News/News-Display/Article/4059729/photo-gallery-us-army-reserve-soldiers-assist-with-southern-border-mission/#:~:text=U.S.%20Army%20Reserve%20Soldiers%20are,border%20with%20additional%20military%20forces.>

⁷² <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=1951&context=nwc-review>

Ensuring fair compensation for reserve service aligns with these principles by improving recruiting, retention, and operational readiness.

Indeed, educational benefits remain a crucial factor in labor market competitiveness.

Servicemembers with higher education have more civilian career opportunities, making GI Bill benefits particularly valuable for reservists who rely on dual incomes. Additionally, education plays a key role in military career advancement, enhancing leadership, critical thinking, and technical skills that are essential for promotion to senior enlisted and officer positions.

For DoD, ensuring GI Bill parity would support recruitment and retention by making military service more competitive with civilian employment.

Currently, Regular Military Compensation (RMC) for senior enlisted personnel falls below the 70th percentile compared to civilians with bachelor's degrees, dropping to the 59th percentile after 20 years of service.⁷³ Improved educational benefits would help address this gap and retain skilled personnel.

Reservists are increasingly tasked with supporting expanded mission sets that reflect modern security challenges. Yet, they do so without the same educational benefits as their active-duty counterparts. A more inclusive GI Bill policy recognizes the evolving nature of military service and ensures reserve personnel receive the support needed to sustain operational readiness.

This policy change enhances fairness, strengthens readiness, and ensures America's military remains the world's most capable force.

Introduced in the previous Congress, H.R.7543/S.3873, the *Guard and Reserve GI Bill Parity Act of 2024*⁷⁴, resolves this disparity by allowing reserve component service members to count all paid points days toward Post-9/11 GI Bill eligibility.

ROA thanks Reps. Mike Levin (CA-49), Juan Ciscomani (AZ-06), Trent Kelly (MS01), Andy Kim (NJ-03), Mark Takano, Frank Mvran (IN-01), Mike Thompson (CA-04), Mike Lawler, Derrick Van Orden, and Chris Pappas (NH01), and Sen. Jerry Moran, for sponsoring this legislation in the previous Congress.

We urge its reintroduction and swift passage into law.

CONCLUSION

ROA thanks you again for the opportunity to testify.

All too often, military and veterans' law and policy are developed without an understanding of or appreciation for the important distinctions between reserve and active-duty service. The members of the Reserve and National Guard invariably lose out. And so, too, their families.

We look forward to collaborating with you further on these priorities and other areas of mutual interest for the remainder of the 119th Congress.

⁷³ https://militarypay.defense.gov/Portals/3/Documents/QRMC_14_Vol1_final_web.pdf?ver=p14Ni7eKXPol2HFr5S_XQA%3d%3d

⁷⁴ <https://www.congress.gov/bill/118th-congress/senate-bill/3873/text>