



STATEMENT FOR THE RECORD

MILITARY OFFICERS ASSOCIATION OF AMERICA

On

“Pending Legislation”

115th Congress

SENATE COMMITTEE on VETERANS’ AFFAIRS

June 15, 2017

CHAIRMAN ISAKSON, RANKING MEMBER TESTER and Members of the Committee, the Military Officers Association of America (MOAA) is pleased to present its views on pending legislation under consideration by the Committee.

MOAA does not receive any grants or contracts from the federal government.

EXECUTIVE SUMMARY

On behalf of the Military Officers Association of America, the largest military service organization representing the seven uniformed services, including active duty, Guard and Reserve members, retirees, veterans, survivors, and their families, MOAA thanks the Committee for holding this very important hearing and for your continued support of our nation's servicemembers, veterans and their families.

MOAA is very appreciative that these important bills have been included in the hearing, and that many of them address the unique needs of guard and reserve members – an increasingly important operational asset of the nation's military. Our Association looks forward to working with the Members and staff to strengthen and improve the legislation enacted this year.

MOAA offers our position on the following select bills. MOAA takes no position on the remaining bills before the Committee.

- **S. 75**, Arla Harrell Act
- **S. 111**, Filipino Veterans Promise Act
- **S. 410**, Shauna Hill Post 9/11 Education Transferability Act
- **S. 473**, Educational Development for Troops and Veterans Act of 2017
- **S. 758**, Janey Ensminger Act of 2017
- **S. 798**, Yellow Ribbon Improvement Act
- **S. 844**, GI Bill Fairness Act
- **S. 882**, Purple Heart GI Bill Act
- **S. 1330**, Post 9/11 Transferability for Surviving Dependents
- **Discussion Draft on changes to GI Bill**

S. 75, The Arla Harrell Act. MOAA supports the passage of this bill that would require VA to reconsider previously denied claims for veterans exposed to mustard gas or lewisite testing on human subjects by the Department of Defense.

A presumption of exposure is warranted in these veterans' circumstances because, through no fault of their own, records were destroyed in the National Personnel Records Center fire and the remaining relevant records were classified for decades. VA also admitted in 2015 that records of those exposed are incomplete because of the length of time and the fact that record keeping was less than adequate at the time these tests occurred, making a presumption of exposure even more necessary. Further, this bill would not require VA to ignore evidence already in a veteran's claims

file because the bill contains a provision that would still allow VA to find a veteran was not exposed if evidence contradicting the alleged exposure exists.

It is a matter of fairness that the government take moral and financial responsibility for testing upon human subjects.

S. 111, Filipino Veterans Promise Act. MOAA supports the passage of this bill. VA's budget already includes funding to provide Filipino veterans with a relatively modest compensation in exchange for their service on behalf of U.S. forces during World War II. It has become apparent through Filipino servicemembers coming forward with documentary evidence of their service that some individuals who served alongside the U.S. military may not have been included on the Missouri List, which is the official U.S. Army list of Guerilla fighters.

Because the Department of Veterans Affairs relies solely on this list to determine service, some Filipinos may be unfairly excluded from benefits they earned if they are not on the list even though they have ample evidence of their service. A reasonable solution to this problem would be for Congress to direct a process to add names to the list which will allow them to pursue their earned benefits.

S. 410, Shauna Hill Post 9/11 Education Transferability Act. MOAA supports the passage of this bill. Allowing servicemembers and veterans to transfer Post 9/11 GI Bill eligibility to a dependent following the death of the original transferee is reasonable when the new transferee was not yet a dependent when the servicemember made his transferability election. This would coincide with Congress' original intent in creating a transferability option.

S. 473, Educational Development for Troops and Veterans Act of 2017. MOAA supports the passage of this bill because it addresses several benefits issues unique to the guard and reserve community. MOAA agrees the following benefits loopholes should be closed by Congress, which this bill will do:

- Eligibility towards Post 9/11 GI Bill while performing duties on 38 U.S.C. 12304b orders
- Extending pay protections in 5 U.S.C. 5538(a) to those performing duties on 38 U.S.C. 12301(d) and 12304b orders
- Extending training and rehabilitation benefits for veterans with service connected disability while they are performing orders under sections 12034a or 1203b.
- Updating the amount of educational assistance provided to members of the selected reserve to more accurately reflect the current costs of higher education

S. 758, Janey Ensminger Act of 2017. MOAA supports the passage of this bill which would require the VA to provide medical care for all diseases scientifically associated with exposure to toxic chemicals found at Camp Lejeune. The bill also requires the Agency for Toxic Substances and Disease Registry (ATSDR), an agency within the Centers for Disease Control and Prevention, review all significant scientific literature every three years to determine if links have been found between toxic exposures found at Camp Lejeune and added diseases and conditions.

Establishing a national center for the research on the diagnosis and treatment of health conditions of the descendants of individuals exposed to toxic substances during service is a reasonable manner

in which to collect information related to the long term health effects of these exposures. An advisory board taking responsibility for advising the national center, determining health conditions that result from toxic exposure, and to study and evaluate cases of exposure is also a reasonable mechanism to ensure VA weighs the relevant evidence and information in its implementation and continued engagement.

S. 798, Yellow Ribbon Improvement Act. MOAA supports the passage of this bill which would extend the Yellow Ribbon program to:

- individuals pursuing educational programs while on active duty. MOAA agrees that if the Yellow Ribbon program is available to a veteran, then it should also apply to those still on active duty.
- recipients of the Marine Gunnery Sergeant John David Fry scholarship. This would correct an inherent inequity in the current construct which prevents Fry scholarship recipients from being eligible for the Yellow Ribbon program.
- half-time educational programs. Those pursuing education part-time because they are also working should not be punished with higher tuition rates compared to if they were pursuing a full-time credit load.

S. 844, GI Bill Fairness Act. MOAA supports the passage of this bill which would afford members of the guard and reserve components placed in a medical hold status to continue to accrue credit for Post-9/11 GI Bill benefits.

If a member of the guard or reserve is injured on active duty and transferred to a medical hold status, he or she does not accrue time served towards earning Post-9/11 GI Bill benefits. An active duty counterpart with the same injury and in the same status would accrue these benefits. These guard and reserve members did not choose to become injured or ill and, in some cases, are transferred to medical hold status only a short time into their active duty tours cutting short the eligibility towards educational benefits they would have accrued but for the illness or injury. These veterans have made significant sacrifices for their nation and must be provided the best possible chance for a productive future, including educational benefits.

S. 882, Purple Heart GI Bill Act. MOAA supports the passage of this bill which would extend 100% Post 9/11 GI Bill eligibility to Purple Heart recipients. When a servicemember is injured such that he or she is eligible for the Purple Heart, many factors can prevent him or her from completing 36 months of active duty in order to become eligible for the full Post 9/11 GI Bill benefit, not the least of these may be that the sacrifice endured has already been so great.

MOAA is also concerned about impacts on the guard and reserve community. Members of the guard and reserve are often activated only to deploy and deactivated once the deployment ends making it much more difficult to accumulate the 36 months of service to reach full eligibility. Yet, their sacrifices are no less than their active duty counterparts who also receive the Purple Heart who have a much easier time completing 36 months of service given their continuous duty.

S. 1330, Post 9/11 Transferability for Surviving Dependents. MOAA supports this bill. This bill would allow the transfer of Post 9/11 GI Bill benefits after a servicemember has died. This would make the transferability option consistent with changes implemented in the Shauna Hill Post 9/11 Education Transferability Act. If benefits may be transferred to a dependent while the servicemember is alive, then the same transferability options should exist if the servicemember has already passed. Otherwise, dependents unfairly incur a constraint based on the death of the servicemember.

Discussion Draft on changes to GI Bill. This draft contains several sections MOAA supports.

- Sec. 4. Increase in amounts of educational assistance payable under survivors' and dependents' educational assistance program of Department of Veterans Affairs.
- Sec. 8. Authorization of transfer of entitlement to Post 9/11 Educational Assistance by dependents who receive transfers from individuals who subsequently die.
- Sec. 10. Restoration of entitlement to Post-9/11 Educational Assistance and other relief for veterans affected by school closure.

The Post 9/11 GI bill has been and will continue to be a vital recruiting and retention tool for the Department of Defense. On June 8, 2017, the Department of Defense explained that the Post 9/11 GI Bill “will have major impacts on military recruiting and retention, and few areas are more important.” While MOAA believes these changes are necessary in order to align the Post 9/11 GI Bill and VA education benefits with their original intents, MOAA is also cognizant that any changes beyond those that satisfy the original purpose of the bill should be carefully considered for their impact on DoD’s recruiting and retention.

MOAA is grateful for this opportunity to share our views on pending legislation before the committee and is especially grateful for the committee’s continued commitment to the nation’s veterans and their families.