



THE AMERICAN LEGION



THE AMERICAN LEGION'S LEGISLATIVE PRIORITIES

Submitted to accompany testimony before Congress by
American Legion National Commander Michael D. Helm,
Feb. 25, 2015

PREAMBLE TO THE AMERICAN LEGION CONSTITUTION

FOR GOD AND COUNTRY WE ASSOCIATE OURSELVES TOGETHER FOR THE FOLLOWING PURPOSES:

To uphold and defend the Constitution of the United States of America;

To maintain law and order;

To foster and perpetuate a one hundred percent Americanism;

To preserve the memories and incidents of our associations in the Great Wars;

To inculcate a sense of individual obligation to the community, state and nation;

To combat the autocracy of both the classes and the masses;

To make right the master of might;

To promote peace and goodwill on earth;

To safeguard and transmit to posterity the principles of justice, freedom and democracy;

To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

A time of critical support

Today, as our nation's sons and daughters are again deploying to fight terrorism in the Middle East, all eyes are upon us – The American Legion, federal and state government, industry, higher education and all others who are duty-bound to support those who have pledged their lives to defend and protect our freedoms. No matter the war era, duty station, gender or health condition, America's military personnel and veterans need us today, and they will need us tomorrow.

The American Legion comes to Congress at this critical time asking for nothing less than effective, compassionate, high-quality support for those who have served in uniform, especially in times of transition and readjustment. Transitions can occur at any stage of life, whether you're a medically retired combat officer trying to chart a new career path after a traumatic brain injury or an Agent Orange-exposed Vietnam War veteran wondering why your VA benefit claim is mired in a bureaucratic backlog.

In The American Legion, we do not wish to waste time assigning blame or pointing fingers when the needs of our troops and veterans are at stake. The bigger mission is to solve problems in relevant ways and even change a culture, if necessary, as we have been working to do since a rash of negligence and misconduct was revealed last spring in VA health-care systems across the country.

The American Legion has spent most of a century confronting issues of veteran transition head-on and face to face, in places where help is needed most. Of paramount concern to the nation's largest veterans service organization is effective treatment for veterans suffering from post-traumatic stress disorder and traumatic brain injury, both of which contribute to high suicide rates and homelessness.

The legislative priorities in this publication are the direct result of countless interactions with veterans, their families and all who are affected by our advocacy. That advocacy can be quantified:

- Nearly 4,000 veterans and families have received counseling, support and claims assistance over the last eight months at our Veterans Benefits Centers. Through 14 events, more than \$1 million in retroactive benefits were awarded to disabled, homeless and frustrated veterans. Moreover, The American Legion is working with VA, not against it, at these events, to improve service and restore trust.

- The American Legion National Headquarters and posts nationwide have produced jobs for thousands of veterans and spouses at more than 1,200 Legion-supported career events in just the last year.

- More than 3,000 American Legion-accredited service officers are working nearly 750,000 benefits claims right now in order to help VA carve through the backlog.

- More than 25 new American Legion posts have sprung up on college campuses across the country, chartered by student veterans themselves.

In these ways and many more, we are working every day, face to face, to help the men and women we represent. To accomplish our mission, as more than 1.5 million look to discharge from service in the coming years, it will take all of us working together, solving problems, not simply identifying them, from Capitol Hill to the local American Legion post.



Michael D. Helm
American Legion National
Commander

ABOUT THE COMMANDER

- Veteran of the U.S. Army's 82nd Airborne Division during the Vietnam War

- Member of American Legion Post 313 in Lebanon, Neb., since 1972

- U.S. Postal Service mail carrier, retired after 33 years

- Commander of The American Legion's Department of Nebraska, 1987-1988

- National American Legion offices held include National Vice Commander, Veterans Affairs & Rehabilitation Commission Chairman, National Commander's Representative to the Legislative Commission, Foreign Relations Commission Chairman and System Worth Saving Task Force Chairman

KEY POINTS

The American Legion's legislative priorities for Washington in 2015 are driven by transition support. Troops are shifting into new lives as civilian veterans. Many are entering the VA health-care system. Some are seeing their military careers unexpectedly cut short due to budget-cutting force reductions. The American Legion's primary areas of 2015 transition advocacy can be indexed by three of its four pillars of service:

VETERANS

- Help for veterans looking to turn their military experiences into rewarding careers
- Escape from, and prevention of, veteran homelessness
- Grassroots oversight and leadership to improve VA health care and benefits processes and services
- Support for veteran caregivers
- Effective treatment of PTSD, MST and TBI
- Fair compensation for veterans exposed to toxins and environmental hazards while in the service

NATIONAL SECURITY

- Maintain military strength, well-funded DoD, incentives to join and stay in the service and quality of life for personnel and retirees

AMERICANISM

- Protection of our flag

“We all have something in common: we want to help each other.”
Krista Mette, OIF Army veteran, commander of American Legion Post 924, Teutopolis, Ill.



Our mission: to ease transitions

The American Legion was founded nearly a century ago to meet the needs of returning war veterans and establish a worldwide, lifelong network of support among those who have served our nation in uniform. Those who came home from Europe at the end of World War I faced challenges alarmingly similar to the men and women returning today from the war on terrorism.

Employment, education, health care, disability benefits, mental health services, support for active-duty personnel and veteran-to-veteran advocacy are topics that have long been stitched into The American Legion's legislative tapestry. Another new generation is among us, joining those of past war eras. They are looking for relevant representation, fair treatment and help getting through the many transitions of life as a U.S. military veteran.

It is the shared duty of a nation grateful for its freedom to ensure that those who served in uniform are not failed, betrayed or forgotten.

WHAT CAN CONGRESS DO?

- Enforce and promote compliance with laws and statutes already passed that are intended to help veterans convert their military skills into civilian careers. Among those laws are the Veterans Preference Hiring Act and the largely unmet mandate to award no less than a mere 3 percent of federal contracts to businesses owned by disabled veterans.
- Maintain positive, solution-targeted oversight of the Department of Veterans Affairs as it makes necessary changes in health-care delivery and benefits administration. This includes timely, accurate decisions on VA claims; proper staffing to meet patient demand at VA medical facilities; continued development of effective treatment programs for women and those dealing with mental health and brain-injury conditions; leadership accountability at every level; and building facilities where needed, on time and within budget.
- Protect retirement benefits, TRICARE insurance, commissaries and other incentives to recruit and retain career military personnel and top-quality officers.
- End the “hollowing out” of the U.S. military caused by sequestration, especially at a time of continued war against terrorism, when our nation's troops need all the support and resources required to succeed in their missions.

VETERANS	NATIONAL SECURITY	AMERICANISM	CHILDREN & YOUTH
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Licensing, credentialing for vets

Veterans should not be penalized in the civilian job market because they chose to serve America in uniform. Their families should not have to suffer because state regulations fail to recognize military training, leaving specialized private-sector jobs largely out of reach. The American Legion has been a leading force at all levels – federal, state and local – to ensure military training and experience can count as credits in education programs for various professions and help recognize the specialized skills earned through military training for similar civilian trades.

The American Legion is hosting one of the country's most important national credentialing summits this year to examine best practices for breaking down credentialing barriers in the private sector that can prevent veterans from obtaining meaningful employment. The summit will focus on ways to overcome barriers that inhibit military training and experience from being considered in the civilian job market.

WHAT CAN CONGRESS DO?

- Support and expand DoD programs that invite industry to help military personnel achieve training that is compatible with industry standards for the purpose of receiving credit for future licenses, certifications and credentials.
- The American Legion is working with industry leaders and experts to develop solutions for better integrating the training and experience of veterans into the workforce. Congress can help with meaningful legislation to assist those efforts nationwide.
- In their home states, members of Congress can serve as voices of encouragement for transferability of military experience into credits for licenses, credentials and certifications, which was a key aspect of the VOW to Hire Heroes Act.

KEY POINTS

■ The 2015 American Legion National Credentialing Summit will include 200 key decision makers from companies and organizations across America including Secretary of Labor Tom Perez, International Brotherhood of Teamsters General President James P. Hoffa, Iowa Lt. Gov. Kim Reynolds, and Gen. David Perkins, commanding officer of the U.S. Army Training and Doctrine Command.

■ Companies and organizations scheduled to participate include: Microsoft, Verizon, UPS, Boeing, Time Warner, the International Brotherhood of Teamsters, Bechtel, Amtrak, and many government agencies including VA, DoD, Labor, Education as well as state and local governments.

■ The American Legion has been instrumental in achieving real reform and improvements in credentialing for service members and veterans in all 50 states and continues to work to improve the process.

“When I came home, there wasn't really anything in place for me as far as what I had done for eight and a half years. It didn't convert over to anything.”

G. Bill Kilgore, Navy veteran, who worked in a factory after discharge because his experience as a corpsman did not translate to credits he could use to become nurse.

KEY POINTS

- Extending the Work Opportunity Tax Credit to include National Guard and Reserve personnel is critical and fair, as the rising rate of deployment and training has had an adverse effect on employment for citizen soldiers.
- The yearly extension and retro-dating of the WOTC authority for veterans have not successfully created robust veterans hiring policy in the private sector.
- Employers are more likely to see immediate gains in business if they have the option of claiming WOTC as a payroll tax credit.



Photo by Amy C. Elliott

Expand tax credit for employers

The Work Opportunity Tax Credit is available to employers who hire veterans. Each year, employers claim over \$1 billion in tax credits under the WOTC program. The success and growth of this tax credit for business is beneficial for all who participate. It creates jobs and spurs growth. However, it is not applicable to members of the National Guard and Reserves, even though their deployments and other military commitments are vital to our national security and can be detrimental to their employment situations.

Currently, businesses are allowed to claim Work Opportunity Tax Credits against first-year wages by hiring qualified veterans. Tax credits for employers that hire veterans are important incentives that help those who served find and keep civilian jobs.

WHAT CAN CONGRESS DO?

- Open up the Work Opportunity Tax Credit to all veterans and current members of the National Guard and Reserves.
- Expand the current WOTC authority to include payroll deductions.
- Extend the tax credit for five years or more, giving it relative permanency so private sector human resources departments can build the benefit into their veterans hiring policy infrastructure.

“At a time when veterans need federal employment assistance the most, our government should make sure that every possible incentive for hiring veterans is in place.”

American Legion member and CBS Corp. executive Richard Jones

KEY POINTS

- According to Forbes, the United States has more than 3 million veteran-owned businesses.
- Veterans, who make up less than 10 percent of the general population, represent about 30 percent of America's small business owners.
- Veteran-owned businesses employ more than 5.7 million Americans representing about \$210 billion in payroll.
- Many small businesses don't survive past the first year. Often, failure is due to lack of access to capital necessary to survive the start-up phase. Veteran business owners are too often forced to rely on personal or family savings at an alarmingly high rate, about 62 percent, according to the Small Business Administration.
- The Post 9/11 GI Bill provides funding for college education and other forms of training in order to help veterans restart their civilian lives. The benefit, however, provides no start-up business capital, the primary barrier to success for veteran entrepreneurs.



Photo by Lucas Carter

GI Bill for veteran businesses

The American Legion has fought to provide post-service career opportunities for veterans since its formation. The original GI Bill, passed in 1944, provided rights, education benefits and loans for homes, businesses and farms. That investment fueled America's rise to an economic superpower over the last 70 years.

The Post 9/11 GI Bill, also championed by The American Legion, updated those benefits for 21st century veteran students and career seekers. Every year, however, millions of dollars in GI Bill benefits go unused. Some servicemembers have no desire to pursue college educations but are more than equipped to start and run successful businesses.

That is why The American Legion seeks to strengthen the Post-9/11 GI Bill to allow veterans to convert educational benefits into funds for starting, purchasing or expanding businesses. The veteran entrepreneur has a proven track record of business success and can contribute greatly to the nation's economy by using GI Bill benefits to capitalize businesses.

WHAT CAN CONGRESS DO?

- Modify the Post-9/11 GI Bill to allow veterans to convert educational benefits into funds for starting businesses or purchasing or expanding existing businesses.
- As an alternative, authorize a pilot program that would allow a sample group of veterans to transfer their educational benefits into funds for start-up capital but tether the money to existing SBA programs and counseling services.

“Use what you have learned in the military. Those traits and skills are the same as they are for successful business.”

Johnnie Marshburn, director of the Fayetteville State University Small Business & Technology Center, speaking at an American Legion Business and Entrepreneurship Workshop in North Carolina

KEY POINTS

- The American Legion supports the use of State Approving Agencies to determine eligibility of institutions of higher education that may qualify to accept students using the GI Bill.
- The American Legion sees the Post 9/11 GI Bill as a work always in progress and supports its use for on-the-job training and other trade-education programs.
- Student veterans need peer support on campus to succeed, and The American Legion strongly supports legislation that would provide Department of Education grants to qualified support programs.



Photo by Tom Strattman

Evolution of education benefits

The Post 9/11 GI Bill passed by Congress in 2008 was an effective upgrade for 21st century veterans using their college education benefits. It was not, nor can it be, a law so static that it can't continue evolving to best meet the needs of student veterans in an ever-shifting landscape of higher education and career training.

The American Legion supports educational institutions that provide student veterans with valuable education and support. Grants to establish or strengthen veteran centers on campuses can go a long way toward helping students succeed.

American Legion posts have been chartered on campuses nationwide to help meet the needs of veterans, which can include VA benefits assistance, understanding of PTSD and networking. The Legion is concerned about dropout rates and their relationship to the effectiveness, or presence, of campus veteran programs. The Legion supports legislation to fund programs to start, restart or expand student veterans centers.

WHAT CAN CONGRESS DO?

- Introduce and co-sponsor legislation like the Veteran Education Empowerment Act, which authorizes the Department of Education to fund grants for qualified student veteran support centers on college campuses.
- Change U.S. Code that now requires a GI Bill-using student to forfeit an entire month's entitlement to pay for licensing or certification exam fees, regardless their cost.

“It's amazing to see how far we've come and how much we've been able to achieve. Our goals we've been able to reach this year have just been outstanding.”

Callie Craddock, former Commander of American Legion Post 400, on the campus of North Dakota State University, after the post received the school's prestigious Green and Golden Globe Award in 2014 as outstanding student organization among more than 400 groups at NDSU. The post is now working to establish a new veterans study center on campus.

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Photo by Amy C. Elliott

KEY POINTS

- One in nine veterans is self-employed or owns a small business. One in four veterans has expressed interest in starting or buying their own business.
- Businesses where veterans were majority owners or half-owners number nearly 4 million, accounting for more than \$1.6 trillion in annual receipts and employing 8.2 million people.
- Approximately one-third of veteran-owned businesses can be found in two high-income industry groups studied by the Small Business Administration: Professional/scientific/technical and construction. Two other industries, real estate and retail, represent just under 10 percent of veteran-owned businesses.
- Personal and family savings represent over 30 percent of veteran-owned business start-up capital, according to SBA, while personal credit cards represent about 10 percent.

Federal contracts for vet firms

As active-duty service members are discharged, growingly as a result of Reduction in Force measures caused by sequestration, they need to find new civilian careers. Private-sector employment can be scarce or not well suited to the skill sets of those who served. For many veterans, business ownership – entrepreneurship – is a better choice.

The American Legion has long advocated for service-disabled-veteran-owned small businesses (SDVOSBs) because they help veterans in a number of ways, including employment for other veterans. Veterans who own businesses recognize better than anyone the value of hiring those who have served.

By law, the federal government is mandated to award no less than 3 percent of all federal contracts to SDVOSBs. For a number of reasons, that goal has gone largely unmet. Some contract funding streams are outside the normal process and don't have to comply with the goals, and veteran owned businesses are suffering because of that. Overseas contingency operations (OCO) funding is not currently complying with the goals, which limits the potential impact veteran-owned businesses could have fulfilling needs for those currently serving with support contracts. The Small Business Act of 2013 required OCO funds to comply with federal acquisitions regulations, but many agencies either have not caught up to this change in regulations or are ignoring it.

The Highway Trust Fund (HWT) through the Department of Transportation provides funding for projects through gas taxes. However, the HWT also excludes veteran owned small businesses.

WHAT CAN CONGRESS DO?

- Ensure the 3 percent goal for Service Disabled Veteran Owned Small Businesses is met by all federal agencies.
- Close loopholes on agencies with Overseas Contingency Operations or trust funds that fall outside normal appropriations and hold the agencies to the same 3 percent standard.

“We have committed to hiring 21 folks over the next five years, and it's kind of our personal mission to hire as many vets as we can.”

Operation Iraqi Freedom Marine Corps veteran Travis Barnes, who recently opened a fast-growing micro-distillery business in Indianapolis

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KEY POINTS

- The American Legion has assumed a leadership role within local communities by volunteering, fundraising and advocating for programs and resources for homeless veterans
- The American Legion provides housing programs for homeless veterans in numerous communities across the country.
- An estimated 11 percent of homeless adults are veterans, the majority of whom are single, and 10 percent of whom are women.
- More than 74,000 homeless veterans have been served through the HUD-VASH program.
- New Orleans, Phoenix, Salt Lake City and Binghamton, NY, are among the nation's cities that have worked with The American Legion to end chronic veteran homelessness in their communities in the last year.



Help for homeless veterans

Supported by The American Legion in nearly every corner of the nation, the Department of Veterans Affairs, the Legion and local organizations have made significant progress to help VA reach its goal to eliminate veteran homelessness by the end of 2015.

To achieve the goal, VA developed a five-year plan to assist every willing homeless veteran seeking safe housing, treatment services, employment opportunities and benefits assistance. VA's prevention initiative, the Supportive Services for Veterans and Families Program, is designed to help veterans and their families rapidly exit homelessness, or avoid entering it.

Current estimates put the number of homeless veterans at approximately 50,000 on any given night, a decline of 33 percent (or 24,837 people) since 2010. This includes a nearly 40-percent drop in the number of veterans sleeping on the street. In 2014, HUD approved funding for more than 68,000 HUD-VASH vouchers. Great progress has been made on this front, but much work remains. Congress needs to continue to fund programs that assist homeless veterans and align with local, state and national service providers, along with other state and federal agencies, to provide comprehensive care to homeless veterans and those at risk for homelessness.

WHAT CAN CONGRESS DO?

- Continue to fund the Grant and Per Diem (GPD) Program at \$250 million and SSVF at no less than \$500 million through the maturity of VA's five-year plan.
- Fund \$75 million in new HUD-VASH vouchers while allocating more project-based vouchers to high-concentration cities of chronically homeless veterans.
- Fund the Homeless Veterans Reintegration Program (HVRP) within the Department of Labor's Veterans Employment and Training Services (DOL-VETS) at the authorized level of \$50 million.

“Sometimes our veterans come in and don't have appropriate clothing to leave the hospital in. They will now have access to appropriate clothing when they leave.”

VA occupational therapist **Linda Resendez of Bossier City, La.**, after an American Legion Operation Comfort Warriors delivery of \$5,000 worth of items for homeless veterans at the Shreveport, La., VA Medical Center in October 2014

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KEY POINTS

- Despite VA Inspector General reports showing lapses in patient care and oversight, Veterans Health Administration officials in charge of troubled facilities and systems have received bonuses in recent years, of up to \$63,000 in one case, while patients died preventable deaths on their watch.
- While VA has made progress in removing senior executives, facility leaders and employees who have failed to perform adequately, occasionally with deadly consequences, the issue of bonus payments, now capped at \$360 million a year, remains a concern to The American Legion. The criteria for such bonuses, and the amounts awarded, must be made transparent.

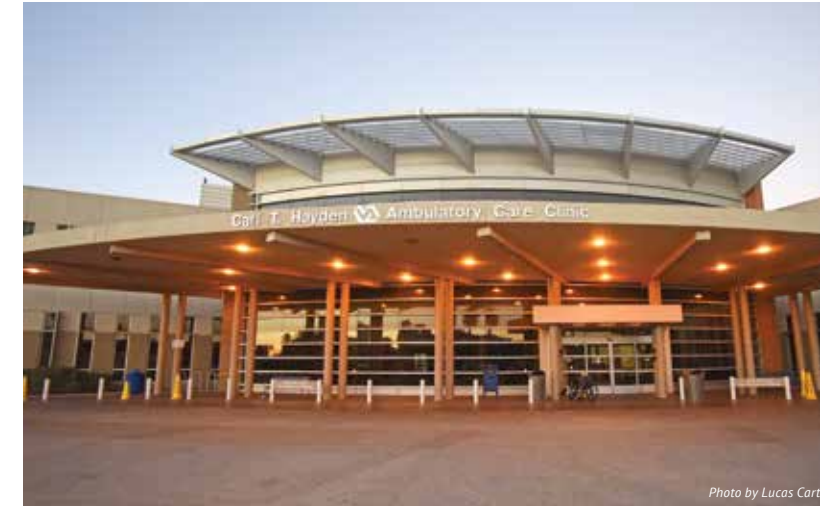


Photo by Lucas Carter

The road to VA accountability

Veterans need to trust the leadership and employees of the Department of Veterans Affairs.

Sadly, recent years have shown that some VA employees and executives have abused that trust. Nationwide revelations in 2014 that records were falsified about VA medical appointments, and that bonuses were paid on the basis of that reporting, clearly illustrated the problem. VA also has been the subject of criticism for simply transferring leaders and employees with poor performance records rather than dismissing them, another violation of reasonable accountability.

Last year's passage of the Veterans Access, Choice and Accountability Act was a step along the road of restoring trust in the system. New leadership at VA is also making progress toward better accountability, and while that progress remains slow, it must continue. VA's ability to recover depends on decisive action to retrain or dismiss poor performers and not to reward with bonuses those who have failed to earn them through accurately documented efforts that go above and beyond the expectations of care for the veterans they serve.

WHAT CAN CONGRESS DO?

- Request a special prosecutor to investigate and vigorously enforce appropriate repercussions on any VA employees engaged in fraudulent practices in pursuit of bonuses or other awards.
- Ensure that bonuses for VA senior executives be tied to qualitative and quantitative performance measures that are transparent to the public.
- Continue to offer protections, and see to their enforcement, for whistleblowers who step forward to expose mismanagement and other practices that can harm veterans or their families.

“The American Legion has been demanding accountability from those responsible. Unfortunately... this problem was not isolated to Phoenix. It was widespread, and we expect to see additional consequences, even criminal charges if they are warranted.”

American Legion National Commander **Michael Helm** after the termination of the Phoenix VA Medical Center director who had six months of paid administrative leave after allegations falsifying medical appointment records

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KEY POINTS

■ The American Legion has produced – and continues to produce – town hall meetings and Veterans Benefits Center outreach activities in communities of high VA demand throughout the country. Services provided include health-care appointment scheduling, benefits guidance from credentialed service officers, disability rating help and grief counseling.

■ The American Legion contracted National Veterans Legal Services Program and collaborated with VA to assist thousands of veterans and dependents in filing claims for compensation at these events. Qualified veterans have received more than \$1 million in retroactive disability compensation.

■ Passage of the Veteran Access, Choice and Accountability Act of 2014 was the first step for VA to move beyond last summer's crisis and restore trust among veterans. Soon after the act was signed, The American Legion changed the name of its outreach events from Veterans Crisis Command Centers to Veterans Benefits Centers.

■ The American Legion, working with NVLSP and VA staff, is planning Veterans Benefits Centers on at least a monthly basis in 2015, with events in Pennsylvania, Wisconsin, Colorado, Kentucky, Illinois, Arizona and Puerto Rico on the calendar.



Photo by Lucas Carter

Face to face, veteran to veteran

In the aftermath of nationwide revelations last year that some VA employees had falsified patient appointment records to meet performance quotas, The American Legion and the U.S. veterans community were outraged. They not only demanded solutions, they went to work solving the bigger problem of getting timely care and service for veterans.

Working with the National Veterans Legal Services Program, The American Legion crisscrossed the country, conducting town hall meetings and Veterans Crisis Command Centers to listen and help families in need, on the spot. Soon, VA staff joined the effort, and the name was changed to Veterans Benefits Centers. A corner was being turned, from crisis to confidence.

American Legion Veterans Benefits Centers continue in 2015. Accredited service officers, legal representatives, volunteers, VA staff and representatives of other organizations, such as the American Red Cross, are participating in the face-to-face sessions, providing long-awaited answers and hope for frustrated veterans and their families.

WHAT CAN CONGRESS DO?

■ The American Legion encourages members of Congress and their staffs to attend Veterans Benefits Centers around the country to see firsthand the families we serve, to understand their frustrations and to help them find solutions.

■ The Choice Act passed past August allows veterans waiting longer than 30 days, along with those who live far from VA facilities, the opportunity to use non-VA providers. That move came in response to intolerably long delays in getting VA medical appointments. The VBCs have shown that the problem runs deeper than doctor appointments, that a large number of veterans are unsure of their benefits, frustrated they cannot get timely answers and lack updated service-connected disability ratings. Any new VA reform legislation must address the multiple issues and trends The American Legion and local VA staff are finding at Veterans Benefits Centers.

KEY POINTS

■ The American Legion supports the Veterans Choice Card program but only as a temporary measure until VA health-care access problems are resolved for veterans in rural areas and those waiting 30 days or longer for appointments.

■ VA hospital construction projects in Orlando, New Orleans and Denver are past-due, over budget and faced with complications. These projects in under-served markets have been in process since 2005 or earlier, and veterans need care there now.

■ The American Legion strongly supports protections for whistleblowers who step forward to express concerns or report mismanagement at VA health-care facilities. Following the revelations in Phoenix last April, no fewer than 26 other VA facilities around the country were alleged to have falsified patient appointment records.

■ VA's decision to comply with a federal court ruling and build facilities to help women and homeless veterans on its West Los Angeles campus, and ending leases with private-sector tenants with no connection to veteran services, was applauded by The American Legion. The issue of right-sizing the VA health-care system remains a major concern.

■ Treatment programs for two particular types of veteran – the female veteran and the veteran suffering with post-traumatic stress disorder or traumatic brain injury – are not adequate to meet demand in the VA health-care system.



Photo by Lucas Carter

Improve access to VA care

Last August, President Obama signed into law the Veterans Access, Choice and Accountability Act of 2014, also known as the "Choice Act." Technical revisions were made on Sept. 26, 2014, when the Department of Veterans Affairs Expiring Authorities Act of 2014 was signed. Emergency legislation was necessary because long-smoldering problems in VA's Veterans Health Administration and Veterans Benefits Administration came to an unprecedented eruption in 2014.

Preventable deaths, including reports of as many as 40 patients who died waiting for unscheduled VA appointments in Phoenix, drove those problems to the top of the national agenda. The attention also shed light on VA's continued failure to adjudicate benefits claims in a timely manner.

An American Legion resolution passed in October 2012 called on VA to "develop a well-defined and consistent non-VA care coordination program, policy and procedure that includes a patient-centered strategy" that takes veterans' "travel and distance into account." The 2014 law, which allowed long-waiting veterans and those distant from VA health-care facilities the ability to use other providers, cannot be a step toward privatization or vouchering of VA health care. The American Legion has long stood by VA and has been working tirelessly to help its employees improve access to care and improve the benefits process.

WHAT CAN CONGRESS DO?

■ Congress must protect VHA's budget from cuts and increase it to meet new veteran demand and improve access. Critical-need costs such as major and minor construction and on-going facility maintenance face reductions which could ultimately restrict access and prove more costly to VA in the long run. The American Legion supports a sound investment in VA infrastructure, staffing and technology to meet the needs of an ever-changing and more diverse veteran population.

KEY POINTS

- Veterans from different eras and theaters of operations are receiving different levels of VA caregiver benefits based on their dates and locations of service.
- Legislation from the House and Senate alike has attempted to extend to all veterans with serious service-connected injuries the eligibility to participate in VA's program of comprehensive assistance to family caregivers.
- When scored by the Congressional Budget Office, expanding VA's caregiver program was found to be cost-prohibitive.



Photo by Scott Spiker

Care for caregivers of all eras

The American Legion has always advocated on the principle of equal benefits for equal service.

The Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163) amended Title 38, U.S. Code, to provide assistance to caregivers of veterans and improve the provision of health care to veterans. The law created two distinct caregiver support programs which provided a stipend to caregivers of Operation Enduring Freedom and Operation Iraqi Freedom veterans. Caregivers of veterans from previous war eras were excluded.

All veterans and their caregivers should receive assistance based on their eligibility and needs, not war era. Family members who have cared for disabled loved ones of earlier service periods are no less deserving of assistance than the caregivers of the post 9/11 generation.

WHAT CAN CONGRESS DO?

- Direct VA to provide the same level of caregiver benefits for any veteran, regardless of dates or theater of operations during their military service.
- Review current legislation and public laws to ensure that veterans' benefits are provided equitably and consistently for all veterans from the current conflicts in Iraq and Afghanistan as well as those veterans from previous eras and conflicts.

“We were told Vincent is the only one who served in Iraq that sustained these types of injuries (and) that has recovered to this level. He is a walking miracle. We just want to get him recovered the best we can before we leave this planet.”

Legionnaire Jeff Brodeur of Massachusetts who, with wife Maura, are caregivers of their Iraq veteran son, who suffered multiple injuries in 2007 but has recently begun to walk again

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U.S. Marine Corps photo

The Wounds Within: PTSD/TBI

The American Legion is deeply concerned with the numbers of veterans returning home from the wars in Iraq and Afghanistan suffering from traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD), which have been often described as the “signature wounds” of the war on terror. In order to ensure that these veterans are being properly cared for at Departments of Defense and Veterans Affairs medical facilities, The American Legion established a TBI and PTSD Committee for the purpose of investigating existing science and medical procedures and alternative methods for treating sufferers.

In February 2014, The American Legion conducted a survey of veterans to evaluate the efficacy of their TBI and PTSD treatments. In order for the survey results to be non-biased, The American Legion worked with the Data Recognition Corp. to determine if veterans were benefiting from complementary and alternative medical treatments and therapies. The survey focused on four key areas: the veteran's type of treatments received; access and availability of Complementary and Alternative Medical (CAM) therapies; perceived benefits of treatments; and reasons of treatment termination.

In May 2014, The American Legion, along with Military.com, sponsored a TBI and PTSD symposium entitled “Advancing the Care and Treatments of Veterans with TBI and PTSD” to hear directly from servicemembers, veterans, and caregivers about their experiences, treatments, and care, and to determine how complementary and alternative medicine treatments and therapies are being integrated into existing health care models.

WHAT CAN CONGRESS DO?

- Provide oversight and funding to DoD and VA for innovative TBI and PTSD research currently used in the private sector, including non-pharmacological treatments.

KEY POINTS

- Of the more than 3,100 respondents to The American Legion's survey on PTSD/TBI treatments through VA, 59 percent reported feeling no improvement or worse after treatment.
- Approximately 30 percent of respondents reported they had terminated treatment before completion, citing lack of improvement or adverse side effects.
- Respondents reported prescriptions of up to 10 different medications for PTSD and TBI across their treatment experiences.

“He proceeded to tell me how he planned to slit his throat. Those are words, as a wife, that I cannot unhear.”

Andrea Sawyer, whose husband, Sgt. Loyd Sawyer, was diagnosed with TBI and PTSD, speaking at a 2014 American Legion symposium at the Institute of Medicine in Washington, D.C.

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KEY POINTS

- The American Legion has more than 3,000 accredited service officers across the country working every day to help veterans and their families with VA claims. Approximately 750,000 veterans are working with American Legion service officers at all times.
- The American Legion has conducted more than 100 site visits of VA Regional Offices over the last decade to review recently processed claims and ensure accuracy. Too often, these American Legion Regional Office Action Review teams find high error rates, leading to decision appeals from veterans, adding to the backlog.
- According to VA, more than 240,000 claims have gone more than 125 days undecided.
- According to VA, the average number of days to complete a non-fully developed claim is over 180.
- According to the Government Accountability Office, "VBA does not follow accepted statistical practices and thus generates imprecise accuracy data."

“There’s no reason why people should have to wait 24 months for a dependency claim to be granted.”

American Legion North Carolina Department Service Officer Cajun Comeau, during a Veterans Crisis Command Center event that provided firsthand assistance for nearly 800 veterans in June



The shifting VA backlog

In 2010, VA announced a goal to have no benefits claim languishing more than 125 days without a decision. The goal, set by former VA Secretary Eric Shinseki, also called for 98 percent accuracy in the adjudication process. The deadline was 2015.

Since the goal was announced at The American Legion National Convention in Minneapolis, VA has struggled to achieve it. Progress has been made against the backlog, but an initiative to expedite processing of undecided claims two years old and older resulted in rushed decisions, often made without medical examinations of the filing veterans. This has contributed to a growing stack of appeals and remanded cases. The American Legion is steadfast in its position that quantity cannot overshadow quality for veterans seeking answers about their claims. By improving processes to get claims done right the first time, VA can keep the appeals backlog from growing.

Whether an initial claim is tied up more than four months without a decision, or a claim is remanded for more information, or a decision is appealed based on a mistake, it’s all part of the backlog. And each undecided claim represents the life of a man or woman who served our country and deserves the benefits he or she is entitled to receive.

WHAT CAN CONGRESS DO?

- Demand improvements of the outdated work-credit system to ensure quality is not sacrificed to meet quantity quotas.
- Expand and accelerate use of the Fully Developed Claim process, which has proven to be effective at reducing adjudication times.
- Require VA to provide a publicly accessible, accurate and easily understood monthly reports on the number of claims for compensation and disability that were submitted, awarded, denied, or are pending.
- Provide immediate relief to waiting veterans by establishing interim benefits for veterans awaiting action on claims pending more than 125 days.

KEY POINTS

- In 2013, a Pentagon survey indicated 5,061 Military Sexual Trauma cases were reported.
- Veterans Benefits Administration data indicate significant increases in the granting of MST claims, but that only reflects national averages.
- A June 2014 Government Accountability Office report indicates that interpretations of regulations and laws pertaining to MST vary by VA regional office and by gender.
- The effects of MST extend beyond psychological conditions such as post-traumatic stress and anxiety disorders. Victims of MST may also suffer higher rates of headaches, gastrointestinal difficulties, sexual dysfunction, chronic pain and fatigue.



Military Sexual Trauma

One case of Military Sexual Trauma is too many. The Pentagon, however, estimated in 2012 alone that more than 26,000 U.S. service members – male and female – were victims of MST. Among them, only 3,374 cases were reported. For many reasons, these acts go unreported. Not only does a lack of reporting allow perpetrators to go unpunished and continue serving in the Armed Forces, that breakdown also denies help for victims.

Female veterans suffering from MST face other challenges when seeking treatment at VA facilities ill-equipped to provide adequate care for victims. When VA medical facilities are staffed dominantly by male medical professionals, some female MST victims hesitate about seeking treatment if they were assaulted by a male in service.

Disconnects that are inherent in the transition from DoD to VA care also contribute to the problem of obtaining effective care for MST victims. The American Legion supports the implementation of processes to ensure that veterans who fear retaliation or even misunderstanding, whether they are DoD or VA patients seeking help with MST, are given proper and discreet care and assistance with their benefits claims.

WHAT CAN CONGRESS DO?

- Ensure that all VA medical facilities employ MST professionals to conduct proper screening and treatment referrals.
- Require the employment of women veterans' coordinators who can provide MST sensitivity training for benefits claims processors.
- Direct VA to improve its adjudication process to ensure MST claims are decided uniformly throughout the nation.

“This problem doesn't require a battalion of senior executives. It requires VA authorizing the employees they have to take charge and manage this on a local level, but with consistency. It requires VA to implement clear accountability goals for the people already in place.”

Verna Jones, American Legion Executive Director, speaking before a House Veterans' Affairs Subcommittee on Health, in a hearing on MST

KEY POINTS

- CENTCOM estimates there were no fewer than 251 burn pits in Afghanistan and 22 in Iraq.
- U.S. forces in Afghanistan and Iraq did not sample or monitor burn pit emissions as provided by a CENTCOM regulation, and the health impacts of burn pit exposure on individuals are not well understood.
- Toxic groundwater at Camp Lejeune, N.C., existed for decades, and veterans who served at that site from 1953 through 1987 were found to be at higher risk for 15 medical conditions. The Honoring America's Veterans and Caring for Camp Lejeune Act of 2012, supported by The American Legion helped provide access to care for veterans and exposed family members
- Fort McClellan was shut down by the EPA in 1999, and the biological toll from the 66-year span between 1933 and 1999 is likely to exceed the toxic exposures of Camp Lejeune when a full accounting is totaled.



U.S. Air Force photo

Environmental hazard exposure

The American Legion has long been at the forefront of advocacy for veterans exposed to environmental hazards. Whether the toxin was Agent Orange, the effects of ionizing radiation, the chemicals and agents used during Project Shipboard Hazard and Defense, Gulf War Illness, or others, The American Legion has maintained a clear position:

- Treat the affected veterans.
- Study the effects to improve treatment and protect future generations.
- Fully fund research and publicly disclose all instances of contact so affected veterans can seek treatment.

Contamination at locations like Camp Lejeune and Fort McClellan, or exposure to burn pits in Afghanistan and Iraq may be the more recent concerns, but the issues of those exposed are no different than those faced by previous generations. The American Legion continues to fight to ensure these veterans, and any future veterans who are exposed to toxic conditions while serving our nation, get the treatment and compensation they deserve.

WHAT CAN CONGRESS DO?

- Ensure VA expeditiously conducts peer reviews and scientific examinations through the National Academy of Sciences within the Institutes of Medicine on exposures at all locations identified by the Department of Defense.
- Streamline and better organize rules related to the evaluation of studies involving exposure to environmental hazards and ensure all necessary action is taken so veterans with diseases and disabilities associated with exposure are properly treated and compensated.
- Introduce and support legislation that fully commits VA and IOM to identifying and curing Gulf War Illness, renew VA's commitment to the Research Advisory Committee on Gulf War Veterans Illnesses, and ensure that they share the results and act on the recommendations.

“The American Legion believes in treating the veteran first, funding the necessary research, and ensuring that service members are not exposed to chemical hazards again.”

American Legion testimony in support of the Toxic Exposure Research Act of 2014

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KEY POINTS

- C-123 aircraft were used from 1971 to 1982, including operations to spray Agent Orange during the Vietnam War, and were found to have evidence of the dioxin TCDD years after they were last flown.
- A May 2011 Institutes of Medicine report indicated that blue-water Navy veterans and fleet Marines who were not boots-on-the-ground troops in the Vietnam War, may have been exposed to Agent Orange.



U.S. Air Force photo

Agent Orange on ships, planes

Adverse health effects caused by exposure to herbicides like Agent Orange, particularly during the Vietnam War, have been well documented since American Legion-Columbia University research proved the connection in the early 1980s.

Today, VA recognizes that certain chronic medical conditions suffered by Vietnam War veterans who served where the herbicides were sprayed are presumed to be service-connected. Locations of exposure areas, and medical conditions related to exposure, are updated based on veteran contact to the application, equipment and storage of herbicides.

Evidence continues to grow indicating that veterans who worked on or around C-123 aircraft during the Vietnam War were exposed to Agent Orange. The Departments of Defense and Veterans Affairs fail to recognize a presumptive exposure by those who came into contact with the aircraft, although a recent study reveals that veterans with service on or around the planes were likely exposed. Similarly, veterans who handled Agent Orange on ships were also likely exposed.

The American Legion insists that recognized areas of use and medical conditions associated with herbicide exposure are explored and expanded, to include all who came into contact with the defoliants. Beyond the C-123 veterans, the conditions of thousands of blue-water Navy veterans who suffer chronic health problems after coming into contact with, or handling, dangerous herbicides offshore during the war must also be presumed as service-connected.

WHAT CAN CONGRESS DO?

- Expand the presumption of exposure to herbicides for veterans who served within 12 nautical miles of the Vietnam coast, to ensure that proper benefits are awarded to those with conditions associated with exposure.
- Recognize C-123 aircraft as herbicide exposure sites. Through this recognition, veterans with service on or around these aircraft would be eligible for benefits.

“I’ve been warned it’s going to be a long process, but (the VA rep) felt that he could put a case together to reopen my Agent Orange claim. I think that’s fantastic. I feel like I have hope now.”

Vietnam War veteran who asked not be identified, attending an American Legion Veterans Crisis Command Center event in Fort Collins, Colo.

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KEY POINTS

■ The drawdown of U.S. troops from Iraq in December 2011 and the announced cessation of combat operations in Afghanistan in 2014 did not end the global war on terrorism. President Obama's February 2015 request for the use of military force to combat ISIS demonstrates that the need for a well-equipped, properly funded military, at necessary force strength, remains critical to national and global security.

■ Instability in the Middle East, Africa, North Korea and Latin America – as well as the armed conflict between Russia and Ukraine – all have potential to force the United States into military action. The nation's ability to fight on multiple fronts is tenuous at best, as troop numbers decline.

■ Force reduction in the Army alone – proposed cuts from 520,000 to 440,000 – moves another 80,000 service members into the veteran population at a time when VA is struggling to meet current demands for health care.

■ A growing number of military men and women who were years into what they thought were careers in the Armed Forces are now involuntarily separating through Reduction in Force (RIF) measures. Often, they are leaving uniformed services without adequate career transition preparation.



U.S. Army photo

Maintain force strength

The automatic budget cuts caused by sequestration are on their way to leaving the United States with what former DoD Secretary Leon Panetta warned would be a “hollowed-out” military.

The February 2015 request by President Obama to use military force to stop Islamic State terrorists stood as a clear lesson that America is still a nation very much at war around the globe. It is neither effective nor fair for our military men and women to deploy against our nation's enemies without the weapons, equipment and support they need. Moreover, as would-be career military men and women are forced into early separation, and overall end strength is deliberately decreased, U.S. troop numbers will soon be at their lowest since before World War II.

Cuts to military health-care and retirement benefits also have adverse impacts on recruitment and retention of top personnel, including commissioned and non-commissioned officers and those with specialized military occupations.

At the same time the Department of Defense is asked to shoulder a disproportionate majority of the budget burden, America's enemies are growing more confident, taking more lives and attempting to reclaim nations our troops successfully fought to liberate.

WHAT CAN CONGRESS DO?

■ Demand that the automatic cuts of sequestration exempt the Department of Defense at least while our nation is still at war with militant terrorist extremists.

■ Support no legislation that erodes benefits or cuts pensions for career military personnel, keeping intact incentives to attract and retain the best men and women possible for the Armed Forces.

KEY POINTS

■ While the recently passed two-year budget agreement reduces the effects of sequestration, it does not eliminate the potential negative effects DoD cuts could have on military readiness and programs.

■ The Pentagon's budget is slashed by \$21 billion, due to sequestration. While not as devastating as the previous year's reduction of \$52 billion, these cuts are real and are being felt throughout the military.

■ The dangerous force-strength reductions will shrink our nation's military to the smallest it has been since before World War II, at a time when threats to national security from Islamic terrorism, North Korea and fighting between Russia and Ukraine, and North Korea have not diminished, and may be growing stronger.

■ The recent 1 percent military pay raise is the smallest since the creation of the all-volunteer force.



U.S. Navy photo

Protect funds for troops, security

A strong and well-funded national defense, including fair compensation and benefits for those who choose military careers, is a pillar value of The American Legion. Devastating cuts to both the operational budget as well as troop strength in the recent years of sequestration, coupled with the ongoing draw-down from the war theaters in Afghanistan and Iraq, have placed the United States in a vulnerable position while the Islamic State of Iraq and Syria (ISIS) cuts a swath of terrorism across southwestern Asia.

Recent attacks in Paris, Iraq, Syria, Ukraine and even in cyberspace have shown that the threat of terrorism and armed conflict is growing while a hamstrung U.S. military must try to fight back even though half of all federal budget reductions are expected to be borne by the Department of Defense.

WHAT CAN CONGRESS DO?

■ Oppose military spending cuts that weaken America's ability to defend itself in the ongoing war on terrorism.

■ Maintain a level of end strength that ensures U.S. military forces do not reach a “hollowed out” state.

■ Protect benefits for military personnel and their families, including TRICARE and retirement pay, which are incentives for those who seek to dedicate themselves to careers in the U.S. Armed Forces.

“If sequestration returns for any period of time, the Army will not be able to continue its mission.”

Army Chief of Staff
General Ray Odierno



KEY POINTS

- Surveys have shown that over 80 percent of American citizens support passage of a constitutional amendment that would protect the flag from desecration.
- The Senate has repeatedly fallen short of the 66 percent supermajority needed to send the measure to the people.
- Every state has passed memorializing resolutions to ratify a constitutional amendment prohibiting flag desecration.
- The House of Representatives has passed the amendment six times by supermajorities, only to see it fall short in the Senate – by just one vote the last time it reached the floor.



Photo by Brett Flashnick

Protect the U.S. flag

Since the American Revolution, countless men and women have proudly defended this nation under the Stars and Stripes. There is hardly a more poignant image of the sacrifices made by America's heroes in defense of this nation than a U.S. flag draped over a service member's coffin, the last full measure of respect to those who have made the ultimate sacrifice. However, since the 1989 U.S. Supreme Court's 5-4 decision in *Texas v. Johnson*, the American people have been denied the ability to make laws protecting this great symbol of our nation from desecration.

WHAT CAN CONGRESS DO?

- Co-sponsor and support legislation introduced in January 2015 calling for a constitutional amendment to prohibit desecration of the U.S. flag.

“The constantly bombarded Marine bases along the DMZ all showed a defiant flag that suffered the same indignities as the flags at McHenry and Sumter. Had Lincoln stood in the center of Khe Sanh, he would have smiled and understood. This is why we are here. This is what we are about.”

Col. Keith Nightingale,
U.S. Army, Retired

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