



TESTIMONY

OF

JOHN KAMIN

ASSISTANT DIRECTOR OF VETERAN EMPLOYMENT AND EDUCATION

THE AMERICAN LEGION

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS

UNITED STATES SENATE

LEGISLATIVE HEARING ON THE TOPIC OF:

S. 75, S. 111, S. 410, S. 473, S. 758, S. 798, S. 844, S. 882, S. 1192, S. 1209, S. 1218, S. 1277

AND

ALL SUBSEQUENTIAL DRAFT BILLS

JUNE 15, 2017

**EXECUTIVE SUMMARY OF
JOHN KAMIN, ASSISTANT DIRECTOR
NATIONAL VETERANS EMPLOYMENT AND EDUCATION DIVISION
THE AMERICAN LEGION
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE
ON
"PENDING LEGISLATION"**

JUNE 15, 2017

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Chairman Isakson, Ranking Member Tester, and distinguished members of the committee; On behalf of Charles E. Schmidt, the National Commander of the largest Veteran Service Organization in the United States of America, representing more than 2 million members; we thank you for this opportunity to present The American Legion's positions on pending legislation before this committee.

S. 75: Arla Harrell Act

To provide for the reconsideration of claims for disability compensation for veterans who were the subjects of experiments by the Department of Defense during World War II that were conducted to assess the effects of mustard gas or lewisite on people, and for other purposes.

S. 75 addresses denied disability compensation claims for individuals who were subjects of mustard gas and lewisite tests during World War II. Many of the files needed to submit claims to the Department of Veterans Affairs (VA) were either classified by the military or destroyed in the National Personnel Records Center fire of 1973.

For over a decade, Arla Harrell has sought VA disability compensation for conditions he attributes to his service in the military. While stationed at Camp Crowder, Missouri, during the latter days of World War II, he reports being subjected to mustard gas exposure as part of a secret experimental program. This exposure led to a lifetime of respiratory ailments and adverse medical conditions.

38 CFR § 3.316 identifies a host of medical conditions, to include respiratory conditions that are presumptively related to mustard gas exposure; however, without proper Department of Defense records, it is difficult for VA to assume that the exposure of mustard gas or lewisite was considered "full-body exposure."¹ S. 75 would allow VA to presume that any exposure to mustard gas or lewisite, in these cases, were "full-body exposure" incidences.

The American Legion has long supported service connecting veterans presumptively due to environmental exposures. Through the passage of Resolution No. 118, *Environmental Exposures*, at The American Legion's 98th National Convention, The American Legion supports

¹ <https://www.law.cornell.edu/cfr/text/38/3.316>

“the liberalization of the rules relating to the evaluation of studies involving exposure to any environmental hazard and that all necessary action be taken by the federal government, both administratively and legislatively as appropriate, to ensure that veterans are properly compensated for diseases and other disabilities scientifically associated with a particular exposure.”²

The American Legion supports S. 75.

S. 111: Filipino Veterans Promise Act

To require the Secretary of Defense to establish a process to determine whether individuals claiming certain service in the Philippines during World War II are eligible for certain benefits despite not being on the Missouri List, and for other purposes.

The provisions in this bill fall outside the scope of established resolutions of The American Legion. As a large, grassroots organization, The American Legion takes positions on legislation based on resolutions passed by our membership. With no resolution addressing the provisions of S. 111, The American Legion is researching the material and working with our membership to determine the course of action that best serves veterans.

The American Legion has no current position on S. 111.

S. 410: Shauna Hill Post 9/11 Education Transferability Act

A bill to amend title 38, United States Code, to authorize the transfer of unused Post-9/11 Educational Assistance benefits to additional dependents upon the death of the originally designated dependent.

S. 410 would permit reassignment of veterans’ education benefits in cases where the designated beneficiary passes away. Unfortunately, it took a tragic event to realize the necessity for this change.

In 2012, 16-year old Shauna Hill died in a two-car crash. Her father, retired Navy Capt. Edward Hill had granted Shauna his education benefits to his daughter to go to college. After her death, Mr. Hill had hoped to transfer this education benefit to his younger daughter, however, was informed that federal law prohibits transferring GI Bill benefits from one child to another post-retirement. S. 410 is a common sense bill aimed at making the lives easier for veterans who have chosen to gift their hard-earned education benefit.

Resolution No. 308: *Amending the Eligibility for the Transfer for the Post-9/11 GI Bill* supports legislation that would authorize all servicemembers with ten years or more of active-duty

² The American Legion Resolution No. 118 (2016): [Environmental Exposures](#)

service, who are eligible for the Post-9/11 GI Bill educational benefits, be able to use the transferability entitlement to give to their immediate family members.³

The American Legion supports S. 410.

S. 473: Educational Development for Troops and Veterans Act of 2017

To amend title 38, United States Code, to make qualification requirements for entitlement to Post-9/11 Education Assistance more equitable, to improve support of veterans receiving such educational assistance, and for other purposes.

Sec. 2. Eligibility of Reserve Component Members for Post-9/11 Educational Assistance

Sec. 3. Eligibility of Reserve Component Members for Nonreduction in Pay While Serving in the Uniformed Services or National Guard

Sec. 4. Modification of Time Limitation for Training and Rehabilitation for Veterans with Service-Connected Disabilities

In the 2012 National Defense Authorization Act, authorization 12304b was created under Title 10, which allowed reserve-component troops to meet the challenges around the globe by mobilizing without counting against caps on active forces. While this is critical to maintaining our national security, existing statutes do not recognize the service of Reservists and National Guardsmen called to mobilize on these orders.

According to Title 38 of the U.S. Code, these individuals did not serve on “active duty.” Even though these troops served side-by-side with Active Duty servicemembers, reservists deployed under these orders are therefore denied benefits earned for deployments including healthcare (pre- and post-mobilization), retirement age reduction, pay differentials, and eligibility for the Post-9/11 GI Bill.

Section 2-4 corrects these oversights via amending U.S.C. Titles 5, 10, and 38 to include §12304b mobilization authority in determining eligibility for all servicemembers who have mobilized under these orders.

The American Legion applauds the Committee's effort in addressing this issue, but Congress must not forget about the servicemembers who have already deployed under 12304b orders and the servicemembers who have and will be placed on 12301(h) healthcare orders. In present form, these section excludes 12301(h) and only applies to servicemembers activated after the date of enactment.

The American Legion does not believe that servicemembers who had their orders changed to medical recovery should be penalized by losing eligibility to the Post-9/11 GI Bill and concurs with the Office of the Secretary of Defense Reserve Forces Policy Board recommendation that 12301(h) be amended for GI Bill eligibility.

³ The American Legion Resolution No. 308 (2016): [Amending the Eligibility for the Transfer for the Post-9/11 GI Bill Educational Benefits](#)

Further, The American Legion does not believe that servicemembers who have already been activated under 12304b orders are any less deserving of GI Bill benefits, and requests that they be included in any legislative solution.

Resolution No. 20: *GI Bill Fairness for Wounded Servicemembers and Activated National Guard and Reservists* supports any legislative proposal that provides amendments to U.S. Code Titles 5, 10, 37 and 38 commensurate with U.S. Code Title 10 authorized service, such as 12304b and 12301(h), that grant Post-9/11 GI Bill benefits.⁴

The American Legion requests that this section be amended to apply with respect to any member of a reserve component of the Armed Forces who serves or has served on active duty under section 12301(h), 12304a, or 12304b of title 10, United States Code, before, on, or after the date of the enactment of this section.

Sec. 5. Deferral of Student Loans for Certain Period in Connection with receipt of Orders for Mobilization for War or National Emergency

Under current law, servicemembers can apply for deferment of their federal student loan repayments while they are deployed, and for up to 180 days post-deployment. This legislation would allow servicemembers to defer their loan repayments for up to 180 days pre-deployment. If they receive their first notice of deployment less than 180 days pre-deployment, their deferment eligibility would start on the day they received such notice. This legislation seeks to provide some economic relief to servicemembers whose lives are disrupted by being relocated and commencing the training they need for their upcoming deployment. The American Legion applauds Senator Tester's spotlighting of this issue.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the GI Bill, Department of Defense Tuition Assistance (TA), Higher Education Title IV funding (i.e., Pell Grants, student loans, etc.) and education benefits so servicemembers, veterans, and their families can maximize its usage.⁵

The American Legion supports Section 5.

Sec. 6. Grant Program to Establish, Maintain, and Improve Veteran Student Centers

This section establishes a grant program within the Department of Education (ED) to help institutions of higher education establish, maintain, and improve veteran education centers – a dedicated space on a college or university campus that provides students who are veterans, members of the Armed Forces, or eligible family members a centralized location for services. According to ED, federally funded veteran student centers and staff have generated improved

⁴ The American Legion Resolution No. 20 (2017): [GI Bill Fairness for Wounded Servicemembers and Activated National Guard and Reservists](#)

⁵ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

recruitment, retention, and graduation rates, have helped veteran students feel better connected across campus, and have directly contributed to student veterans' successful academic outcomes.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the GI Bill, Department of Defense Tuition Assistance (TA), Higher Education Title IV funding (i.e., Pell Grants, student loans, etc.) and education benefits so servicemembers, veterans, and their families can maximize its usage.⁶

The American Legion supports Section 6.

Sec. 7. Modification of Basis for Annual Adjustments in Amounts of Educational Assistance for Members of the Selected Reserve

Section 7 amends Section 16131 of title 10 to ensure that Montgomery GI Bill benefit rates for Guardsmen and Reservists maintain their current value by being equal to or greater than the yearly increase in the national average cost of tuition.

The Montgomery GI Bill for the Selected Reserve (MGIB-SR) is an important tool for recruiting high quality young men and women into the National Guard and Reserves. Those who initially join for six years are automatically entitled to MGIB-SR and its current monthly rate for full-time study/training of \$362. Unfortunately, MGIB-SR benefit rates have not kept pace with the rising costs of higher education and are effectively losing value each and every year. This trend sends a very poor signal that the service of our Guardsmen and Reservists is being de-valued, and it fails to make an appropriate investment in their education and professional development.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the GI Bill, Department of Defense Tuition Assistance (TA), Higher Education Title IV funding (i.e., Pell Grants, student loans, etc.) and education benefits so servicemembers, veterans, and their families can maximize its usage.⁷

The American Legion supports Section 7.

Sec. 8. Monthly Stipend for Certain Members of the Reserve Components of the Armed Forces

Section 8 prorates the monthly housing allowance for the portion of the month the servicemember is not on active duty by amending Title 38, U.S.C. to clarify the eligibility for monthly stipends paid under the Post-9/11 Educational Assistance Program for certain members of the reserve components of the Armed Forces.

⁶ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

⁷ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

Many reservists are required to routinely perform their jobs in a Title 10 status due to their specific job requirements and functions. These commonly include aircrew, intelligence personnel, and Unmanned Aerial Vehicle and Remote Piloted Aircraft operators. While not in a drill status, or if in a drill status under Title 38, an individual is entitled to their monthly housing allowance (MHA) and book allowance. When the drill status is under Title 10, the individual is entitled to the MHA and book allowance, but only for the first portion of the month up to when they entered active duty under Title 10. Therefore, if an individual goes on active duty on the first day of the month for three days, the individual does not receive any MHA or book allowance for the rest of that month. Just one day of Title 10 service can result in forfeiture of MHA and book allowance for all or most of the month. In order to maintain combat readiness, many reservists have to commit to a minimum of four training days per month in a Title 10 status. Many reservists are also full-time students and rely on their MHA to pay rent, but as a result of the current rules, they are denied their full MHA and book allowance, causing many members to incur thousands of dollars of debt. This is compounded by the fact that members of the reserve are used more frequently due to the increased tempo of operations around the world.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the GI Bill, Department of Defense Tuition Assistance (TA), Higher Education Title IV funding (i.e., Pell Grants, student loans, etc.) and education benefits so servicemembers, veterans, and their families can maximize its usage.⁸

The American Legion supports Section 8.

S. 758: Janey Ensminger Act of 2017

A bill to amend the Public Health Service Act with respect to the Agency for Toxic Substances and Disease Registry's review and publication of illness and conditions relating to veterans stationed at Camp Lejeune, North Carolina, and their family members, and for other purposes.

S. 758 would allow the Agency for Toxic Substances and Disease to collect information regarding servicemembers, veterans, and family members who suffer from a variety of illnesses due to contaminated drinking water at Camp Lejeune, NC. Additionally, this bill would require the Secretary of Veterans Affairs to allocate two million dollars a year to assist servicemembers, veterans, and their families affected by contaminated water at Camp Lejeune, in applying for health benefits through the VA.

During the early parts of the 1980s, contaminants were found in two wells that provided water at Camp Lejeune. These contaminants included the volatile organic compounds trichloroethylene (TCE), a metal degreaser, perchloroethylene (PCE), dry cleaning agents, and vinyl chloride, as well as benzene, and other compounds. It is estimated that the contaminants were in the water supply from the mid-1950's until February 1985 when the wells were shut down. Additionally,

⁸ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

there is evidence of an association between certain diseases and the contaminants found in the water supply at Camp Lejeune during the period of contamination.

United States Marine Corps (USMC) servicemembers and their families living at the base, between the 1950's to 1985, bathed in and ingested tap water contaminated with harmful chemicals at concentrations ranging from 240 to 3400 times higher than appropriate safety levels. An undetermined number of former base residents later developed cancer or other ailments, which may be associated with the contaminated drinking water. Victims claim that USMC leaders concealed knowledge of the problem and did not act appropriately in resolving it or notifying former base residents that their health might be at risk.

The American Legion is appalled that military members serving our nation, and their families, were exposed to harmful chemical contaminants at Camp Lejeune. We are equally shocked that the USMC was potentially aware of the issue and did nothing to mitigate the risk associated with the water contamination at this military installation. This bill would allow individuals affected by water contamination at Camp Lejeune to receive healthcare provided by the VA and claim any benefits due to them.

Resolution No. 377: *Support for Veteran Quality of Life* supports legislation that would allow access to quality VA health care and timely decisions on claims and receipt of earned benefits.⁹ The American Legion strongly supports this piece of legislation.

The American Legion supports S. 758.

S. 798: Yellow Ribbon Improvement Act

To amend title 38, United States Code, to expand the Yellow Ribbon G.I. Education Enhancement Program to apply to individuals pursuing programs of education while on active duty, to recipients of the Marine Gunnery Sergeant John David Fry scholarship, and to programs of education pursued on half-time basis or less, and for other purposes.

This bill would address a current statutory regulation that excludes eligible dependents of a servicemember killed in action from enhanced tuition reimbursement available through the Yellow Ribbon Program. This simple legislative fix will provide Fry Scholarship recipients with the same benefits as other Chapter 33 eligible beneficiaries and allow scholarship awardees access to education at Yellow Ribbon Schools.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the Post-9/11 GI Bill.¹⁰

The American Legion supports S. 798.

⁹ The American Legion Resolution No. 377 (2016): [Support for Veteran Quality of Life](#)

¹⁰ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

S. 844: GI Bill Fairness Act

A bill to amend title 38, United States Code, to consider certain time spent by members of reserve components of the Armed Forces while receiving medical care from the Secretary of Defense as active duty for purposes of eligibility for Post-9/11 Educational Assistance, and for other purposes.

Members of the National Guard or Reserve who are wounded in combat are often given orders under 10 USC 12301(h) for their recovery, treatment, and rehabilitation. Unfortunately, federal law does not recognize such orders as eligible for Post-9/11 GI Bill education assistance, meaning that unlike other members of the military, these members of the National Guard and Reserve lose benefits for being injured in the line of duty. An example is Captain Bryan Lowman of the North Carolina National Guard.

In 2010, Captain Lowman was deployed to Afghanistan in a detachment with the North Carolina National Guard. During the deployment, he became severely ill with typhoid fever, lapsed into a coma and underwent multiple emergency surgeries over the course of a year in Afghanistan, Germany and at Walter Reed Medical Center in Bethesda, MD. After his long recovery, Captain Lowman aimed to pursue a college degree. Based upon his active-duty time on his DD214, Captain Lowman was to be entitled to 90 percent of his Post-9/11 GI Bill benefits. However, since his activation status was changed to 12301(h) medical orders his eligibility was reduced to only the time he served before his illness.

The *GI Bill Fairness Act* would end that unequal treatment and ensure these servicemembers are eligible for the same GI Bill benefits as Active Duty members of the military.

The American Legion considers it truly unjust to deny wounded and injured servicemembers the ability to accrue educational benefits for the time they spend receiving medical care. No veteran should lose their benefits simply because they were injured while serving this nation.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the Post-9/11 GI Bill.¹¹

The American Legion supports S. 844.

S. 882: Purple Heart GI Bill Act

A bill to amend title 38, United States Code, to provide for the entitlement to educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs for members of the Armed Forces awarded the Purple Heart, and for other purposes.

S.882 would grant full Post-9/11 GI Bill eligibility to all Purple Heart veterans who qualify for a portion of the benefit. Currently, only veterans who either serve at least 36 months on active-

¹¹ Ibid.

duty or are medically retired receive Post-9/11 GI Bill benefits at the 100 percent rate. Unfortunately, this leaves out many Purple Heart recipients, particularly from the Reserve Components, who fought our country's battles, but were activated for less than three years in total. These servicemembers should not be penalized for being wounded before they could reach the full term of their contract to receive GI Bill eligibility. Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the Post-9/11 GI Bill.¹²

The American Legion supports S.882.

S. 1192: Veterans TEST Accessibility Act

A bill to amend title 38, United States Code, to provide for prorated charges to entitlement to educational assistance under Department of Veterans Affairs Post-9/11 Educational Assistance Program for certain licensure and certification tests and national tests, and for other purposes.

After completing their military service, veterans are eligible for a limited number of months of GI Bill benefits, which reimburses them for educational expenses incurred. Current law requires veterans to use a full month of their GI Bill eligibility to be reimbursed for licensing, certification, and national tests. Such tests open new doors to employment and allow veterans to advance and enhance their education and career. Given the relatively low cost of many tests, it often simply is not worth losing reimbursement for an entire month of tuition payment for other less expensive educational expenses.

S. 1192 allows veterans to be reimbursed for approved licensing, certification, and national tests, while still allowing the veteran to use their remaining GI Bill benefits for additional educational expenses in the same month.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the Post-9/11 GI Bill.¹³

The American Legion supports S. 1192.

S. 1209: A bill to increase special pension for Medal of Honor recipients

To amend title 38, United States Code, to increase the amount of special pension for Medal of Honor recipients, and for other purposes.

The American Legion enthusiastically supports an increase in the special pension assigned to Medal of Honor recipients. For the 72 living recipients of this nation's highest military honor, an

¹² The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

¹³ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

increase in the monthly pension based upon heroic acts in the face of nearly insurmountable challenges is a small token of appreciation and gratitude for their sacrifices.¹⁴¹⁵

The last stipend increase to affect Medal of Honor recipients was in the *Veterans Benefits Act of 2002*, which increased the stipend from \$600 monthly to \$1000 monthly. The current rate is \$1,303.51 a month.

As the nation's largest wartime veterans service organization, The American Legion fully appreciates the service of those awarded the Congressional Medal of Honor and supports increasing their monthly pension to \$3,000. Recognizing the need to improve the pension for those Americans that received the highest award for valor in action against an enemy force, The American Legion passed Resolution No. 366, *Honoring those who have earned the Medal of Honor*, during our 98th National Convention in August 2016, thus we support this legislation.¹⁶

The American Legion supports S. 1209.

S. 1218: Empowering Federal Employment for Disabled Veterans Act

To promote Federal employment for veterans, and for other purposes.

S. 1218 would require federal agencies to have full-time advocates for veterans' employment, and would promote career development for veterans within agencies. While many federal agencies have made significant strides to improve veteran employment, disparities in veteran hiring by agency suggests there is room for improvement. Although veterans made up 31 percent of the federal workforce in 2015, only 12 percent of workers at the Department of Agriculture and 7 percent of workers at the Department of Health and Human Services were veterans, according to the Office of Personnel Management.

S.1218 addresses these challenges with three unique solutions: the codification of veterans employment programs in 24 federal agencies; the establishment of an interagency council on veterans employment; and the expansion of the SkillBridge Initiative, one of the Department of Defense's most innovative approaches to transition assistance, to include participation by federal agencies. If enacted, The American Legion firmly believes this would benefit veterans by establishing a point of contact within these agency, support for development, and opportunities for mobility if awarded employment. These resources would provide a tremendous step forward for the federal agency and veteran.

The American Legion reiterates its position that protection of veterans' employment rights should be proactive and continuous oversight must be emplace to protect them from unfair hiring practices. The Federal government has scores of employment opportunities that educated, well-trained, and motivated veterans can fill given a fair and equitable chance to compete. Working together, all federal agencies should identify those vocational fields, especially those with high

¹⁴ <http://www.cmoths.org/medal-statistics.php>

¹⁵ <http://www.cmoths.org/living-recipients.php?p=3..>

¹⁶ The American Legion Resolution No. 366 (2016): [Honoring Those Who Have Earned the Medal of Honor](#)

turnover rates, for transitioning veterans who are trying to continue their service within the Federal government.¹⁷

The American Legion Supports S. 1218.

S. 1277: Veteran Employment Through Technology Education Courses Act

To direct the Secretary of Veterans Affairs to carry out a high technology education pilot program under which the Secretary shall provide eligible veterans with the opportunity to enroll in high technology programs of education.

S. 1277 would direct the Secretary of Veterans Affairs to carry out a pilot program allowing student veterans to attend approved non-traditional educational programs with a focus on obtaining technology micro-degrees. While the VA has the authority to cover costs of non-traditional educational programs, we have seen in the past that this approval process has been burdensome. It is important for the VA to address new forms of non-traditional learning as the realm of higher education evolves.

Technological micro-degrees are non-traditional degree programs that focus on specialized technology disciplines and typically comprises an accelerated education model. Veterans are prime candidates for the technological degree programs and can see their entire education covered using their earned GI Bill benefits. Currently, there are only a handful of non-traditional organizations offering classes through the current VA GI Bill process; even fewer offer non-traditional technology programs forcing veterans to cover these costs on their own.

The American Legion supports efforts in expanding educational assistance to non-traditional students attempting to find employment by earning a micro-degree in a specific field of study and applauds the Committee on its efforts to expand education to non-traditional student veterans. Although The American Legion supports the intent of this bill, we have concerns with S. 1277.

Oversight is needed before the VA can approve a non-traditional program and the State Approving Agencies (SAAs) are best equipped to certify these educational courses. Additionally, the provisions of this bill fall outside the scope of established resolutions of The American Legion. As a large, grassroots organization, The American Legion takes positions on legislation based on resolutions passed by the membership. With no resolutions addressing the provisions of the legislation, The American Legion is researching the material and working with our membership to determine the course of action which best serves veterans.

The American Legion has no current position S. 1277.

¹⁷ The American Legion Resolution No. 317: [Enforcing Veterans' Preference Hiring Practices in Federal Civil Service](#)

Discussion Draft on Changes to GI Bill

To amend title 38, United States Code, to improve Post 9/11 Educational Assistance, and for other purposes.

Sec. 2: Consolidation of Certain Eligibility tiers under Post 9/11 Educational Assistance Program of the Department of Veterans Affairs.

Too often, we see that Reservists and National Guard troops incur large sums of educational debt due to partial eligibility of GI Bill benefits. The American Legion feels that any effort to expand benefits to National Guard and Reservists for educational advancement will lead to more productive, work ready, and educated veterans. In 2009, the U.S. Bureau of Labor Statistics showed that there was a direct correlation between education and unemployment. 9% of Americans with only a high school diploma were unemployed, whereas only 4.3% of Americans with a Bachelor's degree or higher were unemployed.¹⁸

When applied to veterans, we can see an economic argument for increasing veteran educational benefits. Additionally, many veterans are non-traditional students with families. 52% of student veterans are married, and 23% are single parents.¹⁹ Given these added responsibilities, incurring educational debt can be burdensome for a family. This draft bill aims at alleviating some of the education liability of attending college by adjusting the eligibility tiers under the Post-9/11 Educational Assistance program for Reserves and National Guard.

From 1995 to 2015, the average cost of tuition and fees at a private national university increased 179%. The average in-state cost for tuition and fees at a public university grew by 296%.²⁰ The American Legion feels that it is time to adjust the percentage of maximum benefit payable to individuals serving our nation to better cover the costs associated with attending higher education. We support the following pay structure alignment:

Old Tier Structure:

Member Serves	Percentage of Maximum Benefit Payable
At least 36 months	100%
At least 30 continuous days on active duty and must be discharged due to service-connected disability	100%
At least 30 months, but	90%

New Tier Structure:

Member Serves	Percentage of Maximum Benefit Payable
At least 36 months	100%
At least 30 continuous days on active duty and must be discharged due to service-connected disability	100%
At least 30 months, but	90%

¹⁸ U.S. Bureau of Labor Statistics: <https://www.bls.gov/spotlight/2010/college/>

¹⁹ <https://studentveterans.org/images/SVASpotlightBrief-1.pdf>

²⁰ U.S. News & World Report: <https://www.usnews.com/education/best-colleges/paying-for-college/articles/2015/07/29/chart-see-20-years-of-tuition-growth-at-national-universities>

less than 36 months		less than 36 months	
At least 24 months, but less than 30 months	80%	At least 24 months, but less than 30 months	80%
At least 18 months, but less than 24 months	70%	At least 18 months, but less than 24 months	70%
At least 12 months, but less than 18 months	60%	At least 06 months, but less than 18 months	60%
At least 06 months, but less than 12 months	50%	At least 90 days, but less than 06 months	50%
At least 90 days, but less than 06 months	40%		

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student’s Education at Institutions of Higher Education* supports any legislative proposal that improves the Post-9/11 GI Bill.²¹

The American Legion supports Section 2.

Sec. 3: Additional Post-9/11 Educational Assistance for certain individuals pursuing programs of education in science, technology, engineering, math, or health care

The American Legion wants all veterans to succeed and would like to see more veterans enter Science, Technology, Engineering and Math (STEM) fields. This draft bill would incentivize veterans to enter fields where there are critical shortages and high yearly job growth. The American Legion supports this section of the draft bill that would allow extension of Title 38 education benefits up to nine months.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student’s Education at Institutions of Higher Education* supports any legislative proposal that improves the Post-9/11 GI Bill.²²

The American Legion supports Section 3.

Sec. 4: Increase in amounts of educational assistance payable under Survivors’ and Dependents’ Educational Assistance Program of Department of Veterans Affairs

Section 4 of this draft bill would increase education benefits for survivors and dependents (Chapter 35), which currently provides the least payable educational assistance of any VA program. Currently, Chapter 35 recipients are paid at the monthly rate of \$788 for full-time, \$592 for three-quarter-time, or \$394 for half-time pursuit of education. This is in stark contrast to Montgomery GI Bill payments, which receive \$1,857 for full-time, \$1,392.75 for three-quarter time, and \$928.50 for half-time enrollment. While survivors and dependents of servicemembers

²¹ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student’s Education at Institutions of Higher Education](#)

²² The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student’s Education at Institutions of Higher Education](#)

who died in the line of duty are eligible for the Post-9/11 GI Bill through the Gunnery Sergeant John Fry Scholarship, survivors and family members of veterans who are permanently and totally disabled due to a service-related condition or of veterans who died outside the line of duty have a right to demand more equitable benefits.

However, the provision in this section of the draft bill falls outside the scope of established resolutions of The American Legion. As a large, grassroots organization, The American Legion takes positions on legislation based on resolutions passed by our membership. With no resolutions addressing the provisions of the legislation, The American Legion is researching the material and working with our membership to determine the course of action that best serves veterans.

The American Legion has no current position on Section 4.

Sec. 5: Authorization for use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning

Section 5 authorizes veterans to use their GI Bill education benefits to continue their education for independent study programs at career technical education (CTE) centers.²³ In Oklahoma alone, veterans have lost access to over 200 accredited educational programs, simply because there is a distance learning or online component. This section would allow veterans to take independent study programs at CTE centers, while using their GI Bill benefits.

This draft bill would provide student veterans with an expanded scope and usage of the Post-9/11 GI Bill education benefits to other forms of postsecondary institutions. This potential legislation adds needed options to student-veterans in the pursuit of their educational goals.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the Post-9/11 GI Bill.²⁴

The American Legion supports Section 5.

Sec. 6: Calculation of monthly housing stipend under Post-9/11 Educational Assistance program based on location of campus where classes are attended

This provision of the draft bill corrects a discrepancy in the determination of Post-9/11 GI Bill housing payments by calculating the payment based on where students attend their classes, rather than where the institution of higher learning is certified.

Currently, the VA determines the Basic Allowance for Housing (BAH) amount based on the zip code where the school is certified, not necessarily the location of the school. This policy can

²³ Congressman Mullin Press Release: <http://mullin.house.gov/news/documentsingle.aspx?DocumentID=447>

²⁴ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

result in monthly BAH payments that fall below or far exceed the cost of living in certain zip codes. As a consequence, some schools receive an unfair recruiting advantage by paying student veterans more than what was intended for BAH in that area.

The American Legion believes that veterans should not make their educational choices based on housing benefit inconsistencies. Section 6 ensures veterans receive an adequate and fair housing allowance while eliminating fraud and abuse of the program.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the Post-9/11 GI Bill.²⁵

The American Legion supports Section 6.

Sec. 7: Repeal of sunset on work-study allowance from Department of Veterans Affairs for certain qualifying work-study activities

This section would extend the authority to provide work-study allowance for certain activities by individuals receiving educational assistance by the Secretary of Veterans Affairs.

The VA Work-Study program provides part-time employment to students receiving VA education benefits who attend school three-quarter time or more. The student may work at the school veterans' office, the VA Regional Office, or at approved State employment offices. Work-study students are paid either the State or Federal minimum wage, whichever is greater. Many student veterans use the work-study program as a supplement to pay their bills and other costs not covered by VA educational programs. In addition to supporting veterans education benefits processing, these student veterans are also establishing connections with their peers on campus, thereby fostering greater awareness of other veterans.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the Post-9/11 GI Bill.²⁶

The American Legion supports Section 7.

Sec. 8: Authorization of transfer of entitlement to Post-9/11 Educational Assistance by dependents who receive transfers from individuals who subsequently die

Section 8 would permit reassignment of veterans' education benefits in cases where the designated beneficiary passes away. This section closely mirrors S. 410, *Shawna Hill Post 9/11 Education Benefits Transferability Act*. We support that piece of legislation and support this section as well.

²⁵ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

²⁶ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

Resolution No. 308: *Amending the Eligibility for the Transfer for the Post-9/11 GI Bill* supports legislation that would authorize all servicemembers with ten years or more of active-duty service, who are eligible for the Post-9/11 GI Bill educational benefits, be able to use the transferability entitlement to give to their immediate family members.²⁷

The American Legion supports Section 8.

Sec. 9: Department of Veterans Affairs provision of on-campus educational and vocational counseling for veterans

VA created the Veterans Success on Campus (VSOC) program as a pilot in 2009 to bring Vocational Rehabilitation Counselors and VA Vet Center Outreach Coordinators to college campuses with large veteran populations. The program began as a pilot on the University of South Florida campus and has since expanded to over 94 schools across the country.²⁸

The VSOC program is a positive resource for student veterans and their dependents as they attend school through either the GI Bill or VA's Vocational Rehabilitation and Employment (VR&E) program, and gives individuals on-campus access to all-encompassing counseling programs.

Authorizing on-campus educational and vocational counseling is a tried and true method of increasing veterans' educational success. However, The American Legion has concerns about its sustainability. Since VSOC is currently implemented by VA policy and not a statutorily required program, it's future is dependent on VA funding. This section would require the Secretary to provide these services at institutions of higher learning selected by the Secretary and would codify the VSOC program.

The American Legion would also like to see the same education and vocational counseling before a veteran enters into the education realm. The best time to instruct a transitioning servicemember about their future in education and the workforce is before they transition out of the military. We strongly recommend applying this same language to the Transition Assistance Program.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the Post-9/11 GI Bill.²⁹

The American Legion supports Section 9.

Sec. 10: Restoration of entitlement to Post-9/11 Educational Assistance and other relief for veterans affected by school closure

²⁷ The American Legion Resolution No. 308 (2016): [Amending the Eligibility for the Transfer for the Post-9/11 GI Bill Educational Benefits](#)

²⁸ U.S. Department of Veterans Affairs: <http://www.benefits.va.gov/vocrehab/vsoc.asp>

²⁹ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

When a school closes, non-veteran students have federal protections to support them. Affected students with federal student loans have the ability to discharge their student loans. Students who received Pell Grants can have their eligibility periods reset for the time spent at a closed institution. The American Legion believes strongly that veterans are entitled to the same protection as their civilian counterparts. Over 6,000 student veterans were attending ITT Tech when they abruptly shut down their campuses³⁰, and more school closures will inevitably occur.

The American Legion applauds the Committee's effort in addressing this issue, but Congress must not forget about the student veterans affected by the Corinthian College closures of 2015. Our best estimate is that roughly 400 student veterans were affected by the Corinthian College closure. In present form, this bill only applies to courses and programs of education discontinued after August 1, 2016. The American Legion believes in equal protection for veterans and calls for the eligibility date be amended to the fiscal year of 2015.

Resolution No. 21: *Education Benefit Forgiveness and Relief for Displaced Student-Veterans* supports legislation that restores lost benefits to student-veterans attending schools that abruptly shut down.³¹

The American Legion supports Section 10.

Sec. 11: Treatment, for purposes of educational assistance administered by the Secretary of Veterans Affairs, of educational courses that begin seven or fewer days before or after the first day of an academic term

The VA defines a calendar week as Sunday to Saturday. According to the School Certifying Official Handbook, classes that begin “after the first calendar week” should be reported separately using the actual date each class starts. As an example: if a term starts on a Thursday, any course that meets for the first time on Thursday or Friday can be reported together, but if a course meets for the first time the following Monday, Tuesday or Wednesday it must be reported as a separate and unique term.

This creates excess work for educational institutions and regional processing officers (RPOs). Separate book and tuition fee payments must be issued, which may lead to improper payments. Defining “Calendar Week” for education benefits as “the seven-day period beginning on the first day of the institution’s published academic calendar” will reduce excess work and eliminate opportunities for errors in tuition and fee calculations.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student’s Education at Institutions of Higher Education* supports any legislative proposal that improves the Post-9/11 GI Bill

³⁰ <http://www.indystar.com/story/money/2016/09/06/why-veterans-have-most-lose-if-itt-tech-closes/89710280/>
"Why ITT closing hits veterans hardest"

³¹ The American Legion Resolution No 21: [Education Benefit Forgiveness and Relief for Displaced Student-Veterans](#)

The American Legion supports Section 11.

Sec. 12: Improvement of information technology of the Veterans Benefits Administration

This section would compel the Secretary of Veterans Affairs to make changes and improvements to the information technology system of the Veterans Benefits Administration to ensure that all original and supplemental claims for education assistance are handled electronically. This draft bill authorizes \$30 million to the Secretary of Veterans Affairs to carry this out during fiscal years 2017 and 2018.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the Post-9/11 GI Bill.³²

The American Legion supports Section 12.

Sec. 13: Provision of information regarding entitlement of veterans to educational assistance

The provisions in this section of the draft bill fall outside the scope of established resolutions of The American Legion. As a large, grassroots organization, The American Legion takes positions on legislation based on resolutions passed by our membership. With no resolutions addressing the provisions of the legislation, The American Legion is researching the material and working with our membership to determine the course of action that best serves veterans.

The American Legion has no current position on Section 13.

Sec. 14: Extension of authority for Advisory Committee on Education

The provisions in this section of the draft bill extends the authority for the VA Advisory Committee on Education from December 31, 2017 to December 31, 2022. This committee provides the VA independent analysis and advice on VA programs, and has proven to be an important part of streamlining the implementation of changes to the GI Bill by taking into account effects on the ground.³³

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the Post-9/11 GI Bill.

The American Legion supports Section 14.

³² The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

³³ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

Sec. 15: Limitation on use of reporting fees payable to educational institutions and joint apprenticeship training committees

This section increases the school reporting fee to \$16 for each veteran, or dependent enrolled under Chapter 31, 33, 34, or 35. The importance of this in a historical context is important to remember. Reporting fees were designed to streamline efficiency, with the VA paying schools to certify benefits themselves instead of hiring additional employees to process the benefits. Since 2012, this fee has fluctuated between \$10 and \$16. Without speculating on the reasons for these changes, it is fair to say that they are not commensurate with the actual labor of schools administering these programs.

While the reporting, reconciliation and overall cost of administering all programs has increased, and the burden on the educational institution is not business as usual, the added work effort has not been calculated. Also, the use of these fees should be designated to support the Office of Veterans' Affairs/Services and for professional development of the school VA Certification Officials and other Veterans' Program Administrators. The American Legion further propose that recipients of this reporting fee must match these funds to support veterans' services.

However, it has been difficult to track how schools are using these funds. This section addresses this by mandating what shall be utilized solely for the making of certifications required under title 38. It also mandates that institutions certifying over 75 enrollees may not use school reporting fees for general operating funds.

Resolution No. 333: *Support Increase in Reporting Fees for Educational Institutions* supports any legislation that increases the amount of the reporting fees payable to educational institutions for certifying officials who assist/enroll veterans receiving educational benefits from the Department of Veterans Affairs.³⁴

The American Legion supports Section 15.

Sec. 16: Training for school certifying officials as condition of approval of courses for veterans educational assistance

The Department of Veterans Affairs identified \$416 million in Post-9/11 GI Bill overpayments in fiscal year 2014, affecting approximately one in four veteran beneficiaries and about 6,000 schools. To identify the reasons behind this, the Government Accountability Office (GAO) was asked to review these overpayments and published an extensive report released in October of 2015. Chief among GAO's recommendations was granting VA explicit authority to require training for school officials.

Schools cause overpayments when they make processing errors, such as reporting the wrong enrollment dates or billing VA for non-allowable fees. VA estimated that these errors account for 8% of high-dollar overpayment cases in fiscal years 2013 and 2014, while GAO estimated that

³⁴ The American Legion Resolution No. 333: [*Support Increase in Reporting Fees for Educational Institutions*](#)

they account for around \$28 million of the \$280 million in high-dollar overpayments VA made in fiscal year 2014. According to interviews with staff from VA's Regional Processing Office and Debt Management Center, school officials without adequate training were cited as the primary source of the errors.

This section will require the Secretary of Veterans Affairs, in consultation with the State Approving Agencies, to set forth requirements to train school certifying officials on proper standards for certifying veterans benefits.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the GI Bill, Department of Defense Tuition Assistance (TA), Higher Education Title IV funding (i.e., Pell Grants, student loans, etc.) and education benefits so servicemembers, veterans, and their families can maximize its usage.³⁵

The American Legion supports Section 16.

Sec. 17: Modifications relating to reimbursement of expenses of State Approving Agencies for matters relating to administration of veterans educational assistance

State Approving Agencies are responsible for approving and supervising programs of education for the training of veterans, eligible dependents, and eligible members of the National Guard and Reserves. SAAs grew out of the original GI Bill of Rights from 1944. Though SAAs have their foundation in Federal law, SAAs operate as part of state governments. SAAs approve programs leading to vocational, educational or professional objectives. These include vocational certificates, high school diplomas, GEDs, degrees, apprenticeships, on-the-job training, flight training, correspondence training and programs leading to required certification to practice in a profession.

In accordance with the *Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016*, SAAs are now recognized as a valuable addition to the approval process of GI Bill schools. The SAAs ensure that programs meet certain eligibility criteria, in order to see that GI Bill funds are not wasted. Their unique focus on how GI Bill funds are spent makes their mission distinct from all other oversight and approving bodies.

In order to fulfill their additional requirements for compliance reviews, additional funding is required. The SAAs have far more complex responsibilities than the across the board certifications that existed pre Post-9/11 GI Bill, yet the SAAs funding has not increased since 2005. In order to rectify this with their greater responsibilities, this draft bill authorizes \$3 million to be appropriated for each fiscal year.

The American Legion believes the \$3 million increase is not adequate to cover the SAAs overall scope and encourages Congress to allocate \$5 million annually for the SAAs.

³⁵ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)

Resolution No. 304: *Support Accountability for Institutions of Higher Education* supports any legislative proposal that provides additional resources and increased funding for state approving agencies.³⁶

The American Legion requests that this section be amended to authorize \$5 million to be appropriated for each fiscal year.

Sec. 18: Modification of calculation of amount of educational assistance for individuals partially eligible for Post-9/11 Educational Assistance

For Post-9/11 GI Bill recipients at an eligibility of less than 100%, tuition and fees are recalculated based on other forms of restricted aid, ensuring that the veteran will not be able to fully cover their tuition and fee charges. This is because the VA is not the *first payer*.

As an illustration: suppose a veteran at the 50% tier attends a school charging \$2,000 for tuition. The veteran is awarded \$1,000 in scholarships, leaving \$1,000 remaining to be paid. Since the VA is not the *first payer*, they receive \$1,000 as the reportable charge, and pay the school \$500, 50% of the charges. If the VA was the first payer, however, VA would pay the school \$1,000, and the veterans scholarship would cover the rest of the charges. This would be clearly advantageous to the veteran and would allow the GI Bill benefit to cover more of the cost of an education.

Resolution No. 318: *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education* supports any legislative proposal that improves the GI Bill, Department of Defense Tuition Assistance (TA), Higher Education Title IV funding (i.e., Pell Grants, student loans, etc.) and education benefits so servicemembers, veterans, and their families can maximize its usage.³⁷

The American Legion Supports Section 18.

Conclusion

The American Legion thanks this committee for the opportunity to elucidate the position of the over 2.2 million veteran members of this organization. For additional information regarding this testimony, please contact Mr. Derek Fronabarger, Deputy Director of the Legislative Division at The American Legion, at (202) 861-2700 or dfronabarger@legion.org.

³⁶ The American Legion Resolution No. 304 (2016): [Support Accountability for Institutions of Higher Education](#)

³⁷ The American Legion Resolution No. 318 (2016): [Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education](#)