

**STATEMENT OF
IAN DE PLANQUE, DEPUTY DIRECTOR
NATIONAL LEGISLATIVE COMMISSION
THE AMERICAN LEGION
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE
ON
PENDING LEGISLATION**

June 5, 2013

Chairman Sanders, Ranking Member Burr and distinguished members of the committee, on behalf of Commander Koutz and the 2.4 million members of The American Legion, we thank you and your colleagues for the work you do in support of our service members and veterans as well as their families. The hard work of this Committee in creating significant legislation has left a positive impact on our military and veterans' community.

Nationwide, The American Legion has over 2,600 accredited service officers to ensure veterans receive the benefits to which they are entitled at no cost to those veterans. Not only do we advocate for the 2.4 million members in our organization, but also the millions of veterans who do not hold membership; in short, we live by the motto "a veteran is a veteran" and is deserving of representation when seeking VA benefits. We recognize the necessity to adequately compensate veterans and veterans' families for disabilities incurred during service to our nation.

As a grassroots organization, The American Legion draws upon the strength of its membership to provide guidance on policies in the form of resolutions passed during annual national conventions or at meetings of the National Executive Committee. The will of the membership of the Legion is expressed through these resolutions, which support or oppose policy decisions on topics of concern, whether for veterans, the children and youth of America, a strong national defense, or the principles of Americanism. The support and positions of The American Legion on any legislation is derived from the guidance of these resolutions and the founding documents of our organization.

S. 6: *Putting our Veterans Back to Work Act of 2013*

To reauthorize the VOW to Hire Heroes Act of 2011, to provide assistance to small businesses owned by veterans, to improve enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

This expansive bill renews many provisions of the VOW to Hire Heroes Act, supported by The American Legion in 2011, and expands on many of the provisions of that law, as well as offering other solutions to continue to address veterans' employment concerns.

The American Legion has been the leading veterans' voice in getting veterans back to work as those who have served this nation have suffered from unemployment rates fully two thirds or more higher than their comparative civilian cohort. Annually, The American Legion has worked with the Chamber of Commerce on hundreds of hiring fairs and put countless thousands of veterans back to work. Ensuring that the nation's protectors are matched up with the jobs their military service has prepared them for is a top priority of The American Legion.

As an organization, we were deeply involved in the creation of the unified employment portal for online government hiring through development stages with the Department of Labor and the Office of Personnel Management. As the nation's largest wartime veterans organization, The American Legion is certainly cognizant of the many benefits to hiring veterans and supports increases to the weight of influence in determining an overall score, when considering the hiring veterans, as an evaluation factor in solicitations for contracts.

At every stage of this nation's history, veterans of the armed forces have been vital to building the infrastructure of progress and the backbone of the labor force. This bill contains many important improvements to the employment environment for veterans to ensure they continue to provide the key role in America's workforce they have always enjoyed.

The American Legion supports this legislation.

S. 200

A bill to amend Title 38, United States Code, to authorize the interment in national cemeteries under the control of the National Cemetery Administration of individuals who served in combat support of the armed forces in the Kingdom of Laos between February 28, 1961 and May 15, 1975, and for other purposes.

The American Legion has no position on this legislation.

S. 257: GI Bill Tuition Fairness Act of 2013

Directs the Secretary of Veterans Affairs (VA), for purposes of the educational assistance programs administered by the Secretary, to disapprove courses of education provided by public institutions of higher education that do not charge tuition and fees for veterans at the same rate that is charged for in-state residents, regardless of the veteran's state of residence.

The American Legion is synonymous with veterans' education, and was instrumental in the first, and most recent GI Bills' passage designed to help the modern-day veteran navigate the confusing world of education benefits. The main reason for the Post 9/11 GI Bill was that VA education benefits were no longer sufficiently keeping pace with fast-rising tuition costs. Working with Congress, The American Legion stressed the need for a "21st Century GI Bill" that would provide benefits worthy of today's veterans, while offering similar opportunities afforded to those who fought in World War II.

Critics have said that S. 257 sets a dangerous precedent for other non-resident students utilizing federal aid programs. The American Legion strongly disagrees because military service members and military veterans are the only cohort of Americans who cannot satisfy residency requirements for in-state tuition because of circumstances beyond their control. Recognizing these unique circumstances, service members are already offered this reasonable accommodation when using military Tuition Assistance at public schools through the Higher Education Authorization Act; however, once a service member leaves the military this protection goes away.

The Post 9/11 GI Bill only pays in-state tuition and eligible fees. Veterans who settle in states other than their state of residence upon separating from the service are initially charged “out-of-state” tuition, which means they must pay the difference between the resident and non-resident charges of that state’s tuition. Service members are not given the option to move to any state and establish residency prior to their separation from the armed forces, which can lead to financial burdens.

State policies have adjusted in the last decade to allow active and reserve members to access in-state tuition rates, but separating service members (future veterans) must fulfill established residency time requirements to establish state residency and access in-state tuition rates beginning the day they are discharged, and receive no credit for living in that state while they were serving there during their active duty commitment. The Yellow Ribbon Program, included in the Post 9/11 GI Bill, supplements costs above the “in-state” tuition rate by matching contributions made by an institution of higher learning (IHL) towards veterans’ education; however, cuts to education scholarship programs have hindered effective implementation of this program.

Over the last couple of years, we have heard from countless veterans who, because of the nature of military service, have had a difficult time establishing residency for purposes of obtaining in-state tuition rates. Under current rules, 40,000 student-veterans have to pay the difference between in-state tuition, which is covered by the Post-9/11 GI Bill, and out-of-state tuition if they are attending school as a nonresident. Because of this, many of our student-veterans are unable to use their GI Bill benefits at an institution of higher education of their choice or are required to pay thousands of dollars in out-of-pocket expenses in nonresidential tuition rates. This added financial burden undermines the original intent of the program.

Additionally, public colleges and universities have significantly raised the costs of out-of-state tuition to offset decreasing revenues due to state budget cuts. Circumstances such as these pose significant challenges to using this important benefit. Because of this, and through resolution¹, The American Legion is working hard to ensure the Post 9-11 GI Bill receives appropriate enhancements to continually improve how this vital benefit functions for the service members who utilize the benefits.

The American Legion is addressing this issue on several fronts, and in addition to supporting federal legislation, continues to lead a state-by-state initiative to introduce, advocate for, and support state legislation that would waive the residency requirements for separating veterans,

¹ Resolution No. 327: Support Legislation to Improve the Post 9-11 GI Bill, AUG 2012

which would grant them access to in-state tuition at public colleges and universities, regardless of their residency status.

Veterans shouldn't be penalized just because their residence of enlistment was in another state, or be made to assume tremendous financial burdens due to the recent change in law which often caps GI Bill benefits far short of the high out-of-state rates. Therefore, this legislation is absolutely essential to thousands of veterans who were promised this assistance for their college education when the Post-9/11 GI Bill was originally passed, and is vital to giving veterans an equal opportunity to afford the school of their choice.

We were pleased to support this bipartisan effort, S. 257, which would require public colleges and universities to give veterans in-state tuition rates even though they may not be considered residents. The requirement would apply to state schools which have programs that are eligible to receive funding under the GI Bill.

The American Legion supports this bill.

S. 262: Veterans Education Equity Act of 2013

To amend title 38, United States Code, to provide equity for tuition and fees for individuals entitled to educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs who are pursuing programs of education at institutions of higher learning, and for other purposes.

The American Legion understands that the goal of this bill is similar to that of S. 257. We thank Senator Durbin for taking this issue seriously and introducing legislation in an effort to ensure more equitable reimbursement for student-veterans attending public schools. The American Legion supported this initiative in the last Congress, but we must explain why we have refined our position on this issue.

Public colleges and universities have significantly raised the costs of out-of-state tuition to offset decreasing revenues due to state budget cuts, making any tuition discount all the more costly. Circumstances such as these pose significant challenges to using this important benefit. Because of this, many of America's student-veterans are unable to use their GI Bill benefits at a school of their choice or are required to pay thousands of dollars in out-of-pocket expenses in nonresidential tuition rates.

Since 1862, with the passage of the Morrill Act, institutions of higher education have always received some form of education subsidies. However, it was not until 1944 with the passage of the Servicemen's Readjustment Act of 1944—the original GI Bill—which allowed World War II veterans to attend college at no cost, that those institutions of higher education began receiving their first major subsidy for students in higher education. The GI Bill is widely admired legislation, but like many subsidy programs it led to substantial wasteful spending and abuse. Some colleges and universities used federal funds for extraneous purposes, such as swimming pools and stadiums, while others increased tuition rates charged to veterans. There were also cases of outright fraud by schools aimed at garnering extra federal funds.

Interestingly, the rise in student subsidies coupled with the rise of tuition and other college expenses over the last several decades, has brought a significant spotlight on institutions of higher education. This, added to the current reality of education spending cuts, has led institutions of higher education to view the Post 9/11 GI Bill funding as nothing more than another source of subsidy to fill the void these cuts have created.

The American Legion believes that increasing GI Bill funding to higher educational institutions is potentially harmful on many fronts; it encourages bloat and inefficiency, and is an unfair burden on taxpayers. It also poses a threat to the core strengths of American higher education, including institutional autonomy, competition, and innovation. While we cannot support S. 262, we sincerely appreciate Senator Durbin's interest in this issue and we look forward to working with him on a fair solution for our current and future student-veterans.

The American Legion does not support this bill.

S. 294: Ruth Moore Act of 2013

To amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

The American Legion's accredited representatives at county service offices, regional offices, and the Board of Veterans' Appeals have acknowledged that a unique situation exists for victims of military sexual trauma (MST). MST is often an unreported crime, or even in the best cases poorly documented, and when MST is reported as the result of sexual assault or rape it is not uncommon for a lackluster investigation to occur resulting in the perpetrator of the crime never to be brought to justice.

On March 26, 2013, the Institute of Medicine (IOM) released a study: *Returning Home from Iraq and Afghanistan: Assessment of Readjustment Needs of Veterans, Service Members, and Their Families*. According to the study, "[M]ilitary sexual trauma has been occurring in high rates throughout the U.S. armed forces, including the Iraq and Afghanistan theaters. Sexual harassment and assaults disproportionately affect women; they have both mental and physical ramifications, and in many cases these victims have a difficult time readjusting." As evidenced by this study, a staggering number of veterans reported suffering MST; over 48,000 women and 43,000 men have reported experiencing military sexual trauma.

S. 294 addresses concerns raised repeatedly by The American Legion regarding MST. In testimony provided by The American Legion before the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs on July 18, 2012, Lori Perkio, Assistant Director for The American Legion Veterans Affairs and Rehabilitation Division, pointed to changes by VA in 2010 regarding combat zones and posttraumatic stress disorder, and stated The American Legion's position that the same consideration should be applied to MST victims as well. Both combat zones and MST related injuries are similar, and both types of claims reflect situations where there is a known and acknowledged culture of inadequate record keeping. Regulations allow for extra latitude on behalf of combat veterans to reflect the lack of record keeping, but the

same consideration is not extended to rape and assault survivors, though their trauma is no less devastating.

The American Legion believes that VA should review “military personnel files in all MST claims and apply reduced criteria to MST-related PTSD to match that of combat-related PTSD².” S. 294 adequately meets the criteria of American Legion resolution 295 by setting up similar criteria for MST victims as those in effect for combat victims.

The American Legion supports this bill.

S. 373: Charlie Morgan Military Spouses Equal Treatment Act of 2013

A bill to amend titles 10, 32, 37, and 38 of the United States Code, to add a definition of spouse for purposes of military personnel policies and military and veteran benefits that recognizes new State definitions of spouse.

The American Legion has no position on this legislation.

S. 430: Veterans Small Business Opportunity and Protection Act of 2013

A bill to amend title 38, United States Code, to enhance treatment of certain small business concerns for purposes of Department of Veterans Affairs contracting goals and preferences, and for other purposes.

The American Legion has long been an advocate for amending the law to protect the Service Disabled Veteran Owned Business (SDVOB) status and has stated so through resolution³. The American Legion works with veteran business owners all over the world, and has seen first-hand how the death of a veteran business owner creates an immediate and prejudicial hardship on the surviving spouse and family of the deceased veteran. The American Legion strongly supports the changes proposed in this legislation as they will properly improve and increase the benefits bequeathed to the veterans’ spouses or dependents who inherit a veteran owned business. The bill would increase the time period for a 100 percent disabled veteran’s spouse who has died as a result of a service connected condition, to ten years, and would establish a benefit of three years for a 100 percent disabled veteran who dies as a result of a non-service connected condition.

The American Legion supports this legislation.

S. 492

To amend title 38, United States Code, to require States to recognize the military experience of veterans when issuing licenses and credentials to veterans, and for other purposes.

² Resolution No. 295: Military Sexual Trauma (MST), AUG 2012

³ Resolution No. 323: The Status of Service-Disabled Veteran-Owned Business After the Death of the Veteran Owner, AUG 2012

The American Legion applauds Senator Burr and his colleagues for their work in support of America's service members, veterans, and their families, as well as for the introduction of this legislation. Since 1996, The American Legion has worked tirelessly; first to bring this issue to the forefront of national attention, and second to work on a comprehensive solution to this issue.

The American Legion believes that legislation designed to withhold funding could seriously slow, or stall the positive momentum The American Legion and Department of Defense have made, and continue to make at both national and state levels.

At present, some states accept national certifications for licensure purposes, and will award a license when presented with a certification certificate. The American Legion believes that states should administer an examination or accept a nationally recognized certification as an equivalent for licensure purposes, as opposed to completion of a passing score that is based on national accepted practices.

It is the opinion of The American Legion that the success of improving accessibility to state licensing and certification for veterans who possess equivalent skillsets will require the full cooperation of the state boards. We believe that in order for that to happen, the federal government must do its part to develop new regulations, and make changes to existing programs, policies and practices to support and reinforce what is happening in many states and across the credentialing industry. If Congress withholds funding from states, this will not be possible.

As currently written, The American Legion cannot support S. 492. We appreciate Senator Burr's efforts in this issue and we look forward to working with him on a solution for our current and future service members, veterans, and their spouses that will advance the efforts to provide a uniformed and seamless transition for our nation's military trained professionals.

The American Legion does not support this bill.

S. 495: Careers for Veterans Act of 2013

To amend title 38, United States Code, to require Federal agencies to hire veterans, to require States to recognize the military experience of veterans when issuing licenses and credentials to veterans, and for other purposes.

This broad reaching legislation takes a multifaceted approach to improving career prospects for veterans by addressing not only hiring of veterans, but also through improvements in the federal government's acceptance of military experience and certifications and improvements in contracting goals and preferences for veteran owned small businesses.

The bill would require the heads of federal agencies to develop plans and work in conjunction with the Office of Personnel Management (OPM) to increase federal hiring of veterans to include 10,000 covered veterans over the next five years. The American Legion recognizes better than anyone the unique contributions and strengths veterans bring to employers and is a devoted advocate for increasing federal hiring of veterans. The American Legion urges all executives in

government to enforce veterans' preference in their respective agencies⁴, and strongly supports veterans' preference hiring and efforts to support such.

Other provisions of the bill supported by The American Legion include support for improvements to state One-Stop Centers⁵, the modification of treatment under contracting goals and preferences for small business owners after the death of disabled veteran owners⁶, as well as the expansion of the contracting goals and preferences of the VA regarding veteran owned businesses.

The American Legion supports this bill

S. 514

A bill to amend Title 38, United States Code, to require states to provide additional Educational Assistance under Post-9/11 Educational Assistance to Veterans pursuing a degree in science, technology, engineering, math or an area that leads to employment in a high demand occupation, and for other purposes

The American Legion supports Senator Brown's pending legislation, S. 514, which seeks to provide additional educational assistance under the Post-9/11 GI Bill to better assist veterans pursuing a degree in science, technology, engineering, math or an area that leads to employment in a high-demand occupation.

Based on our research, The American Legion believes that the United States, in the face of increasing competition, needs to maintain its hard won status as the world leader in science, technology, engineering, and math. Currently, there is high demand for jobs in these areas and our service members, who have been screened, tested, and highly trained in a great number of highly technical military specialties, stand ready to significantly contribute to these sectors through innovation and ingenuity. Unfortunately, degrees in these kinds of programs can often cost more or last longer than other programs of education, making them a less desirable option for transitioning service members who are concerned with starting new careers and supporting their families.

This legislation provides additional funding for individuals in these types of educational programs that will assist the United States in maintaining its technological leadership in the international community, while supporting our continued national commitment to education in these fields of study. The Secretary of Veterans Affairs should be given the discretion to allocate additional funds for students participating in such programs as deemed appropriate. In August 2012, The American Legion passed resolution 153, because our members believe that it is imperative to the nation's continued world leadership and economic prosperity as well as

⁴ Resolution No. 330: Support Veterans' Preference in Public Employment, AUG 2012

⁵ Resolution No. 295: Support Priority of Service for Veterans in All State Employment Services Agencies' (SESA) One-Stop Centers, AUG 2004

⁶ Resolution No. 323: The Status of Service-Disabled Veteran-Owned Business after the Death of the Veteran Owner, AUG 2012

aerospace and military superiority⁷ to ensure that these skills remain a top priority throughout our American system of education.

The American Legion supports this bill.

S. 515

A bill to amend title 38, United States Code, to extend the Yellow Ribbon G.I. Education Enhancement Program to cover recipients of Marine Gunnery Sergeant John David Fry scholarship, and for other purposes.

The John David Fry Scholarship was created by Public Law 111-32 in honor of Marine Gunnery Sergeant John David Fry, and amends the Post 9-11 GI Bill to include the children of service members who die in the line of duty after September 10, 2001.

The American Legion is deeply committed to the plight of the children whose parents die on active duty in service to this nation. The American Legion established the Legacy Scholarship Fund to help meet the shortfalls these children experience, in an attempt to make up for significant shortfalls in government money allotted to these children – the federal government gives these children a college education stipend worth about \$37,000. Taking into account living expenses, textbooks and rising tuitions; this benefit covers little more than half of the basic college costs in the most affordable situations, and the price tag of higher learning will only continue to rise. The most conservative estimates predict a 5-percent annual increase, meaning that in 16 years the most affordable college education will rise to a staggering \$132,800.

The American Legion has long been a champion in the passage and improvement of the GI Bill; from the passage of the original GI Bill in World War II, through the passage of the Post 9-11 GI Bill – and through several iterations of Post 9-11 GI Bill Improvement Acts. The American Legion supports the full transferability of GI Bill benefits through resolution 296⁸, and to leave the children of those who have made the ultimate sacrifice behind in Yellow Ribbon benefits seems contrary to the spirit of the laws enacted to provide education as a reward for service and sacrifice. This promise is the heart of the GI Bill.

The American Legion supports this legislation.

S. 572: Veterans Second Amendment Act

A bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

It is both sad and ironic that the veterans' community, a community in which each and every member swore to uphold the Constitution of the United States, to include the 2nd Amendment, requires advocacy to maintain its constitutional right to bear arms. Unless deemed unfit to possess weapons by a judicial authority with the full benefit of due process, The American

⁷ Resolution 153: Support for NASA and Advancements in Aeronautical and Space Research, AUG 2012

⁸ Resolution 296: Amending the Eligibility for the Transfer of the Post 9-11 GI Bill Educational benefits, AUG 2012

Legion believes that each veteran, regardless of disability, should maintain the right to possess a firearm. Any constitutional right should be protected with this same expectation of careful scrutiny to ensure no right is removed without due process.

On December 2, 2012, NBC News published an article regarding veteran hunting trips as a form of therapy for combat veterans⁹. Throughout the nation, numerous organizations organize hunting trips for veterans; and even the Department of Veterans Affairs (VA) has acknowledged the positive effects of shooting firearms for some veterans. Jose Llamas, community and public affairs officer for VA's National Veterans Sports Program stated that hunting is included in a veteran's health-life plan, and at various adaptive sports summits throughout the nation, veterans can enjoy target shooting as well as competitive marksmanship competitions. Additionally, a recent \$25,000 grant was made to the Grand Junction, Colorado, VA Medical Center, to purchase the necessary equipment for veterans to hunt.

Furthermore, there are concerns that the threat of being placed on a list that might deny them their 2nd Amendment rights could act as a deterrent for veterans who might otherwise seek treatment. When the positive effects of therapy for conditions such as Posttraumatic Stress Disorder (PTSD) are so important, driving veterans away for fear of repercussions such as confiscation of firearms could only exacerbate existing stigmas.

During the 94th National Convention of The American Legion, Resolution 68 was passed. According to the resolution, "The American Legion reaffirms its recognition that the Second Amendment to the Constitution of the United States guarantees each law-abiding American citizen the right to keep and bear arms; and, be it finally resolved, that the membership of The American Legion urges our nation's lawmakers to recognize, as part of their oaths of office, that the Second Amendment guarantees law-abiding citizens the right to keep and bear arms of their choice, as do the millions of American veterans who have fought, and continue to fight, to preserve those rights, hereby advise the Congress of the United States and the Executive Department to cease and desist any and all efforts to restrict these right by any legislation or order."

The American Legion supports this bill.

S. 629: Honor America's Guard-Reserves Act of 2013

A bill to amend title 38, United States Code to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law.

This legislation honors, as a veteran, any person entitled to retired pay for non-regular (reserve) service or, but for age, would be so entitled. The bill provides that such person shall not be entitled to any benefit by reason of such recognition.

⁹ <http://usnews.nbcnews.com/news/2012/12/02/15575983-florida-guide-uses-hunting-as-rustic-therapy-for-combat-veterans?lite>

Since the inception of the all-volunteer force, members of the National Guard and reserve have stood side-by-side with their active duty counterparts, ready to answer the call to protect the nation. As embodied in the recently adopted Resolution No. 10¹⁰, The American Legion believes those who have taken that solemn oath and stepped forward to serve their country, the armed forces of the United States; whether active duty, reserve, or National Guard, deserve the title "Veteran".

The American Legion supports this legislation.

S. 674: Accountability for Veterans Act of 2013

To require prompt responses from the heads of covered Federal agencies when the Secretary of Veterans Affairs requests information necessary to adjudicate claims for benefits under laws administered by the Secretary, and for other purposes.

The American Legion processes thousands of veteran disability claims each year, and is acutely aware of the vital need for the interagency cooperation necessary to develop a Fully Developed Claim (FDC). Historically, VA has called upon federal agencies such as Department of Defense, Social Security Administration (SSA), and Internal Revenue Service (IRS) to provide necessary documents to support various claims submitted by veterans. In December 2012, Allison Hickey, VA Under Secretary for Benefits, announced a program created between VA, SSA, and IRS eliminating the need for veterans receiving pension benefits to complete the Eligibility Verification Report (EVR). This serves as the example of a positive relationship between VA and other federal entities.

The American Legion has called upon Congress to “to pass legislation that requires VA be held accountable for achieving the VA Secretary’s stated goal to achieve an operational state for VA in which no claim is pending over 125 days and all claims have an accuracy rate of 98 percent or higher, which is detailed in American Resolution 99¹¹.” As we are calling upon VA to adjudicate claims in a timely and accurate manner, accordingly, it is only appropriate that we also allow for VA to have the all available tools to accomplish the stated objectives. If a separate government entity holds a veteran’s records that are pertinent to a VA claim, then that entity should comply with VA’s request in a timely manner and provide the necessary required documentation.

The American Legion supports this bill.

S. 690: Filipino Veterans Fairness Act of 2013

To amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

¹⁰ Resolution No. 10: Support Veteran Status for National Guard and Reserve Servicemembers MAY 2013

¹¹ Resolution No. 99: Increase the Transparency of the Veterans Benefits Administration’s (VBA) Claims Processing

In brief, this bill will strike the word “not” in two subsections in section 107 of title 38, USC. By striking this word and the remainder of the subsections the USC will read:

- (a) *Service before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, shall be deemed to have been active military, naval, or air service for the purposes of any law of the United States conferring rights, privileges, or benefits upon any person by reason of the service of such person or the service of any other person in the Armed Forces.*
- (b) *Service in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 shall be deemed to have been active military, naval, or air service for the purposes of any of the laws administered by the Secretary.*

Also, this bill introduces additional wording for determination of eligibility. It charges the Secretary shall take into account any alternative documentation regarding such service, including documentation other than the Missouri List, that the Secretary determines relevant.

This bill adds a report the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and House of Representative that includes:

- a) *The number of such individuals applying for benefits pursuant to this section during the previous year; and*
- b) *The number of such individuals that the Secretary approved for benefits*

The American Legion has no position on this legislation.

S. 695: Veterans Paralympics Act of 2013

A bill to amend Title 38, United States Code, to extend the Authorization of appropriations for the Secretary of Veterans Affairs to pay a monthly assistance allowance to Disabled Veterans training or competing for the Paralympics team, and the authorization of appropriations for the Secretary of Veterans Affairs to provide assistance to United States Paralympics, Inc., and for other purposes.

The American Legion has no position on this legislation.

S. 705: War Memorial Protection Act of 2013

A bill to amend Title 36, United States Code, to ensure Memorials commemorating the service of the United States Armed Forces may contain religious symbols, and for other purposes.

As an organization whose motto reads “For God and Country” the notion that memorializing those who have served and sacrificed on behalf of this nation could be rendered devoid of recognition of their faith is alien and abhorrent. The American Legion was a leading voice in the fight to protect the Mojave Cross in the California desert to honor the sacrifices of the fallen. The American Legion was a leading voice ensuring families of veterans in National Cemeteries have their religious faith recognized as a part of funeral services. While faith is an intensely personal matter to a great majority of our veterans, The American Legion believes that a veteran’s choice to recognize his or her particular faith on his or her own personal memorial is in keeping with the protections of all personal choices guaranteed to any American citizen under any other circumstance.

That such a bill would even be considered necessary is disheartening, but The American Legion will always protect the rights of those who serve to enjoy their First Amendment protection to freely express their religious affiliation on their grave markers. We thank Ranking Member Burr for taking up this fight.

The American Legion supports this legislation.

S. 735: Survivor Benefits Improvement Act of 2013

To amend title 38, United States Code, to improve benefits and assistance provided to surviving spouses of veterans under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S.735 addresses several areas that would improve the quality of life for dependents receiving VA benefits, to include Dependency and Indemnity Compensation (DIC). The American Legion family has hundreds of thousands of members that are directly affected by this provision, and has previously called upon Congress to eliminate the age criteria for a surviving spouse to remarry and continue to receive DIC benefits¹².

Thailand and herbicide exposure has been a continual concern for The American Legion. As the regulations currently read, a veteran who served in Thailand during the Vietnam Era has to prove exposure to Agent Orange and other herbicides; this process has proven to be burdensome for both veterans and surviving spouses. As a result, a veteran who may have been exposed to herbicides while serving in Thailand may not have received the entitled benefits associated with herbicide exposure. Equally as important, widows of veterans exposed to herbicides that may have met their demise due to a condition associated with herbicide exposure are ineligible for benefits, such as DIC. Additionally, children of veterans who have served in Thailand that may have been born with conditions associated with the veteran’s herbicide exposure have also been identified as ineligible for benefits.

The American Legion has repeatedly called for a full recognition of veterans that served in Thailand between January 9, 1962 and May 7, 1975 to be recognized as presumptively exposed to herbicides and “seek legislation to amend title 38, United States Code, section 1116, to provide entitlement to these presumptions for those veterans who were exposed to Agent Orange while serving in areas other than the Republic of Vietnam where Agent Orange was tested,

¹² Resolution No. 44: Dependency and Indemnity Compensation

sprayed, or stored and has called for this recognition through resolution number 199¹³.” Ultimately, it is our belief that a veteran, no matter where the herbicide exposure occurred, should be entitled to the same benefit as veterans that were exposed to herbicides in Vietnam.

The American Legion supports this bill.

S. 748: Veterans Pension Protection Act

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to consider the resources of individuals applying for pension that were recently disposed of by the individuals for less than fair market value when determining the eligibility of such individuals for such pension, and for other purposes.

The American Legion and our network of over 2,600 service officers regularly work with veterans and their families to ensure they receive the benefits they deserve. Over the last several years, it has become more apparent that predatory actors are moving in and taking advantage of elderly veterans in a vulnerable position, by engaging in questionable business practices which can fleece a veteran of their money while offering false promises of pension programs to pay for elder care facilities.

While The American Legion is tremendously appreciative of Senator Wyden’s attention to this issue, and this legislation’s aim is admirable – seeking to protect veterans from these predatory practices by increasing the look back period when examining veterans’ assets, The American Legion has reservations as to whether or not this is the most appropriate measure to provide relief to veterans and their families. Research conducted through The American Legion’s network of service providers shows, that this new look back period would affect surviving spouses of veterans who need benefits, as well as questions how VA would be able to address the increased workload of the look back period when pension centers struggle to address their existing workload.

However, as this is a matter of concern, The American Legion continues to work with the expertise of our service officers, membership and staff to determine a course of action which would provide remedy in this situation. When such a remedy is determined, then by our own resolution process our membership, will The American Legion be able to ratify a plan for taking action. Due to the complexity of the situation, there is no consensus and therefore we can neither support nor oppose this course of action.

The American Legion has no position on this legislation.

S. 778

To authorize the Secretary of Veterans Affairs to issue cards to veterans that identify them as veterans, and for other purposes.

¹³ Resolution No. 199: Agent Orange

The American Legion recognizes that many states currently provide driver's licenses indicating a licensed driver is a veteran. For veterans residing in these states, a veteran can proudly prove service to this nation. Additionally, for retail outlets that may offer discounts for veterans, a government sanctioned identification card would require the necessary proof of military, naval, or air service. Some outlets no longer accept as proof of service a copy of a DD-214 as the document does not provide a photograph of the veteran.

Beyond the lack of photograph provided on a DD-214 is the form itself and how it could cause harm to the veteran through repeatedly showing the form in public. Public review of a DD-214 would reveal the veteran's Social Security number and other personal privacy information. In this age of widespread identity theft, it is possible a veteran's identity could be stolen simply through proving veteran's status at a retail outlet by displaying their DD-214; so in short, it could be a heavy price to pay due to trying to receive a discount at a retail outlet.

The American Legion has passed resolution number 43 that encourages state governments to include a veteran identifier on drivers' licenses¹⁴. A nationwide veteran's card could accomplish the same goal of having identification indicating veteran status without including the veteran's Social Security number.

The American Legion supports this bill.

S. 819: Veterans Mental Health Treatment First Act of 2013

A bill to amend title 38, United States Code, to require a program of mental health care and rehabilitation for veterans for service-related post-traumatic stress disorder, depression, anxiety disorder, or a related substance use disorder, and for other purposes.

This bill calls for VA to start mental health treatment for veterans regardless of whether or not they have been service-connected for a mental health condition. The bill would prohibit veterans from seeking service connection during that period, but would provide alternative forms of compensation to the veteran during the treatment period.

The American Legion is deeply concerned about the mental health care received by America's veterans. Mental health care is one of the components examined by the System Worth Saving Task Force through our annual visits to VHA medical facilities. The American Legion maintains an Ad Hoc Committee on PTSD and TBI to continually research new information on these concerns facing American veterans.

While The American Legion applauds efforts to get veterans into treatment, and through resolution number 109 works to monitor the ongoing effectiveness¹⁵ of the Mental Health Strategic Plan of VHA, we are concerned about the lack of ability for veterans to apply for service connection during this period. The longer a veteran waits from discharge from service, the more difficult it can be to find appropriate records and ultimately obtain service connection for injuries incurred or aggravated by military service. It would be troubling to realize that a

¹⁴ Resolution No. 43: Veteran Coding on Driver's Licenses

¹⁵ Resolution 109: The Department of Veterans Affairs Mental Health Services, AUG 2012

veteran could lose out on lifetime service connection and health care for a mental health condition in the interest of short term obtaining mental health care.

The American Legion is willing to work with Ranking Member Burr to find a way to make this program effective without reducing a veteran's rights to service connection, but cannot support the bill at this time.

The American Legion does not support this legislation.

S. 863: Veterans Back to School Act of 2013

To amend title 38, United States Code, to repeal time limitations on the eligibility for use of educational assistance under All-Volunteer Force Educational Assistance Program, to improve veterans education outreach, and for other purposes.

The Montgomery GI Bill for active duty service members and veterans requires each enrolled service member to make a non-refundable contribution up front. In return, they can use their entitlement – up to 36 months – to help pay for education, apprenticeship, and job training. However, the entitlement automatically expires 10 years after the veteran leaves active duty service. According to the Department of Veterans Affairs, nearly 30 percent of eligible veterans are unable to use any of their Montgomery GI Bill education benefits and most eligible veterans are only able to access a portion of them before the 10-year limit is reached.

This legislation would change the expiration from 10 years after the veteran leaves active duty service to 10 years after the veteran begins using the benefit. The American Legion, by resolution¹⁶, supports changes to the delimiting dates for the Montgomery GI Bill. In addition, the provisions to support and extend offices of veterans' affairs to more campuses are especially timely and relevant given the increasing number of student-veterans on campuses and their unique needs.

The American Legion supports this bill.

S. 868: Filipino Veterans Promise Act of 2013

A bill 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.

This bill is aligned in purpose with S. 690, the *Filipino Veterans Fairness Act*.

The American Legion has no position on this legislation.

¹⁶ Resolution 301: Eliminate delimiting dates for the Montgomery GI Bill and Post-9/11 GI Bill, AUG 2012

S. 893: Veterans Compensation Cost of Living Act of 2013

A bill to amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans.

The American Legion strongly supports a periodic cost-of-living adjustment (COLA) for veterans reflective of increased expenses due to inflation and other factors. However, there are many factors currently being considered regarding the calculation of COLA that merit discussion.

Within The American Legion's Code of Procedures, accredited representatives are advised under no circumstances should they cause harm to veterans' claims for benefits. Current provisions contained in the President's 2014 proposed budget, as well as in amendments to other bills that have been introduced from time to time, would replace the current Consumer Price Index (CPI) used to calculate increases to Social Security COLA with a so-called Chained CPI (C-CPI). Through chaining VA benefits to the new C-CPI and COLA for Social Security benefits, the veteran community would indeed be harmed. On December 19, 2012, Dean Stoline, Deputy Director of The American Legion Legislative Division, stated that a chained CPI is misguided policy and "would have significant deleterious effect on the benefits of millions of veterans".

Chairman Sanders has provided evidence that displays the long term negative effect upon the veteran community should Congress mandate a C-CPI approach to determining COLA increases. According to a press release from Sen. Sanders' office, the proposal would cut VA disability benefits for a 30-year-old veteran by more than \$13,000 a year by age 45, \$1,800 a year by age 55, and \$2,260 a year by age 65. Senior citizens who retire by age 65 would see their Social Security benefits reduced by about \$650 a year by the time they reach 75, and more than \$1,000 a year when they turn 85. These cuts would certainly place many veterans and their families' economic security in peril.

By resolution¹⁷ "The American Legion support[s] legislation to amend title 38, United States Code, section 1114, to provide a periodic COLA increase and to increase the monthly rates of disability compensation; and...oppose[s] any legislative effort to automatically index such [COLA] adjustments to the [COLA] adjustment for Social Security recipients, non-service connected disability recipients and death pension beneficiaries." The opposition to direct and automatic connection to the Social Security policies reflects the understanding that veterans and specifically disabled veterans represent a unique subsection of the American community, and their unique concerns should receive individual consideration when determining the need for periodic increases for cost of living.

The American Legion encourages Congress to seriously examine the disastrous long term negative consequences of C-CPI for veterans. The long-term negative effects created through permitting C-CPI for VA benefits could cause serious financial harm to millions of veterans.

¹⁷ Resolution No. 178: Department of Veterans Affairs (VA) Disability Compensation, AUG 2012

The American Legion supports an increased Cost-of-Living Adjustment for veterans, but would like to see the legislation amended to ensure veterans' COLA is protected from being changed to reflect a C-CPI model to the detriment of disabled veterans.

S. 894

A bill to amend Title 38, United States Code, to extend expiring authority for work-study allowances for individuals who are pursuing programs of rehabilitation, education, or training under the laws administered by the Secretary of Veterans Affairs, to expand such authority to certain outreach services provided through congressional offices, and for other purposes

This bill is an extension of the Department of Veterans Affairs authority to offer certain work-study allowances for student-veterans due to expire mid-year. The American Legion has long supported the Department of Veterans Affairs work-study program as defined through resolution number 296¹⁸ and supports this initiative to maintain as many of these work-study opportunities as possible.

This program provides a valuable benefit to student-veterans and that benefit is often multiplied many times over when, for example, they are allowed to perform outreach services to service members and veterans furnished under the supervision of a State Approving Agency employee. This is just one instance of the important work that is accomplished by these student-veterans.

The American Legion supports this bill.

S.922 Veterans Equipped for Success Act of 2013

A bill to require the Secretary of Labor to carry out a pilot program on providing wage subsidies to employers who employ certain veterans and members of the Armed Forces and require the Secretary of Veterans Affairs to carry out a pilot program on providing career transition services to young veterans, and for other purposes.

When veterans return to the workforce either right off of active duty service or after obtaining a college degree, they still face challenges in obtaining gainful employment. One of the barriers is the lack of experience in the private sector, which is why The American Legion has passed resolutions¹⁹ that support programs that encourage employers to create on-the-job training (OJT) opportunities for veterans and programs that provide financial incentives for employers who hire and provide training for veterans. The American Legion believes that the two pilot programs called for in this bill are complimentary to the OJT program already in place in the Department of Veterans Affairs. The range of veterans eligible for an OJT opportunity in the private sector is increased to those that have exhausted their GI Bill benefits and older veterans whose GI Bill

¹⁸ Resolution No. 296: Support the Development of Veterans On-The-Job Training Opportunities, AUG 2004

¹⁹ Resolution No. 18: Authorization to Seek Grants for Training and Job Placement for Veterans
Resolution No. 296: Support The Development Of Veterans On-The-Job Training Opportunities
Resolution No. 313: Support for the Military Transition Program

benefits have expired. Further, on top of incentivizing employers to participate, the eligibility parameters of the pilot programs allows for more corporate employers to participate.

The American Legion supports this bill.

S. 927: Veterans Outreach Act of 2013

A bill to require the Secretary of Veterans Affairs to carry out a demonstration project to assess the feasibility and advisability of using State and local government agencies and nonprofit organizations to increase awareness of benefits and services for veterans and to improve coordination of outreach activities relating to such benefits and services, and for other purposes.

This legislation calls upon VA to increase outreach to the veterans of America to utilize the services available to them. With over 22 million veterans in America, surprisingly The American Legion has found that only a fraction of those veterans utilize the services provided to them.

The American Legion is deeply committed to getting the word out to veterans about the benefits they have earned through their hard service and sacrifice on behalf of this great nation. With over 2.4 million members, and thousands of Posts located in every town nationwide, our organization is uniquely positioned within the veterans' community to spread the word, but such efforts work best when in partnership with the VA. The American Legion has over a dozen resolutions calling on greater efforts in outreach from VA in every field, from women's health care to volunteer work, and to benefits related to exposure to Agent Orange. The American Legion is committed to working with VA to reach every corner of the veterans' community.

While state and local authorities are an important component of outreach, it is our hope VA recognizes the most important partnership for reaching veterans is with The American Legion and with other non-profit Veteran's Service Organizations.

The American Legion supports this legislation.

S. 928: Claims Processing Improvement Act of 2013

A bill to improve the processing of claims for compensation under laws administered by the Secretary of Veterans Affairs, and for other purposes.

The purpose of this legislation is to provide a multi-faceted approach to dealing with the claims backlog. The rising claims backlog has increasingly become a problem with the Veterans Benefits Administration (VBA), and the past three years have seen the backlog leap from approximately 37 percent of all claims pending past the target goal of 125 days to nearly 70 percent of all claims now pending over 125 days. All of this is occurring while VA struggles to increase the accuracy of processing.

The American Legion, with over 2,600 accredited service officers nationwide, is deep in the trenches of the war against the backlog. On a daily basis, American Legion service officers help thousands of veterans navigate the complex and convoluted system to receive benefits they have

earned by becoming disabled while serving their country, and has recently partnered with The White House and the VA to spearhead the Fully Developed Claim (FDC) initiative. The American Legion is an industry recognized expert in this area and has decades of experience in this area.

This bill is broad in its reach and scope, and is best addressed by breaking it down into its component sections.

Section 101 –

This section directs the establishment of a working group to improve employee work credit and work management systems. The American Legion has already submitted to Congress and the VA proposals on how the work credit system must be fixed to include better accounting for accuracy as a measurable quantity. As it stands now, employees receive the same credit whether work is done properly or inaccurately, and such a system must be amended to take credit away for inaccurate work, but also to reward workers who take the necessary time to get the job done right the first time. The American Legion has tried to work with all parties to get a better system implemented, rather than waiting upon the work of a study group. The sooner VA can amend their work credit system, the sooner the system can better serve veterans.

Section 102 –

This section directs the establishment of a task force on retention and training at VA. Certainly VA employees have problems with retention, and the work is complicated enough that continually retraining the work force is counterproductive. The American Legion reiterates the concern that simply appointing another task force or study commission only further delays actual progress on remedying the issue.

Section 103-

This section addresses efforts to obtain information from other federal agencies. The American Legion has been vocal in their concerns about the breakdown of communication between VA and DOD in combining efforts on a Virtual Lifetime Electronic Record. Rather than work on a single system which would vastly improve communication between agencies, VA and DOD continue to walk down separate and individual paths. Improvements in communications between VA and all federal agencies is an important part of the disability claims process and **The American Legion supports improvements in this area.**

Section 104 –

This section deals with recognition of the phrase “Indian tribes” with respect to subsection 5902(a)(1) of Title 38 of the United States Code. **The American Legion has no position on this section.**

Section 105-

This section deals with creating pilot programs with tribal and local governments to improve the claims quality of disability compensation claims. **The American Legion has no position on this section.**

Section 106 –

This section requires quarterly progress reports on the progress of VA in eliminating the backlog. The American Legion is concerned about the lack of intermediary benchmarks from VA regarding reaching their goal of 98 percent accuracy and no claim pending longer than 125 days. Certainly some level of reporting to show clear progress would help with what has often been a lack of transparency in this area.

Section 201-

This section would reduce the filing deadline for an appeal from one year to 180 days. **The American Legion opposes any reduction in a veteran’s appellate rights.**

Section 202-

This section calls for all hearings to be conducted before the Board of Veterans Appeals through video hearings. Although it allows for a process for a veteran to request a personal hearing, it is unclear what the appellate rights are in this case. The American Legion retains concerns that whatever process is in place must be in the best interest of the veteran, and not simply a more expedient measure for the Board to alleviate the burden of communicating with the veteran. While there may be some improvement in the schedule to hear from veterans, it is important that **veteran’s concerns** must be held paramount in these decisions.

Section 301-

This section extends operational authority for the Manila Regional Office. **The American Legion agrees with the importance of maintaining operations to serve veterans in the Philippines.**

Section 302-

This section extends the period for scheduling medical exams for veterans receiving temporary disability ratings for severe mental disorders from six months to 540 days. **The American Legion has no position on this extension.**

Section 303-

This section extends the marriage delimiting date for surviving spouses of Persian Gulf War veterans to qualify for death pension to a date ten years after the Persian Gulf War ends. As long as the war remains open, this benefit and all associated benefits must be extended to reflect the ongoing nature of the conflict.

Section 304-

This section adjusts effective dates for benefits eligibility based on veterans’ children. **The American Legion has no position on this section.**

Section 305-

This section extends temporary authority for performing medical examinations by contract physicians. The American Legion recognizes the importance of these contract examinations in fulfilling examinations for disability and compensation purposes, especially in the midst of the backlog. Renewal of the contracting authority is important at this critical juncture.

The American Legion supports portions of this bill and holds no position on other portions. The American Legion opposes reducing the appellate rights of veterans, especially as concerned in sections 201 and 202.

S. 932: Putting Veterans Funding First Act of 2013

A bill to amend title 38, United States Code, to provide for advance appropriations for certain discretionary accounts of the Department of Veterans Affairs.

This bill, as is the case with the companion legislation H.R. 813 in the House of Representatives, recognizes the importance of providing timely, predictable funding for the Department of Veterans Affairs and would, as is the case with medical funding because of advanced appropriations, require Congress to fully fund the VA discretionary budgets a year ahead of schedule. The American Legion helped lead the way in the fight for advance appropriations for medical funding. In the current political climate, with sequestration and budget battles lurking around every corner, it is important to help set aside veterans' funding as separate and distinct from these battles. This is a bipartisan notion, as all Americans agree that those who have sacrificed through their service should not bear the brunt of squabbles and political infighting.

The current budgets of VA must grapple with ongoing efforts to address infrastructure insufficiencies in construction, IT and other projects, and advance funding would make the planning necessary to avoid undue waste possible.

The arbitrary budget axe has become a very real fear in the current political landscape. Politicians from both sides repeat the oft cited pledge "not to balance the budget on the backs of our veterans." This legislation would help protect veterans from just such uncertainties. Resolutions of The American Legion advocate protections for advance funding for medical budgets²⁰ and for protecting VA from PAY-GO provisions²¹. It is time to ensure all of VA's budgets are protected.

The American Legion supports this legislation.

S. 939

A bill to amend Title 38, United States Code, to treat certain misfiled documents as motions for reconsideration of decisions by the Board of Veterans Appeals, and for other purposes.

The American has seen first-hand how misfiled documents can severely harm a veteran pursuing assistance or service connected disability recognition from the Department of Veteran Affairs. This bill attempts to help address issues of confusion, wherein a veteran mistakenly files documents intended for the Court of Appeals for Veterans Claims (CAVC) to the Board of Veterans Appeals (BVA). Many veterans are unaware that their appellate rights transfer between branches of government, moving from the Executive to the Judicial branch. The American

²⁰ Resolution 180: Assured Funding for VA Medical Care, AUG 2012

²¹ Resolution 200: Exempt VA Benefits and Services from PAY-GO Provisions, AUG 2012

Legion is intimately familiar with the appeals process, and the confusing notification letters sent to veterans by VA, and that these documents are extremely difficult for the average person to make sense of. Certainly for unrepresented veterans, the legal options available to them are confusing, and may subsequently file their notice of “dissatisfaction with the determination of the BVA” to the incorrect entity.

The veterans’ disability claims process has long been recognized as “uniquely pro-claimant” by the courts, and in this spirit, The American Legion wants the benefit of the doubt extended to veterans at every step of the process. While more must be done to help direct veterans to accredited representation to help make sense of these processes, veterans should not be penalized unduly for a failure to understand every complexity of the arduous appeals process when there is a reasonable chance to view their claim in a favorable light.

The American Legion supports this legislation.

S. 944: Veterans’ Educational Transition Act of 2013

To amend title 38, United States Code, to require courses of education provided by public institutions of higher education that are approved for purposes of the All-Volunteer Force Educational Assistance Program and Post-9/11 Educational Assistance to charge veterans tuition and fees at the in-State tuition rate, and for other purposes.

The American Legion applauds Chairman Sanders and Ranking Member Burr for joining the push to prevent public colleges and universities from charging student veterans out-of-state tuition with the introduction of this legislation. However, we believe S.257, which has a companion bill that has cleared committee in the House, should be the vehicle through which we offer our veterans reasonable in-state tuition protections while using their Post-9/11 GI Bill benefits.

S.944 has limitations not included in the S.257 or the House bill which are very disconcerting. In-state tuition would be required only for veterans who are within two years of separation from active duty when they enroll. They would have to live in the state while attending school. The bill would exclude those service members who served less than 180 days and qualify for 40% of Post-9/11 GI Bill funding. Finally, it would allow VA to waive in-state tuition to institutions of higher learning if the Secretary determines such a waiver is appropriate.

These provisions concede too much to states and their public colleges and universities to the detriment of America’s veterans. Opponents of legislation to require in-state rates claim that it can potentially discourage the veteran from pursuing post-secondary education altogether if states or schools choose to opt out; however, accruing huge financial burdens is more detrimental to these veterans in our view. As public colleges and universities seek ways to recoup decreasing revenues, many have significantly raised the costs of out-of-state tuition. The cap for GI Bill benefits often falls short of that high out-of-state rate. Furthermore, because of the nature of military service, veterans, and beneficiaries, often have a difficult time establishing residency for purposes of obtaining in-state tuition rates. Circumstances such as these, which oftentimes

require them to live in certain areas, especially during the time when they are separated from the uniformed services, pose significant challenges when they wish to use this important benefit.

Critics have also said that legislation of this type sets a dangerous precedent for other non-resident students utilizing federal aid programs. The American Legion strongly disagrees because military service members and military veterans are the only cohort of Americans who cannot satisfy residency requirements for in-state tuition because of circumstances beyond their control. Recognizing these unique circumstances, service members are already offered this reasonable accommodation when using military Tuition Assistance at public schools through the Higher Education Authorization Act of 2008; however, once a service member leaves the military this protection goes away. Therefore, states have already conceded the point that educating those who serve is not only a federal financial obligation and have agreed to make this reasonable accommodation for those currently serving. They should do the same for our veterans for the same reasons. That states have already made arrangements to do so before also demonstrates that complaints about the obstacles to amending state tuition laws are overblown and, in fact, disingenuous.

After all, all Americans, in every state, owe a debt of gratitude to the men and women who served in the Armed Forces of the United States. In addition, public universities are nonprofit institutions that get special privileges, such as massive federal and state government subsidies and tax exemptions, based on the assumption that they are good stewards of the public trust. Granting in-state rates should be seen as part of the exercise of this trust. Student-veterans face many challenges pursuing higher education, there is no reason why obtaining in-state tuition should be one of them. By requiring public colleges and universities that receive GI Bill benefit payments to offer all veterans in-state tuition, Congress stays true to the intent of the GI Bill by enabling our veterans to pursue a higher education and jobs skills through the benefits they have earned.

We thank Chairman Sanders and Ranking Member Burr for their leadership on this issue and look forward to working with all stakeholders to ensure we can pass reasonable in-state tuition protections for currently-enrolled GI Bill beneficiaries and future student-veterans.

The American Legion cannot support this bill as written