



**THE ENLISTED ASSOCIATION OF THE NATIONAL
GUARD OF THE UNITED STATES**

STATEMENT FOR THE RECORD

**UNITED STATES SENATE
COMMITTEE ON VETERANS AFFAIRS**

on

PENDING LEGISLATION

JUNE 15, 2017

RUSSELL OFFICE BUILDING, ROOM 418

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The Enlisted Association of the National Guard of the United States (EANGUS) was created in 1970 by a group of senior Non-Commissioned Officers. It was formally organized / incorporated in 1972 in Jackson, Mississippi, with the goal of increasing the voice of enlisted persons in the National Guard on Capitol Hill for enlisted National Guard issues. Beginning with twenty-three states, EANGUS now represents all 54 states and territories, with a constituency base of over 414,000, hundreds of thousands of family members, as well as thousands of retired members.

Headquartered and with offices in Washington, D.C., EANGUS is a long-time member of The Military Coalition (TMC) and is actively engaged with the Guard/Reserve Committee and the Health Care Committee. EANGUS often partners with other National Guard related associations such as the National Guard Association of the United States (NGAUS), the Adjutants General Association of the United States (AGAUS) and the Reserve Officers Association (ROA) to pursue common legislation goals and outcomes.

EANGUS is a non-profit organization that is dedicated to promoting the status, welfare and professionalism of enlisted members of the National Guard by supporting legislation that provides adequate staffing, pay, benefits, entitlements, equipment and installations for the National Guard.

The legislative goals of EANGUS are published annually. The goals and objectives are established through the resolution process, with resolutions passed by association delegates at the annual conference. From these resolutions come the issues that EANGUS will pursue in Congress and in the Department of Defense.

President – Chief Master Sergeant John Harris, US Air Force (Retired)

Executive Director – Sergeant Major Frank Yoakum, US Army (Retired)

Legislative Director – Scott Bousum

DISCLOSURE OF FEDERAL GRANTS OR CONTRACTS

The Enlisted Association of the National Guard of the United States (EANGUS) does not currently receive, nor has the association ever received, any federal money for grants or contracts. All of the association's activities and services are accomplished completely free of any federal funding.

S. 473, Educational Development for Troops and Veterans Act of 2017 (Sen. Tester, Sen. Blumenthal, Sen. Brown, Sen. Murray)

The Enlisted Association of the National Guard of the United States (EANGUS) supports S. 473, “Educational Development for Troops and Veterans Act of 2017”. S. 473 addresses numerous initiatives effecting Reserve Component (RC) Servicemembers in a positive manner. First and foremost, if passed S. 473 would extend Post-9/11 GI Bill benefits to Servicemembers ordered to active duty status under 10 U.S.C. § 12304b status. In Fiscal Year (FY) 2016, DOD requested 10,107 Man-years. In FY17, DOD requested 11,124 Man-Years, and in its FY17 request for additional appropriations, DOD requested 18,738 Man-Years for 10 U.S.C. § 12304b duty status. Many EANGUS members deployed under this duty status, did not receive education benefits, and did not know they were not getting the benefit until after they returned home. The National Guard and Reserves recruit and retain Servicemembers by offering Post-9/11 GI Bill benefits, and it is unfair break in faith not to provide those very benefits based on a type of duty status.

EANGUS is supportive of other provisions in S. 473. We applaud Section 5 to defer student loans in connection with receiving orders for mobilization for war or national emergency. We support section 6 regarding veteran student centers and grants for veteran student centers. Sections 7 and 8 address adjustments and stipends for RC Servicemembers aiming to combat recent increases to undergraduate tuition costs. EANGUS fully supports these sections. We ask the committee vote in favor of S. 473 and move the legislation forward for consideration before the Senate.

S. 844, GI Bill Fairness Act of 2017 (Sen. Wyden, Sen. Boozman)

EANGUS fully supports S.844 to extend the time spent receiving authorized medical care or medical evaluation for disability as active duty for purposes of eligibility for Post-9/11 GI Bill Educational Assistance. Reserve Component Servicemembers receiving medical care or evaluation are placed on 10 U.S.C. § 12301(h), which is an active duty status, and should continue to accrue the same benefits as the other active duty statuses. The Servicemember, recovering from service connected wounds, should earn Post-9/11 GI Bill education benefits just as they would if they were forward deployed, and had not been wounded in the first place. We only support this effort if the member is placed on 10 U.S.C. § 12301(h) status for thirty days or longer. We ask the committee vote in favor of S. 844 and move the legislation forward for consideration before the Senate.

S. 882, Purple Heart GI Bill Act (Sen. Rounds, Sen. Boozman)

Our organization fully supports S. 822 to extend one-hundred percent Post-9/11 GI Bill eligibility to all Purple Heart recipients. Currently, only those Servicemembers that serve 36 months or more on active duty, or are medically retired, receive one-hundred percent of the Post-9/11 GI Bill benefit. EANGUS is particularly concerned that current law omits many Purple Heart recipients that deployed with a Reserve unit because they were activated for less than three years. Any Servicemember that is not medically retired and served fewer than 36 months receives only a prorated portion of the education benefit, and we feel that this is unfair. We ask

the committee vote in favor of S. 822 and move the legislation forward for consideration before the Senate.

Discussion Draft on changes to GI Bill

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

EANGUS supports the Senate Veteran's Affairs Committee's consideration to restore Post-9/11 education benefits to Servicemembers suffering a discontinuation of education due to a school closure. Furthermore, in the event of a school closure, we are supportive of any effort to provide housing stipends to Servicemembers until the end of the semester or term. Our association's membership has been negatively impacted by a school closure and we would be supportive of any effort by the Committee to protect Servicemembers from school closures. We ask the committee to support Section 10 of the GI Bill discussion draft before you and move the legislative language forward for consideration before the Senate.

Discussion on the Guard Recruiting Assistance Program (G-RAP)

We would be remiss if we didn't mention the thousands of veterans in the National Guard who have been targeted by Army CID agents who, without proper authority, have rounded up and interrogated Guard members as if they were on the Ten Most Wanted List, all because of their involvement in the Guard Recruiting Assistance Program (from 2005 to 2012).

Regrettably there was misconduct within G-RAP; that misconduct was widespread across a number of military recruiting programs (not just the National Guard) and those individuals were caught and rightfully punished years ago. Yet, here we are, five years after G-RAP ended, and Guard Soldiers are still being interrogated by CID in cases where they helped recruit only one person into the Guard under a program with confusing and often conflicting rules! Many say this massive investigation is simply an effort to justify the wildly inaccurate sworn testimony to Congress by Army General Officers. Others have said the entire debacle is a massive violation of the Posse Comitatus Act.

State leaders have been missing in action while Soldiers, who never intended to violate any rule, much less a law, keep getting crushed. Among other examples of how this defective investigation went wildly off the rails:

- Pre-dawn tactical team raids on the homes of 20+ Guardsmen and former Guardsmen in Puerto Rico.
- CID 24-hour surveillance of Guardsmen suspected of G-RAP misconduct (years before) in New Mexico.
- Investigations remaining open and lingering for over 5 years in Tennessee.
- Highly trained, Special Forces Soldiers being barred from re-enlistment in Colorado after findings of innocence in civilian court.

- At least one confirmed G-RAP investigation related suicide in California.
- Federal lawsuits in Texas demanding three times the G-RAP payments.
- Federal Criminal Histories created on thousands of Guardsmen nationwide, without criminal charges ever being filed.

It's true that some Adjutants General and their staffs have quietly rejected CID's faulty investigations and sent agents packing. But that's done little to stop CID's never ending ADOS funded campaign. Long after the Army Reserve CID agents are finally sent home, the ramifications and collateral legal consequences to Soldiers will continue for years to come; those who were titled have a permanent FBI file enumerating the "crimes" that they were investigated for — regardless of whether or not charges were even filed.

In the military, we talk about duty. A lot. We like to say that above everything else - above politics, above political leaders and parties, our sworn duty is to the Constitution. We purportedly stand for the bedrock principles found in the Bill of Rights. But the harsh truth is that the G-RAP investigations are an misapplication of Due Process, and a wholesale trampling of the Presumption of Innocence. And yet, the Army CID machine continues to chew up Guardsmen most often without leadership even asking a single question. Worse, some Guard leaders reflexively accept flawed CID conclusions and partial reports as gospel. Collectively, we've become a silent participant by standing by, watching and doing nothing.

G-RAP investigations have shown an abdication of leadership, a willingness to leave a fallen soldier behind, an inclination to accept false testimony from CID, and a failure to honor the Bill of Rights for those who swore on their lives to defend it. Think about this: If you're one of the thousands of Guardsmen subjected to a G-RAP investigation and the lingering scars, would you encourage young people to join the Guard? Betrayal is the wound that cuts the deepest. Our association demands that the Army CID investigations immediately cease and that restitution be made to those who did no wrong, to include expungement of any criminal record.