



The American Legion



THE AMERICAN LEGION LEGISLATIVE AGENDA

Submitted to accompany testimony before Congress by
**American Legion National Commander Charles E.
Schmidt** March 1, 2017

PREAMBLE TO THE AMERICAN LEGION CONSTITUTION

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

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

To maintain law and order;

To foster and perpetuate a
one hundred percent Americanism;

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

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

To combat the autocracy of both the classes and the masses; To
make right the master of might;

To promote peace and goodwill on earth;

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

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

A crossroads for VA and America's veterans

The American Legion plays a lead role in VA health-care reform, working with providers, patients, the public and other stakeholders in communities everywhere to improve access, quality and accountability.

American Legion System Worth Saving facility visits and Regional Office Action Reviews provide unequaled firsthand knowledge of the challenges and opportunities VA faces in the communities it serves. American Legion national staff also closely monitor reports from the Government Accountability Office, Congress, the VA Office of Inspector General, media and multiple other sources to identify facilities that are experiencing challenges so solutions can be found, together.

During these visits, American Legion staff and volunteers work with VA officials – *not against them* – to reduce lengthy patient waiting times, improve employee vacancy rates, hold management to higher standards of accountability, cut turnover in senior VA medical center leadership, speed up claims processing, reduce homelessness, eliminate improper burials at VA cemeteries, and ensure compliance with national policies, rules and laws enacted to assist veterans and their families.

Some reports of VA troubles have been, without question, alarming to veterans, their families and U.S. taxpayers. That is why we must all continue working together to restore confidence through tangible improvements, not simply hand the keys over to the private sector.

Soon after the VA appointment scandal broke in April 2014, The American Legion began conducting town hall meetings and command centers nationwide where veterans could get urgent help with claims and health-care access. American Legion staff, VA providers, congressional representatives and others participated. Veterans openly discussed their experiences, commonly praising the quality and professionalism they receive – when they can get in. These firsthand accounts guide The American Legion's positions as the 115th Congress gets under way.

Simply put, veterans prefer to receive their medical care at VA facilities and, dollar for dollar, no other health-care solution in the country can provide the care, quality, volume, efficiency or level of services VA provides for veterans. VA health-care facilities can also care for veterans more cost-efficiently than the private sector.

At this time of transition, The American Legion calls upon President Trump, Congress and taxpayers to assist VA Secretary David Shulkin to help us continue making progress on the road to recovery. VA must be protected from the impulse to unnecessarily outsource.

That protection depends on proper funding. The American Legion and our nation's veterans have fought hard to make VA the best it can be. To restrict access to that care, or to shop it out to a less-qualified provider because solvable problems have emerged, is tantamount to telling veterans they simply don't deserve high-quality care if something cheaper can be found. That's not the message we should be sending.



Charles E. Schmidt
American Legion
National Commander

ABOUT THE COMMANDER

- » U.S. Air Force Vietnam War veteran, 1965-1993, retiring as a major
- » As a civilian, worked at the Air Force Total Quality Management Program, Lowry Technical Training Center, Denver, before becoming a credit union executive in Oregon
- » Lives in Hines, Ore., with wife Linda
- » Member of Harney County American Legion Post 63 in Burns, Ore.

“ The adoption of this proposal would threaten the survival of our nation’s veteran-centered health-care system as a choice for the millions of veterans who rely on it. This single recommendation risks undermining... our veteran-centered health-care system.

Federal Commission on Care member Michael Blecker in his June 29, 2016, dissent to the full commission’s final report, calling for increased VA privatization

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WHAT CAN CONGRESS DO?

- » Congress should pass legislation to unify VA’s multiple non-VA care programs with the department as the coordinator and guarantor of care.
- » Ensure that non-VA providers are compensated fairly in regions where costs exceed standard federal payment guidelines.
- » Ensure VA’s non-VA claims and reimbursement system is automated and using the latest technology.
- » Ensure that medical records flow seamlessly within the integrated network of providers inside and outside VA’s system.



Photo by Matthew

The future of VA health care

The American Legion supported passage of the Veterans Access, Choice and Accountability Act of 2014 as a temporary fix to help veterans get the health care they need, regardless of distance from VA facilities or appointment scheduling pressure. The Veterans Choice Program was authorized through emergency legislation for three years and expires in August 2017, so critical policy choices must be made in the coming months, including possibly extending the program until emergency funds have been depleted.

A non-VA community care option is now a basic expectation for VA enrollees. Over the last two years, care delivered in the community has grown from 21 percent to 31 percent. The American Legion supports moving care into the community where it makes sense, but the Choice Program is clearly not the long-term solution veterans want or need.

An internal watchdog at VA released findings in January 2017 confirming what many veterans and lawmakers already knew: the \$10 billion Choice Program created to give veterans access to private health care has been “cumbersome” and “confusing” to use. Veterans continually tell The American Legion that even with the ability to seek non-VA care in the community, they want VA services.

Of the more than 1 million veterans who have taken advantage of the Choice Program, only about 5,000 have sought care solely in the community. Others used both VA and community services. By continuing such a program, excessive outsourcing would render the Veterans Health Administration too small to economically function or maintain high quality of care. Excessive outsourcing would ultimately lead to VA’s elimination.

Building a 21st century health-care system for veterans requires consolidating all of VA’s programs for outside care, including Choice, PC3, Project ARCH and others, under one authority to help veterans only when and where VA cannot meet patient demand. The American Legion supports a strong, integrated VA system of care that meets the needs of veterans and provides greater value to taxpayers.



Protect the best care anywhere

In 2016, The American Legion visited nine VA medical facilities that serve more than 500,000 enrolled veterans. The average patient load was 1,200 veterans, while the physician vacancy rate was just under 40 percent. All nine facilities listed staff vacancies as their No. 1 challenge, with combined vacancies exceeding 3,000. Additionally, The American Legion discovered that many medical centers are extremely aged, including a number of buildings that are national historical sites with strict rules concerning architectural changes. Many of these aged facilities face significant expansion challenges because they have become landlocked over the years as the community that surrounds them has expanded.

All nine sites reported concerns with the Choice Program, including late payments and medical record documentation not being returned to VA.

The American Legion learned through System Worth Saving visits that in many cases, due to VA's lengthy onboarding process, by the time VA is finally ready to hire an applicant, candidates have accepted job offers elsewhere. VA physicians also continue to report low physician pay as a major disincentive that keeps clinicians from seeking VA employment.

WHAT CAN CONGRESS DO?

- » Congressional members and their staffs are urged to attend American Legion town hall meetings prior to System Worth Saving site visits to hear stories from veterans, understand their frustrations and help them find solutions.
- » Give VA enhanced hiring and firing authority.
- » Help VA offer competitive recruiting incentives.
- » Address VA's aging infrastructure.

KEY POINTS

» At The American Legion's 2015 National Convention, the System Worth Saving program was reintroduced to continue visiting various VA medical centers throughout the country in order to evaluate quality of care.

» In 2016, The American Legion visited nine VA medical facilities serving more than 500,000 veterans and found physician vacancy rates to be the most prominent problem.

“ We must continue to work with VA to improve all aspects of veteran health care, and the System Worth Saving program continues to be our primary means of evaluating progress, or lack thereof, to improve timeliness and quality of care for our nation's heroes.

Ralph Bozella, Chairman,
American Legion Veterans Affairs
& Rehabilitation Commission

KEY POINTS

» The American Legion has testified before the House and Senate Committees on Veterans' Affairs, imploring members to allow VA to restore accountability to veterans and suggesting further measures to impose consequences for those who are responsible for the degradation of the health-care system.

» After a VA Inspector General's report in November 2015 addressed VA accountability issues and a follow-up congressional hearing, The American Legion expressed frustration and restated that VA needs to be fully accountable to provide care without waste, fraud or abuse of government funds.

“
 Pass legislation that empowers the secretary of the VA to discipline or terminate any employee who has jeopardized the health, safety or well-being of a veteran.

President Donald J. Trump, in his 10-Point Plan for VA Reform

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Accountability at VA

Systematic failures in VA, including preventable deaths, delays in providing timely and quality health care, and failure to adjudicate claims in a timely manner, have too often been confirmed in recent years. In response, The American Legion approved a resolution at its 2016 national convention that supports legislation to give the VA secretary authority to hold all VA leadership officials accountable.

The American Legion supports allowing the VA secretary to remove any employee who the secretary determines necessary based on performance. In addition, the secretary should have ability to easily transfer or demote individuals to General Schedule positions without any increased monetary benefit, should the need arise.

WHAT CAN CONGRESS DO?

- » Request a special prosecutor to investigate and vigorously enforce appropriate repercussions on any VA employee who engages in fraudulent practices in pursuit of bonuses or other awards.
- » Ensure that bonuses for VA senior executives are tied to qualitative and quantitative performance measures that are transparent to the public.
- » Continue to offer protections, and see to their enforcement, for whistleblowers who step forward to expose mismanagement and other practices that can harm veterans or their families.
- » Provide VA secretary the legal authority to better manage all employees, and hold them accountable when they fail to perform their duties in a manner befitting of a federal servant.



Photo by Chris

Modernization of VA appeals

Congress must pass appeals modernization legislation that would provide veterans with a simple, fair and transparent process in which the majority would receive final decisions within a year of filing an appeal, by 2022. If the current process remains in place, VA estimates that by 2027 a veteran will wait an average of 10 years to receive a decision.

The American Legion currently holds power of attorney on about 750,000 veteran claimants. The Legion spends more than \$2 million a year on claims and appeals processing and assistance. American Legion success rate at the Board of Veterans' Appeals hovers at around 80 percent, either outright grants of benefits or remands to properly develop claims that VA failed to properly process at lower levels of regional offices.

Just as The American Legion did in collaboration with VA to roll out the Fully Developed Claims process, the organization is willing to put in the work necessary to ensure appeals modernization is successful. The American Legion recognizes the increased burden appeals modernization can place on veterans; the Legion also recognizes that the organization's approximately 3,000 accredited service officers have the tools to ensure success for veterans and claimants. The American Legion will continue to work with service officers and other representatives, members, and most importantly, affected veterans to understand the changes in law that would result, and how they will be able to succeed with them.

In 2016, the U.S. House of Representatives approved appeals-reform legislation, which failed in the Senate. This year, Congress should pass appeals modernization to help ensure that VA puts veterans first.

WHAT CAN CONGRESS DO?

» Pass appeals modernization legislation (H.R. 457) that has been introduced into the House by Rep. Dina Titus of Nevada.

KEY POINTS

» The American Legion has more than 3,000 accredited service officers across the country working every day to help veterans and their families with VA claims. Approximately 750,000 veterans are working with American Legion service officers at all times.

» The American Legion has conducted hundreds of site visits of VA Regional Offices over the last decade to review recently processed claims and ensure accuracy. Too often, these American Legion Regional Office Action Review teams find high error rates, leading to appeals from veterans, which contributes to the backlog.

» According to VA, the number of appeals grew from 175,000 in 2009, to 318,000 in 2015 and to nearly half a million last year. Dependency claims have soared from 51,000 in 2009, to 214,000 in 2015 to 298,791 in early 2017.

“ The appeals process is broken and was designed in 1933... we will not fix this problem without legislation.

VA Secretary David Shulkin, during his Senate confirmation hearing, Feb. 1, 2017

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KEY POINTS

» Veterans from different eras and theaters of operation are receiving different levels of VA caregiver benefits, based on their dates and locations of service.

» The Caregivers and Veterans Omnibus Health Services Act of 2010, Public Law 111-163, amends Title 38 of the United States Code - Veterans Benefits Title 1, Caregiver Support, SEC. 101; Assistance And Support Services For Caregivers.

» Under the Caregivers and Veterans Omnibus Health Services Act of 2010, additional VA services are available to seriously injured post-9/11 veterans and their family caregivers through a program of comprehensive assistance for family caregivers.

» Congress has an obligation to fully fund this program. The American Legion has learned that caregivers who have been accepted into the program and previously received stipends have had their stipends reduced or removed due to budgetary constraints.



Many veterans from previous wars are just as deserving of benefits for their caregivers as spelled out in PL 111-163, but are not covered.

American Legion Resolution 259, passed by the 98th National Convention, Cincinnati, 2016



Photo by Abby

Support for veteran caregivers

Some 5.5 million caregivers go unnoticed while they care for America's military wounded. Caregivers suffer higher rates of depression and health problems than others. The American Legion is committed to supporting these hidden heroes.

U.S. Code 101 unfairly categorizes servicemembers and veterans by dates of service and/or theaters of operations. As a result, veterans receive different levels of VA benefits based solely on when and where they served, rather than their honorable service alone.

The American Legion urges VA to provide the same level of benefits to all eligible enrolled veterans. VA caregiver benefits should not be limited to post-9/11 veterans but expanded to assist all who are eligible. VA has enrolled veterans including those who require caregiver assistance in day-to-day health-care needs, regardless of when they served.

The American Legion urges Congress to create and pass legislation to remove the "September 11, 2001" date from Public Law 111-163 and revise it to include all veterans who otherwise meet the eligibility requirements.

WHAT CAN CONGRESS DO?

» Review current legislation and public laws to ensure that benefits are provided equitably and consistently for all veterans from the current conflicts in Iraq and Afghanistan and those from previous war eras.

» Direct VA to provide the same level of benefits for any veteran, regardless of the dates or theater of operations during their military service.

» Fully fund the caregiver program.



Photo by Lucas

VA recruiting and retention

From the inception of The American Legion's System Worth Saving (SWS) program in 2003, The American Legion has tracked and reported staffing shortages at every VA medical facility across the country and submitted those findings to Congress, VA Central Office and the president of the United States.

In 2015, during The American Legion's SWS site visit to the VA Medical Center in St. Cloud, Minn., providers expressed concerns about the number of physician vacancies and how the additional workload is impacting morale at the medical centers. During the same visit, one veteran expressed concern noting, "every time I visit the medical center, I am assigned a new primary care provider because my last provider either quit or transferred to another VA."

Numerous reports cite VA's staffing issues. For example, in January 2015, the VA's Office of Inspector General released its determination of the "Veterans Health Administration's Occupational Staffing Shortages," as required by Section 301 of the "Veterans Access, Choice and Accountability Act of 2014." With this report, the Inspector General determined the five occupations with the largest staffing shortages were medical officers, nurses, physician assistants, physical therapists and psychologists.

WHAT CAN CONGRESS DO?

» The American Legion supports legislation addressing the recruitment and retention challenges that VA has regarding pay disparities among physicians and medical specialists who are providing direct health care to veterans.

KEY POINTS

» The American Legion has tracked and reported staffing shortages at every VA medical facility across the country since the inception of the SWS program in 2003.

» VHA is still struggling to achieve the appropriate balance of primary care and medical specialists across the country. If VA continues to struggle with retention and recruitment, the trend of closures (or continued closures) for multiple departments within VA health-care systems nationwide will continue.

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You have to have an environment that people want to come to work. VA is blessed by training 70 percent of all doctors...

If they see that the environment is one that puts the patients first and cares about the people who work there, they are going to want to stay there.

VA Secretary David Shulkin

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KEY POINTS

» About 20 years ago, scientists discovered a system in the brain called the endocannabinoid system that responds to 60 chemicals in cannabis, also known as marijuana. Recent studies show promise that medical cannabis is a viable solution for treating pain, inflammation, seizures, mental health disorders, autoimmune diseases, multiple sclerosis, Crohn's disease, Alzheimer's disease and even cancer.

» In April 2016, the Drug Enforcement Administration approved a study on the effect of medical marijuana on PTSD. It is the first randomized, controlled research in the United States for PTSD that will use the actual plant instead of oils or synthesized cannabis.



Photo by Lucas

Study cannabis to treat veterans

The American Legion is deeply concerned with the unprecedented numbers of veterans returning from Iraq and Afghanistan suffering from traumatic brain injuries (TBI) and post-traumatic stress disorder (PTSD) – the “signature wounds” of the war on terror. Over the past several years, veterans returning from combat operations with TBI and PTSD have been thrust into the forefront of the consciousness of the medical community.

The American Legion's PTSD-TBI Committee has researched numerous treatment programs, including cannabis, and has concluded that more study is needed in order to get the most effective therapies into use among individuals who can benefit from them.

WHAT CAN CONGRESS DO?

» Create and pass or amend legislation to remove marijuana from Schedule I and reclassify it in a category that, at a minimum, will recognize cannabis as a drug with potential medical value.

» The American Legion urges Congress to work with the Drug Enforcement Administration to license privately funded medical marijuana production operations in the United States to enable safe and efficient cannabis drug development research.

“ I was a basket case. I lived in my parents' basement for three years and didn't speak. I almost forgot how to speak. Cannabis isn't the only thing that got me out of it, but it really helped.

Roberto Pickering, Iraq veteran, with a 100-percent service-connected PTSD disability

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The invisible wounds of war

At least 20 percent of Iraq and Afghanistan veterans have PTSD and/or depression, according to the RAND Corp. Another comprehensive analysis published in 2014 reported “among male and female soldiers aged 18 years or older returning from Iraq and Afghanistan, rates (of PTSD) range from 9 percent shortly after returning from deployment to 31 percent a year after deployment.” Additionally, 19 percent of veterans may have traumatic brain injury and more than 260,000 Iraq and Afghanistan veterans have been diagnosed with TBI.

Understanding the magnitude of veterans suffering from TBI and PTSD, The American Legion PTSD-TBI Committee continues to investigate existing science and medical procedures, as well as alternative treatments

for those suffering from TBI and/or PTSD. The committee continues to urge Congress to provide oversight, allocate funding, improve pain management policies, and accelerate research efforts to properly diagnose and develop complementary and alternative medicine treatments for TBI and PTSD.

WHAT CAN CONGRESS DO?

- » Provide VA necessary funding to make complementary and alternative therapies part of its health-care treatment plan for veterans suffering from injuries such as PTSD, TBI and other mental health conditions.
- » Increase the budgets for DoD and VA to improve the research, screening, diagnosis and treatment of TBI and PTSD, as well as oversee DoD and VA to develop joint offices for collaboration.
- » Increase funding to DoD and VA for suicide-prevention programs.
- » Continue to provide oversight on DoD and VA mental health-care services.

KEY POINTS

» In 2010 The American Legion established a PTSD-TBI Committee that focuses on investigating existing medical science and procedures. It is also reviewing alternative methods for treating TBI and PTSD that are currently employed by DoD and VA to determine whether such alternative treatments are practical and efficacious.

» The American Legion continues to be concerned with the unprecedented numbers of veterans returning from war who suffer from TBI and PTSD.

» The American Legion believes all health-care possibilities should be explored and considered to find the appropriate treatments, therapies and cures for veterans suffering from TBI and PTSD. These treatment options, which include complementary and alternative treatments and therapies, must be accessible to all veterans.

“ The American Legion strongly supports the use of complementary and alternative medicines.

Louis Celli, Director,
American Legion Veterans
Affairs & Rehabilitation
Division

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KEY POINTS

- » The United States has more than 2 million women veterans.
- » The number of women veterans receiving VA health care has doubled since 2000.
- » Although VA has made improvements in care, many challenges remain, including recruitment and performance of VA staff, personal and electronic communications, and delivery of gender-specific health-care services for women veterans.
- » The American Legion urges VA to work with the Departments of Defense and Labor to develop a customized women veterans health care track for the Transition Goals, Plans and Success program, and to facilitate that program with women clinicians.

“ Women are the fastest growing demographic serving in the military and enrolling in the Department of Veterans Affairs for their health-care treatment.

Resolution 147, American Legion 98th National Convention, Cincinnati

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Quality care for women veterans

Just as women veterans have dedicated themselves to service, so should a grateful nation be dedicated to providing them with the specialized services they require. However, The American Legion’s System Worth Saving Task Force has discovered several areas of concern regarding women veterans health care, including:

- Many women veterans do not identify themselves as veterans.
- Over 2 million women in the United States are veterans.
- Many women veterans do not know what benefits they are eligible to receive.
- VA medical facilities do not have a one-, two- and five-year baseline plan to close the gaps between the catchment area, enrollment numbers and actual users among women veterans.
- Understanding and research are lacking on the purpose, goals and effectiveness of the three VA women health-care models.
- Many women veterans do not receive mammograms in a timely manner.
- Many VA medical facilities do not offer inpatient/residential mental health programs for women veterans.

The American Legion has conducted a more recent women veterans survey to pinpoint major areas of concern and in 2016 began hosting women veterans events to distribute important information, and gather and connect women veterans to resources within their communities.

WHAT CAN CONGRESS DO?

- » Pass legislation to better facilitate the needs of VA to obtain gender-specific care to include clinicians, mental health providers and prosthetics.
- » Pass quality-of-life legislation such as a permanent extension of the VA child-care program for veterans.



U.S. Marine Corps

KEY POINTS

- » MST is defined by Title 38 U.S. Code 1720D as “psychological trauma resulting from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving on active duty, active duty for training, or inactive duty training.”
- » Sexual harassment is defined as “repeated, unsolicited verbal or physical contact of a sexual nature which is threatening in character.”
- » One in five female veterans report having confronted MST.

Discreet care for MST victims

The American Legion has consistently urged the House and Senate Veterans Affairs’ Committees to track and monitor instances of Military Sexual Trauma (MST). One in five female veterans report having been the victims of sexual assault while in uniform. The Legion calls for increased awareness about the effects of MST and best possible approaches for those who have been victims. Veterans and servicemembers report to The American Legion that they fear retaliation or believe that their injuries are often misunderstood. It is imperative that these veterans receive expert care and assistance with their benefits claims.

The American Legion recently renewed its support for the Military Sexual Assault Victims Empowerment Act/Military SAVE Act, which will improve the treatment of veterans who are victims of military sexual assault.

Medical and psychological diagnoses that arise as the result of Military Sexual Trauma deserve the same recognition as other service-connected disabilities for the purposes of VA ratings and benefits compensation.

WHAT CAN CONGRESS DO?

- » Ensure that all VA medical facilities employ MST professionals to conduct proper screenings and treatment referrals.
- » Require the employment of women veterans coordinators who can provide MST sensitivity training for benefits claims processors.
- » Direct VA to improve its adjudication process to ensure MST claims are decided uniformly throughout the nation.
- » Improve investigation and prosecution of reported cases of MST so they are on par with the civilian system. DoD should examine the underreporting of MST and to permanently maintain records of reported MST allegations. This will expand victims’ access to evidence necessary for future VA claims.
- » Pass the Military Sexual Assault Victims Empowerment Act/Military SAVE Act, introduced by Rep. Andy Barr of Kentucky.

“ For veteran survivors of Military Sexual Trauma, we have to make sure they get the care they need in the environment that’s going to maximize the effects of treatment.

American Legion congressional testimony, supporting legislation in the 114th Congress to improve access to VA care for MST survivors

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KEY POINTS

- » The FY17 budget reflects recent strategic threats and changes that have taken place in Asia, the Middle East and Europe.
- » Russian aggression, terrorism by the Islamic State of Iraq and the Levant (ISIL) and China claims of sovereignty in international waters all necessitate changes in our strategic outlooks and operational commitments.
- » Threats and actions originating in Iran and North Korea negatively affect our interests and our allies.
- » These challenges have sharpened the focus of planning and budgeting in DoD.



Maintaining force strength, protecting defense funding

During the presidential campaign, Donald Trump guaranteed he would increase the U.S. Armed Forces and furnish necessary tools to protect this nation. The National Defense Authorization Act of 2017 was signed into law by President Barack Obama on Dec. 23, 2016, supporting an increase in the active-duty and Army Reserve end strength, bringing an end to the Army's troop drawdown. Active-Army increased from 475,000 to 476,000; the Air Force Active Duty increased from 317,000 to 321,000; the Navy, which includes the Marine Corps, increased from 15,500 to 18,500; Army Reserve end strength increased to 199,000; National Guard increased to 343,000.

The Global War on Terrorism is far from over. Addressing these challenges to defend the nation requires strong national defense funding to directly support a new operational posture in strategic regions, as well as innovative and enhanced cyber capabilities. 2017 approved appropriations will provide funding stability and protection of vital benefits for military servicemembers and their families and will facilitate ongoing operations at home and abroad.

The American Legion strongly supports strengthening the U.S. military at this time of war, in personnel, support services and equipment. The president, leaders at the Pentagon and members of Congress must do everything possible to ensure our nation, citizens and allies are protected.

WHAT CAN CONGRESS DO?

- » Pass the proposed 2017 president's budget of \$582.7 billion in discretionary funds, which complies with the Bipartisan Budget Act of 2015, to fund the Department of Defense

“ If you're going to increase end strength, you've got to increase the money... to pay for their readiness. If we just get additional end strength but we don't have the money, that leads down the road to a hollow force.

Gen. Mark A. Milley, U.S.
Army Chief of Staff

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U.S. Army

Transition assistance program

In 2011, Congress passed, and President Obama signed into law, the “Veterans Opportunity to Work and Hire Heroes Act of 2011” (VOW Act). The VOW Act requires, among other things, that separating servicemembers must attend the Transition Assistance Program (TAP). The VOW Act also requires the Department of Labor (DoL) to redesign its employment workshop, the largest component of the TAP curriculum, to be more applicable to the realities of today’s job market. The Department of Labor’s office of Veterans Employment and Training Services (DoL-VETS) fulfills this requirement for DoL and manages the implementation of the employment workshop at hundreds of military installations worldwide for thousands of separating servicemembers. In April 2016, DoL-VETS successfully revised the TAP program.

DoL-VETS, along with its federal partners through the Veterans Employment Initiative, built a plan to strengthen and enhance TAP. The

American Legion is impressed by the amount and quality of information conveyed in the new TAP, especially in such a short period of time.

In partnering with the DoD, the redesigned TAP helps servicemembers bridge their military experiences and skills with their post-military goals by planning for transition throughout the military life cycle. The life cycle model embeds transition planning and preparation to meet career readiness standards throughout a servicemember’s entire military career.

WHAT CAN CONGRESS DO?

- » Adjust TAP so that it is mandatory at different intervals leading up to discharge – 18 months and 12 months prior to separation or transition.
- » Return the employer panel back to TAP. The TAP program provides a full day of effective resume writing and branding; however, it no longer has an employer panel, which provided relevant information regarding employment and training opportunities.

KEY POINTS

» The new and improved TAP program, which The American Legion fought to get passed as part of the VOW Act of 2011, was completely implemented in 2016.

» The American Legion supports a follow-up report by the Government Accountability Office to assess the effectiveness program and make adjustments as necessary.

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The goal of the Transition Assistance Program is to ease the adjustment of separating servicemembers during the difficult transition from active-duty to civilian life.

Resolution 70, American Legion 98th National Convention, Cincinnati

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KEY POINTS

» Nearly 7,000 veterans were enrolled to attend the fall semester of 2016 when ITT Technical Institute shut down.

» With uncertainty surrounding the status of the accrediting institution ACICS (American Council on Independent Colleges and Schools) the risk of additional sudden school closures remains high.

» More than 25,000 National Guard and Reserve servicemembers have been activated under orders that don't count toward GI Bill benefits. Thousands more are expected to be placed on similar orders through 2020.



U.S. Air National Guard

Maintain integrity of the GI Bill

In order for the Post 9/11 GI Bill to achieve the successes of its predecessors, the benefit cannot fall through loopholes. Recent events of concern to The American Legion that need to be rectified include:

1. Protection for veterans whose colleges close.

ITT Technical Institute abruptly shut down all 130 of its campuses in 2016, affecting more than 40,000 students expecting to attend the fall semester. For traditional students, the Department of Education is required to discharge an individual's federal student loans if that individual is unable to complete the program of study due to an institution's closing.

However, under current law, no statutory or regulatory provisions exist to provide relief to nearly 7,000 veterans who used GI Bill education benefits to attend the institution. The American Legion believes these veterans should not be held responsible for institutional malfeasance and should have their GI Bill educational benefits restored, just like their non-veteran counterparts.

2. Education benefits for National Guard and Reserve. In recent years, National Guard and Reserve personnel have been deployed in support of combatant-commands to discover later that, due to an oversight in Title 38, their service did not count toward GI Bill eligibility.

WHAT CAN CONGRESS DO?

» The American Legion urges Congress to reintroduce the provisions of the "Protecting Our Veterans From School Closures Act" (H.R. 6003-114th) restoring GI Bill benefits for veterans affected by closures of educational institutions.

» Correct the Title 38 oversight by amending it to acknowledge all National Guard and Reserve orders (12304B) in combatant-command support as active duty and eligible for GI Bill benefits and amend Section 3301(1)(B) of Title 38, United States Code, to include "12304b" and "12301(h)", thereby qualifying these orders as 'active-duty.'

“ Since 2007, approximately 20,000 reservists – others who were wounded or injured in combat – have faced similar issues.

American Legion National Commander Charles E. Schmidt,

in an email message raising concern about National Guard and Reserve troops who did not receive GI Bill benefits due to an oversight in their Title 38 orders

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U.S. Air Force

KEY POINTS

- » The DoD spends hundreds of thousands of dollars to train members of the armed services to do their jobs well.
- » It is a waste of taxpayer funds when state or local governments don't recognize a veteran's military training and accept it as credit toward licensure and credentialing.
- » The American Legion hosts bi-annual credentialing roundtables that include stakeholders from government, industry and credentialing authorities. During these roundtables, leaders from all over the country come together with one mission: to find ways to help veterans lead productive lives using the skillsets they already possess.

Credentialing and education

Today's military training provides college-level skills, experiences and knowledge to servicemembers. Medical personnel, technicians, logistics experts and other professions often require advanced training in math and science, similar to what students might learn in a college classroom. Many servicemembers and veterans could be on a faster track for employment if they were able to obtain credit for their military education, training and experience. However, veterans face a lengthy credentialing and licensing process to translate their military skills and training to the civilian workforce.

Many industries require specific federal and state licenses and credentials but do not recognize military training or experience. When civilian credentialing boards and employers fail to fully recognize military education, training and experience, it is not just the servicemember or veteran who loses out; prospective employers, local communities and America are also affected.

WHAT CAN CONGRESS DO?

- » Eliminate the requirement that post-9/11 GI Bill recipients use an entire month's worth of benefits for a certification or licensing test fee, even when the fee amounts to far less than the full month's entitlement.
- » The American Legion recommends that VA's credential program approval process be reviewed by the Government Accountability Office to ensure it meets legislative and other standards.
- » Reduce the burden on servicemembers, veterans and spouses who seek to obtain licenses and certifications.

“ In the Armed Forces, these unique occupations are performed to approved military standards that may meet or exceed the civilian license or certification criteria.

Resolution 338, American Legion 98th National Convention, Cincinnati

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KEY FACTS

» In the 114th Congress, Sen. Jerry Moran of Kansas introduced a bill that would allow veterans to use their education benefits toward business start-up costs. As written, the bill would allow a three-year pilot program, for which the Small Business Administration would need to obtain funding before implementation. The pilot would help determine the feasibility of the program becoming a permanent provision of the post-9/11 GI Bill.

» According to the SBA, veterans are 45 percent more likely to start their own businesses compared to their civilian counterparts. Nearly one in 10 small businesses nationwide is veteran-owned and collectively, these 2.4 million small businesses employ almost 6 million Americans and generate more than \$1 trillion in receipts.

» The American Legion supports a GI Bill program that includes provisions for veteran entrepreneurship.

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The key to creating pathways to entrepreneurship for veterans is by destroying the barriers to access to capital.

Paul E. Dillard, American Legion National Veterans Employment & Education Commission Chairman

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Photo by Greg Kendall

Access to capital for businesses

GI Bill benefits must evolve with the times; access to education is no longer the issue it was in the 1940s and 1950s. Accredited institutions willing to enroll veterans are much more abundant today. Veteran entrepreneurs, meanwhile, have difficulty accessing capital to start businesses due to a lack of assets, equity and collateral after departing from the service. This problem demands a solution, specifically adding an entrepreneurship component to the GI Bill.

Entrepreneurial benefits for veterans have periodically surfaced during and after wartimes. For instance, these benefits took the shape of land grants in the 1700s and 1800s. Later, they evolved into small business loans and farm loans in the 1900s. The 1944 GI Bill's entrepreneurial insurance and loan guaranty program created 229,245 loans to start small businesses and created an additional 71,158 loans to start farms. When cross-referencing the 1944 entrepreneurial programs to Census SBO data and SBA research, there is a correlation in the nation's investment in veterans business capitalization programs and a sustained and unparalleled expansion of the U.S. economy.

WHAT CAN CONGRESS DO?

» Once the Veterans Entrepreneurial Transition Act is reintroduced, Congress should act quickly to pass this legislation, allowing the SBA to begin the pilot program, to help veterans start, buy or expand businesses.



Photo by Greg Kendall.

KEY FACTS

» The American Legion monitors federal agencies to ensure that they adhere to their annual disabled veteran small business goals of 3 percent in prime and sub-contracts.

» The American Legion encourages states, as well as federal agencies, not meeting the 3 percent threshold to award the required percentage of contracts to disabled veteran owned businesses.

Federal small business contracts

After World War II, millions of Americans took off their uniforms and came home to an uncertain job market. Many returning warfighters turned to entrepreneurship to make ends meet. Large firms that grew powerful as a result of war production had a tremendous advantage over these new, veteran-owned small businesses. In order to encourage and promote business growth, and to foster free-market competition Congress signed into law the Small Business Act, creating the Small Business Administration (SBA). For the same reasons, in 1999, Congress passed a law recognizing service-disabled veterans as a preferred group for federal set-asides. Three percent of all federal procurements were then reserved for service-disabled veteran-owned small businesses.

The American Legion has provided countless resources to a multitude of veterans to help them start businesses. In addition, The American Legion has established a National Business Task Force comprised of successful, business-owning veterans to ensure that the government implements its promise to grow the veteran small business industrial base and that veterans are aware of the opportunities available to them.

WHAT CAN CONGRESS DO?

- » The American Legion urges Congress to fully fund the SBA Office of Veterans Business Development's programs.
- » The American Legion calls for parity for veterans in all small business government contracting programs, ensuring that no veteran's procurement program is at a disadvantage in competing with other government programs.
- » The American Legion opposes internal and external efforts to erode veterans' preference in government contracting.

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Veterans have provided selfless military service to America and previous generations of veterans have achieved significant self-employed small business success in America.

Resolution 154, American Legion 98th National Convention, Cincinnati

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KEY FACTS

- » More than 104,000 veterans received an estimated \$1.1 billion in Vocational Rehabilitation benefits in fiscal 2015.
- » Nearly 132,000 veterans participated in VR&E programs in fiscal 2015, up 3 percent from the previous year.

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The American Legion strongly supports VR&E programs and is committed to working with VA and other federal agencies to ensure America's wounded veterans are provided with the highest level of service and employment assistance.

American Legion Testimony
before the House Subcommittee
on Economic Opportunity

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Vocational rehabilitation and employment services

Administration of Vocational Rehabilitation and Employment (VR&E) and its programs is a responsibility of the Veterans Benefits Administration. Providing effective employment programs through VR&E must become a high priority.

Until recent years, VR&E's primary focus has been providing veterans with skills training, rather than providing assistance in obtaining meaningful employment. Clearly, any employability plan that does not achieve the ultimate objective – a job where the veteran succeeds despite his or her disabilities – is falling short of actually helping veterans seeking assistance in transitioning into the civilian workforce and of VR&E's mission.

A problem hindering the effectiveness of the VR&E program, as cited in reports by the Government Accountability Office, is exceptionally high workloads for the limited number of staff members.

WHAT CAN CONGRESS DO?

- » Fully fund VR&E so it can employ more vocational rehabilitation counselors and employment coordinators to lower caseloads. With proper staffing, more individualized attention can be provided for veterans throughout the process.
- » Support VA and its leadership as it continues to focus on marked improvements in case management, vocational counseling and job placement.
- » Support interagency collaboration and communication between the VR&E program and the Department of Labor's Veterans' Employment and Training Service.
- » Provide training programs geared specifically for VR&E counselors through Management Concepts Incorporated. Contracting for standardized or specialized training for VR&E employees can strengthen and improve overall program performance.



Photo by Clay

KEY FACTS

- » Women veterans are twice as likely to be homeless as women who are not veterans.
- » Veterans ages 18 to 30 are at high risk of using the shelter system, especially those in poverty. Young veterans are more than twice as likely to be homeless as non-veterans.
- » A large percentage of homeless veterans experience depression or post-traumatic stress disorder (PTSD) related to their military service and homelessness.

A hand up for homeless veterans

The U.S. Department of Housing and Urban Development point-in-time count in January 2016 showed a little under 40,000 homeless veterans across the country. That's a 17 percent decrease in veteran homelessness in a year's time and a 47 percent decrease since 2010. The January 2016 estimate found slightly more than 13,000 unsheltered homeless veterans living on the streets, a 56 percent decrease since 2010. Officials estimate the number was just under 75,000 in 2010 when the White House announced a national campaign to solve the problem.

The American Legion, which works daily across the country to help homeless veterans, strongly believes that to maintain momentum, programs should be granted sufficient funding to provide supportive services such as, but not limited to, outreach, health care, rehabilitation, case management, personal finance planning, transportation, vocational counseling, employment and training, as well as education.

The American Legion aims to bring federal agencies, non-profit and faith-based organizations, along with others to the table to discuss best practices, funding opportunities and other initiatives to help homeless veterans transition from the streets and/or shelters into independent living.

WHAT CAN CONGRESS DO?

- » Appropriate funds (\$300 million) and permanently reauthorize the Supportive Services for Veteran Families program, which prevents many veterans from becoming homeless and assists those who need little more than short-term rental assistance and limited case management in getting back on their feet.
- » Support the homeless veterans Grant and Per Diem transitional housing program. The program provides short-term housing help to homeless veterans, allowing them to get connected with jobs, supportive services and more.
- » Provide funding for dental care and legal services for homeless veterans.

“The satisfaction of knowing that we are standing shoulder to shoulder to help a veteran get their life turned around, to start a new beginning, says it all. It makes you feel good to see veterans get their lives turned around and get reunited with their families or start new ones.

American Legion Past National Commander Ronald F. Conley, who serves as president of Pennsylvania's Housing for Homeless Veterans Corp., established by The American Legion in that state in 1988

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KEY POINTS

- » Sales of the U.S. Mint's commemorative American Legion Centennial coins would support:
 - » Services for veterans, such as health-care and claims assistance, job fairs and help for homeless veterans
 - » Military personnel and their families, including comfort items for the hospitalized and financial assistance for military families
 - » Americanism programs that promote law and order, patriotism, citizenship, flag respect and education.
 - » Children & Youth programs like Boys State and Nation, Family Support Network, Oratorical competition, Family Support Network, and more.

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The American Legion – what it has done, what it is doing and what it will continue to do – is exactly what my grandfather and his fellow co-founders intended to achieve.

Ted Roosevelt IV, Chairman, American Legion 100th Anniversary Honorary Committee, grandson of American Legion founder Theodore Roosevelt Jr.

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Legion centennial coin proposed

To celebrate 100 years of service to community, state and nation, The American Legion is working with the U.S. Mint and the U.S. Congress to produce limited-edition, exquisitely crafted commemorative coins. Authorized by Congress, commemorative coins celebrate and honor people, places, events and institutions in American society.

Unique among U.S. Mint products, these coins help raise money for important causes as well as commemorate important aspects of American history and culture. Proceeds from the sale of the coins would support the programs and services offered under the four pillars of our organization: Veterans Affairs & Rehabilitation, National Security, Children and Youth, and Americanism.

The American Legion begins its centennial recognition at the 100th National Convention in Minneapolis, site of the 1st American Legion National Convention, in August 2018. In March 2019, the organization will celebrate its 100th birthday in Paris, and Sept. 16, 2019, will mark the 100th anniversary of the organization's congressional charter.

If authorized by Congress, coins minted would be issued only during the one-year period beginning on Jan. 1, 2019.

American Legion Legislative Division staff members are now working with congressional offices on bill language. Commemorative coin bills require a two-thirds majority vote in both the House and Senate.



WHAT CAN CONGRESS DO?

- » Sign on as a co-sponsor and vote for legislation for the U.S. Mint to strike a limited-edition American Legion centennial commemorative coin with proceeds from sales dedicated to the organization's four pillars of service.



Protect the U.S. flag from desecration

The American Legion strongly believes the U.S. flag is a symbol of our nation's freedom and unity, secured by servicemen and women who sacrificed so much for all citizens. That is why The American Legion urges passage of a constitutional amendment that would allow Congress to prohibit the physical desecration of the American flag.

Americans have every right to share their views in respectful ways. However, freedom of speech should not include the desecration of our nation's flag, symbol of freedom and unity. Desecration is behavior, an action, not speech.

A supermajority of the U.S. House of Representatives has routinely passed such a flag-protection amendment. Every state has endorsed it with a memorializing resolution. And surveys show that 80 percent of Americans agree that the flag should be protected.

The proposed flag protection amendment is no infringement on the Bill of Rights. Instead, it restores the traditional meaning of the First Amendment and an exercise in the popular sovereignty the Bill of Rights was designed to protect.

WHAT CAN CONGRESS DO?

» Pass House Joint Resolution 61 introduced by Rep. Steve Womack of Arkansas to give power back to the people to decide how best to honor and protect the flag under which every U.S. servicemember has fought.

KEY FACTS

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

“ We need to respect the flag, and we need to show other people in the world that we have a symbol of freedom. A lot of people came to this country because of that symbol, and we need to respect that.

John Wolfe, Sullivan-Wallen American Legion Post No. 11, Wisconsin, before presenting the flag at the Green Bay Packers- Indianapolis Colts NFL game on Nov. 6, 2016

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