

# The American Legion

## **THE AMERICAN LEGION LEGISLATIVE AGENDA**

Submitted to accompany testimony before Congress by  
**American Legion National Commander Denise H. Rohan**  
February 28, 2018

# 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.

# National security depends on our treatment of veterans

The American Legion was born with one prevailing goal nearly a century ago: strengthen our nation for a better future. The needs were many for veterans who came home wounded, poisoned, shell-shocked and denied college or career advancement due to wartime service. Foremost, according to the newly formed American Legion, was care and support for men and women who put their lives on the line to protect freedom and democracy for others, under the flag of the United States. Their belief then was that poor treatment of veterans will come back to bite a nation when the call to arms comes again, as it invariably does.

At that time, there was no VA. No Veterans Preference Hiring Act. No GI Bill. If you were a lumberjack as a civilian but lost an arm in a trench in France, you had to figure out on your own how to find a different line of work after separation. Post-traumatic stress disorder was decades away from its first diagnosis. You got \$60, a train ticket and a uniform to wear home. If you disagreed with the characterization of your discharge, tough luck.

Since then, The American Legion and Congress have worked tirelessly together, sometimes through turbulent political straits, to change all that and strengthen our nation one bill at a time, one law at a time, hearing by hearing, session after congressional session, to fulfill our nation's debt to those who have served and sacrificed. This is not charity. Veterans benefits – health care, disability compensation, employment preference, college education, low-interest home loans, business opportunities and more – not only incentivize the best of our young men and women to voluntarily serve in the military, they also prove that when you give veterans a chance, they strengthen the very core of our nation, serve with purpose in communities and drive the economy forward. We have as evidence of that the half-century of U.S. prosperity brought to you by one of the greatest American Legion-Congress successes, the GI Bill.

Today, our nation's security still depends on the way in which we honor military sacrifice and address the needs of veterans. Their demographics and lifestyles may be different from those of the past. What remains constant, however, is the need for The American Legion, Congress, the administration, VA, DoD and the rest of government to keep fighting for veterans, always updating and improving practices, policies, services and benefits to meet the needs of new generations.

The VA health-care system has come a long way over many vigilant decades of oversight from The American Legion and Congress. It has come so far, in fact, that VA today is regarded as "the best care anywhere." But just as the GI Bill was due for a major overhaul to meet the needs of post-9/11 veterans, VA's success depends on our continuous, shared passion to keep improving the system, strengthening America and its security by treating all who have served in uniform with the respect and gratitude they so richly deserve.

## ABOUT THE COMMANDER

- U.S. Army, 1974-1976
- Member of American Legion Post 385 in Verona, Wis.
- Graduate of Mount Senario College in Ladysmith, Wis., and The Collegiate Management Institute
- Retired in 2012 as assistant bursar at the University of Wisconsin-Madison
- Elected to serve as The American Legion's first female national commander on Aug. 24, 2017

# The future of VA health care

Even in the best of circumstances, situations arise where the VA health-care system cannot keep up with the needs of a growing veteran population, and care must come from non-VA providers.

The American Legion has called for the Veterans Health Administration (VHA) to “develop a well-defined and consistent non-VA care coordination program, policy and procedure” that includes a quality-driven strategy that accounts for the unique needs of veterans as well as their travel distances.

The 2014 wait-time scandal illustrated what veterans service organizations have been warning lawmakers about for years – that VA has been systematically underfunded and was forced to manage the budget rather than budget to meet the need. The American Legion believes that legislation to revise VA’s Choice program, combined with VA’s requests, begins to address changes needed to improve access and strengthen relationships with non-VA providers, moving toward a more integrated system.

This is just a first step in a long overdue transformation, and The American Legion expects greater emphasis on VA’s modernization and successive legislation that can capitalize on VA’s strengths and core competencies, while ensuring that the needs of veterans are met, with the highest quality available, in a timely fashion.

## WHAT CAN CONGRESS DO?

- Pass legislation that would unify multiple non-VA health-care programs to make it easier for VA and the veteran to navigate.
- Ensure VA’s non-VA claims and reimbursement system is automated, using the latest technology.
- Ensure that medical records flow seamlessly within the integrated network of providers inside and outside the VA health-care system.
- Enact legislation allowing veterans to use their Medicare or private coverage when receiving services in Veterans Health Administration facilities and Medicare be authorized to reimburse VA for such medical care.

“I believe it is important to state yet again that this effort is in no way, shape or form, intended to create a pipeline to privatize the VA health-care system. Supplemental care ... has been a part of the VA health-care system since the 1940s and serves to expand VA’s reach and strengthen the care that VA provides.”

Rep. Phil Roe R-TN, Chairman, House VeteransAffairs Committee, Oct 24, 2017

# Protect the best care anywhere

In 2017, The American Legion contracted with Phillip Longman and Suzanne Gordon to evaluate VA health care and why it remains a system worth saving. The report showed that VA performs as well as, or better than, other providers on such quality measures as patient safety, satisfaction, care coordination and medical practices.

VA operates the only fully integrated, publicly funded health-care system in the United States, one of the largest in the world, serving 9 million veterans, employing about 360,000 people, a third of whom are veterans.

The American Legion System Worth Saving program visited 11 VA facilities in 2017 to identify best practices, challenges and to make recommendations to improve the system. Those visits indicated that aged VA facilities are experiencing inabilities adapting to modern medicine, due to physical space.

In October 2017, The American Legion testified before the House Veterans' Affairs Committee concerning draft changes to the Choice Bill, which adds non-VA providers to the care equation. The American Legion informed Congress that the measure, combined with VA's legislative request, was only a beginning to formulate a new vision for the evolution of VA medicine. The American Legion looks for legislation to capitalize on VA's strengths and core competencies, while ensuring that veterans continue to have access to the best care anywhere.

## WHAT CAN CONGRESS DO?

- Attend American Legion town hall meetings prior to System Worth Saving site visits to hear testimonies and concerns of veterans and their family members.
- Raise the ceiling of the VA Debt Relief Reduction program from \$180,000 to \$200,000 to make VA competitive in its recruitment effort.
- Support legislation to streamline VA hiring practices and compensation.
- Determine a deadline to address, with steps toward solution, VA's aging infrastructure.

## KEY POINTS

- The American Legion's System Worth Saving program evaluates quality of care and services delivered by selected VA facilities throughout the country.
- Several VA facilities are designated as national historical sites with strict rules concerning architectural changes that create challenges affecting access, quality, and patient safety.

**“Unfortunately, fundamental misconceptions – and sometimes willful distortions – about how the veterans’ health-care system actually works mar much of the political debate about the future of VA.”**

Phillip Longman, author, *“Best Care Anywhere: Why VA Healthcare Would Be Better for Everyone”*

# VA recruitment and retention

A 2017 Government Accountability Office (GAO) report revealed significant challenges in recruiting and retaining clinical and human resources employees at VA. Exit surveys indicated that advancement issues or dissatisfaction with certain aspects of the work environment were common reasons for departure.

In September 2017, VA Secretary Dr. David Shulkin stated that there were 49,000 unfilled positions at VA. The Veterans Health Administration alone had 45,000 clinical vacancies, and 1,500 were mental health openings. VA currently has more than 20 health-care systems without permanent directors nationwide; some have gone more than two years under interim leadership. The GAO determined that the largest critical needs were medical officers, nurses, psychologists, physicians' assistants and medical technologists.

VA employees must go through a long and cumbersome hiring and on-boarding process, and many potential employees ultimately look elsewhere. In order to compete with the private sector, VA also needs to do a better job showing why it is a good place to work and offer meaningful incentives to recruit and retain top talent.

The American Legion understands that filling high-skill medical vacancies at VA facilities around the country is challenging. Creative solutions can be achieved, many without additional legislative action, to continue providing, through full staffing of top professionals, what has been defined as "the best care anywhere."

## WHAT CAN CONGRESS DO?

- Congress can pass legislation addressing the recruitment and retention challenges VA has regarding pay disparities among physicians and medical specialists who are providing direct health care to veterans, according to the many testimonies The American Legion has provided to Congress.

## KEY POINTS

- Staffing shortages and recruitment performance are documented at dozens of VA care facilities each year through The American Legion's System Worth Saving Program.
- A 2016 Best Places to Work survey ranked VA second to last for large federal agencies overall. The survey also found that the number of VA employees resigning or retiring has increased every year since 2009.
- A 2016 GAO report found that VA's largest staffing shortages included physicians, registered nurses, and psychologists.

"The acute shortage of doctors, nurses, and other health-care professionals across the U.S. ... is particularly acute in rural areas and low-income inner-city neighborhoods."

Phil Longman and Suzanne Gordon, authors of *"VA Health Care: A System Worth Saving"*

# The invisible wounds of war

Traumatic Brain Injury (TBI) and Post Traumatic Stress Disorder (PTSD) have emerged as the signature wounds of the War on Terror. Improvised explosive devices and indirect fire account for over 60 percent of U.S. servicemembers' battle casualties. More servicemembers than ever before are also surviving attacks that would have proven fatal in previous conflicts. Many return home suffering severe psychological scars.

According to the Department of Defense, at least 370,688 service members were medically diagnosed with TBI between 2000 and 2017. The RAND Corp. reports that at least 20 percent of Iraq and Afghanistan veterans have PTSD and/or some form of depression. In 2014, the suicide rate among 18-24-year-old combat veterans rose to an all-time high of 124 suicides per 100,000, nearly 10 times the national suicide average.

Understanding the impact of TBI and PTSD on veterans, The American Legion TBI & PTSD Committee continues to investigate existing science and medical procedures, as well as alternative treatments. The committee continues to urge Congress to provide oversight, allocate funding, improve pain-management policies, accelerate research efforts on medical marijuana and encourage health-care providers to properly diagnose and develop complementary and alternative treatments.

## WHAT CAN CONGRESS DO?

- Provide VA the necessary funding to make complementary and alternative therapies part of its health-care treatment plan for suffering veterans.
- Urge DoD and VA to stop the over-prescription of opioids and Benzodiazepines and develop best practices that are scientifically proven to help veterans heal.
- Increase budgets for DoD and VA to improve the research, screening, diagnosis and treatment of TBI and PTSD, including alternative therapies, as well as oversee DoD and VA to develop joint offices for collaboration.

## KEY POINTS

- The American Legion believes all health-care possibilities should be explored and considered to find 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 regardless of combat era.
- The American Legion's TBI & PTSD Committee focuses on existing medical science and procedures that work for veterans facing the invisible wounds of war. The committee also reviews alternative methods of treatment currently employed by DoD and VA, or in consideration for use.

**“No one comes out of combat unchanged. There is no one unaffected by it, no matter what they tell you.”**

**Tom Satterly**, Delta Force veteran of the “Black Hawk Down” mission in Somalia

# Reclassify cannabis for research

The federal government continues to list cannabis as a Schedule I drug – the most addictive and dangerous – although its addiction rates are lower than alcohol, and the less-restrictive Schedule II classification applies to opioids, which kill 91 Americans every day. The American Legion calls for immediate reclassification of cannabis to allow research into its potential for medical application, and if no medical value is found, The American Legion advocates its return to Schedule I.

Medical schools offer limited formal education in the human endocannabinoid system, or the impact of cannabinoids on the human body. Every day, thousands of citizens ingest cannabis but have no federally certified doctor to turn to for accredited consultation. In response to this dire need, medical education must be updated, as well.

By continuing to consider accumulating evidence of the efficacy of cannabis-based medicines, the federal schedule fails patients fighting debilitating conditions, including PTSD and potentially lethal opioid addiction. The American Legion doesn't advocate recreational use of cannabis. The Legion supports research for potential medicinal use and responsible action in the interest of advancing medicine, particularly for veterans who report relief from service-connected conditions, thanks to cannabis.

## WHAT CAN CONGRESS AND THE ADMINISTRATION DO?

- Immediately reschedule cannabis from Schedule I to Schedule III on the DEA Controlled Substance Act Scheduling.
- Direct departments and agencies within the administration to fully cooperate in all federally authorized scientific research and offer assistance as needed.
- Authorize extensive research, conduct oversight hearings and support legislation that enables research on cannabis and the medical impact it could have for Americans suffering from opioid over-prescription, pain, depression and a host of other known ailments.

## KEY POINTS

In October 2017, The American Legion conducted a nationwide survey of veterans that found:

- 92 percent of respondents said they support research into medical cannabis for the purpose of treating a mental or physical condition veterans face, like PTSD and chronic pain.
- 82 percent said they wanted cannabis as a federally legal treatment option.
- Only 40 percent lived in states with medical marijuana laws.
- Over 60 percent were 60 and older, the largest cohort of veterans committing suicide.

**“What we’re asking for is something as simple as: do the research!”**

**Rep. Tim Walz, D-Minn. Ranking Member, House Veterans Affairs Committee American Legion Press Conference, Nov 2, 2017**



## Improving care for women veterans

Since the Revolutionary War, women have volunteered to serve in the U.S. military. According to the Department of Veteran Affairs, the female veteran population now accounts for 10 percent of all U.S. veterans, and that number is expected to grow to 15 percent by 2030. The American Legion continues to focus on areas of concern for women veterans, such as:

- Educating women veterans about the importance of identifying as a veteran
- Fighting obstacles women veterans encounter when seeking gender-specific health care in rural areas
- Increasing the number of female providers to help veterans who have been victims of Military Sexual Trauma
- Providing full-time gynecologists on staff at all VA medical centers
- Reducing the likelihood that female veterans are more likely than their male counterparts to be referred outside the VA system for specialty care

The American Legion constantly strives to learn about the major areas of concern for women veterans, alerts and informs Congress, leads special events and provides other resources for women.

### WHAT CAN CONGRESS DO?

- Enact legislation that will require VA to meet the health-care needs of women veterans across the country.
- Require VA to report wait times for appointments and driving times endured by women veterans seeking care.
- Elevate awareness about areas that hinder women veterans from getting quality VA care.

### KEY POINTS

- Women represent the fastest growing population of U.S. military veterans.
- More than 2.2 million women today have served in the U.S. Armed Forces.
- Although VA has made some progress in providing gender-specific services, more needs to be done, and many facilities need to be updated to meet the needs of female patients.

**“The women veteran’s population is steadily growing and the health-care services at VA for women should continue to grow, as well, to meet their needs.”**

**Denise Rohan**, National Commander, The American Legion

## **Improve access to care for MST victims**

The American Legion continues to track and monitor all issues related to Military Sexual Trauma (MST). Women and men alike can experience MST during service. MST includes any sexual activity against one's will, or during a time when one is unable to consent to sexual activities while serving in the military.

The American Legion is deeply concerned with the plight of survivors of MST and continues to work with Congress to find the right treatment for every patient, while urging VA to be flexible to ensure these veterans receive the care they need.

Nobody deserves to be a victim of MST, yet it happens in the military every day. The American Legion will work to ensure those who have become victims are treated, all while encouraging the U.S. Armed Forces to take steps to eradicate MST.

### **WHAT CAN CONGRESS DO?**

- Ensure that VA properly resources all medical centers, Vet Centers and community-based outpatient clinics by employing MST counselors to oversee screening and treatment referral processes and continue researching MST to get a better understanding of services affected veterans need.
- Encourage better awareness training in VA for MST sensitivity and develop more comprehensive care options for survivors, including better availability of female therapists, female group therapy and other options to make MST care more accessible.

### **KEY POINTS**

- About 25 percent of women who use the VA health-care system report that they have experienced Military Sexual Trauma (MST).
- MST is defined in federal law 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."

**“Don't think just because (MST) happened so many years ago that the VA isn't going to believe you. There are ways to prove it.”**

*Amy Odom, National Veterans Legal Services Program, speaking at an American Legion forum in Washington, D.C.*

# Veteran suicide prevention

The suicide rate among our nation's veterans has steadily increased since 2001. In 2014, the suicide rate among 18-24 year-old Iraq and Afghanistan veterans rose to an all-time high, nearly 10 times the national average. As our nation deals with the effects of nearly two decades of conflict, the need for mental health services will increase in years ahead.

VA has made great strides to reduce veteran suicide, expanding the Veterans Crisis Line, campaigning to destigmatize mental illness, hiring suicide-prevention coordinators, and implementing complementary and integrative health treatments. These programs must be adequately and securely funded.

The American Legion urges Congress to improve VA's hiring process as well as increase VA's recruitment and retention budget. This will allow VA to retain quality mental health providers and incentivize exemplary performance. The American Legion also recommends the allocation of increased funds for suicide prevention and integrative health and wellness programs.

## WHAT CAN CONGRESS DO?

- Provide VA the necessary funding to make complementary and alternative therapies part of its health-care treatment plan for veterans suffering from injuries such as TBI, PTSD and other mental health conditions.
- Urge DoD and VA to implement an automatic flagging system to alert providers of potential fatal prescription drug combinations.
- Increase recruitment and retention budgets for VA to allow incentives for mental health professionals and encourage exemplary performance.
- Increase funding to DoD and VA for suicide-prevention programs.
- Expand direct hiring authority to VA Medical Center directors to expedite the hiring process of mental health professionals.
- Fund a nationwide VA climate survey of mental health professionals.

## KEY POINTS

- The American Legion believes all health-care possibilities should be explored and considered to find appropriate treatments, therapies and cures for veterans suffering from TBI and PTSD.
- The American Legion continues to be deeply concerned with high numbers of veterans who die by suicide and those who return from war suffering from TBI and PTSD.
- In 2017, The American Legion established a Suicide Prevention Program and aligned it with the TBI/PTSD Committee, which reviews methods, programs and strategies that can be used to reduce veteran suicide.

**“Our brothers and sisters need to know that they don’t have to struggle with PTSD alone – they have an army of veterans who are here for them.”**

Chicago-area Legionnaire **Lenny Jakubiak** at a May 2017 Ruck March to raise awareness about PTSD and veteran suicide

# Support for veteran caregivers

Policymakers are slowly recognizing nearly 6 million caregivers of those who have served our nation and come home in need of intensive personal assistance due to medical conditions related to military service. In April 2017, VA reinstated the Program of Comprehensive Care Assistance for Family Caregivers after months of review. VA identified areas of program improvements including better communication with veterans and their caregivers, streamlined operational procedures and enhanced training for staff.

VA Secretary Dr. David Shulkin has also expressed an interest in extending the program to all veterans regardless of era. U.S. Code 101 unfairly categorizes servicemembers and veterans by dates of service and/or theaters of operations and, as a result, some receive different levels of VA benefits based solely on when and where they served, rather than 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 should be 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 also 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 and direct VA to provide the same level of benefits for any veteran, regardless of the dates of service or theater of operations.
- Fully fund the caregiver program.

## KEY POINTS

- Veterans of various eras and theaters of operation are receiving different levels of VA caregiver benefits, based on their dates and locations of service.
- 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.
- 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, a discovery that begs investigation and correction. The program must be fully funded.

**“Military families, caregivers and survivors are truly our nation’s hidden heroes, and make great sacrifices each and every day on behalf of their loved ones.”**

Sen. Elizabeth Dole, Elizabeth Dole Foundation

# Prevent veteran homelessness

Generally, the causes of homelessness can be grouped into three categories: economic hardships, health issues and lack of affordable housing. Although these issues affect all homeless individuals, veterans face additional challenges in overcoming these obstacles, including prolonged separation from traditional supports such as family and friends; stressful training and occupational demands, which can affect personality, self-esteem and the ability to communicate; and non-transferability of military occupational specialties into the civilian workforce.

Through HUD's annual Point-in-Time (PIT) count estimate of America's homeless population, communities across the country reported that a little more than 40,000 veterans were experiencing homelessness on a given night in January 2016. Since 2009, veteran homelessness has dropped considerably, with 45 percent (or 33,311) fewer veterans experiencing homelessness in 2017.

The American Legion is focused on prevention of homelessness – “get them before they get on the street.” The Legion offers support to at-risk and/or homeless veterans and their families, advice and counseling, assistance obtaining care and benefits, financial assistance, career fairs, business development workshops and other forums.

## WHAT CAN CONGRESS DO?

- Permanently authorize the Supportive Services for Veterans and Families program and maintain funding levels necessary to keep SSVF operational.
- Provide funding for dental care and legal services for homeless veterans.
- Fund the homeless veterans Grant and Per Diem Program (transitional housing) at the level of need demonstrated in local communities.
- Fund the Homeless Veterans Reintegration Program at \$50 million (full authorization). Currently, the program is funded at \$45 million.

## KEY POINTS

- Nine of 10 veterans experiencing homelessness are men, 91 percent compared to 8 percent for women, according to recent data.
- Three in 5 homeless (62 percent, or 24,690) veterans were staying in emergency shelters or transitional housing programs, while 2 in 5 (38 percent or 15,366) veterans were found in places not suitable for human habitation.

“The American Legion is resolute in its support of assisting homeless veterans so they can obtain the necessary care and help in order for them to properly transition from the streets and/or shelters into gainful employment and independent living.”

John Sampson, Chairman, Veterans Education, Other Benefits & Homelessness Committee

# New approach to transition

Over the past decade, millions of servicemembers have left the military with an estimated 200,000 more expected to follow each year. The American Legion takes pride in helping transitioning servicemembers obtain gainful employment through career-building workshops, employment fairs and small business development programs.

During the previous administration, the redesign of TAP (also referred as Transition Goals, Plans, Success – Transition GPS) was implemented. Additionally, the series of Career Readiness Standards was created to task servicemembers to complete and validate their readiness for civilian life. If servicemembers don't meet the standards they receive a "warm handover" to another agency, such as the Department of Labor's Veterans' Employment and Training Services prior to separation.

While the redesigned TAP has been successful for servicemembers currently on active duty, a significant portion of the National Guard and Reserves have not been afforded the same opportunities, a condition that needs to be corrected.

## WHAT CAN CONGRESS DO?

- Support returning the employer panel back to TAP. TAP provides a full day of effective résumé writing and branding; however, it no longer has an employer panel, which provided relevant information regarding employment and training opportunities. Currently, the Marine Corps is the only branch that has not removed the employment panel.
- Hold unit commanders or their designees accountable for ensuring all servicemembers, in particular the Reserve component, are afforded the opportunity to attend TAP.
- Extend the time allotted for demobilization of Reserve components, which will allow servicemembers to take full advantage of TAP and other resources available.

## KEY POINTS

- The Transition Assistance Program (TAP) for servicemembers is compressed into five days. The Transition GPS (Goals, Plans, Success) initiative added two days of classes for servicemembers interested in pursuing entrepreneurship, career technical training or higher education.
- Approximately 85 percent of all servicemembers participated in TAPs required workshops and VA Benefits. However, less than 15 percent took advantage of the two days of supplemental classes.
- An estimated 40,000 servicemembers transitioned out of the Reserve component in 2016, less than half of whom (48 percent) attended TAP.

**“The primary objective is to provide for a seamless transition from military service to the civilian workforce.”**

Linda Brooks Rix, President & Co-CEO, Avue Technologies

# Electronic health records

In the 1970s, VA developed its own electronic health record (EHR), referred to as the Computerized Patient Record System, which resides within VA's Veteran Information Systems and Technology Architecture (VistA). VistA consists of more than 180 applications for clinical, financial and administrative functions within a single, integrated database, allowing all applications to share a single, authoritative source of data for all veteran-related care and services.

For its development of VistA, VA's Veterans Health Administration received the prestigious Innovations in American Government Award from the Ash Institute of the John F. Kennedy School of Government at Harvard in July 2006. The system was estimated to improve efficiency by 6 percent per year, and the monthly cost of the EHR is offset by eliminating unnecessary tests or admissions.

VA spent \$1.1 billion between 2011 and 2016 to modernize two EHR systems, according to a Government Accountability Office report, to develop VistA Evolution, a modernized version of its homegrown EHR, and iEHR, an integrated system with the DoD. A 2017 American Legion resolution urged Congress to provide oversight for a DoD-VA joint venture to develop a Virtual Lifetime Electronic Record by Fiscal Year 2017. However, DoD and VA have gone down different tracks. DoD awarded a contract to develop its electronic health record, while VA decided to modernize its VistA EHR.

## WHAT CAN CONGRESS DO?

- Ensure VHA's electronic health record (EHR) initiative is fully funded.
- Require VA to routinely report EHR progress to Congress.
- Hold VA accountable and ensure funds appropriated for an EHR are not wasted.

## KEY POINTS

- The new VA EHR system will operate on a similar platform as the DoD's EHR system – MHS Genesis – in an effort to improve interoperability between agencies.
- Medical records in the new system will be able to follow a person through the transition from active duty to VA.

**“We are embarking on creating something that has not been done before. This is going to take the cooperation and involvement of many companies and (thoughtful) leaders, and can serve as a model for the federal government and all of health care.”**

VA Secretary Dr. David Shulkin, in an announcement in June 2017

## **Veteran employment through apprenticeships**

Enlisted servicemembers and veterans face unique challenges when it comes to defining core competencies because their occupational training is attained primarily through military service, in contrast to conventional civilian career preparation. Servicemembers and veterans could take a faster track to employment if they were able to obtain credit for their military educations, training and experience. However, veterans face a lengthy credentialing and licensing process to translate military skills and training to the civilian workforce.

Due largely to the active engagement of multiple stakeholders committed to developing unique solutions, many notable successes have occurred in reducing military credentialing barriers, such as waiving CDL requirements and building access to apprenticeships through the GI Bill, but many challenges and opportunities to improve apprenticeship opportunities for servicemembers and veterans still exist. When 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. By refining and codifying best practices for lowering these barriers, veterans can be empowered to serve as the pathfinding leadership for tomorrow's workforce.

### **WHAT CAN CONGRESS DO?**

- Pass the Veterans' Entry to Apprenticeship Act, which would empower businesses to design pre-apprenticeship programs for veterans through the Colmery G.I. Bill.
- Pass the Veterans Apprenticeship and Labor Opportunity Reform (VALOR) Act to design apprenticeships for veterans and cut out bureaucratic VA red tape.
- Support the executive order on Expanding Apprenticeships in America by championing greater industry engagement in utilizing the Post-9/11 GI Bill for apprenticeship and on-the-job training opportunities.

### **KEY POINTS**

- The DoD spends millions to train members of the U.S. Armed Forces to do their jobs well.
- Taxpayer funds are wasted when state or local governments do not recognize military training and fail to accept it as credit toward licenses and credentials.
- According to the Department of Labor, new apprenticeship opportunities have increased 87 percent since 2010, to 206,020 in 2016.
- The Post 9/11-GI Bill is an underused recruitment tool, with only 27,000 veterans — or about 2 percent of GI Bill recipients — applying for apprenticeships or on-the-job training since 2009.
- The American Legion conducts bi-annual credentialing roundtables to help veterans lead productive lives using the skillsets they already have.

**“Expanding job training opportunities through apprenticeships for veterans not only makes sense for our veterans, but is also a win for business.”**

Elizabeth Murray Belcaster, owner, EMB Consultants, Inc.



## **Access to capital for small business**

A key obstacle facing entrepreneurial veterans is access to capital to develop viable products or services, create markets and scale their businesses. Most veterans leaving military service lack the start-up money necessary for traditional bank loans. The original GI Bill was intended to give returning servicemembers the training or education they needed to become gainfully employed in civilian life, including self employment and entrepreneurship. That was certainly the case with the original GI Bill, when the Veterans Administration guaranteed more than 215,000 small business loans from 1944 to 1954.

This problem demands a solution, specifically adding a robust entrepreneurship component to the GI Bill or creating more pathways for veterans to gain access to capital through public–private partnerships.

### **WHAT CAN CONGRESS DO?**

- Congress should reintroduce and pass the Veterans Entrepreneurial Transition Act allowing the Small Business Administration to carry out a three-year pilot program to assess the feasibility of making grants to up to 250 eligible veterans and retiring or honorably discharged members of the Armed Forces to start or acquire qualifying business enterprises.

### **KEY POINTS**

- Veterans are 45 percent more likely to start their own businesses compared to their civilian counterparts. About 9 percent of small businesses are owned by veterans, and collectively, these 2.4 million businesses employ 6 million Americans, and generate over \$1 trillion in receipts.

**“Entrepreneurship is a team sport. We can’t do it by ourselves. Veterans have the skills to start and grow small businesses, and the SBA provides resources for them to do just that.”**

**Barbara Carson**, Associate Administrator, Office of Veterans Business Development, Small Business Administration

# Federal contracting for veteran-owned businesses

The Veterans Entrepreneurship and Small Business Development Act of 1999 established an annual government-wide goal of not less than 3 percent of the total value of all prime contract and subcontract awards for participation by small business concerns owned and controlled by service-disabled veterans.

The Veterans Benefits Act of 2003 established a procurement program for Service-Disabled Veteran-Owned Small Business Concerns (SDVOSBC). This procurement program provides that federal contracting officers may restrict competition to SDVOSBs and award a sole source or set-aside contract where certain criteria are met.

On June 16, 2016, the U.S. Supreme Court ruled that VA shall award contracts based upon competition restricted to SDVOSBs or Veteran-Owned Small Businesses (VOSBs) when a contracting officer has a reasonable expectation, based on market research, that two or more firms listed as verified in the Vendor Information Pages database are likely to submit offers and an award can be made at a fair and reasonable price that offers best value to the United States. This is known as the "VA Rule of Two."

The American Legion has established a Small Business Task Force to make sure veterans are educated and given all opportunities possible to contract with the federal government.

## WHAT CAN CONGRESS DO?

- The American Legion urges Congress to appoint a VA advisory committee to ensure parity for veterans in all small business government contracting programs, provide advice and recommendations on specific VA veteran-owned small business issues, and help shape legislation.
- The American Legion opposes efforts to erode veterans preference in government contracting and urges legislative support of that position.

## KEY POINT

- The American Legion supports H.R. 4319 – Fairness to Veterans Act — which would amend the FAST Act to improve contracting opportunities and address concerns for veteran-owned small businesses. This bill would level the playing field in federal contracting for veteran-owned businesses by providing veterans access to existing preferences authorized for transportation projects.

"The American Legion is dedicated to supporting all aspects of veteran employment, especially veteran entrepreneurs who are self-employed. According to the Census, 2.4 million, or 9 percent, of small businesses in the U.S. are owned by veterans. Last year, they generated over \$1 trillion in sales. Supporting this productive community of veteran small business owners is why The Legion is committed to working with the Small Business Administration."

**Randall Fisher**, Chairman, American Legion Veterans Employment & Education Commission

# Vocational Rehabilitation and Employment program

The Vocational Rehabilitation & Employment (VR&E) program's mission is to help qualified, service-disabled veterans achieve independence in daily living and, to the maximum extent feasible, obtain and maintain suitable employment – goals The American Legion fully supports. As a nation at war, the need continues to grow for VR&E services to assist veterans in reintegrating into independent living, achieving the highest possible quality of life, and securing meaningful employment.

Success of the rehabilitation of disabled veterans is determined by the coordinated efforts of every federal agency (Department of Defense, VA, Department of Labor, Office of Personnel Management, Department of Housing and Urban Development, and others) involved in the seamless transition from the battlefield to the civilian workplace. Timely access to quality health-care services, favorable physical rehabilitation, vocational training, and job placement play a critical role in the seamless transition of each veteran, as well as his or her family.

## WHAT CAN CONGRESS DO?

- Adequately fund VR&E so it can employ more vocational rehabilitation counselors and employment coordinators to lower caseloads.
- Support interagency collaboration and communication between 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.

## KEY POINTS

- VA's vocational rehabilitation program served 137,097 veteran participants last year, and another 173,599 veterans received evaluation and counseling; with 11,531 documented rehabilitations.
- Over 75 percent of veterans participating in the program have serious employment hardships.
- For veterans who require training as part of their services, the program pays for tuition, fees, books and supplies. Veterans who are enrolled in training receive a monthly subsistence allowance to help them with living expenses.

**“VA leadership must continue to focus on marked improvements in case management, vocational counseling, and most importantly, job placement.”**

2017 American Legion congressional testimony

# Maintain integrity of the GI Bill

With passage of the Harry W. Colmery Veterans Educational Assistance Act of 2017, also known as the “Forever GI Bill,” the veteran and military benefit of education is secured for future generations. However, significant work remains to raise safeguards against abuse and malpractice to ensure that it is both an honorable investment of public funds and leads to meaningful employment.

VA has spent more than \$75 billion on the Post 9/11 GI Bill. However, few student protections exist compared to Title IV Federal Student Aid. Due to this deficiency, poor schools are incentivized to prey on veterans and servicemember for easy revenue.

In December 2016, the Department of Education issued a report that 191 colleges receive over 90 percent of their revenues from federal student aid, GI Bill education benefits and DoD education programs. Recent reports, including Department of Education data, show increased targeting of veterans and servicemembers, highlighting the heavy and growing reliance of proprietary schools and suggesting that the targeting of veterans and servicemembers has helped soften the impact of overall enrollment decreases.

## WHAT CAN CONGRESS DO?

- Pass S. 1209, the Military and Veterans Education Protection Act to count Title 38 veterans education benefits as federal funds to eliminate the 90-10 loophole.
- Call on the Department of Education to honor and enforce Gainful Employment and Borrower Defense rules that protect veterans from fraud, waste and abuse.
- Call on the Department of Education to coordinate data sharing with the Department of Veterans Affairs, Department of Defense, CFPB, Office of Federal Student Aid, and the Commissioner for Education Statistics to better understand and improve student veteran outcomes.

## KEY POINTS

- The 90-10 Rule is a federal law barring for-profit colleges from receiving over 90 percent of their revenues from federal student aid. GI Bill funds are counted as private dollars that can offset federal student aid, resulting in aggressive recruitment of veterans.
- Gainful employment is a rule that requires vocational programs at for-profit schools to meet minimum thresholds with respect to debt-to-income rates of their graduates, and Borrower Defense is a rule that allows student loan forgiveness for students and veterans at schools such as ITT Tech and Corinthian that abruptly shut down. The Department of Education has currently suspended both rules.

“There was an opportunity to go to a private college using the Yellow Ribbon Program. That expansion allowed me to look at any school I was able to go to, which I wouldn’t have been able to do without military service.”

**Vanessa Vinson**, American Legion member and student veteran, attending St. Edwards University in Austin, Texas.

# Gaps in cyber defense

Cybersecurity remains a top concern across the public and private sector. Digital capabilities today underpin financial, economic, transportation, energy, and defense infrastructure, along with the economy, society and governments now rely on the cyber domain for many essential functions.

Cyber-attacks against the Office of Personnel Management, the credit rating agency Equifax, and critical infrastructure like dams and electoral systems have demonstrated the gaps in cyber defense across the globe. Considering the nature of cyber technology and the current environment, we have not seen the peak of offensive or criminal activity and therefore must be proactive and vigilant.

It is important to understand the role that every citizen plays in cybersecurity. The individual actions of information technology users, whether it's clicking on a fraudulent link or entering sensitive information into fake webpages, have often been shown to be instigating factors for many of the largest cyber breaches. The American Legion continues to support public and private efforts to better share information and educate Americans about how best they can protect themselves from cyber threats.

## WHAT CAN CONGRESS DO?

- Dozens of bills are now before Congress to deal with different aspects of cybersecurity. It is essential that Congress, government agencies and the private sector come to a strategic consensus on the best way to design and implement integrated cybersecurity policies while enhancing the public's understanding of the cyber realm and their own need for what is called "cyber hygiene."

## KEY POINTS

- Companies as diverse as Saudi Aramco, Sony, Target, Yahoo, and Deloitte have been breached by criminal and/or state cyber attackers, compromising the identities of hundreds of millions of people and costing billions in productivity and damages.
- The proliferation of advanced hacking tools and the inability of government and corporate entities to cover every security hole have created a precarious global security situation.
- Spear phishing, or targeting specific individuals with malware by exploiting normal consumer behavior like opening electronic documents, remains one of the most effective cyber attacks and demonstrates the continuing need for user education.

"When asked why they don't always do all the things they can or should do to stay safer online, Americans said they simply lacked the information or knowledge (28 percent) – a surprising finding."

National Cyber Security Alliance (NCSA) Survey

# Protect defense funding

The National Defense Authorization Act of 2018 authorizes \$700 billion in defense spending, which reverses the effects of sequestration and exceeds spending caps set by the Budget Control Act of 2011. In order to provide the authorized \$700 billion through appropriation bills, Congress will need to address the limits of the Budget Control Act and eliminate the threat of sequestration.

In 2017, New York witnessed the deadliest terror attack since Sept. 11, 2001, demonstrating that the Global War on Terrorism is far from over. The number of cyberattacks is surging, and The American Legion has expressed its support for a comprehensive cyber deterrence strategy that improves capabilities in the information domain.

The American Legion strongly supports strengthening the U.S. military in these uncertain times, through personnel and supportive equipment alike. President Trump, leaders at the Pentagon and members of Congress must do everything possible to ensure that our nation, its citizens and our allies are protected.

## WHAT CAN CONGRESS DO?

- Fully fund the 2018 defense budget of \$640 billion in discretionary funds and repeal or revise the 2011 Budget Control Act defense spending caps.

## KEY POINTS

- The Fiscal 2018 budget reflects the administration's priorities of ending defense-spending sequestration, rebuilding military readiness, and modernizing the U.S. Armed Forces for the future.
- The United States must continue its efforts to destroy the Islamic State of Iraq and Syria (ISIS), to deter potential adversaries, and to bolster America's allies.
- Countering North Korea's nuclear and ballistic missile threats will require an allied approach.
- Improving quality of life for the men and women of the total force, to include active duty, National Guard and Reserves, their families, and DoD civilian personnel is essential to our national security.

**“As hard as the last 16 years have been, no enemy in the field has done more to harm the readiness of the U.S. military than the combined impact of the Budget Control Act, defense spending cuts and operating in nine of the last 10 years under continuing resolutions.”**

**Gen. James Mattis**, Secretary, Department of Defense

# Opioids and homeland security

The opioid epidemic represents a complex and persistent threat to U.S. homeland security, public health and safety. Government response to the epidemic has shifted from focusing on legally prescribed but abused opioids like oxycodone to illicit opioids like heroin and fentanyl, but opioid-related deaths by overdose have been increasing annually for the last 17 years, exceeding 53,000 in 2016.

The scale of the epidemic has reached a point where it threatens the economy and national security. The diversion of legal opioids, the trafficking of heroin and fentanyl, the criminal violence that surrounds the drug trade and the immense ripple effects of addiction among millions of families across America have all contributed to making the epidemic a generational challenge.

Its complexity requires a comprehensive response that addresses the need for public education on the science of addiction and recovery, sustained and increased funding for evidence-based treatment (particularly in rural areas), and coordinated public health and safety responses.

## WHAT CAN CONGRESS DO?

- The Congressional Bipartisan Heroin Task Force has released an agenda with multiple bills that address different facets of the opioid epidemic. Unfortunately, one of the biggest gaps in resources – funding for inpatient treatment – remains. Policy makers, law enforcement, and public health officials on the frontline of the epidemic all agree that arrests and the criminalization of addiction do not work, so The American Legion supports legislative action, laws, regulations and treatment strategies that are proven to work.

## KEY POINTS

- The 2016 National Drug Threat Assessment named Mexican transnational criminal organizations as the greatest criminal drug threat to the United States.
- The opioid epidemic is having devastating consequences on public health, causing high rates of hepatitis C, HIV and other diseases, mainly due to shared syringes.
- Federal Reserve Chief Janet Yellen linked the opioid epidemic to declining labor-force participation among “prime-age workers.” Princeton University economist Alan Krueger says the epidemic could account for 20 percent of the decline in workforce participation among men and 25 percent among women from 1999 to 2015.
- The majority of those who overdose annually on opioids, 80 percent, are non-Hispanic white Americans.

**“Thirty-five percent of veterans misuse, in some fashion or another, the opioids that they’ve been given.”**

Dr. Jordan Tishler, panelist at a September American Legion forum in Washington

# Financial protections from scams

Numerous studies have found that veterans and servicemembers are more likely than other Americans to be the victims of predatory lending practices. Most recently, the AARP Fraud Watch Network and the U.S. Postal Inspection Service found that more than twice as many veterans as nonveterans lost money to financial schemes during the past five years.

Current servicemembers face similar targeting from predatory lending institutions. The Military Lending Act was enacted in 2007 after investigations found “payday lenders crowd around the gates of military bases like bears on a trout stream.” The law has undergone numerous upgrades as unscrupulous lenders sought alternative approaches.

The Trump administration has provided strong support of the enhanced Military Lending Act, a signature protection for servicemembers. However The American Legion urges greater vigilance in all sectors, to support military readiness and secure successful transitions to civilian life.

## WHAT CAN CONGRESS DO?

- Pass the Protecting Veterans from Predatory Lending Act of 2017, which would safeguard the Veteran Home Loan Program from unscrupulous lenders.
- Call for interagency coordination between the FTC, FDIC, OCC, CFPB, and Federal Reserve Board of Governors to ensure compliance with the Military Lending Act.
- The American Legion strongly urges Congress to hold the director of the Consumer Financial Protection Bureau accountable for supporting the mission and capabilities of its Office of Servicemember Affairs.

## KEY POINTS

- The Consumer Financial Protection Bureau’s Office of Servicemember Affairs has received more than 74,000 complaints from veterans, servicemembers and their families. The bureau’s efforts received praise in 2017 from the Senior Enlisted Officers of the Army, Navy, Air Force and Marines for providing substantial financial protection support and advocacy to enlisted servicemembers.
- Military personnel currently take out payday loans at rates significantly higher than in the civilian population – at 22 percent versus 16 percent – often with excessive fees. Payday loan organizations target families with servicemembers at twice the rate they target civilian families.
- Certain VA mortgage servicers are more likely than others to exploit refinancing provisions for veteran homeowners, including pressure to seek unneeded refinancing.

**“Every servicemember and veteran should have the right and responsibility to confront predatory loan practices.”**

**Denise Rohan**, National Commander, The American Legion



# Protect the U.S. flag from desecration

The American Legion strongly believes the American flag is a symbol of our nation's freedom and all that we hold in common, secured by the servicemen and women who sacrificed so much for all citizens.

The 5-4 1989 Supreme Court decision that defined U.S. flag burning as free speech demands a constitutional amendment in order to return to the states the ability to protect our nation's venerated symbol of freedom and unity. That is why The American Legion continues to urge Congress to approve such an amendment to protect the American flag from physical desecration. The amendment itself would not protect the flag if passed. It would be the decision of the people through their elected representatives to decide if a law should be passed to provide the protection.

The American Legion is not alone. The U.S. House of Representatives has routinely passed such an amendment, and it fell short by just one Senate vote in July 2006. Every state has endorsed a memorializing resolution supporting passage of the amendment. And surveys show a majority of Americans agree that the flag should be protected.

The proposed flag protection amendment is not an infringement upon the Bill of Rights. Instead, it is a wonderful 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 or Senate Joint Resolution 46 sponsored by Sen. Steve Daines of Montana to give power back to the people to decide if a law should be passed to protect the flag under which every U.S. servicemember has fought.

## KEY POINTS

- Surveys show most 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.
- The U.S. Flag was protected for 100 years prior to 1989 without adverse consequences. The American Legion believes in returning to the people what they had prior to the Supreme Court's decision.

**“Congress shall have power to prohibit the physical desecration of the flag of the United States.”**

House Joint Resolution 61, introduced Feb. 2, 2017, followed by a similar Senate measure in June

# CONTACTS

## HEALTH CARE, BENEFITS, CLAIMS

Veterans Affairs & Rehabilitation Division

*var@legion.org*

(202) 263-5759

## EDUCATION, CAREER SUPPORT, HOMELESSNESS PREVENTION

Veterans Employment & Education Division

*ve&e@legion.org*

(202) 263-5771

## LEGISLATIVE AFFAIRS

Legislative Division

*leg@legion.org*

(202) 263-5752

## MILITARY, DEFENSE, IMMIGRATION ISSUES

National Security Division

*nsfr@legion.org*

(202) 263-5765

## FLAG PROTECTION, PATRIOTISM, CITIZENSHIP AND NATURALIZATION

Americanism Division

*americanism@legion.org*

(317) 630-1203

## BOYS STATE/NATION, SCHOLARSHIPS, YOUTH PROGRAMS

Americanism Division

*c&y@legion.org*

(317) 630-1203

## MEDIA

Media Relations & Communications

**Washington, D.C.**

*jplenzler@legion.org*

(202) 861-2700

**Indianapolis**

*jraughter@legion.org*

(317) 630-1200

# LOCATIONS

## **American Legion Washington Headquarters**

1608 K St. N.W.

Washington, DC 20006

**Telephone:** (202) 861-2700

**Fax:** (202) 861-2786

## **American Legion Indianapolis Headquarters** 700 N. Pennsylvania St.

P.O. Box 1055

Indianapolis, IN 46206

**Telephone:** (317) 630-1200

**Fax:** (317) 630-1223

## **John H. Geiger Operations Center**

5745 Lee Road

Indianapolis, IN 46216

**Telephone:** (317) 860-3100

**Fax:** (317) 860-3001