

**STATEMENT OF**

The Department of Defense  
(For the Record)

**Before The**

**House Committee on Veterans' Affairs  
Subcommittee on Economic Opportunity**

**ON**

**Legislation Affecting Benefits and Educational Assistance Programs**

**March 24, 2015**

**1:00 PM**

**NOT FOR PUBLIC RELEASE UNTIL  
RELEASED BY THE COMMITTEE**

The Department of Defense (DoD) appreciates the opportunity to discuss potential improvements to the Post-9/11 GI Bill as proposed in H.R.1141. Post service education benefits have been a cornerstone of our military recruiting efforts since 1985, and a major contributor to the continued success of the All-Volunteer Force. Money for education has been and remains at the forefront of reasons cited by young Americans for joining the military. We fully expect the Post-9/11 GI Bill to continue to have this impact and we are seeing that happen in the form of unprecedented recruiting success.

For today's hearing, the subcommittee requested that DoD comment on H.R.1141, the "GI Bill Fairness Act of 2015." This Bill would consider active duty performed under the authority of Title 10, U.S. Code, section 12301(h) as qualifying active duty for the purposes of Post-9/11 GI Bill Education Benefits. Reserve component members wounded in combat are often given orders to active duty under this provision to receive authorized medical care; to be medically evaluated for disability; or to complete a required health care study. However, section 3301(1)(B), of title 38, U.S. Code, does not include active duty performed under 12301(h) as qualifying active duty for purposes of Post-9/11 GI Bill educational assistance.

Currently, when a member of the Reserve Component on active duty sustains an injury due to combat operations, the Service member is not discharged and instead returns to service - either deployed or Selected Reserve; none of the time spent in recovery is qualifying time for purposes of the Post-9/11 GI Bill. In this case, the Service member would return to Selected Reserve status with less qualifying time than those who served an entire period of active duty without an intervening injury. As a result, the Service member would not receive an educational benefit equivalent to the other members of his or her cohort. In effect, the Service member is being penalized for having been wounded or injured in theater. This legislation would correct this inequity by simply extending eligibility for the Post-9/11 GI Bill to service under 12301(h).

DoD recognizes the inequity of not including this active duty time for purposes of Post-9/11 GI Bill benefits, and has included a provision similar to this Bill in our FY16 legislative proposal package. However, although the DoD proposal would include only active duty performed after enactment, H.R. 1141 would be retroactive, categorizing all duty performed under 12301(h) since September 11, 2001, as qualifying active duty for purposes of the Post-9/11 GI Bill. We estimate that approximately 5,000 Reserve Component members performed active duty under 12301(h) each year since September 11, 2001. Accordingly, we believe that H.R. 1141 would generate an additional cost to the Department of Veterans Affairs. Given that both the funding and administration of the Post-9/11 GI Bill fall under the purview of the Department of Veterans Affairs, we would defer to that agency to determine the costs and effects of the Bill on their Department. DoD does not object to this section, provided Congress identifies appropriate and acceptable offsets for the additional benefits costs. DoD has always supported equivalent benefits for equivalent service and this change would meet that goal.