

# Pending Legislation

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STATEMENT OF  
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VETERANS OF FOREIGN WARS OF THE UNITED STATES  
BEFORE THE  
UNITED STATES SENATE  
COMMITTEE ON VETERANS' AFFAIRS  
WITH RESPECT TO

**S. 75, S. 111, S. 410, S. 473, S. 758, S. 798, S. 844, S. 882, S. 1192, S. 1209, S. 1218,  
S. 1277, AND GI BILL DISCUSSION DRAFT**

WASHINGTON, DC

Chairman Isakson, Ranking Member Tester and members of the Committee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, thank you for the opportunity to provide our remarks on today's pending legislation.

## **S. 75, Arla Harrell Act**

During WWII, 60,000 service members were human subjects of the military's chemical defense research program and some 4,000 of those service members were exposed to high levels of mustard agents. Until the early 1990s, these veterans were forbidden to speak of the experiments, even though the program was declassified in 1975.

Because of the classified nature of these exposures and the reliance on incomplete and conflicting data, the ability to accurately determine the level of exposure to mustard gas and Lewisite each veteran endured is difficult at best. Because of these facts, the VFW believes

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those veterans who have previously applied for benefits related to exposure to mustard gas and Lewisite and were denied because the evidence of “full body” exposure could not be proven, should be given the benefit of the doubt and have their claims adjudicated with the presumption of full body exposure.

The VFW supports requiring the Department of Veterans Affairs (VA) to reconsider previously denied claims for mustard gas and Lewisite exposure with the presumption that the exposure was full body, unless available evidence proves otherwise.

### **S. 111, Filipino Veterans Promise Act**

The VFW has no official position on this legislation.

### **S. 410, Shauna Hill Post 9/11 Education Benefits Transferability Act**

The VFW agrees with the intent of this bill which would allow for the transfer of benefits to a surviving child after the loss of another child. The loss of a child is such an unimaginable tragedy that allowing the transference of benefits to a surviving child is only a small measure of relief that we feel is completely reasonable. If a veteran has already transferred their benefits to one child, it should be in their right to move the benefit to another child in cases of death.

### **S. 473, Educational Development for Troops and Veterans Act of 2017**

The VFW strongly supports this legislation that would correct the mistake of the Department of Defense (DOD) trying to save money by cutting service members’ benefits while on orders. National Guardsmen and Reservists were placed on involuntary activation orders that did not allow them to accrue benefits through time and service like their active duty counterparts. While stationed abroad and away from their homes and families, these troops were denied the ability to gain educational credit for use after demobilization.

12304(a) and (b) orders need to be amended to keep the activation authority, but reinstitute the benefits that were removed. Thousands of National Guardsmen and Reservists have been involuntarily activated under these orders and have not received equal benefits as their active duty counterparts. More and more, DOD is using our nation’s reserve component to fight our decade and a half war against terror, and for these men and women to come home without equal benefits is something that must change.

### **Section 5**

The VFW agrees with the efforts to take care of service members’ student loans in exchange for time in service. Debt in this country is an incredible burden on individual Americans. Making sure that service members are financially sound is an important part of force

readiness, and to not have crippling loans hanging over their heads is an important step in that direction.

### **Section 6**

The VFW supports adding this grant to further grow the presence of student veterans on campuses around the country. Establishing a program that would grant funding to individual veteran centers for students is a great idea that would continue to promote studious camaraderie among our veterans as they lean forward in accomplishing their educational goals.

### **Section 7**

The VFW supports increasing the amount of money allocated for educational assistance for members of the Selected Reserve. The rising costs of education need to be adjusted to keep pace with the rest of our country.

### **Section 8**

The VFW supports prorating the monthly eligibility for those service members called up on involuntary orders. National Guardsmen and Reservists should not lose an entire month of eligibility if they are not using the entire month due to activation orders. These service members should have that month prorated so they can still retain some of the eligibility. S. 758, Janey Ensminger Act of 2017

This legislation would require the Agency for Toxic Substances and Disease Registry (ATSDR) to conduct periodic literature reviews of the existing research regarding the relationship between exposure to toxic water at Camp Lejeune and adverse health conditions. The VFW supports the intent of this legislation, but has a serious concern with the threshold it sets for medical research, which we hope the Committee will address before advancing this legislation.

The approximately 650,000 veterans and family members who served on Camp Lejeune between 1953 and 1987 deserve to know if their health care conditions are related to water they drank that was contaminated with trichloroethylene, tetrachloroethylene, vinyl chloride, and other toxins. That is why the VFW fully supports periodic literature reviews of the existing body of research on the relationship between contaminated water at Camp Lejeune and the health conditions prevalent among veterans and family members exposed to such toxic substances.

However, this legislation would require the ATSDR to evaluate whether a health condition is caused by exposure to contaminated Camp Lejeune water, which is an unreasonably high bar for determining a relationship between adverse health conditions and toxic exposure. This legislation would require the ATSDR to categorize related health care conditions into three categories: sufficient with reasonable confidence that the exposure is a cause of the

illness or condition; modest supporting causation; or no more than limited supporting causation. This would mean that the majority of the health conditions the ATSDR considers to be associated with exposure to trichloroethylene, tetrachloroethylene and vinyl chloride in drinking water would fail to meet this threshold.

Research regarding toxic exposures has traditionally used the Institute of Medicine's (IOM) six categories of associations: sufficient evidence of a causal relationship; sufficient evidence of an association; limited/suggestive evidence of an association; insufficient evidence to determine whether an association exists; inadequate/insufficient evidence; and limited/suggestive evidence of no association. These six categories are aligned with the nature of epidemiological research and can be used to guide future research. The VFW strongly urges the Committee to reduce the threshold from causation to IOM's six categories of association.

### **S. 798, Yellow Ribbon Improvement Act**

The VFW supports this legislation that offers additional financial assistance for the children of our fallen heroes. The Fry Scholarship gives 100 percent GI Bill benefits to the children and spouses of fallen service members who gave their lives serving our country. While this is a great benefit for the families of the fallen, there are some cases where financially it is not enough.

This legislation would bridge the gap, so the children or spouses who are eligible for the Fry Scholarship would not have to pay any out of pocket costs to achieve their educational goals. Allowing recipients of the Fry Scholarship eligibility to the Yellow Ribbon Program is just a very small measure that does not even begin to repay the sacrifice their service member made for our country.

### **S. 844, GI Bill Fairness Act**

The VFW supports this legislation which would allow for National Guardsmen and Reservists ordered to active duty for medical treatment to receive the same educational benefits as their active duty counterparts. There are service members who were injured during their military service and who are convalescing at military treatment facilities throughout the country, but are not accruing the same educational benefits as other service members currently on active duty. Their time on active duty should be considered no different than any others and this legislation will make that possible.

This bill will rectify the mistake made by DOD in putting National Guardsmen and Reservists on 12301(h) orders which exempt them from benefits in order to save money.

DOD should not have used this cost cutting measure because it is detrimental to our troops' morale and welfare. The VFW endorses any legislation like this that will ensure full benefits

for our troops while away from their civilian lives on active duty.

### **S. 882, Purple Heart GI Bill Act**

The VFW supports this legislation increasing the rate of educational benefits for recipients of the Purple Heart. For the past decade and a half, our country has been sending National Guardsmen and Reservists into harm's way at an unprecedented level, and some of them have been wounded in the line of duty. Nearly 3,000 of these Citizen Soldiers have bled for this country, but have not accrued enough active duty time to attain full GI Bill benefits.

The VFW thinks that service men and women who have bled for this country should be compensated for their injuries by granting them full education benefits. This is the least we as a country can do for those who put their bodies on the line for our freedoms.

### **S. 1192, Veterans to Enhance Studies through Accessibility Act of 2017**

The VFW supports this bill which would change the structure of charging for the costs of the tests and certifications veterans apply for, instead of a months' worth of eligibility from their GI Bill. The GI Bill pays for books, labs and fees for student veterans attending college.

This bill would include test fees in the GI Bill payment structure, and would provide a savings to the government and also allow student veterans to retain GI Bill eligibility instead of having to use it for a test fee.

### **S. 1209, a bill to increase special pension for Medal of Honor recipients**

This legislation would increase the amount of special pension granted to Medal of Honor recipients from \$1,000 to \$3,000 per month, adjusted annually for inflation. Medal of Honor recipients are held in the highest esteem by the veterans and military community.

These men have turned the tide of battle against overwhelming enemy forces, and saved the lives of their comrades at great risk to themselves. With only 72 Medal of Honor recipients alive today, increasing their pension would not create a significant cost, but would represent a small but meaningful token of our appreciation for their heroic actions. Accordingly, the VFW supports this legislation.

### **S. 1218, Empowering Federal Employment for Disabled Veterans Act**

The VFW supports this bill as it would expand opportunities for veterans who have honorably served our country. This bill would allow agencies to target high demand occupations within the federal government and make a concerted effort to hire veterans into those positions. We also support the establishment of an Inter-Agency Council to discuss and promote veteran employment issues within the federal government. Important matters

like this deserve to be discussed at the highest levels in order for senior leadership to understand the state of veteran employment within their agencies.

### **S. 1277, Veterans Employment through Technology Education Course Act of 2017**

The VFW supports this legislation as it would provide new job opportunities in expanding fields for the future. Creating innovative ways that service members and veterans can achieve training and proficiency in new technology-related fields is essential for the future of our country and those who served it. The VFW would like to see this program move forward, but we also think this program needs input from the State Approving Agencies (SAA), which are instrumental in ensuring the value and validity of programs like this. The SAA is tasked with overseeing programs such as VET TEC and we would like their agencies' approval before moving completely forward with this.

### **Discussion Draft to Improve Post-9/11 GI Bill Educational Assistance**

#### **Increased Post-9/11 GI Bill Eligibility for Reservists**

The VFW agrees with the intent of this draft bill which would increase the rates of educational benefits provided to National Guardsmen and Reservists. Educating our veteran population is one of the VFW's highest priorities and we are happy this committee values education as a priority as well.

#### **Additional Eligibility for Veterans Pursuing STEM Degrees**

The VFW strongly supports this provision to grant additional months of GI Bill eligibility for student veterans pursuing degrees in Science, Technology, Engineering and Math (STEM).

Our nation is making a push to encourage more students to pursue STEM degrees in order to be competitive and outpace other nations around the world. Student veterans should be at the forefront of this initiative. In order to make this a possibility, there needs to be some additional eligibility granted for those pursuing these degrees, because STEM programs often take longer than the traditional four years to complete a bachelor's degree. The VFW wants to see student veterans succeed at the highest levels and extending school eligibility in this case may be necessary to complete these highly important degrees.

#### **Increase Educational Assistance Payments for Survivors and Dependents**

The VFW supports increasing the payments made to survivors and dependents for educational benefits. As the years have gone on, there has not been a significant increase in the amount of money survivors and dependents receive as their educational benefit. It is beyond time to make an increase in payments so as to keep pace with the rising cost of present day college tuitions.

#### **Monthly Housing Stipend Based on Location of Campus**

The VFW would ask that more research be done on how many student veterans would be affected by this change and how much money would increase or decrease. Making a change to the housing stipend without doing the due diligence is a hasty decision, and we would like to see additional information before we make a decision to support this legislation.

### **Repeal of Sunset on Work Study**

This bill is a simple extension of VA's authority to offer work-study allowances for student veterans. The VFW has long supported the VA work-study program, and we would proudly support this initiative to extend the program to 2027. Work-study is a valuable tool for student veterans to support valuable initiatives in and around their school community and earn extra income while taking classes.

While the VFW supports this legislation, we would like to see the end date for this program extended indefinitely. There should not be any time in the foreseeable future where there are not veterans attending schools after their enlistments, so we do not see any time where work-study would not be an added value to student veterans.

### **Restoration of Entitlement after School Closing**

The VFW strongly supports this legislation to protect student veterans who were negatively affected by school closures. Recently ITT and Westech College suddenly shuttered their doors after losing accreditation. This left thousands of student veterans out of school mid-semester, with no plan for what to do the rest of the term. They had lost weeks or months of GI Bill benefits that were wasted at failed institutions. Even worse, they lost the monthly housing stipend many relied upon for their living situation. This legislation allows these affected student veterans to recoup their lost months of GI Bill eligibility.

While we support this initiative, we do not feel it goes far enough. We think student veterans should be able to recoup the months of eligibility wasted at the closed institutions just like traditional students can with Pell Grants. Student veterans who attended schools like ITT have now lost those months of GI Bill eligibility and they have no credits to show for it. The VFW has heard from student veterans from the closed schools, and they are now struggling to complete their degrees without their previous credits. GI Bill eligibility should be allowed to be recouped like Chapter Four Pell Grants can be by traditional students.

Student Veterans deserve the same equity as every other student affected by school closures.

Additionally, these student veterans now have no monthly income from their GI Bill benefits. The VFW strongly supports extending the Basic Allowance for Housing payments for a maximum of 4 months or until the end of the term, whichever is earliest. Our team at the VFW immediately reached out to the student veterans affected by each of the school closures and offered them a stop gap measure through our Unmet Needs Program. We provided the student veterans with some financial stability to make it through the next

month or so while they got settled after this major life upheaval. This was, however, only a band-aid for the real problem. These student veterans need protection for the future so issues like this do not affect them as badly as these past closures have.

### **Improvement of VA IT Systems**

The VFW strongly supports the improvement of VA information technology (IT) systems.

Time and time again, VA has failed to accurately account for millions of dollars of wrongful payments due to outdated IT systems. Any efforts to enhance the IT systems and bring them into the 21st century is strongly supported by the VFW. We would like to see this fixed as soon as possible in order to save taxpayer money and alleviate repayment burdens from veterans attending school.

### **Extension of Advisory Committee on Education**

The VFW supports extending the authority of the Advisory Committee on Education until 2022. This is a valuable asset the VA Secretary can use to gather information and advice on how student veterans are using their education benefits, and the committee can advise on any changes or improvements that may need to be made. While the VFW supports this committee, we would like to see its authority extended indefinitely. Student veterans will always be going to school, so we think this committee should always be present.

### **Limitation on Use of Reporting Fees**

The VFW supports the limitation of reporting fees for general school uses. At the beginning of each term, a School Certifying Official (SCO) reports the enrollment of a GI Bill user to VA. This enrollment signifies the usage of educational benefits for the individual. After this is complete, the school receives a \$12 payment from VA for certifying the enrollment.

Currently, there is no limitation on where that money is disbursed within the school's system. This legislation would ensure that schools are not using that reporting fee for its own general use. The VFW supports the plan to limit the usage of those fees for veteran services only. This will add to the amount of money available for veteran programs within those institutions.

### **Training for School Certifying Officials**

The VFW supports mandatory training for School Certifying Officials. In 2014 alone, there were \$262 million dollars in erroneous Post-9/11 GI Bill payments to students and most times the students, not the schools, are the ones burdened with repaying the money.

Making sure the SCO's are properly trained is one step in avoiding overpayments, and the VFW supports this action. While this legislation does not specifically address the source of funding for this training, the VFW thinks the schools themselves should be responsible for the cost of the training.

### **Modification of Funding for State Approving Agencies**

The VFW supports increasing the funding allocated to the State Approving Agencies. These

agencies are the first line in ensuring schools are properly accredited and providing a high standard of education for student veterans. There have been thousands of student veterans left out on their own after their schools closed, sometimes with little or no notice. The SAA's role is to make sure that institutions are accredited and providing the services they claim to. For that reason, the VFW endorses additional funding in the hopes that school closures like ITT do not affect veterans in the future.

Mr. Chairman, this concludes my testimony. I am prepared to answer any questions you or the Committee members may have.