



## **THE AMERICAN LEGION LEGISLATIVE POINT PAPER**

### **Toxic Exposures and Burn Pits**

#### **Background**

When deploying to various locations around the world, servicemembers are often well prepared for the potential physical threats they will face. However, the environmental hazards that they may encounter is something that is not typically at the forefront of their minds. Instead, it is a concern that develops as they are frequently exposed to pesticides, burning materials, encumbered air particles, and tainted water supplies throughout the course of their duties. Unfortunately, it is not a concern that remains in the theater, but rather returns home with them along with potentially new medical complications.

Millions of veterans have been deployed in the Global War on Terror, and a disturbingly high percentage of them have been exposed to airborne toxic hazards during their service as a result of burn pits.<sup>1</sup> The Department of Defense (DoD) is beginning to track locations where it utilized burn pits, but this data is far from exhaustive and many years late.<sup>2</sup> Regrettably, the conversation on toxic exposures is not a new concept to The American Legion and the Department of Veterans Affairs (VA). The American Legion has for decades fought for service-connected disability benefits for adverse health conditions linked to toxic exposures from a variety of toxic substances.<sup>3</sup>

As the VA Public Health Department tells us, “Veterans may have been exposed to a range of chemical, physical, and environmental hazards during military service.”<sup>4</sup> These exposures result in health concerns such as; burn pit related illnesses, Agent Orange related diseases, Gulf War Veterans’ illnesses, radiation-related diseases, vaccinations & medications, etc. Exposure to toxic chemicals may have happened across a range of wars and operations, to include Operations Iraqi, Enduring Freedom, New Dawn, the Gulf War, and Vietnam.

Exposure to toxic chemicals is not limited to wartime operations. Some examples are the Camp Lejeune water contamination issue, Per- and Polyfluoroalkyl Substances (PFAS), nuclear and other radiation exposures, dust, asbestos, lead, and other chemical and biological weapons.

VA has not done sufficient studies to determine illnesses and diseases directly related to the various types of toxic chemicals, nor have they begun to develop a list of presumptive conditions. Veterans who suffer from conditions related to toxic exposure have neither the time, resources, or evidence to make their case, nor is there adequate legislation to support toxic exposure claims. Meaning, this health issue is continuing to burden our nations’ servicemembers and veterans socially, financially, and physically.

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<sup>1</sup> <https://www.va.gov/vetdata/docs/SurveysAndStudies/NVSSurveyFinalWeightedReport.pdf>

<sup>2</sup> <https://www.acq.osd.mil/eie/Downloads/Congress/Open%20Burn%20Pit%20Report-2019.pdf>

<sup>3</sup> <https://www.legion.org/magazine/242263/exposure-wars-long-connected-and-continuing-fight-accountability>

<sup>4</sup> <https://www.publichealth.va.gov/exposures/>



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### **Key Points**

- As many as 60,000 Veterans volunteered for medical research for the U.S. biological and chemical programs between 1942 and 1975.<sup>5</sup>
- Generations of veterans, across multiple conflicts, were exposed to various toxic and environmental hazard that continue to affect veterans and their children.
- Veterans can access more information on military exposure and their health by visiting [www.publichealth.va.gov/exposures/index.asp](http://www.publichealth.va.gov/exposures/index.asp).
- VA and the Department of Defense will conduct a long-term study that will follow Veterans for decades, looking at their exposures and health issues to determine the impact of deployment to Iraq and Afghanistan.

### **What Can Congress Do?**

- Pass legislation, S.2950 – Veterans Burn Pits Exposure Recognition Act of 2019, requiring the proper study to understand what chemicals veterans were exposed to, where the exposure occurred, and develop a list of health conditions related to the various toxic chemicals.

### **Relevant Resolutions:**

Resolution No. 161: Agent Orange Presumption for Service in Southeast Asia Since 1975

Resolution No. 19: Burn Pits and Environmental Exposures

Resolution No. 11: Environmental Exposures at Fort McClellan

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<sup>5</sup> <https://www.va.gov/disability/eligibility/hazardous-materials-exposure/>



## **THE AMERICAN LEGION LEGISLATIVE POINT PAPER**

### **Healthcare for Women Veterans**

#### **Background**

Never before have so many women servicemembers been routinely assigned to combat zones. They sustain the same types of injuries as their male counterparts. The 2015 Department of Veterans Affairs' (VA) Women Veterans Report projects that the total population of women veterans will increase at an average rate of about 18,000 per year for the next ten years.<sup>6</sup> This expected growth simply confirms that women servicemembers are the fastest-growing demographic in the U.S. military. According to the Veteran Population Projection Model between 2015-2045, the women veteran population increases annually at 0.6 percent while the male veteran population declines at 2.2 percent.<sup>7</sup> VA must ensure women veterans receive gender-specific healthcare to meet their needs across the entire network. Finding ways to ensure that these veterans are welcome and receive the services they deserve is vital to The American Legion.

The American Legion continues to focus on:

- Visiting VA healthcare systems to explore any issues that could be preventing VA hospitals from providing gender-specific care.
- Educating women veterans about the importance of identifying as a veteran.
- Ensuring full-time gynecologists are available at all VA medical centers.
- Advocating for an increase in women's health providers to assist women veterans who have been victims of Military Sexual Trauma.

While women veterans have made equal sacrifices and contributions to the U.S. military, women veterans face remarkably different experiences than their male counterparts while in the military, during their transition, and as a veteran. Focused VA efforts shaped significant advancements in women veterans' VA healthcare with the establishment of awareness training programs, but there is still room for improvement. The American Legion wants every veteran who walks through the doors of a VA medical facility to feel welcome and receives quality healthcare, regardless of their gender.

#### **Key Points**

- Women have voluntarily served in every war since the American Revolution.
- Women now routinely serve in combat and deserve equal benefits as their male counterparts.
- Women veterans are the fastest-growing demographic in the veteran community.<sup>8</sup>

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<sup>6</sup> [https://www.va.gov/vetdata/docs/SpecialReports/Women\\_Veterans\\_2015\\_Final.pdf](https://www.va.gov/vetdata/docs/SpecialReports/Women_Veterans_2015_Final.pdf)

<sup>7</sup> [https://www.va.gov/vetdata/docs/Demographics/VetPop\\_Infographic\\_2019.pdf](https://www.va.gov/vetdata/docs/Demographics/VetPop_Infographic_2019.pdf)

<sup>8</sup> [https://www.va.gov/vetdata/docs/SpecialReports/Women\\_Veterans\\_2015\\_Final.pdf](https://www.va.gov/vetdata/docs/SpecialReports/Women_Veterans_2015_Final.pdf)



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- Hypertension, PTSD, and depression are the top three diagnostic categories for women veterans treated at VA.<sup>9</sup>

### **What Can Congress Do?**

- Support S. 514 – Deborah Sampson Act
- Support H.R. 3224 – Deborah Sampson Act
- Enact legislation for VA facilities to implement current standards of care to women veterans, providing the latest diagnostic and treatment methods.
- Provide child-care services at all VA medical centers.
- Urge VA to meet the privacy needs of women veterans at its facilities.

### **Relevant Resolutions:**

Resolution No. 37: Improvements to Department of Veterans Affairs Women Veterans Programs

Resolution No. 147: Women Veterans

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<sup>9</sup> <https://www.womenshealth.va.gov/WOMENSHEALTH/latestinformation/facts.asp>



## **THE AMERICAN LEGION LEGISLATIVE POINT PAPER**

### **Support VA's Suicide-Prevention Efforts**

#### **Background**

In 2019, the Department of Veterans Affairs' (VA) reported that the suicide rate among male veterans was 1.3 times the rate of other adult men in 2017. For women veterans, the suicide rate was even higher at 2.2 times the rate of their civilian counterparts.<sup>10</sup> Recent statistics on suicide are shockingly high but conservative as many suicides are misclassified as death by motor vehicles, poisonings, drownings, overdoses, or other accidents.

Many leading factors have increased the risk of veteran suicides:

- Post-traumatic stress disorder;
- Traumatic brain injury;
- Loss of a sense of purpose;
- Loss of a sense of belonging;
- The stigma surrounding mental health;
- Access the lethal means (firearms, bridges, opioids, etc.); and
- Substance use and abuse disorders.

The American Legion launched an online mental health survey in May 2019 as part of our continuing research and efforts on mental health issues impacting our nation's veterans. The American Legion's TBI/PTSD Committee designed the survey to collect data that will help The American Legion bring local resources related to TBI, PTSD, and Suicide Prevention to veterans and their families.

The 2019 Mental Health Survey consisted of 22 questions: both multiple-choice and open-ended. The target audience was veterans and caregivers, of which 13,648 responded.<sup>11</sup>

On the topic of receiving some form of suicide prevention training:

- 82.47% Never received any type of suicide prevention training<sup>12</sup>
- 67.39% Were interested in participating in suicide prevention training if offered<sup>13</sup>

Only 10.29% of the 13,648 individuals surveyed felt "very confident" they were able to appropriately able to contact a veteran in crisis to the necessary resources.<sup>14</sup>

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<sup>10</sup> [https://www.mentalhealth.va.gov/docs/data-sheets/2019/2019\\_National\\_Veteran\\_Suicide\\_Prevention\\_Annual\\_Report\\_508.pdf](https://www.mentalhealth.va.gov/docs/data-sheets/2019/2019_National_Veteran_Suicide_Prevention_Annual_Report_508.pdf)

<sup>11</sup> <https://www.legion.org/publications/248320/2019-mental-health-survey-executive-report>

<sup>12</sup> <https://www.legion.org/publications/248320/2019-mental-health-survey-executive-report>

<sup>13</sup> <https://www.legion.org/publications/248320/2019-mental-health-survey-executive-report>

<sup>14</sup> <https://www.legion.org/publications/248320/2019-mental-health-survey-executive-report>



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Vet Centers are community-based counseling centers and are part of the Department of Veterans Affairs. The survey identified that 84.23% of respondents never sought mental health care from Vet Centers. More than a third of respondents (39.73%) were unsure of the veteran's eligibility for VA mental health services.<sup>15</sup>

Survey questions were designed to collect data from both veterans and their caregivers. Unfortunately, the caregiver response rate was not as high as anticipated. Only 2.20% of completed surveys were from the caregivers of veterans. Even fewer, 1.25%, were from those who are both a veteran and a caregiver of a veteran. The gender demographics of this survey were male dominate; of the respondents, 5.25% were females and .027% chose not to answer.<sup>16</sup>

Particularly concerning is the situation encountered by the newest era of combat veterans. Data from VA indicates an increased suicide rate among 18-24-year-old veterans since the beginning of the Global War on Terrorism.<sup>17</sup> Suicidal behavior is multi-factorial – Traumatic Brain Injury (TBI) and Post-Traumatic Stress Disorder (PTSD) play a significant role in the high suicide rate. As our nation endures the effects of nearly two decades of conflict, the need for mental health services for our veterans will continue to increase in the years to come.<sup>18</sup>

### **Key Points**

- The American Legion established a suicide prevention program in 2017, aligned with the TBI/PTSD Committee, which reviews methods, programs, and strategies to reduce veteran suicide.
- The American Legion and VA are currently working together to adopt a public health approach to suicide prevention which looks beyond the individual to involve peers, family members, and the community.
- In 2019, The American Legion conducted a Mental Health Survey to analyze treatments for TBI/PTSD, and gauge current Suicide Prevention Readiness.

### **What Can Congress Do?**

- Support S. 785 – Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019
- Urge the DoD and VA to implement an automatic flagging system to alert providers of potentially fatal prescription drug combinations.

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<sup>15</sup> <https://www.legion.org/publications/248320/2019-mental-health-survey-executive-report>

<sup>16</sup> [https://www.mentalhealth.va.gov/docs/data-sheets/2019/2019\\_National\\_Veteran\\_Suicide\\_Prevention\\_Annual\\_Report\\_508.pdf](https://www.mentalhealth.va.gov/docs/data-sheets/2019/2019_National_Veteran_Suicide_Prevention_Annual_Report_508.pdf)

<sup>17</sup> U.S. Department of Veteran Affairs. *Suicide Among Veterans and Other Americans 2001-2014*, 2017

<sup>18</sup> Bilmes, Linda J. *The financial legacy of Afghanistan and Iraq: How wartime spending decisions will constrain future U.S. national security budgets*. The Economics of Peace and Security Journal, 2014 Vol. 9(1)



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- Provide VA the necessary funding for complementary and alternative therapies for treating TBI, PTSD, and other mental health conditions.
- Improve VA's hiring process for mental health providers.
- Increase funding for DoD and VA suicide-prevention programs.

### **Relevant Resolutions:**

Resolution No. 20: Suicide Prevention Program

Resolution No. 18: Buddy Check

Resolution No. 59: Establish Green Alert System Interagency Group or Committee for Veterans in Crisis



## **THE AMERICAN LEGION LEGISLATIVE POINT PAPER**

### **Reaffirm Commitment to our Allies**

#### **Background**

Some of the greatest triumphs of American statecraft resulted from helping fragile and developing countries become successful societies. These successes created profitable markets for American businesses, allies to help achieve favorable regional balances of power, and coalition partners to share burdens and address a variety of problems around the world. Over time, the United States has helped create a network of states that advance our common interests and values. These allies have proved pivotal in deterring conflict when possible and have fought side by side with American forces from World War II to the Wars in Iraq and Afghanistan.

In a time of rising great power competition, the United States must maintain a robust alliance system to promote democracy and protect our national interests abroad. Diplomacy is the first line of defense for the United States. It must be appropriately resourced and funded to ensure we put our servicemembers in harm's way only when absolutely necessary. The American Legion supports legislation that would provide the State Department with the essential resources to maintain and expand our alliance system, ensure aid programs to allies remain adequately funded, and promote our national interests abroad.

#### **KEY POINTS**

- The United States must continue to cultivate and expand our system of alliances to promote international peace and deter aggression from near-peer threats such as Russia and China.
- We must assist fragile states to prevent threats to the U.S. homeland. These threats include non-state actors such as ISIS and Al-Qaeda as well as state actors like North Korea.
- The U.S. should prioritize collaborations with aspiring nations that share a common core set of values with the U.S. and our other allied countries. This will include developing investments where we can have the most impact on local reformers.

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

- Support H. Res 220 – Recognizing the interdependence of diplomacy, development, and defense as critical to effective national security.
- Reaffirm our commitment to our allies to maintain a strong coalition of partners that the United States can rely on in times of crisis and deter aggression from potential adversaries.
- Maintain strong support for responsible international organizations, such as NATO, that are consistent with the international rule of law and serve U.S. national interests
- Resolve our commitment to fragile states where weakness would magnify threats to America and to prevent the reemergence of terrorist havens.





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- Increase funding for the State Department and the U.S. Agency for International Development (USAID) and seek the use of that funding towards targeted states whose failure could result in the expansion of international terrorism.

### **Relevant Resolutions:**

Resolution No. 205: Foreign Policy Objectives

Resolution No. 201: Enhanced Funding for USAID



## **THE AMERICAN LEGION LEGISLATIVE POINT PAPER**

### **Fully Fund a Superior National Defense**

For decades the U.S. has generally been able to deploy our forces at a time of our place and choosing. Today, every domain is contested. The *National Defense Authorization Act For FY 2020* (NDAA) authorizes \$750 billion for national security with just over \$718 billion of that amount appropriated for the Department of Defense.<sup>19</sup> This will help offset the effects of seven years of sequestration, and exceeds the defense spending caps set by the *Budget Control Act of 2011*. In 2018 the Pentagon outlined a planned trajectory of the defense budget that will not be enough to rebuild the military and create separation between the United States and its strategic competitors and this budget goes a long way to correcting that deficit.

The American Legion supports strengthening the U.S. military in these uncertain times with both highly trained personnel and state-of-the-art supportive equipment, our military men and women deserve no less. The administration, leaders at the Pentagon, and congress must do everything possible to ensure our nation's citizens and our allies are protected.

#### **Key Points**

- The fiscal 2018 budget reflects the administration priorities of ending defense funding sequestration, rebuilding military readiness and modernizing the U.S. Armed Forces.
- The Pentagon's 2018 National Defense Strategy (NDS) promotes a world where great-power competition, rather than counter terrorism, will drive Department of Defense decision-making and force structure. After nearly two decades of focus on terrorism, the U.S. military is refocusing back to great-power competition with Russia and China, preserving global dominance while rebuilding the "eroding" force.
- For decades the U.S. has generally been able to deploy our forces when we wanted, how we wanted, and where we wanted. Today every domain is contested. The NDAA of 2020 budget requests \$750 billion for national security with just over \$718 billion of that amount meant for the Department of Defense. This will reverse the effects of sequestration and exceeds the defense spending caps set by the budget control act of 2011.
- The 2020 Defense budget goes a long way to rebuilding the military infrastructure, size and scope that sequestration crippled. The American Legion supports strengthening the U.S. military in these uncertain times, in personnel and supportive equipment. The administration, leaders at the Pentagon, and congress must do everything possible to ensure our nation, citizens, and allies are protected.

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<sup>19</sup> <https://www.congress.gov/bill/116th-congress/senate-bill/1790>



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### **What Can Congress Do?**

- Continuing to focus on rebuilding our military to reconstitute and upgrade equipment that has supported more than a decade of war and ensure our fighting force has the tools and weaponry to protect the United States and our global interests against all forms of aggression.
- Consistently pass the NDAA without the need for continuing resolutions to ensure reliable, consistent funding, and ensure that ALL of our military members, including the United States Coast Guard are paid without delay.
- Increase the budget by 2.5% to 3.5% to ensure combat effectiveness for the next five years.



## **THE AMERICAN LEGION LEGISLATIVE POINT PAPER**

### **Pay our Coast Guard**

#### **Background**

On a daily basis our brave Coast Guard personnel carry out missions that are vital to our national security, yet they are the only military branch working without pay during a government shutdown. The repeated and ubiquitous threat of government shutdowns brings severe hardship on our Coast Guard men and women who do not have the same assurances of being paid as the members of the other armed services.

This situation came to a head in January 2019 during the 35-day federal government shutdown. During that time, in an effort to help junior enlisted personnel with children at home make ends meet, The American Legion issued more than \$1 million in expedited Temporary Financial Assistance grants.<sup>20</sup> The American Legion's TFA program provides a single onetime non-repayable grant of up to \$1,500 to qualifying active-duty or veteran families. This attempt to ameliorate the financial hardship of our servicemembers, while welcomed, was not enough to assist all those in need.

In order to conduct operations as normal, Coast Guard members need to understand that they will receive pay and allowances during government shutdowns. This assurance will ensure that servicemember charged with securing out homeland can concentrate on the task at hand.

#### **Key Points**

- In January of 2019, over 41,000 active-duty Coast Guard servicemembers experience a 3-week long pay gap
- The American Legion's Temporary Financial Assistance (TFA) program was able to provide more than \$1 million in non-repayable grants to approximately 1,713 Coast Guard families with 3,170 children.
- The American Legion distributes one-time cash grants of up to \$1,500 to the minor children of eligible active-duty military and American Legion members in need.

#### **What Can Congress Do?**

- Supports bills and provisions that will ensure the Coast Guard is paid during government shutdowns. (*S. 21, H.R. 367, Section 221 of S.2297 Coast Guard Authorization Act of 2019*)

#### **Relevant Resolutions:**

Resolution No. 23, *Support for the Department of Homeland Security and Coast Guard*

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<sup>20</sup> <https://www.legion.org/dispatch/244719/1-million-american-legion-assistance-aided-coast-guard-families>



## **THE AMERICAN LEGION LEGISLATIVE POINT PAPER**

### **Implement, Oversee New Laws**

#### **Background**

On June 6, 2019, the U.S. Department of Veterans Affairs (VA) launched its improved Veterans Community Care Program, implementing portions of the VA MISSION Act, which ended the Veterans Choice Program and established the new Veterans Community Care Program. According to VA, the enactment of the VA MISSION Act will strengthen their ability to recruit and retain clinicians, authorize telehealth across state lines, and empower veterans with increased access to community care. It will also establish a new urgent care benefit which eligible veterans can access through VA's network of urgent care providers in the community.

Many veterans in rural areas struggle to make their appointments because the distance to the nearest VA facility makes it inconvenient and unrealistic. To ease this burden, VA has devoted many resources to improving veterans' telehealth services. In a mid-October report, the Department found more than 900,000 veterans used VA telehealth services in 2019.<sup>21</sup> This was a 17% increase over the prior fiscal year and contributed to VA's delivery of more than 2.6 million individual telehealth sessions in 2019.

*Anywhere to Anywhere*, is a VA telehealth initiative designed to reduce the confusion around state-specific telehealth laws and licensing restrictions. To eliminate this confusion, VA announced a new federal rule that will allow VA doctors, nurses, and other healthcare providers to administer care to veterans using telehealth or virtual technology, regardless of the physical location of veterans or providers. To support this initiative, VA teamed up with The American Legion, Veterans of Foreign Wars, and Philips to bring VA healthcare to veterans in a familiar setting – their local posts. Through Project ATLAS (Accessing Telehealth through Local Area Stations), Philips will install video communication technologies and medical devices in selected American Legion and VFW posts to enable remote examinations through a secure, high-speed internet line.<sup>22</sup> Veterans will be examined and advised in real-time through face-to-face video sessions with VA medical professionals, who may be located hundreds or thousands of miles away.

VA's budget for FY 2020 is \$220.2 billion, 9.6 percent over that of FY 2019. This budgetary increase will significantly help VA towards obtaining the four priorities outlined in their strategic plan by Secretary Robert Wilkie:

- Improving customer service
- VA MISSION Act Implementation

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<sup>21</sup> <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5365>

<sup>22</sup> <https://connectedcare.va.gov/partners/atlas>



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- Replacing outdated Electronic Health Record (EHR) system
- Updating other business and information technology systems to a 21st century operating capability

Outside of financial allocation to better VA and its services, a quantitative and qualitative evaluation is now being exercised. As of December 2109, VA will now measure the competency and effectiveness of VA Hospitals through patient satisfaction, quality and diversity of medical services, wait times, and overall results of online quality assessments that are housed on the Hospital's websites. The utilization of both financial and data-driven variables will ensure the most effective implementation of the VA MISSION Act can take place.

### **Key Points**

- Modernizing the VA healthcare system is an investment in VA's future and the best path forward
- Increasing a focus on the quality of care that is provided at VA healthcare facilities is equally vital as the goal of modernization

### **What Can Congress Do?**

- Urge Congress to maintain oversight on the MISSION Act implementation, ensuring VA honors all of its commitments to the veteran community.
- Ensure VA is accountable to deadlines proposed for the various IT system upgrades and installation.

### **Relevant Resolutions:**

Resolution No. 22: Public/Private Partnership with the Department of Veteran Affairs to Expand Reach with Local Hospitals

Resolution No. 75: Department of Veterans Affairs Rural Health Care Program



## **THE AMERICAN LEGION LEGISLATIVE POINT PAPER**

### **Protect the GI Bill**

#### **Background**

The American Legion has fought to provide post-service career opportunities for veterans since its formation. The original GI Bill, passed in 1944, granted rights, education benefits, and loans for homes and businesses. The investment in our veterans helped fuel America's rise to an economic superpower over the last 70 years. The original GI Bill offered comprehensive benefits, such as low-cost mortgages, low-interest loans to start small businesses, and payments for tuition at universities and colleges. However, the comprehensive nature of the bills has declined as new GI Bills are drafted after each war.

The passage of the Harry W. Colmery Veterans Educational Assistance Act – the “Forever GI Bill” – has provided the most substantial improvement in veterans' education in a decade. The American Legion is now focused on ensuring that student-veterans and their families receive the highest quality education when using their GI Bill benefits. Unfortunately, some unscrupulous schools and programs have been successful at recruiting veterans through misleading advertising and market saturation. While there are many reasons why these schools are poor choices for veterans, there is one overriding reason why veterans have been aggressively recruited: the 90-10 loophole.

The American Legion worked diligently to not only create a strong foundation on with the GI Bill as we know it today stands upon but to create it in such a way that it can be maximized in the best interest of the nation and of the GI Bill recipient. Therefore, the American Legion supports legislation that would expand GI Bill benefits to serve as a means to access more diverse education and entrepreneurship endeavors.

#### **Key Points**

- 24% of for-profit schools are out of compliance with the 90-10 rule with GI Bill and DoD benefits factored.<sup>23</sup>
- In 2019, the Federal Trade Commission reached a \$191 million settlement with the for-profit University of Phoenix to resolve charges that the school falsely promoted its educational benefits and used deceptive marketing materials that “targeted active-duty servicemembers, veterans, and military spouses.”<sup>24</sup>

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<sup>23</sup> [https://www.brookings.edu/wp-content/uploads/2019/01/ES\\_20190116\\_Looney-90-10.pdf](https://www.brookings.edu/wp-content/uploads/2019/01/ES_20190116_Looney-90-10.pdf)

<sup>24</sup> <https://www.ftc.gov/news-events/press-releases/2019/12/ftc-obtains-record-191-million-settlement-university-phoenix>



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### **What Can Congress Do?**

- Pass the S. 2857 – *Protect Veterans’ Education and Taxpayer Spending Act*, to close the 90/10 loophole that counts VA and DoD educational funds as private dollars instead of taxpayer funds.
- Pass the H.R. 4625 – *Protect the GI Bill Act*, to reinstate GI Bill to students whose schools have closed and mandate common-sense GI Bill oversight of schools.
- 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.

#### **Relevant Resolutions:**

Resolution No. 327: Support Further Assessment and Evaluation of Institutions of Higher Learning to Enable Veterans to Make Informed Education Choices

Resolution No. 15: Support Greater GI Bill Outcomes by Closing 90-10 Loophole





## **THE AMERICAN LEGION LEGISLATIVE POINT PAPER**

### **Help End Veteran Homelessness**

#### **Background**

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 upon discharge; and non-transferability of military occupational skills into the civilian workforce. While there are many components in an individual's life that can contribute to homelessness that is out of the Department of Veterans' Affairs (VA) scope, there are equally as many components that VA can influence to help prevent and eradicate homelessness for our nation's veterans.

In 2010, then-VA Secretary Eric Shinseki introduced an ambitious pledge to end veteran homelessness by the end of 2015. Despite the robust objective, much work remains to be accomplished. Former Department of Veterans' Affairs (VA) Secretary David Shulkin, and now-Secretary Robert Wilkie, stated that eliminating veteran homelessness to functional zero, nationwide, remains a top priority of VA. The American Legion, in tandem with Congress and VA, continues to tirelessly work to ensure resources in affordable housing and supportive services programs to help more veterans and their families. This goal can be accomplished by producing and informing the veteran population that these resources are available and receive adequate funding. Through the U.S. Housing and Urban Development's (HUDs) annual Point-in-Time (PIT) count estimate of America's homeless population, communities across the country reported that 37,085 veterans were experiencing homelessness on a given night in January 2019.<sup>25</sup>

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. By providing a full continuum of care - housing, employment training and placement, healthcare, substance abuse treatment, legal aid, and follow-up case management - relies on many organizations working together to provide services to best serve those who are in need.

#### **Key Points**

- 9 of 10 veterans experiencing homelessness are men, 90 percent (33,492).<sup>26</sup>

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<sup>25</sup> <https://www.hudexchange.info/resource/5877/2019-pit-estimate-of-veteran-homelessness-in-the-us/>

<sup>26</sup> [https://www.usich.gov/resources/uploads/asset\\_library/Homelessness\\_in\\_America\\_Focus\\_on\\_Veterans.pdf](https://www.usich.gov/resources/uploads/asset_library/Homelessness_in_America_Focus_on_Veterans.pdf)



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- Six in ten homeless veterans (61% or 22,740 veterans) were staying in emergency shelters or transitional housing programs. Two in five (39% or 14,345 veterans) were found in places not suitable for human habitation.<sup>27</sup>
- Most veterans experiencing homelessness were without children (95% or 36,280 veterans). About 2%(805) had dependents.<sup>28</sup>

### **What Can Congress Do?**

- Modify the current HUD definition that would cover couch surfing.
- Permanently authorize the Supportive Services for Veterans and Families (SSVF) program and maintain funding levels necessary to keep SSVF operational.
- Provide funding for dental care and legal services for homeless veterans.
- Continue to fund the homeless veterans Grant and Per Diem (GPD) Program (transitional housing) at the level of need demonstrated in local communities, incorporating per diem for family members.
- Provide a higher allocation of project-based HUD-VASH vouchers for homeless veterans.

### **Relevant Resolutions:**

Resolution No. 332: Support Funding for the Department of Housing and Urban Development (HUD) and Veterans' Affairs (VA) Supportive Housing (HUD-VASH) Homelessness Program

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<sup>27</sup> <https://files.hudexchange.info/resources/documents/2019-AHAR-Part-1.pdf>

<sup>28</sup> <https://files.hudexchange.info/resources/documents/2019-AHAR-Part-1.pdf>



## **THE AMERICAN LEGION LEGISLATIVE POINT PAPER**

### **Support for Gold Star Families**

#### **Background**

Servicemembers do not serve alone. There are more than 1.5 million family members who served alongside their Active Duty servicemembers.<sup>29</sup> While every servicemember raises their hand and swears an oath to make the ultimate sacrifice to defend their national if needed, there seems to be a disconnect between the military community and surviving family members.

The American Legion is serious about its obligation to our servicemembers and their families and wants to ensure that the surviving families receive the highest level of support as they face tough decisions upon being notified. Every branch of service should have an effective Gold Star Family program. This program must ensure families have all the support they need from the moment they are informed and ensuring the families are aware of all benefits they are entitled to.

There are reports of surviving parents and siblings not having access to gravesites of their servicemembers who died during service because the grave was located on a military installation. In many cases, those family members may have little knowledge of military systems, procedures, and culture, which creates feeling of estrangement among the surviving family. A Gold Star coordinator must be located on installations to assist and ensure families receive access and all the support they are require to eliminate that dissonance.

#### **Key Points**

- Gold Star parents, surviving spouse, and children each have unique issues that need to be addressed. Veteran service organizations are capable and willing to provide support to Gold Star surviving families and that support should be referenced upon notification of death.
- For almost two decades, Gold Star families have fought to put an end to the “Widows Tax.” Thanks to the National Defense Authorization Act (NDAA) of 2020, this bill finally put an end to a benefit offset that has barred some Gold Star families from receiving all of the survivors’ benefits that they are legally entitled to.
- Beyond the Service Members Group Life Insurance policy, which provides a one-time lump-sum payment for those who elect to sign up, there are two different types of survivor benefits available to military spouses and children. These include the Department of Defense insurance annuity and Dependency and Indemnity Compensation.

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<sup>29</sup> <https://www.militaryonesource.mil/data-research-and-statistics/military-community-demographics/2018-demographics-profile/all-families-demographics-infographic>



## **THE AMERICAN LEGION LEGISLATIVE POINT PAPER**

### **What Can Congress Do?**

- Support a program within the Department of Defense that ensures Gold Star families receive the benefits and support they have earned.
- Bring awareness to the programs that support and honor the ultimate sacrifices servicemembers have made, as well as their families.
- Restore base privileges and readmit Gold Star wives back into the military communities with their children regardless of their future marital status.

#### **Relevant Resolutions:**

Resolution No. 14: Establish Gold Star Families Program



## **THE AMERICAN LEGION LEGISLATIVE POINT PAPER**

### **Protect the American Flag**

*“The American Legion continue to urge the Congress of the United States to propose and approve an amendment to the U.S. Constitution that would allow the Congress to prohibit the physical desecration of the Flag of the United States” — Resolution No. 303*

#### **Background**

In 1989, Supreme Court case *Texas v. Johnson* 491 US 397 (1989) held that the physical desecration of the Flag of the United States was “protected speech.” The decision struck down existing laws in all 48 states and the District of Columbia that prohibited the desecration of Old Glory. The American Legion believes the Supreme Court misinterpreted the Constitution by protecting flag desecration under the first amendment as “free speech”, as acts of physical desecration are conduct, not speech. The Court’s imprudent decision overturned over a century of American tradition. The American Legion believes acts of flag desecration should not be recognized and protected as “speech” by the First Amendment.

President Abraham Lincoln once remarked, “...if the policy of the government on vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court the people will have ceased to be their own rulers...” The American people intend to return flag protection authority to Congress where it belongs and not allow the Supreme Court to have the final say.

The American Legion believes the Supreme Court should not have the authority to outdo the will of the People, as expressed through the Congress and the 50 state legislatures. All 50 state legislatures have passed memorializing resolutions asking Congress to pass this proposed amendment and send it to the states for ratification. The proposed amendment returns the power to protect Old Glory to the People. This is the true essence of the amendment and why it must prevail.

#### **Discussion**

The American Legion believes the flag is a symbol of our nation’s freedom and all that we hold in common as Americans. Therefore, The American Legion continues to urge Congress to approve an amendment to the U.S. Constitution empowering Congress to prohibit the physical desecration of the American flag. Our constitutional freedom of speech is to enable the political discussion necessary for a self-governing citizenry to remain free and united. The political deliberative purpose of our freedom of speech is why it must include the freedom to criticize current officials but not the right to attack a symbol of national unity.

Our belief is not to silence those who protest perceived injustices. Americans have every right to voice their views in respectful ways. Rather than fearing such a constitutional amendment,



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Members of Congress concerned about supporting the amendment should embrace it. The proposed flag protection amendment is no infringement on the Bill of Rights; instead, it restores the traditional meaning of the First Amendment and is a wonderful exercise in the popular sovereignty the Bill of Rights was designed to protect.

### **Relevant Resolutions:**

Resolution No. 303: Constitutional Amendment to Protect the Flag of the United States