Chairman Levin, Chairman Mrvan, Ranking Member Moore, Ranking Member Rosendale, and distinguished members of the Committee, on behalf of National Commander Paul E. Dillard and the nearly 2 million members, we thank you for the opportunity to discuss our perspective and recommendations for modernizing veteran education benefits in the wake of the COVID-19 pandemic.

**GI Bill Parity for National Guard and Reserve Servicemembers**

During the onset of the COVID-19 pandemic in early 2020, more than 44,000 National Guard members and reservists answered the call of service to support the country through the most disruptive national crisis in modern history.1 Throughout the many ensuing activations, active-duty servicemembers and National Guard units mobilized under federal emergency disaster orders were able to apply their tenure of service towards their GI Bill education benefit eligibility.2 However, soldiers performing the same duties who were activated under state authorities, generally known as Title 32 orders, have been deprived of this benefit.3 Every servicemember deserves the ability to count each day they put on their uniform towards their education benefits, regardless of what administrative authorities they were mobilized under. The American Legion applauds Chairman Levin for his leadership on this issue and commends the House of Representatives for passing the *Guard and Reserve GI Bill Parity Act of 2021*. The American Legion calls on the United States Senate to pass this bipartisan legislation and send it to the president’s desk as soon as possible to restore hard-earned benefits to many American servicemembers.4

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3 Ibid.
4 The American Legion Resolution No. 104 (2018): *GI Bill Fairness for Activated National Guard Servicemembers*
GI Bill for Honorable Service

National Guard members and Reservists are not the only servicemembers who have been denied education benefits. From 2019 to 2021, over 36,000 veterans who separated from the military with a general discharge under honorable conditions did not receive education benefits due to current law prohibiting them from receiving the GI Bill despite their honorable service to the nation.5

To receive most Department of Veterans Affairs (VA) benefits, a veteran’s character of discharge must be “under honorable conditions.”6 However, education-assistance benefits require servicemembers have an “honorable discharge.” If the character of service is “general under honorable conditions,” the GI Bill remains out of reach for these veterans.

There is no historical precedent for this status quo. The issue of GI Bill for general discharges was debated vociferously on the Senate floor prior to passage of the 1944 Servicemembers’ Readjustment Act – commonly known as the GI Bill of Rights – resulting in a unanimous committee vote to uphold the GI Bill for all discharges other than dishonorable. It was only when the Montgomery GI Bill was passed that education benefits were cut back to only honorable discharges.

The American Legion does not believe there is a compelling reason to have deviated from the initial intent of the GI Bill being for all discharges other than dishonorable. The administrative conditions that result in a general discharge do not negate the honorable service that these servicemembers have provided to our country, and it is time to finally correct this historical inequity by granting these servicemembers the same education benefits that we provided for our World War II veterans and those who served before the Montgomery GI Bill was enacted.

Education benefits serve as a catalyst for ensuring that all veterans can secure professional opportunities and financial stability for themselves and their families after service. Accordingly, The American Legion believes that veterans issued a general discharge under honorable conditions should receive 100% of their accrued education benefits and calls on Congress to pass legislation expanding GI Bill benefits to members discharged under this characterization.7

Veterans Rapid Retraining Assistance Program

Congress must ensure that valuable resources dedicated to addressing veteran workforce development challenges are not wasted. It is disappointing that Congress has yet to extend the sunset date for the Veterans Rapid Retraining Assistance Program (VRRAP) past the current deadline of December 11, 2022, given that hundreds of millions of dollars remain in the program’s budget. With 1.1 million veterans still seeking federal assistance through the U.S. Department of Agriculture Food and Nutrition Service’s Supplemental Nutrition Assistance Program (SNAP) program, it is unacceptable for funds dedicated to providing economic opportunity for veterans to

6 An addendum to this testimony contains a chart of VA Benefits at Separation from the VA Benefits Handbook.
7 The American Legion Resolution No. 104 (2022): Amend Title 38, United States Code, to Provide GI Bill Education Benefits for Veterans Receiving a General Discharge Under Honorable Conditions
go unused. Veteran unemployment and underemployment are persistent issues not limited to the COVID-19 era, and current VRRAP eligibility requirements prevent many veterans who would benefit from the program from otherwise utilizing these funds. The upper-age restriction of 67 and requiring a potential beneficiary to be unemployed due to the COVID-19 pandemic are particularly prohibitive provisions. Furthermore, the absence of an effective outreach strategy and the collection of critical demographic data that could help increase program utilization continues to negatively impact VRRAP’s effect. Congress needs to implement policies expanding VRRAP eligibility and outreach to ensure that every cent of the nearly $400 million allocated to the VRRAP program is used to provide economically disadvantaged veterans with long-term career advancement opportunities.

Improving Online Education Opportunities

Moving the education industry online virtually overnight during the COVID-19 pandemic demonstrated the need for revising policy to reflect the current state and long-term trajectory of higher education. Currently, many veterans face difficulties in seeking online opportunities due to unclear or inconsistent policies between federal agencies. A recent American Legion report highlights the importance of online education as a pathway to degree completion and how changes to Department of Veterans Affairs (VA) statutes and regulations can increase military-affiliated student access to high-quality online education. One issue the report highlights is how the VA’s definition and interpretation of online coursework causes confusion among education institutions and government agencies, and limits veteran students from taking full advantage of their earned benefits, specifically, the outdated use and interpretation of courses labeled as independent study in regulation 38 C.F.R.21.4267(b).

Proposed changes highlighted in this report would seek to change the language to reflect contemporary delivery of postsecondary education by creating definitions for distance learning encompassing both completely online courses and programs, as well as hybrid (blended) courses and programs. By implementing these changes, veteran and military students may benefit from broader course offerings and achieve their educational goals.

Additionally, since online learners only receive half of the Basic Housing Allowance (BAH) provided to on-campus students, veterans choosing an online education are inherently penalized for choosing to apply their benefits towards distance learning. Congress should work to raise this

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9 “Veteran Rapid Retraining Assistance Program (VRRAP),” U.S. Department of Veterans Affairs, accessed July 11, 2022, https://www.va.gov/education/other-va-education-benefits/veteran-rapid-retraining-assistance/#:~:text=To%20be%20eligible%20for%20this%20program%2C%20you%20must%20be%20at%20least%2018%20years%20old%2C%20but%20not%20older%20than%2066%2C%20and.
stipend to 100% of the BAH national average so that veterans utilizing their GI Bill for online programs maintain the flexibility to pursue their education without impacting their quality of life. Neither student veterans seeking an online education, nor their families, should be punished for choosing the program that provides them with the greatest employment prospects. Furthermore, investment in broadband infrastructure is critical for expanding options for online learning, and The American Legion is dedicated to working with Congress to ensure that veterans in rural and underserved communities continue to receive the necessary support for continuing their distance education.  

Improving Risk-Based Surveys

More must be done to prevent deceptive organizations claiming to provide quality education from taking advantage of veterans and taxpayer dollars. The recent closure of institutions wrought with scandals such as Corinthian College and ITT Technical Institute illustrate the cost of ineffective oversight of academic programs. Closing the 90-10 loophole through the American Rescue Plan was a welcome measure to address this issue. The American Legion fully supports the expansion of the risk-based survey oversight model for assessing the education quality at institutions of higher learning. However, the risk-based survey model established under the *Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020* can only be effective to the extent that data on critical institution performance indicators, including graduation rates, closure risk, average debt, and long-term earnings, is available for State Approving Agencies (SAAs). Only through sufficient data will SAAs and lawmakers be able to hold institutions accountable for providing quality education to veterans with taxpayer dollars. Accordingly, Congress should work to establish a comprehensive data framework that protects the privacy of veterans’ academic records while providing lawmakers and state approving agencies with the critical information needed to operate the risk-based survey framework successfully.

Conclusion

Chairman Levin, Chairman Mrvan, Ranking Member Moore, Ranking Member Rosendale and distinguished members of the Committee, The American Legion thanks you for your efforts to improve education benefits on behalf of our nation’s veterans and their families. We are grateful for the opportunity to voice the perspective of our nearly 2 million members on these critical education matters. Please contact Mr. John Kamin, Legislative Associate at The American Legion’s Legislative Division, at (202)-263-5748 or jkamin@legion.org for additional information or questions regarding this testimony.

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13 The American Legion Resolution No. 1 (2021): Expansion of Broadband in Rural Areas
15 The American Legion Resolution No. 104 (2021): GI Bill Risk-Based Survey
17 Ibid.
### BENEFITS AT SEPARATION

#### Army Administered

| 1. | Payment for Accrued Leave | E | E | NE | NE | NE |
| 2. | Death Gratuity (six months pay) | E | E | NE | NE | NE |
| 3. | Wearing of Military Uniform | E | E | NE | NE | NE |
| 4. | Admission to Soldiers’ Home “1” | E | E | NE | NE | NE |
| 5. | Burial in Army National Cemeteries | E | E | NE | NE | NE |
| 6. | Burial in Army Post Cemeteries “2” | E | E | NE | NE | NE |
| 7. | Army Board for Correction of Military Records | E | E | NE | NE | NE |
| 8. | Army Board for Judges of Records | E | E | NE | NE | NE |
| 9. | Transportation to Home “3” | E | E | NE | NE | NE |
| 10. | Transportation of Dependents and Household Goods to Home | E | E | TBDR “8” | TBD “8” | TBD “8” |

#### Department of Veteran Affairs “10”

| 1. | Dependency and Indemnity Compensation | E | E | E | E | NE |
| 2. | Pension for Non-Service Connected Disability or Death | E | E | TBDR | TBDR | NE |
| 3. | Medal of Honor Roll Pension | E | E | E | NE | NE |
| 4. | Insurance | E | E | E | NE | NE |
| 5. | Vocational Rehabilitation (DV) | E | E | NE | NE | NE |
| 6. | Educational Assistance | E | E | NE | NE | NE |
| 7. | Survivor & Dependent Educational Assistance | E | E | NE | NE | NE |
| 8. | Home and other Loans | E | E | TBDR | TBDR | TBDR |
| 9. | Home Loan | E | E | TBDR | TBDR | TBDR |
| 10. | Medical and Dental Services | E | E | E | NE | NE |
| 11. | Prosthetic Appliances (DV) | E | E | TBDR | TBDR | NE |
| 12. | Guide Dogs & Equipment For Blindness (DV) | E | E | TBDR | TBDR | NE |
| 13. | Special Housing (DV) | E | E | TBDR | TBDR | NE |
| 14. | Automobiles (DV) | E | E | TBDR | TBDR | NE |
| 15. | Burial and Funeral Expenses | E | E | TBDR | TBDR | NE |
| 16. | Burial Flag | E | E | TBDR | TBDR | NE |
| 17. | Burial in National Cemeteries | E | E | TBDR | TBDR | NE |
| 18. | Headstone Marker | E | E | TBDR | TBDR | NE |

#### Administered by Other Federal Agencies

- **1. Preference for Farm Loans (Dept. of Agriculture)**
- **2. Preference for Farm & other Rural Housing Loans (Dept. of Agriculture)**
- **3. Civil Service Preference “13” (Office of Personnel Management)**
- **4. Civil Service Retirement Credit**
- **5. Reemployment Rights (Dept. of Labor)**
- **6. Job Counseling & Employment Placement (Dept. of Labor)**
- **7. Unemployment Compensation for Ex-Service members (Dept. of Labor)**
- **8. Naturalization Benefits (Dept. of Justice Immigration & Naturalization Service)**
- **9. Old Age, Survivors & Disability Insurance (Social Security Administration)**

#### Authority and References “7”

- **DoD Form 256A**
- **Honorably Discharged**
- **General Under Honorable Conditions DD Form 2574 “A”**
- **Bad Conduct Discharge**
- **Dishonorable Discharge**

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**General Eligibility:** The eligibility of benefits set forth are not the sole determining factors, but only list the various types of discharge. The states also provide various benefits that will be influenced by the type of discharge; however, information on state benefits should be obtained from state agencies.

**DD Form 256A**

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**Unemployment Compensation for Ex-S-Service members**

- **Pre-separation Counseling**
- **Employment Assistance**
- **Health Benefits**
- **Commissary/Exchange**
- **Military Family Housing**
- **Overseas Relocation Assistance**
- **Excess Leave/Permissive TDY**
- **Preference for USA/ARNG**
- **Montgomery G.L. Bill (Additional Opportunity)**

**Administration:**

- **DoD, Office of the Under Secretary of Defense (Personnel and Readiness)
- AR 15-185
- AR 600-8-24
- DD Form 256A**

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- **1** A discharge is considered to be issued under dishonorable conditions and thereby bar from another period of service.
- **2** Not eligible unless otherwise indicated.
- **3** Any person guilty of mutiny, mutiny or spying, or any person who is convicted of a felony or has been found to be suffering from a contagious or infectious disease.
- **4** Not eligible if the discharge was other than honorable.
- **5** Not eligible if the discharge was dishonorable.
- **6** Not eligible if the discharge was dishonorable.
- **7** Not eligible if the discharge was dishonorable.
- **8** Not eligible if the discharge was dishonorable.
- **9** Not eligible if the discharge was dishonorable.
- **10** Not eligible if the discharge was dishonorable.
- **11** Not eligible if the discharge was dishonorable.
- **12** Not eligible if the discharge was dishonorable.
- **13** Not eligible if the discharge was dishonorable.
- **14** Not eligible if the discharge was dishonorable.
- **15** Not eligible if the discharge was dishonorable.
- **16** Not eligible if the discharge was dishonorable.
- **17** Not eligible if the discharge was dishonorable.