



# THE AMERICAN LEGION



## **THE AMERICAN LEGION'S LEGISLATIVE AGENDA**

Submitted to accompany testimony before Congress by  
**American Legion National Commander Dale Barnett**  
Feb. 24, 2016

# **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.

## What we mean by accountability

A simple definition of “accountability” is this: a willingness or obligation to accept responsibility. No one more perfectly illustrates that definition than the men and women who have stood in harm’s way to protect and defend our nation. They have been nothing less than fully accountable to their missions and to America.

The federal government has struggled with accountability in recent years, in particular as the concept applies to veterans. Congress has tried, with limited success, to address that struggle by passing legislation to remove obstacles that prevented the Department of Veterans Affairs from terminating poor-performing managers and employees. VA has described accountability as a top priority in the aftermath of scandals blamed for costing some veterans their lives and in ill-fated efforts to discipline VA executives who were found to have abused their positions. When it comes to accountability, all the words are there. Execution has been the problem.

You will hear “accountability” brought up in candidate debates and in media commentaries, but to The American Legion it’s much more than a buzzword or a different way to say you can fire someone.

Foremost, we all – VA, Congress and The American Legion – have a massive stake in the accountability statement found etched on the façade of VA Central Office in Washington: “To care for him who shall have borne the battle, and for his widow, and his orphan.” That’s not something VA dreamed up at a marketing conference. Abraham Lincoln’s famous words, uttered at the end of a long and exhausting war, endure because they resonate with all who have sent sons and daughters into battle, which we continue to do today. They resonate because we are all accountable to him, to her, their widows and orphans.

So, how are we doing?

It is not my opinion, nor is it the position of The American Legion, that our nation is irretrievably failing veterans. Without question, much work needs to be done before veterans fully regain trust in the government they swore with their lives to defend. The road to accountability runs through them, they who have borne our battles. The system can work. Trust can be regained. Accountability can be achieved.

The American Legion’s 2016 legislative priorities reflect the challenges we face and the confidence we have that they can be met. Employee discipline is one part, but full accountability runs deeper than that. It includes real improvements in VA health care, better services for women, innovations in mental health treatment, rewarding career opportunities and a functional medical record system that truly connects DoD and VA.

Nearly 4 million members of the American Legion Family exercise accountability every day. From the courthouse to the statehouse to Capitol Hill, we stand for quality care, timely benefits, bright futures for young people, respect for the colors of our nation and honored remembrance of those who have fallen. That’s how The American Legion defines accountability. Our nation’s veterans should expect nothing less, from all of us.



**Dale Barnett**  
American Legion  
National Commander

### ABOUT THE COMMANDER

- Retired as an Army lieutenant colonel in 1996; graduated from the U.S. Military Academy at West Point in 1974.
- U.S. Army officer for 22 years, including Operation Desert Shield/Desert Storm. Received multiple medals and citations.
- Holds a bachelor’s degree in international relations/public affairs from West Point, and a master’s in business administration from Boston University; graduated from the U.S. Army Command and General Staff College at Fort Leavenworth, Kan.
- Taught high school social studies and coached in Georgia before retiring from education in 2011.
- 21-year member of The American Legion; past department commander of Georgia American Legion.
- American Legion Boys State participant, 1969.

## KEY POINTS

Nearly all The American Legion's legislative priorities for 2016 boil down to one word: accountability. VA, Congress, the White House, the Pentagon and veterans organizations must work together to achieve it, on behalf of the men and women who have sacrificed some part of their lives to serve in the U.S. Armed Forces.

## VETERANS

- VA's inability to discipline or terminate poor-performing executives and employees for performance cannot stall the reform process.
- To fully regain trust, VA must be able to recruit and retain top medical professionals.
- Support must continue to help veterans find rewarding careers after discharge.
- All effective options must be considered in the treatment of PTSD and TBI.

## NATIONAL SECURITY

- The United States cannot let sequestration and dwindling budgets leave the nation vulnerable to enemy forces.

## AMERICANISM

- Protect the U.S. flag from acts of desecration.

**We're very strategic in what we do for our veterans and servicemembers.**

**Jeremy Wolfsteller, American Legion service officer**, at a Hiring Our Heroes event in Minnesota



Photo by Lucas Carter

## A time for leadership and results

Especially now, our nation's veterans, troops and the general public are looking to Congress, the Department of Veterans Affairs, the Pentagon and government agencies for results-driven leadership. The 2.2 million member American Legion, as the largest voice for those who have served in uniform, is dedicated to finding solutions and acting on them with urgency.

Veterans, no matter their war era, ask nothing more than that the systems in place to support them are functional and effective.

Primary among the concerns of veterans, represented by The American Legion, are:

- An efficient, properly funded VA health-care system that puts veterans first and delivers high-quality services in a timely manner.
- Interoperable electronic medical records that connect DoD and VA.
- Reasonable access to care, no matter where a veteran lives or how overcrowded the nearest VA facility might be.
- Timely and accurate benefits decisions that do not simply shift a backlog of undecided claims into a backlog of appealed decisions or remanded applications.
- Rewarding career opportunities, including full compliance with Veterans Preference Hiring provisions, laws mandating that some federal contracts be awarded to businesses owned by service-disabled veterans, acceptance of military training and experience for licenses and credentials in specialized fields, and access to GI Bill funds for small-business capitalization.
- A military that is properly funded, staffed and equipped to defend our nation against a growing number of global threats.
- Effective transition assistance for military personnel.

These are just some of the ways the U.S. government can better serve the men and women who have voluntarily sworn with their lives to defend America. Today, they look to all of us – the beneficiaries of their courage and sacrifice – for answers.



Photo by Clay Lomneth

## KEY POINTS

- ° The American Legion testified during a Senate Committee on Veterans' Affairs hearing Sept. 16, imploring members of the committee to allow VA to restore accountability with veterans and suggested further measures to show there are consequences for those who are responsible for the degradation of the health-care system.
- ° Following a congressional hearing that addressed accountability issues in VA in the aftermath of relocation compensation paid to executives implicated in a VA Inspector General's report in November 2015, The American Legion expressed frustration and restated that VA must be held accountable to provide care without waste, fraud or abuse of government funds.

## Accountability at VA

Due to systemic failures in the Department of Veterans Affairs that led to preventable deaths, delays in the provision of timely and quality health care, and failure to adjudicate benefits claims in a timely manner, The American Legion's National Executive Committee passed a resolution in May 2015 supporting legislation that would provide the VA secretary greater authority to hold Senior Executive Service (SES) officials accountable for their performance. While the passage of the Veterans Access, Choice and Accountability Act was a step in the right direction in holding VA officials accountable, The American Legion remains concerned about lack of accountability within VA for employees at all levels of the workforce, not only executives.

### WHAT CAN CONGRESS DO?

- ° Ensure that bonuses for VA senior executives are tied to qualitative and quantitative performance measures that are transparent to the public.
- ° Request a special prosecutor to investigate and vigorously enforce appropriate repercussions for any VA employees engaged in fraudulent practices in pursuit of bonuses or other awards.
- ° Continue to offer protections and see to their enforcement, for whistleblowers who step forward to expose mismanagement and other practices that might harm veterans or their families.
- ° Provide the VA secretary the legal authority to better manage all VA employees and hold them accountable when they fail to perform their duties in a manner befitting of a federal servant, particularly when veterans entrust their care to VA.

“ Although we've seen VA move to react to last year's scandals, we know that veterans in the communities are still frustrated about a perceived lack of consequences for those responsible for the failures.

**Roscoe Butler, deputy director, American Legion Veterans Affairs & Rehabilitation Division,** testifying during a September hearing of the Senate Committee on Veterans' Affairs

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## KEY POINTS

- Since the inception of The American Legion's System Worth Saving program in 2003, the Legion has tracked and reported staffing shortages at every VA medical facility it visited across the country.
- The Veterans Health Administration still struggles to achieve an appropriate balance of primary care and medical specialists nationwide, and if retention and recruitment do not improve, the trend of closures (or continued closures) for multiple departments within VA health-care systems will continue.



## VA recruitment and retention

The American Legion has consistently been concerned about staff shortages of physicians, medical specialists and leadership in the Veterans Health Administration (VHA). To effectively meet the needs of veterans in the VA system, proper staffing levels are required. The VA hiring process, however, is cumbersome and negatively affects VHA's ability to recruit and retain effective staffing levels. Just as important as the ability to remove poor performers within VA is the ability to replace them in a timely manner with competent, dedicated care providers who have the best interests of America's veterans at heart.

### WHAT CAN CONGRESS DO?

- The American Legion supports legislation addressing VA's recruitment and retention challenges regarding pay disparities among physicians and medical specialists who are providing direct care to our nation's veterans.
- Congress can direct VA to develop a recruiting and retention strategy to incentivize medical practitioners to practice in rural communities.

“The American Legion urges VA to work more comprehensively with community partners when struggling to fill critical shortages within VA's ranks.

**American Legion testimony,** during a House Veterans' Affairs Subcommittee on Health hearing May 15, 2015



Photo by Lucas Carter

## A System Worth Saving

The American Legion's knowledge and insight into VA medical care is built on firsthand experience. With more than 3,000 accredited service officers nationwide, thousands of volunteers and tens of thousands of stakeholders in every VA community, The American Legion understands the problems and dynamics confronting veterans and the health-care facilities that exist to serve them.

In 2004, The American Legion's System Worth Saving program was established to produce annual reports based on site visits at selected VA facilities nationwide. Ten years later, amid national media attention about mismanagement and allegations of employee negligence at no fewer than 26 different VA facilities, The American Legion conducted Veterans Benefits Centers across the country, which included town hall meetings and one-on-one counseling sessions between veterans and service officers, VA officials, health-care providers and others. The success of that experience – in terms of understanding problems and providing on-the-spot results – led The American Legion to pass a resolution reinvigorating the national System Worth Saving program and its regular VA facility site visits to ensure adequate resources are provided to meet the health-care needs of all eligible veterans.

### WHAT CAN CONGRESS DO?

- ° The American Legion encourages members of Congress and their staffs to attend town hall meetings prior to System Worth Saving site visits and hear firsthand the issues veterans have with their VA care at the local level.
- ° Members of Congress are asked to review the annual System Worth Saving report to consider The American Legion's findings, understand trends and act on needs in their districts and states, and beyond.

### KEY POINTS

- ° Following nationally publicized revelations of VA mismanagement at several facilities nationwide in 2014, The American Legion conducted Veterans Crisis Command Centers and, later, Veterans Benefits Centers, to gain firsthand knowledge, provide one-on-one assistance and directly help veterans frustrated by access to care, benefits delays and other issues. The events, conducted monthly through May 2015, provided help for more than 4,000 veterans and their families and led to well over \$1 million in retroactive overdue benefits for veterans.

- ° Following the success of the Veterans Crisis Command Centers and Veterans Benefits Centers, The American Legion's 97th National Convention in Baltimore in 2015 passed a resolution reinvigorating the System Worth Saving program, which conducts site visits and provides reports on VA facilities nationwide.

“ I'm glad the Legion came down here. More got done with my claim today than in the past eight years.

**Gordon Richardson, Air Force veteran**, who learned at an American Legion Veterans Benefit Center event in April 2015 that he will receive eight years of retroactive overdue compensation

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## KEY POINTS

- Non-VA providers are expected to perform about 15.6 million medical procedures in the next budget year.
- The non-VA claims and reimbursement system must make use of state-of-the-art technology, so that no veteran receives a letter or call from a collection agency because VA failed to pay the non-VA provider in a timely manner.
- The VA purchased-care program dates to 1945, when Gen. Paul R. Hawley, chief medical director of the Veterans Administration, implemented a “hometown program” that allowed veterans to use local services, if needed, to avoid costly hospitalization later.



Photo by Ben Lewis

## Building 21st century health care

The American Legion supported passage of the Veterans Access, Choice and Accountability Act of 2014 as a temporary fix to help veterans get the health care they need, regardless of distance from VA facilities or appointment scheduling pressure. A long-term solution requires consolidating all of VA’s authorities for outside care, including Choice, PC3, Project ARCH and others, under one authority to help veterans only when and where VA cannot meet demand. The American Legion supports a strong VA that ultimately relies less and less on outside care, rather than move toward vouchers and privatization.

The American Legion testified before the Senate Committee on Veterans’ Affairs in December 2015 about the use of non-VA providers, recommending:

- “ Improved coordination of care between VA and non-VA providers
- “ All non-VA providers complete military culture, awareness training
- “ Non-VA providers have full access to VA’s Computer Patient Record System
- “ Improved collection of non-VA care medical records documentation
- “ Development of a national tracking system to ensure national or locally purchased care contracts do not lapse
- “ An automated claims processing system

### WHAT CAN CONGRESS DO?

- Work with VA to ease access pressure points in the system to reduce long-term reliance on non-VA providers.
- Ensure that non-VA providers are compensated fairly in regions where costs exceed standard federal payment guidelines.
- Ensure VA’s non-VA claims and reimbursement system is automated and using the latest technology. No veteran should receive a letter or call from a collection agency because VA failed to pay the non-VA provider in a timely manner.

“ Due to continuously receiving concerns from veterans about slow payments and the lack of medical record documentation, The American Legion has concerns about VA’s ability to implement the plan.

Roscoe Butler, deputy director, American Legion Veterans Affairs & Rehabilitation Division, at a Senate Committee on Veterans’ Affairs hearing Dec. 2, 2015





Photo by Matthew Healey

## Fair benefits for all caregivers

The American Legion, by Resolution 160 passed at the 96th National Convention in Charlotte, N.C., supports the Department of Veterans Affairs providing the same level of benefits to all eligible enrolled veterans, including those who require a caregiver to assist them in their day-to-day health-care needs. VA caregiver benefits should not be limited to post-9/11 generation veterans but expanded to help all eligible and VA-enrolled veterans regardless of when they served.

However, U.S. Code unfairly categorizes servicemembers and veterans by dates of service and/or theater of operations. As a result, veterans from different eras and theaters of operations receive different levels of VA benefits based solely on when and where they served, rather than their honorable service alone.

### WHAT CAN CONGRESS DO?

- ° Review current legislation and public laws to ensure that veterans benefits are provided equitably and consistently for those who served in Iraq and Afghanistan as well as veterans of previous conflicts and war eras.
- ° Direct the Department of Veterans Affairs to provide the same level of benefits for any veteran, regardless of the dates of military service or theater of operations.

### KEY POINTS

- ° Veterans of different eras and war theaters are receiving different levels of VA caregiver benefits based on the dates and locations of their service.
- ° The Caregivers and Veterans Omnibus Health Services Act of 2010, Public Law 111-163, amends Title 38 of U.S. Code-Veterans Benefits Title 1, Caregiver Support, SEC. 101; Assistance and Support Services for Caregivers.
- ° 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 through a program of Comprehensive Assistance for Family Caregivers.

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“ All veterans of the United States are all united by the common bond of service and all took an oath of service to preserve, protect and defend the country.

**Resolution 160**, passed by the 96th American Legion National Convention, Charlotte, N.C., 2014

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## KEY POINTS

- ° Mental and neurological disorders represent approximately half of all VA diagnoses for veterans of Afghanistan and Iraq.
- ° VA reports that up to 30 percent of Vietnam veterans suffer from PTSD, as do 20 percent of Iraq/Afghanistan veterans and 12 percent of Gulf War veterans.
- ° More than 260,000 veterans of Iraq and Afghanistan are diagnosed with traumatic brain injury.
- ° Call volume to VA's Veteran Crisis Line soared from 164,101 in 2011 to 450,940 in 2014.
- ° The American Legion believes all care possibilities should be explored and considered in an attempt to find the appropriate treatments, therapies and cures for veterans suffering from TBI and PTSD, including complementary and alternative treatments.

“ This is an urgent problem. We need to get it done right, not just done.

**David Kurtz, American Legion Department of Wisconsin adjutant,** speaking at an American Legion PTSD-TBI Committee meeting in August 2015

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## Alternative PTSD-TBI care

The American Legion's TBI/PTSD Committee continues to investigate scientific and medical procedures, including alternative methods, to help veterans suffering from traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD). The committee urges Congress to provide oversight and funding, improve pain-management policies, and accelerate research efforts to properly diagnose and develop complementary and alternative treatments as evidence-based for TBI and PTSD. In addition, according to Resolution 18, veterans who are women should see an increase in the availability of female therapists/female group therapy options to improve PTSD/TBI and military sexual trauma treatment.

### WHAT CAN CONGRESS DO?

- ° Provide VA funding necessary to make complementary and alternative treatments part of their programs for veterans suffering from combat-related injuries, such as PTSD, TBI and other mental health and neurological conditions.
- ° Call on VA and DoD to improve research, screening, diagnosis and treatment of TBI/PTSD, as well as provide oversight and necessary funding to develop joint offices for research collaboration.
- ° Require DoD and VA to assess and improve their suicide-prevention programs.
- ° Provide oversight for DoD and VA mental health care services programs, and make available to servicemembers and veterans all possible treatments and therapies to assist them.
- ° Work with VA to expand PTSD/TBI treatment programs to help entire families of those who are afflicted.



Photo by Ben Earp

## The growing backlog of appeals

In 2010, VA announced a goal to prevent any benefit claims from languishing more than 125 days without a decision. The goal, set by former VA Secretary Eric Shinseki, also called for 98 percent accuracy in the adjudication process. The deadline was 2015.

Since the goal was announced at The American Legion's national convention, progress has been made in reducing the backlog. However, an initiative to expedite processing of undecided claims two years old and older resulted in rushed decisions, often made without medical examinations of the filing veterans. This has contributed to a growing stack of appeals and remanded cases.

The American Legion is steadfast in its position that quantity cannot overshadow quality for veterans seeking answers about their claims. By improving processes to get claims done right the first time, VA can keep the appeals backlog from growing.

### WHAT CAN CONGRESS DO?

- ° Demand VA not arbitrarily focus its efforts on specific types of claims while neglecting others.
- ° Demand improvements of the outdated work-credit system to ensure quality is not sacrificed to meet quantity quotas.
- ° Expand and accelerate use of the Fully Developed Claim process, which has proven to be effective at reducing adjudication times.
- ° Require VA to provide a publicly accessible, accurate and easily understood monthly report on the number of claims for compensation and disability that were submitted, awarded, denied or are pending.
- ° Provide immediate relief to waiting veterans by establishing interim benefits for veterans awaiting action on claims pending more than 125 days.

### KEY POINTS

- ° About 750,000 veterans are working with American Legion service officers, who number more than 3,000 nationwide, at all times.
- ° The American Legion has conducted more than 100 site visits of VA regional offices over the past decade to review recently processed claims and ensure accuracy; these often find high error rates, leading to appeals from veterans.
- ° More than 80,000 claims have gone more than 125 days undecided.
- ° The number of appeals has nearly doubled from 175,000 in 2009 to 318,000 in 2015, and dependency claims have more than quadrupled from 51,000 in 2009 to 214,000 in 2015.
- ° According to the Government Accountability Office, the Veterans Benefits Administration "does not follow accepted statistical practices and thus generates imprecise accuracy data."

“Appealed claims are measured in terms of how many years the veteran has been waiting.

Zachary Hearn, deputy director, American Legion Veterans Affairs & Rehabilitation Division, testifying at a House Committee on Veterans' Affairs subcommittee hearing in 2015

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## KEY POINTS

- ° VA's 2016 revision of its policy manual regarding Agent Orange exposure continues to exclude crews of ships that came into contact with the defoliant during the Vietnam War. The number of Navy veterans affected is estimated at more than 100,000.
- ° Of the approximately 9 million Americans who served during the Vietnam War, some 2.6 million were potentially exposed to Agent Orange.
- ° Agent Orange Act of 1991 authorities were allowed to expire Oct. 1, 2015, raising questions about VA's ability to consider additional conditions as connected to exposure while in service.
- ° Research into conditions attributed to contact with toxic or hazardous materials – such as burn pits, contaminated groundwater at U.S. military installations and exposures leading to Gulf War Syndrome – remains incomplete.



U.S. Marine Corps photo

## Exposure to hazardous materials

The American Legion has long been at the forefront of advocacy for veterans exposed to environmental hazards. Whether the hazard is Agent Orange, radiation, chemicals used during Project Shipboard Hazard and Defense, Gulf War Illness or conditions related to burn-pit exposure in Iraq and Afghanistan, The American Legion's position has been to:

- Treat the affected veterans.
- Study effects to improve treatment and protect future generations.
- Fully fund research and publicly disclose all instances of contact so affected veterans can seek treatment.

Adverse health effects caused by exposure to herbicides like Agent Orange, particularly during the Vietnam War, have been well documented since The American Legion worked with Columbia University to produce a landmark study proving the connection between exposure and numerous health conditions in the early 1980s. However, within the past year, authorities of the 1991 Agent Orange Act have been allowed to expire, calling into question whether VA will be required by law to respond to any new findings discovered during the Institute of Medicine's review of medical research into Agent Orange-related health matters.

Fairness also remains a problem for those who served in the Vietnam theater of operations but are excluded from benefits eligibility. Thousands of Blue Water Navy veterans suffer chronic health problems after coming into contact with, or handling, dangerous herbicides offshore during the war.

### WHAT CAN CONGRESS DO?

- ° Ensure any new Institute of Medicine findings on possible medical conditions linked with Agent Orange are treated as they have been for the past 20 years.
- ° Provide equal treatment for all those who served in the Vietnam theater by passing the Blue Water Navy Vietnam Veterans Act of 2015 (H.R. 969 and S. 681).

“The American Legion urges DoD to provide a full disclosure of all wartime and non-wartime locations to VA where hazardous environmental exposures exist.

**Resolution 125**, passed by the 96th American Legion National Convention, Charlotte, N.C., 2014



Photo by Lucas Carter

## Veterans at risk for hepatitis C

Multiple studies indicate that the veteran population has the highest prevalence of hepatitis C as compared with other demographics. On Feb. 11, 2015, The American Legion urged Congress to ensure the Department of Veterans Affairs receive adequate funds to study and treat the condition.

Even though many hepatitis C carriers don't know they have the virus, most cases are treatable. The Legion advocates that resources must be made available to the Veterans Health Administration, for treatment and research alike, to take down hepatitis C.

### WHAT CAN CONGRESS DO?

- ° Pass legislation to provide for a statutory presumption of service connection for hepatitis C under certain conditions in service.
- ° Ensure approved budgets are substantial enough to cover the cost of treatment and care for diseases such as hepatitis C.
- ° Require VA to provide regular notification to Congress, veterans service organizations and veterans about the prevalence of the condition and the use of new treatments.

### KEY POINTS

- ° Studies show that one in 10 military veterans, and as many as one in five Vietnam War veterans, carries the hepatitis C virus.
- ° Mass-administered vaccinations in the 1960s are often blamed for the high rate of hepatitis C among Vietnam War veterans.
- ° Approximately 75 percent of Americans with chronic hepatitis C do not know they have it; no acute symptoms appear at the time of infection for nearly 85 percent of those infected.
- ° Over 50 percent of liver transplants conducted by VA are for hepatitis C.

“ A lot of Vietnam veterans can have hep C and either be misdiagnosed or never diagnosed, and have this chronic nausea and other things they can never explain. Now, not only is hep C pretty much curable, but it is surely controllable, so that they can have a good life.

**American Legion Past National Commander Marty Conatser**, speaking at a hepatitis C screening event at an Illinois American Legion post in May 2015

## KEY POINTS

- MST is defined in U.S. Code 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.”
- According to VA, one in every five women veterans using the VA health-care system screens positive for military sexual trauma.
- Women veterans represent the majority of MST cases, but some men – less than 1 percent – also suffer the condition.



U.S. Marine Corps photo

## Military sexual trauma

The American Legion supports implementation of processes to ensure that all veterans and service members, active duty or VA patients, receive proper and discreet care and assistance when struggling with the effects of military sexual trauma. The American Legion supports implementation of processes to ensure that veterans who fear retaliation or even misunderstanding, whether they are DoD or VA patients seeking help with MST, receive proper and discreet care and assistance.

Disconnects inherent in the transition from DoD to VA care also contribute to the problem of effective care for MST victims. The American Legion strongly supports the Military Sexual Assault Victims Empowerment Act/Military SAVE Act, which will improve private treatment of veterans who are victims of military sexual assault.

### WHAT CAN CONGRESS DO?

- Ensure that all VA medical facilities employ MST professionals to conduct professional screening and treatment referrals.
- Require the employment of VA women veterans coordinators who can provide MST sensitivity training for benefits claims processors.
- Direct VA to improve its adjudication process to ensure MST claims are decided uniformly throughout the nation.
- Improve investigation and prosecution of reported cases of MST. DoD is encouraged to examine the underreporting of MST and to permanently maintain records of all reported allegations.
- Pass H.R. 1603, known as the Military Sexual Assault Victims Empowerment Act/Military SAVE Act, which will improve the private treatment of veterans who are victims of MST.

“The American Legion is deeply concerned with the plight of survivors of MST and has urged Congress to ensure the VA properly resources all VA medical centers, vet centers, and community-based outpatient clinics so that they employ a MST counselor to oversee the screening and treatment referral process.

American Legion testimony



## KEY POINTS

- ° The number of women veterans receiving VA health care has more than doubled since 2000, to more than 337,000.
- ° While VA care for women has improved, recruitment and performance of VA staff, personal and electronic communications, and delivery of gender-specific health-care services for women veterans remain challenges for VA.
- ° The American Legion urges VA to work with the Departments of Defense and Labor to develop a customized women veterans health-care track for the Transition Goals, Plans and Success program and to facilitate that program with female clinicians.

## Services for women veterans

Substantial growth in the number of women veterans and increasing needs to provide gender-specific care and services led The American Legion to pass Resolution 18 in October 2015, a comprehensive statement to amplify its position that all servicemembers deserve quality health care, including gender-specific care. After the 2013 System Worth Saving Task Force focused on the health care of women veterans, American Legion field research identified several concerns, including:

- ° Many women veterans do not identify themselves as veterans.
- ° Many women veterans do not know their benefits.
- ° VA medical facilities do not have adequate baseline plans to close the gender gaps and improve use of facilities and services for women.
- ° Additional research is needed to determine the purpose, goals and effectiveness of VA women health-care models on overall outreach, communication and coordination of women's health services.
- ° Women veterans do not receive timely mammogram results.
- ° Many VA medical facilities do not offer inpatient/residential mental health programs for women veterans.

Most of these concerns are still plaguing our nation's women veterans. For 2016, The American Legion is conducting a new women veterans survey to pinpoint major areas of concern, conducting at least one major event for women veterans during the year and participating in similar events nationwide.

### WHAT CAN CONGRESS DO?

- ° Pass legislation permanently extending the VA child-care program for veterans.
- ° Pass legislation to better facilitate the needs of the Department of Veterans Affairs to obtain gender-specific care that includes clinicians, mental health care providers and prosthetics.

“The only way we're going to change the public perception of who a woman veteran is, is if those of us who served in the military ... are standing up and saying, 'I served,' not only when we need help, but when we're doing very well.”

**Dr. Nancy Glowacki, Women Veteran Program manager for the Department of Labor,** speaking at the 2015 American Legion Employment and Empowerment Summit

## KEY POINTS

- The American Legion is committed to working with DoD and VA to ensure a VLER (Virtual Lifetime Electronic Record) meets the needs of veterans and active-duty servicemembers. Inclusion of veterans organizations in planning and implementation is critical.
- The American Legion is pleased that progress is being made with VistA Evolution. While interoperability is being achieved, implementation and uniform usage across VA needs to be consistent.
- A single electronic record to follow one's medical history from the time of enlistment to death would standardize important elements of the disability claims process.



## Virtual lifetime electronic record

One long-standing challenge veterans have faced while transitioning between active-duty and civilian life has been the inability of the Departments of Defense and Veterans Affairs to communicate effectively, particularly regarding medical records. In April 2009, President Obama directed DoD and VA to develop a Virtual Lifetime Electronic Record to ensure a seamless account of a veteran's health and well-being, from enlistment through the end of life. The American Legion has long supported a single, interoperable record between VA and DoD, and VA is finally starting to deliver.

However, even as this new interoperable software is being released to replace the JLV (Joint Legacy viewer), The American Legion continues to find that VA Medical Centers continue to advise veterans that their records are not available at locations other than their home VA medical center, or that transitioning personnel will need to complete the retirement process and have their records scanned before VA will have access to them.

### WHAT CAN CONGRESS DO?

- Continue to apply pressure to VA and DoD to deliver on this critical project.
- Ensure the future of the program develops beneficial functionality, such as allowing records to be flagged with injuries on active duty to speed up disability claims processing down the road, include duty assignment locations, and seamless communication not only between all DoD networks but the Veterans Health Administration, Veterans Benefits Administration, Veterans Cemetery Administration, Social Security Administration and other agencies

Because a bilateral medical record is not currently available, there is not an ability for a patient's record to be flagged at the time of injury/illness occurred during military service, which makes it difficult and more time-consuming for DoD/VA physicians and raters to find proof of service connection.

**Resolution 105**, 96th American Legion National Convention, 2014





U.S. Marine Corps photo

**KEY POINTS**

- ° The American Legion works closely with active-duty personnel on post to ensure they understand their benefits and can transition effectively even when forced out of service early due to troop drawdowns.
- ° The Army is drawing nearer to its lowest level of troop numbers since before World War II. The Navy is on pace to reach its lowest number of ships since before World War I.
- ° The United States faces multiple strategic challenges: the Islamic State, Russian aggression, China (cyber and South China Sea island terraforming), North Korea, Iran, and counterterrorism (overseas and at home). Russia, China and North Korea possess nuclear weapons.

**Maintain force strength**

The global war on terrorism is far from over. Al-Qaida, Taliban and Islamic State extremists continue to fight the United States and its allies in the Middle East and are expected to do so for some time.

Massive cuts to the U.S. defense budget continued through fiscal 2015, but U.S. adversaries – including Russia, North Korea and China – have increased defense spending. The latest two-year budget deal raises the debt limit after the wartime force has been cut significantly by sequestration. Defense leaders have expressed that this is a temporary fix and that funding requirements have not been fully met. The Pentagon does get budget predictability for the next two years, but this means the sequester is extended for a longer period of time, as a consequence.

Sequestration is not only reducing our military’s end strength but servicemember benefits as well.

**WHAT CAN CONGRESS DO?**

- ° The most critical task facing Congress regarding force strength is recognizing the security the United States needs in the face of global extremism and the rise of the Islamic State. Congress cannot allow U.S. military forces to enter a weakened condition, especially at a time of war.
- ° In fiscal 2018 and beyond, the budget proposes an end to sequestration, and increases in defense resources must be made to ensure the U.S. military is capable of defending and defeating any aggressors against U.S. and allied interests. Congress needs to work to ensure that sequestration ends, without extension.

“ We cannot equip and sustain the entire force with today’s most modern equipment, and we risk going to war with insufficient readiness.

**Maj. Gen. Thomas A. Horlander,**  
in an Army 2017 budget overview presentation

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## KEY FACTS

The following are exempt from paying the VA Home Loan funding fee:

- ° Veterans receiving VA compensation for service-connected disabilities.
- ° Veterans who would be entitled to receive compensation for service-connected disabilities if they did not receive retirement pay.
- ° Surviving spouses of veterans who died in service or from service-connected disabilities (whether or not such surviving spouses are veterans with their own entitlement and whether or not they are using their own entitlement on the loan).



Media Bakery photo

## Home Loan Guaranty program

VA's Home Loan Guaranty program has been in effect since 1944. Some 19 million veterans have used it to purchase homes. The program has been so successful that not only has it paid for itself, it has shown a profit in recent years. Administrative costs constitute less than 10 percent of the total capital and operating costs. The predominant costs are claims and other expenses associated with foreclosure and alternatives taken to avoid foreclosure. Each claim costs the federal government about \$20,000. However, revenues that VA collects from different sources – including the funding fee that borrowers pay, property sales, and proceeds from acquired loans and vendee loans – offset the costs.

In 1982, PL 97-253 was enacted and imposed a funding fee (a half-percent of the loan amount) on all veterans using the loan program, with the exception of veterans receiving compensation for service-connected disabilities. This was considered to be a temporary measure to help reduce the national debt. Unfortunately, the fee has become a fixture of the home-loan program and, even more unfortunate, it has been increased numerous times by Congress since 1982. Veterans using the program for the first time now pay 2.15 percent (no down payment) of the loan amount. Those using it for a second or subsequent time pay 3.3 percent, while conventional loans are typically about 0.5 percent to 1 percent, according to Bankrate.com.

### WHAT CAN CONGRESS DO?

- ° The American Legion strongly urges Congress to consider either eliminating the funding fee or significantly reducing it. Veterans should not have to make such a significant financial sacrifice to use a benefit they have earned as a result of their service to the United States.



## KEY POINTS

- ° The American Legion participated in nine Department of Defense Hiring Heroes career fairs in 2015.
- ° The U.S. Chamber of Commerce coordinated, in association with The American Legion, 110 Hiring our Heroes career fairs in 2015.
- ° The American Legion was involved with nearly 1,000 career events at the local, regional and state levels throughout the country in 2015.

## Military-to-civilian transitions

Approximately 422,000 U.S. military veterans are unemployed, and many are encountering great difficulty obtaining employment that matches their skills, training, experience and financial needs as civilians, often with families to support. Among those seeking civilian careers are more than 142,000 from the wars in Iraq and Afghanistan.

The American Legion will continue to participate with U.S. Chamber of Commerce Hiring Our Heroes career fairs, Department of Defense career fairs, American Legion-sponsored events and others across the country.

The American Legion strongly encourages state participation and assistance to transitioning servicemembers, veterans and their spouses.

### WHAT CAN CONGRESS DO?

- ° Expansion, enhancement and better integration of Transition Assistance Program services from DoD continue to be needed and should be introduced well in advance of military discharge to better prepare personnel for the shift to civilian life.
- ° Call for updated performance data to assess compliance with Veterans Preference Hiring Act provisions for federal jobs.

“ You can make yourself into whatever you want. You can use the skills and experiences you have from service and use them to your advantage. **Durell Moore, Air Force veteran,** one of more than 500 military or veteran job seekers at a Hiring Our Heroes career fair in San Antonio in February 2016, produced in collaboration with The American Legion ”

## KEY POINTS

- The American Legion strongly opposes the restructuring and redefining of job descriptions and responsibilities of Disabled Veteran Outreach Programs (DVOP) and Local Veterans Employment Representatives (LVER) staff.
- The American Legion requests that VA be adequately funded to administer the JVSG (Jobs for Veterans State Grants), establish standards and collect performance data, while the Department of Labor and state workforce agencies administer the programs and report directly to VA.



## Enhance DVOP/LVER services

The American Legion continues to advocate for change within the Department of Labor's Veterans' Employment and Training Service program. DOL-VETS reorganization of the Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVERs), under the Jobs for Veterans State Grants (JVSG), requires a drastic reduction of LVERs and restricting DVOPs to case-manage veterans with significant barriers to employment, who need intensive employment services and represent 20 percent of veterans coming into career one-stops.

Under the plan, LVERs no longer meet or manage the cases of unemployed veterans and are tasked with employer outreach only. This means 80 percent of unemployed veterans will be served by the regular employment staff funded under the WIA/Wagner-Peyser Act.

### WHAT CAN CONGRESS DO?

- Congress should seek changes to the Department of Labor VETS policy that now states DVOPs can only see service-connected disabled veterans. DVOPs should see all disabled veterans, regardless if the disability is service connected.
- Veterans should have the option, if they so choose, to see a DVOP or LVER. Current Department of Labor VETS policy states that only veterans meeting certain significant barriers to employment can see DVOPs and LVERs. Congress can urge change in this policy.
- The American Legion supports legislation that calls for VA and state workforce agencies to share responsibilities for all Title 38 veterans' employment services.
- The American Legion supports the Military Family Stability Act. If enacted, the bill would provide employment and education stability for family members of the active-duty servicemember.

RESOLVED, That The American Legion petition Congress to enact legislation that prevents any efforts or attempts by the Department of Labor to make any changes in allocations that could potentially cut or divert funding for veterans' employment programs and services.

**Resolution 340**, passed by the 96th American Legion National Convention, Charlotte, N.C., 2014



## Credentialing of veterans

Many specialized industries require specific federal and state licenses and credentials but do not recognize military training or experience. When civilian credentialing boards and employers fail to fully recognize military education, training and experience, veterans face reduced chances of obtaining jobs that match their skills, and the civilian workforce cannot take full advantage of the extensive training in which our nation has so greatly invested.

### WHAT CAN CONGRESS DO?

- ° The American Legion encourages Congress to eliminate the requirement that Post-9/11 GI Bill recipients use an entire month's worth of entitlement for a certification or licensing test fee – even when the fee amounts to far less than the full month's entitlement.
- ° The American Legion recommends that VA's credential program approval process be reviewed by the Government Accountability Office to ensure that the credentials approved meet legislative and other standards for legitimate credentialing programs.
- ° The American Legion's goal is to reduce the burden for servicemembers, veterans and their spouses concerning obtaining licenses and certifications. Over the past few decades, the share of U.S. workers holding an occupational license has grown sharply. However, the current U.S. licensing regime also creates substantial costs, and requirements for obtaining a license are often not in sync with the skills needed for the job. There is evidence that licensing requirements raise the price of goods and services, restrict employment opportunities and make it more difficult for workers to take their skills across state lines. These are some key points policymakers should consider when making decisions about industry regulation.

### KEY POINTS

- ° Post-9/11 GI Bill recipients are charged one full month, which may come to over \$1,000, for licensing and certification test fees, even if the fees are far less. The average test fee is about \$200, which means a significant loss of GI Bill funding. The Montgomery GI Bill does not have the same requirement.
- ° The 2015 National Defense Authorization Act set an unrealistic timetable for accreditation of DoD credentialing programs. It's important the programs move forward, but deadline relief will avoid setting up DoD for failure.

“The American Legion was instrumental in first drawing the spotlight to credentialing. In 1997, The American Legion sponsored a study to look at the extent to which servicemembers and veterans were having trouble getting licenses and certifications. Since then, we have had a tremendous amount of success.

**Elizabeth Belcaster**, consultant with the International Brotherhood of Teamsters

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## KEY FACTS

- The Veterans Entrepreneurial Transition Act of 2015 would allow veterans to use their GI Bill education benefits as a grant toward start-up costs. As written, it is a three-year pilot program that must be funded through the Small Business Administration. The American Legion supports this measure.
- By expanding the earned benefit to assist veteran entrepreneurs, previously left out in the Post-9/11 GI Bill, the veterans community has one more avenue to gainful employment.
- According to the SBA, veterans are 45 percent more likely to start their own businesses, compared to their civilian counterparts; one in nine veterans is a business owner.

“ Together with Congress, The American Legion is looking for ways of making it easier for veteran entrepreneurs to access capital so that these folks can grow their small businesses, create jobs and get the nation’s economy back on track.

Joe Sharpe, director, American Legion Veterans Employment & Education Division



Photo by Lucas Carter

## Small business access to capital

The legacy of the original GI Bill is remarkable. For each and every dollar invested, the government received seven dollars in return. The benefits were comprehensive, including low-cost mortgages, low-interest loans to start businesses, payments for tuition and living expenses to attend universities or receive vocational training, and unemployment compensation. Start-up business loan programs assisted World War II veterans in building equity and giving them access to capital.

As times change, GI Bill benefits need to evolve. Access to education is no longer the issue it was in the 1940s and '50s. Today, access to start-up business capital for veteran entrepreneurs is an unmet need for veterans, who may lack equity or collateral but not the capability to succeed in business upon exiting the service.

Entrepreneurial benefits for veterans are not unprecedented; they took the shape of land grants and preferences in the 1700s and 1800s and evolved into GI Bill small business and farm loans in the 1900s. In the 1944 GI Bill’s entrepreneurial insurance and loan guaranty program, 229,245 loans launched small businesses. An additional 71,158 loans started farms. Cross-referencing 1944 entrepreneurial programs to census data and SBA research, a successful correlation is found between U.S. investment in entrepreneurial programs for veterans and expansion of the nation’s economy.

### WHAT CAN CONGRESS DO?

- Support and pass legislation that would expand availability of GI Bill benefits to help veterans with access to small-business capital.



## Small business federal contracts

In 1945 and 1946, millions of Americans returned home from World War II to a shrinking job market. The war's end drastically changed the nation's employment landscape.

True to their nature, many veterans turned to entrepreneurship. Large firms that grew powerful as a result of war production had a tremendous advantage over the new smaller companies, so Congress created the Small Business Administration with the intent of leveling the playing field.

In 1953, President Dwight Eisenhower signed the Small Business Act into law, and the Small Business Administration (SBA) was born. The act was created to encourage and promote small business growth, and to foster free-market competition. In 1999, Congress passed a law recognizing service-disabled veterans as a preferred group for federal set-asides. Three percent of all federal procurements were then reserved for service-disabled veteran-owned small businesses.

Over the past decade, The American Legion has worked closely with hundreds of small business owners. In addition, it established a Small Business Task Force made up of successful small- and medium-sized veteran-owned businesses and their leaders to ensure the government fulfills its promise to grow the veteran small business industrial base.

### WHAT CAN CONGRESS DO?

- ° The American Legion urges Congress to fully fund SBA Office of Veterans Business Development's programs, such as Boots 2 Business, Veterans Business Outreach Centers, Reboot and VWISE, to name a few.

- ° The American Legion urges Congress to assess the performance of federal agencies in living up to the mandate to make no less than 3 percent of federal contracts available to service-disabled veteran-owned businesses.

### KEY FACTS

- ° The American Legion monitors federal agencies to ensure they adhere to annual veteran small business goals of 3 percent in prime and sub-contracts.
- ° Parity is essential for veterans in all small business government contracting programs, ensuring that no veterans procurement program is at a disadvantage in competing with other government procurement programs.
- ° The American Legion opposes internal and external efforts to erode veterans preference in government contracting.

“What most people erroneously believe is that you put up a website, you have status in some socioeconomic category, and the contracts start flowing. That's not the case.”

**Mark Gross**, CEO, Oak Grove Technologies, and American Legion Small Business Task Force member

## KEY FACTS

- ° The American Legion supports fully staffing Vocational Rehabilitation & Employment (VR&E) with more counselors and employment coordinators to reduce caseloads and provide more individualized attention to veterans.
- ° The American Legion urges VA to keep its focus on marked improvements in case management, vocational counseling and job placement.
- ° The American Legion urges greater collaboration and communication between VR&E and the Department of Labor's Veterans Employment and Training Service (VETS).
- ° The American Legion recommends exploring training programs for VR&E counselors through the National Veterans Training Institute (NVTI). Standardized or specialized training could strengthen overall program performance.

“ The American Legion supports an increase in funding that would allow the VR&E Program to hire more vocational rehabilitation counselors and employment coordinators.

**Resolution 343**, passed by the 96th American Legion National Convention, Charlotte, N.C., 2014

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U.S. Army photo

## Vocational training, employment

Vocational Rehabilitation & Employment services are a responsibility of the Veterans Benefits Administration (VBA), and effective employment programs through VR&E must become a higher priority.

Until recently, VR&E's primary focus has been providing veterans with skills training rather than assistance in obtaining meaningful employment. Clearly, any employability plan that does not achieve the ultimate objective – a job in which the veteran succeeds despite his or her disabilities – falls short of actually helping those veterans seeking assistance in transitioning into the civilian workforce, and of fulfilling VR&E's mission. A problem hindering the effectiveness of the VR&E program, as cited in reports by the Government Accountability Office, is exceptionally high workloads for the limited number of staff. This impedes the staff's ability to effectively assist individual veterans with identifying employment opportunities.

### WHAT CAN CONGRESS DO?

- ° Ensure that adequate funding is provided to properly staff Vocational Rehabilitation & Employment services of the VBA.





Photo by Jeric Wilhelmsen

## KEY FACTS

° The American Legion urges passage of S. 1885, the Veteran Housing Stability Act of 2015, which would modernize and strengthen existing VA housing programs for homeless and at-risk veterans. S. 1885 aims to increase access to permanent housing options by encouraging landlords to rent to veterans, providing grants for organizations that support formerly homeless veterans, and modifying a VA program that sells homes from foreclosure inventory at a discount to nonprofit agencies. The bill would also expand the definition of “homeless veteran” to provide additional benefits to veterans in need by including a veteran or veteran’s family fleeing domestic violence or other dangerous conditions.

## Help end veteran homelessness

The Department of Housing and Urban Development (HUD) Point-In-Time count, conducted in January 2015, showed about 47,000 homeless veterans across the country. That’s down from 50,000 a year earlier, but a smaller drop than the 5,000 veterans taken off the streets in each of the previous three years.

Officials estimate the number was just under 75,000 in 2010, when the White House announced a national campaign to solve the problem. Through its daily work with homeless veterans and their families, The American Legion recognizes the need for a sustained, coordinated effort that provides secure housing and nutritious meals, essential physical health care, substance abuse after care and mental health counseling, as well as personal development and empowerment. Veterans also need job assessment, training and placement assistance.

### WHAT CAN CONGRESS DO?

- ° Continue funding for permanent supportive housing through the Department of Veterans Affairs and the Housing and Urban Development partnership, which provides homeless veterans with housing and case management services.
- ° Fund the Homeless Veterans Reintegration Program within the Department of Labor’s Veterans Employment and Training Service (DOL-VETS) at the full authorized level of \$50 million.
- ° Appropriation of funds (\$500 million) for the Supportive Services for Veteran Families (SSVF) program, which prevents many veterans from becoming homeless and assists those who need little more than short-term rental assistance and limited case management in getting back on their feet.
- ° Support the homeless veterans Grant and Per Diem (GPD) transitional housing program. This program provides short-term housing help to homeless veterans, allowing them to get connected with jobs, supportive services and more permanent housing, and ultimately become self-sufficient.

“ Sometimes you have to take the solution to the veteran. If they can’t get to the help, we’ll bring it to them.

Verna Jones, executive director, The American Legion, during an April 2015 night visit to Los Angeles’ Skid Row to inform homeless veterans of help available to them

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**KEY POINTS**

- ° Surveys have shown that over 80 percent of U.S. citizens support passage of a constitutional amendment that would protect the flag from desecration.
- ° The Senate has repeatedly fallen short of the 66 percent supermajority needed to send the measure to the people.
- ° 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.



Photo by Clay Lomneth

**Protect the U.S. flag**

Since the American Revolution, millions of men and women have proudly defended this nation under the Stars and Stripes.

There is hardly a more poignant image of the sacrifices made by America's heroes in defense of this nation than a U.S. flag draped over a deceased servicemember's coffin, the last full measure of respect to those who have made the ultimate sacrifice. However, since the U.S. Supreme Court's 5-4 decision in *Texas v. Johnson* in 1989, the American people have been denied the ability to make laws protecting this great symbol of our nation from desecration.

**WHAT CAN CONGRESS DO?**

- ° Co-sponsor and support legislation – House Joint Resolution 9 and Senate Joint Resolution 2 – introduced in January 2015 calling for a constitutional amendment to prohibit desecration of the U.S. flag.

“The immortal, immutable truths embedded in our Constitution are embodied by our flag. When you burn the flag, you burn the Constitution.

Maj. Gen. Patrick H. Brady, U.S. Army (retired), Medal of Honor recipient

# American Legion National 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 & Communications Division

*magazine@legion.org*

*(317) 630-1298 (Indianapolis)*

*(202) 861-2700 (Washington)*

## **LOCATIONS**

The American Legion National Headquarters has three offices:

### **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



## THE AMERICAN LEGION

P.O. Box 1055  
Indianapolis, IN 46206  
(317) 630-1200

 [www.legion.org](http://www.legion.org)

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