



Reserve Officers Association of the United States

United States Senate Hearing

Senate Veterans' Affairs Committee

Pending Benefits Legislation

May 13 2015

"Serving Citizen Warriors through Advocacy and Education since 1922."™

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The Reserve Officers Association of the United States (ROA) is a professional association of commissioned, non-commissioned and warrant officers of our nation's seven uniformed services. ROA was founded in 1922 during the drawdown years following the end of World War I. It was formed as a permanent institution dedicated to national defense, with a goal to teach America about the dangers of unpreparedness. Under ROA's 1950 congressional charter, our purpose is to promote the development and execution of policies that will provide adequate national defense. We do so by developing and offering expertise on the use and resourcing of America's reserve components.

The association's members include Reserve and Guard Soldiers, Sailors, Marines, Airmen, and Coast Guardsmen who frequently serve on active duty to meet critical needs of the uniformed services. ROA's membership also includes commissioned officers from the United States Public Health Service and the National Oceanic and Atmospheric Administration who often are first responders during national disasters and help prepare for homeland security.

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DISCLOSURE OF FEDERAL GRANTS OR CONTRACTS

The Reserve Officers and is a member-supported organization. ROA has not received grants, contracts, or subcontracts from the federal government in the past three years. All other activities and services of the associations are accomplished free of any direct federal funding.

On behalf of our members, the Reserve Officers Association thanks the committee for the opportunity to submit testimony on legislation proposed by Congress, the Department of Defense and the Military Compensation and Retirement Modernization Commission.

S. 602, G.I. BILL FAIRNESS ACT OF 2015

ROA wholeheartedly supports this proposal to continue eligibility for the Post-9/11 GI Bill when a member of the reserve component is receiving medical care under Title 10 United States Code (U.S.C.) 12301(h). Placing reserve component servicemembers on these active duty orders is done for administrative purposes and Guard and Reserve members should not lose eligibility for education benefits. The change in status from one type of order to 10 United States Code 12301(h) is done to unencumber direct operation support billets. The change from one type of active duty order to another type of order should not be seen as change to a lesser duty status. The proposed legislation removes the disparity between the reserve component and active component, since active duty servicemembers continue to earn education benefits when they are in the same medical care status. Title 38 U.S.C. 3301, which is addressed in the bill, already includes detainee status, 10 U.S. C. 12301(g), and, therefore, does not need to be part of the G.I. Bill Fairness Act of 2015.

S. 681, BLUE WATER NAVY VIETNAM VETERANS ACT OF 2015

ROA urges Congress to support Blue Water Navy Vietnam Veterans who were exposed to Agent Orange when ships manufactured fresh water by taking sea water, contaminated with Agent Orange off of the coast of Vietnam. This occurred when the rain washed Agent Orange through water tributaries to the South China Sea. On board ship, potable water (sea water distilled one time) is used for showers, shaving, cooking, coffee, laundry and dishwashing, which explains how sailors were directly exposed to the contaminated water. Agent Orange is a nonsoluble salt that migrates to the sides of the distillation equipment. It builds up over time increasing the potency of the chemical. The distillation equipment is cleaned on a 36 month regular overhaul schedule which means sailors on ship are exposed to Agent Orange for a protracted period of time. The Department of Defense does not have a toxic exposure policy to identify and study servicemembers who are exposed to toxic chemicals even though exposure to toxins has occurred in every modern war. A policy that tracks exposure could ultimately reduce health care costs through the collection of verifiable data rather than rely on designation of presumption status through the Department of Veterans Affairs.

MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION – EDUCATION BENEFITS

SEC 1101: The commission recommendation sunsets the Montgomery G.I. Bill for Reserve Educational Assistance Program (MGIB-REAP) in favor of the Post 9-11 G.I. education bill. Making this change would end education benefits much sooner for Guard and Reserve under the Post 9-11 option. MGIB-REAP allows service members to use the benefit 10 years from the day they leave the Selected Reserve or the day they leave the Individual Ready Reserve. For the Post 9-11 education benefit, they have 15 years from the last day of their active duty order. For example, a reservist is on active duty orders for 90 days until March 25, 2015. This means the reservist can use Post 9-11 education benefits until March 25, 2030. Under the same orders the reservist earns MGIB-REAP and retires from the Selected Reserve on April 1, 2025. The reservist’s MGIB-REAP benefit can be used 10 years after retirement, until April 1, 2035. Guard and Reserve members work at two jobs, their civilian job and as reserve component servicemembers. Guard and Reserve members have clearly earned both benefits and should be able to use the education benefit that best serves their education goals or the Post 9-11 G.I. bill should be adjusted to use the same MGIB-REAP expiration of benefits criteria for Guard and Reserve.

SEC 1103: This section applies to the Selected Reserve and Individual Ready Reserve when they agree to remain a member of the Selected Reserve for at least 4 years after completion of the education or training for which the tuition charges are paid. The change allows the service Secretary to deny tuition assistance if the education or training does not contribute to the servicemember’s professional development. ROA agrees tuition assistance for professional development is reasonable but we are concerned with the subjective manner that “professional development” may be defined. For example, a noncommissioned officer is a personnel specialist and is pursuing a bachelor of science degree in management with George Mason University, which requires a class in calculus. A determination could be made that calculus is not considered professional development for a servicemember in the personnel career field. The class, if taken in isolation, would not qualify for tuition assistance. To overcome that possibility, ROA recommends changing the proposed legislation to include any courses required by a degree that is considered “professional development.”

SEC 1108: ROA has received feedback from our members who state transferability of the Post-9/11 G.I. Bill entitlement with a housing stipend is a motivating reason why they volunteer for deployments. This section terminates the monthly housing stipend beginning on July 1, 2017. ROA is concern 2017 does not give servicemembers enough time to absorb this cost through their budget, savings, or investment planning. If Congress goes forward with this change, then ROA recommends termination be extended to July 1, 2021 vice July 1, 2017 to ensure all family members now matriculated are covered under the current plan.

MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION (MCRMC)– TRANSITION ASSISTANCE

SEC 1204: This section recommends, “The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, shall conduct a review of the Department of Defense Transition GPS Program Core Curriculum . . .” and the proposal includes several matters that should be reviewed. ROA is concerned that the proposed legislation does not include a review of the effectiveness of the program for Guard and Reserve servicemembers. Transition Goals, Plans, Success (GPS) is divided into several sessions covering finances, family adjustments, VA benefits, employment, education and small business startups that are very appropriate subjects for active component servicemembers who are leaving the service. However, when someone in the reserve components separates at the end of their orders, they remain in the military and return to their unit. ROA believes the proposed legislation should rewrite MCRMC legislative proposal SEC 1204(a)(2)(A) to change “. . . needs of members of the Armed Forces transitioning out of military service.” to “. . . needs of members of the Active and Reserve Components of the Armed Forces transitioning out of military service.”. This change would more clearly identify that Guard and Reserve needs would be considered as a separate category of the review.

DEPARTMENT OF DEFENSE LEGISLATIVE PROPOSALS
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Section 514: This section recommends the same legislation as S. 602 discussed previously.

Section 522: This proposed change adds two involuntary call-up categories (10 U.S.C. 12304a and 12304b) to education benefits in Title 10, Chapter 1606 and this is supported by ROA. The change is for when a servicemember is responding to a major disaster or emergency (123041) or a preplanned mission in support of the combatant commanders (12304b). This would ensure Title 10 legislation, that created new provisions for involuntary call-up in 2011, is included for servicemembers to regain lost payments and lost entitlement time for the Montgomery G.I. Bill – Selected Reserve (MGIB-SR) benefits. It is important that an involuntary call-up should not allow benefits to be lost through no fault of the servicemember. This proposal would ensure all involuntary service does not result in servicemembers absorbing negative impacts to their education benefits, such as, course cancellations, tuition repayments or loss of entitlement time.

Section 542: ROA included the legislative fix to exempt two duty statuses added in 2011 to the 5-year reemployment limit in ROA’s 2015 Legislative Plan. The change is for duty status when a servicemember is responding to a major disaster or emergency (123041) or a preplanned mission in support of the combatant commanders (12304b). USERRA significantly strengthens and expands the employment and reemployment rights of all uniformed service members.

Reemployment rights extend to persons who have been absent from a position of employment because of “service in the uniformed services,” which is through the performance of duty on a voluntary or involuntary basis. Until the addition of two involuntary duty statuses, all involuntary service was exempted from the five-year limit but the latest changes were not added to the proposed legislative provision. It is important that an involuntary call-up should not put an individual beyond the five-year limit and cause the individual to lose his or her right to reemployment.

Section 545: The proposed change to exclude Guard and Reserve members from pre-separation counseling when on full-time training duty, annual training duty, and attending service school, has merit on the face of it, but ROA believes servicemembers should have the option to attend pre-separation counseling, if they so need. It is hard to anticipate everyone’s unique needs and a blanket exclusion from receiving the counseling may mean servicemembers do not receive needed information.

DISCUSSION DRAFT LEGISLATIVE PROPOSALS

S. 743: The proposed bill to recognize a reserve component member as a veteran, but without benefits, is a legislative goal of The Military Coalition (TMC). The TMC, in a letter to bill sponsors, which ROA supported, stated, “The individuals covered by your legislation have already earned most of the benefits granted to veterans by the Department of Veterans Affairs, and yet they do not have the right to call themselves veterans because their service did not include sufficient duty under Title 10 orders. Because of this they feel dishonored by their government. Your legislation simply authorizes them to be honored as “veterans of the Armed Forces” but prohibits the award of any new benefit. The ‘Honor America’s Guard-Reserve Retirees Act of 2015’ is a practical way to honor the vital role members of the Reserve Components have had in defending our nation throughout long careers of service and sacrifice. And it can be done at no-cost to the American tax-payer because of your legislation.”

CONCLUSION

ROA appreciates the opportunity to submit testimony and looks forward to working with Congress, whereby, we can offer our support and perspective of the reserve components.