



# LEGISLATIVE POINT PAPER

## GI BILL FOR HONORABLE SERVICE

### BACKGROUND

Eligibility for most V.A. benefits, including compensation, pension, home loan, and insurance, requires that a veteran's character of discharge or service be under other than dishonorable conditions (e.g., honorable, under honorable conditions, general). However, the Post-9/11 GI Bill has an additional requirement that a servicemember receive an "honorable discharge." Even if the character of service is "general under honorable conditions," the Post-9/11 GI Bill remains the only benefit out of reach for veterans.

There is no historical precedence for this status quo. The matter over GI Bill for general discharges was debated vociferously on the Senate floor prior to the passage of the 1944 Servicemembers Readjustment Act, resulting in a unanimous committee vote to uphold 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. It is time to finally correct this historical inequity by granting these servicemembers the same education benefits we provided for our World War II veterans and those who served before the Montgomery GI Bill was enacted.

### KEY POINTS

- A 1946 Senate Report on the 1944 GI Bill declared, *"It is the opinion of the Committee that such [discharge less than Honorable] should not bar entitlement to benefits otherwise bestowed unless such offense was... as to constitute Dishonorable conditions."*
- 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
- The rate of General discharges has increased from 0.2% (World War II) to 3.9% (Vietnam) to 8.4% (Post-9/11).

## **WHAT CONGRESS CAN DO**

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- Correct this statutory incongruity by amending GI Bill eligibility in the U.S. Code to allow those servicemembers who receive a "general under honorable conditions" discharge access to V.A. educational benefits.

## **RELEVANT RESOLUTIONS**

- Resolution No. 20: Amend Title 38, United States Code, to Provide GI Bill Education Benefits for Veterans Receiving a General Discharge Under Honorable Conditions.<sup>1</sup>

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<sup>1</sup> The American Legion Resolution No. 20 (2022): *Amend Title 38, United States Code, to Provide GI Bill Education Benefits for Veterans Receiving a General Discharge Under Honorable Conditions*