



## Federal Update for April 13 - 17, 2015



### ***VA Extends Program for Veterans with Traumatic Brain Injury***

WASHINGTON – The Department of Veterans Affairs (VA) today announced the award of 20 contracts for the Assisted Living Pilot Program for Veterans with Traumatic Brain Injury (AL-TBI). Originally slated to end in 2014, the Veterans Access, Choice, and Accountability Act of 2014 (“VACAA”) extended this program through October 2017.

“We are pleased to extend this valuable program and provide specialized assisted living services to eligible Veterans with traumatic brain injury that will enhance their rehabilitation, quality of life and community integration,” said Dr. Carolyn Clancy, VA’s Interim Under Secretary for Health, “TBI is one of the prevalent wounds of the recent wars in Iraq and Afghanistan and VA remains committed to taking care of those Veterans suffering from TBI.”

Under the AL-TBI program, Veterans meeting the eligibility criteria are placed in private sector TBI residential care facilities specializing in neurobehavioral rehabilitation. The program offers team-based care and assistance in areas such as speech, memory and mobility. Approximately 202 Veterans participated in the AL-TBI Pilot Program in 47 facilities located in 22 states. Currently, 101 Veterans participate in the pilot as VA continues to accept new eligible patients into the program.

In October, VA issued a request for proposal (RFP) for vendors wishing to participate in the program. In accordance with the RFP, VA has awarded 20 contracts to facilities located in 27 states. The contracts went into effect on April 1, 2015. The program is currently effective through October 2017, in accordance with VACAA.

For more information about the TBI program, visit [www.polytrauma.va.gov](http://www.polytrauma.va.gov). For information about VA’s work to implement the Veterans Access, Choice, and Accountability Act of 2014, see <http://www.va.gov/opa/choiceact/documents/FactSheets/Progress-Report-March-2015-Fact-Sheet.pdf>

### ***MCRMC Update ► Obama Stops Short of Endorsement***

The push to reform military pay and benefits picked up steam 30 MAR when the White House signaled support for the slate of controversial proposals that call for changing the military

retirement and health care systems. But President Obama stopped short of endorsing the 15 specific recommendations that the Military Compensation and Retirement Modernization Commission sent to Capitol Hill in January. The recommendations would shrink the size of military pensions by 20 percent and create new investment accounts for all troops. They also call for ending Tricare in its current form and instead offering military families insurance policies similar to those available to civilians. "I believe the recommendations are an important step forward in protecting the long-term viability of the all-volunteer force, improving quality-of-life for service members and their families, and ensuring the fiscal sustainability of the military compensation and retirement systems," Obama wrote in a letter to the compensation commission.

The White House backs the "underlying objectives" of the recommendations, but will continue to review the details and "to adopt or refine the specific proposals in as many instances as possible," according to the letter. White House and Pentagon support for the proposed changes will be an important political factor on Capitol Hill, where any changes would need approval from lawmakers. The White House will offer more details by 30 APR about whether Obama supports the details of the recommendations or will seek to revise them, the letter said. The changes to military retirement would for the first time offer a retirement benefit to troops who serve less than 20 years. The Defense Department would offer to match troops' own retirement savings up to 5 percent of basic pay. Troops would own that investment account regardless of when they leave the military. The proposal would also give troops who reach 12 years of service a lump-sum retention bonus in exchange for a new four-year service commitment. The amount would likely vary by service and career field. [Source: MilitaryTimes | Andrew Tilghman | March 30, 2015 ++]

## ***Pentagon Wish List ► 2016 Unfunded Priorities***

U.S. Defense Secretary Ash Carter on 30 MAR sent Congress the military's annual "wish lists," including 12 Boeing Co F/A-18 fighter jets and 14 Lockheed Martin Corp F-35 fighter jets, but said he would not back any of the requests unless lawmakers passed a larger overall defense budget. "Any extra program inserted into our budget submission will come at the expense of other programs we deemed more important, with ripple effects across the rest of the budget," Carter said in a letter, a copy of which was seen by Reuters.

Carter told lawmakers he was sending the lists of "unfunded priorities" to Congress as required under the fiscal 2013 defense policy law, but registered his concerns about any moves by Congress to restructure the Pentagon's budget request. Lawmakers use the lists to insert their priorities and shape the Pentagon's budget request, but the fate of the fiscal 2016 defense budget remains uncertain given that the request already exceeds congressional budget caps by \$34 billion. Military leaders have warned Congress that failure to enact the higher budget level would undermine their ability to respond to a sudden conflict, train troops and maintain equipment, which could ultimately endanger the lives of Americans. The biggest items on the annual lists this year included the Navy's request for \$1.15 billion to buy a dozen Boeing fighter

jets to cover projected shortfall in strike fighters in coming years. If approved by Congress, the orders could help Boeing extend production at its St. Louis manufacturing plant, which is currently slated to halt at the end of 2017. Last year, the Navy asked for over \$2 billion for 22 EA-18G electronic attack plane built on the same production line, and Congress ultimately funded 15 of them, which - along with a slower production rate - extended production from the end of 2016. The Navy also requested eight more F-35C fighter jets for use on its carriers for \$1.04 billion, while the Marine Corps asked for six more F-35 B-model jets, which take off and land like helicopters, at a cost of \$1.05 billion.

Officials at Boeing and Lockheed declined comment on the services' wish lists. The Navy also asked for \$65 million to buy an additional Triton unmanned surveillance plane built by Northrop Grumman Corp and \$187 million for two Boeing C-40A cargo planes. The Army asked for \$200 million for PAC-3 Missile Segment Enhancement missiles built by Lockheed to keep up with surging demand for missile defense by military commanders, and \$975 million to beef up cybersecurity at key sites in the United States, Europe and South Korea. The Air Force sent Congress a modest list of items, but urged lawmakers to fund its full base budget request before looking at any additional items. [Source: Reuters | Andrea Shalal | March 30, 2015++]

## ***DECA Budget Cuts Update ► Commissaries Targeted Again***

The FY 2016 defense budget proposal continues the plan to ultimately reduce the annual commissary subsidy by \$1 billion. According to a recently released report by the RAND Corporation, "Past and recent proposals to eliminate the subsidy, have been made in the name of reducing the DoD budget." The National Defense Budget Estimate for Fiscal Year 2016 is approximately \$585 billion. With the proposed commissary cuts only saving .05% of the budget, why does the DoD continue to look at this "important non-pay benefit" as a cost saving measure? These cuts hurt the very people DoD needs to re-enlist at a time when retention is becoming increasingly challenging and those that have already sacrificed and devoted their entire adult lives in service to our nation: retirees.

DoD solicited the expertise of the RAND Corporation to review how price increases have effected grocery retailers in the private sector. RAND used this data to analyze how this might translate into changes in sales and revenue at the commissaries. RAND's report said:

- Commissary patrons typically buy more groceries than customers of comparable civilian supermarkets.
- Patrons travel greater distances to take advantage of this benefit and frequently remain on base to shop at the exchanges after shopping at the commissary.
- Half of eligible commissary shoppers are retirees and one-quarter are active-duty personnel, E-1 through E-3.

RAND's conclusion was not surprising: "If the appropriation is eliminated, prices at the commissaries will likely rise and/or stores may no longer be financially viable." The report went on to say that, "raising overall price levels will not be a successful strategy to cover the shortfalls in costs caused by the elimination of the annual Department of Defense appropriation." In an opinion piece in the Wall Street Journal, MOAA President, Vice Admiral Norb Ryan, USN (Ret) said, "Congress should take a critical look at waste in the Pentagon's acquisition programs. In 2013 alone, the Government Accountability Office reported that the Pentagon's top 85 major defense-acquisition programs experienced overruns of nearly \$411 billion. Reporter Andrew Tilghman of the Military Times observed that this amount in itself is almost enough to cover the entire cost of sequestration for the Defense Department."

The \$411 billion in acquisition program overruns would cover the entire cost of sequestration or pay for the commissary subsidy for nearly the next 300 years. With the proposed cuts only saving the DoD very little, you need to ask your elected officials why the commissaries are repeatedly the target of DoD budget cuts, especially when they provide such a significant benefit that is highly valued by so many. [Source: MOAA Leg Up | April 10, 2015 ++]

## ***POW/MIA Update ► DNA Samples Needed for MIA Identifications***

There are 83,000 missing and unaccounted for Americans from World War II forward, yet many families of the missing have yet to provide a family reference sample to assist in DNA identifications. Currently, 89 percent of Korean War families have provided samples, as well as 83 percent of Cold War families and 81 percent of Vietnam War families, but only 4 percent of WWII families have. The government last year identified 107 MIAs, but more could have been identified—and faster—if more family reference samples were on file. Please forward the following service casualty office contact information to MIA families in your hometown, as well as to local newspapers:

- Army: 800-892-2490
- Marine Corps: 800-847-1597
- Navy: 800-443-9298
- Air Force: 800-531-5501
- State Department: 202-485-6106

For more information, go to: <http://www.dpaa.mil/Resources/FAQs.aspx>. [Source: VFW Action Corps Weekly | April 10, 2015 ++]

## ***POW/MIA Recoveries***

"Keeping the Promise", "Fulfill their Trust" and "No one left behind" are several of many mottos that refer to the efforts of the Department of Defense to recover those who became missing while serving our nation. The number of Americans who remain missing from conflicts in this century are: World War II (73,515) Korean War (7,855), Cold War (126), Vietnam War (1,656),

1991 Gulf War (5), and Libya (1). Over 600 Defense Department men and women -- both military and civilian -- work in organizations around the world as part of DoD's personnel recovery and personnel accounting communities. They are all dedicated to the single mission of finding and bringing our missing personnel home. For a listing of all personnel accounted for since 2007 refer to <http://www.dpaa.mil/> and click on 'Our Missing'. If you wish to provide information about an American missing in action from any conflict or have an inquiry about MIAs, contact:

- Mail: Public Affairs Office, 2300 Defense Pentagon, Washington, D.C. 20301-2300, Attn: External Affairs
- Call: Phone: (703) 699-1420
- Message: Fill out form on <http://www.dpaa.mil/Contact/ContactUs.aspx>

### **Vietnam**

The Department of Defense POW/MIA Accounting Agency (DPAA) announced 31 MAR that the remains of a U.S. servicemen, missing from the Vietnam War, have been identified and will be buried with full military honors. Sgt. Rodney L. Griffin, 21, of Mexico, Mo., assigned to 2nd Battalion, 34th Armor Regiment, 1st Cavalry Division, was a passenger aboard an UH-1H Iroquois (Huey) helicopter that was enroute to Fire Support Base Katum, South Vietnam, when it was diverted due to bad weather. After flying into Cambodian airspace, the aircraft came under heavy enemy ground fire causing the pilot to make an emergency landing in Kampong Cham Province, Cambodia. The Huey's four crewmen and its four passengers survived the landing. One crewman was able to evade being captured by enemy forces and later returned to friendly lines. The other three crewmen and one passenger were captured. Two of the captured crewmen were released by the Vietnamese in 1973, and the remains of the other two captured men, were returned to U.S. control in the 1980s and identified. Griffin died at the site of the crash during a fire fight with enemy forces. His remains were not recovered after the fire fight. Griffin will be buried, April 25, in Mexico, Mo.

From 1992 through 2008, joint U.S./Kingdom of Cambodia (K.O.C.) teams investigated the site without success. On Feb. 18, 2009, a joint team interviewed witnesses in the Memot District of Cambodia who claimed to have information on the loss. The witnesses identified a possible burial site for the unaccounted serviceman. The team excavated the burial site but was unsuccessful locating the remains. From Jan. 16, 2010 to March 11, 2011, joint U.S./K.O.C. teams excavated the area, but were unsuccessful. In February 2012, another joint U.S./K.O.C. team re-interviewed two of the witnesses. The witnesses identified a secondary burial site near the previously excavated site. The team excavated the secondary burial site and recovered human remains and military gear from a single grave. In the identification of Griffin, scientists from DPAA and AFDIL analyzed circumstantial evidence and used forensic identification tools, to include mitochondrial DNA, which matched his brothers.

**Korea – None**

**World War II – None** [Source: <http://www.dpaa.mil> | April 14, 2015 ++]

## **VA Claims Backlog Update ► 67% Decline Since MAR 2013**

In late March the VA announced it has reduced its backlogged claims from a high of 611,000 claims in March of 2013 to fewer than 200,000 this week – a 67 percent decline. VA has applied new technology, dedicated more human resources toward claims processing, and improved efficiencies through automation and paperless claims processing. In addition, VA cites the transformation of Veterans Benefits Administration's training and quality assurance programs resulting in steady increases in the accuracy of decisions. Just a few years ago, claims processors handled 5,000 tons of paper annually, an amount equivalent to 200 Empire State Buildings. In less than two years, VA converted claims processing to a 21st Century digital environment where claims for VA benefits and services can be submitted and processed, and benefits delivered, online.

Veterans increasingly are filing claims electronically from the start utilizing the eBenefits website <https://www.ebenefits.va.gov/ebenefits/homepage>. Veterans can submit their applications online, upload their supporting documentation, and check the status of their claim through a multi-channel Web portal boasting nearly 60 self-service features. [Source: NAUS Watchdog Newsletter | April 03, 2015 ++]

## **VA Surviving Spouse Website ► New Site**

The Department of Veteran Affairs has created a new internet website for surviving spouses and dependents of military personnel who died on active duty and for survivors and dependents of veterans who died after leaving the service. The site is organized into two broad categories-death in service and death after service. It provides visitors with information and about a wide range of benefits for surviving spouse, dependent children, and dependent parents of diseased veterans and active duty personnel. The site also has information from, and links to, other federal agencies and organizations that offer benefits and services to survivors and dependents.

Several options also apply to surviving retirees participating in the Survivor Benefit Plan (SBP), where the spouse is lost through death, divorce or annulment, and the retiree later remarries. Unless the former spouse coverage elected as part of the divorce, retirees who remarry have two choices. They can: Resume the prior level of coverage; Elect not to resume spouse SBP coverage, (this election is irrevocable), this election will not affect child coverage; or if the original election was for reduced coverage, the retiree may request the base amount be increased. There is also a link to frequently asked questions, and answer most questions. For more specific questions the site tells how to contact the VA directly. The new website can be found at <http://www.vba.va.gov/survivors>. Some of the topics found on this page include:

- Dependency and Indemnity Compensation
- Parents' Dependency and Indemnity Compensation
- Survivors Pension
- Home Loans
- Dependents' Educational Assistance Program
- Educational and Vocational Counseling
- Beneficiary Financial Counseling
- Civil Service Preference
- Commissary and Exchange Privileges
- Children of Vietnam Veterans with Certain Birth Defects
- Fiduciary Services [Source: 131st Bomb Wing RAO newsletter | March 2015++]

## ***VA Sexual Trauma Program Update ► Ruth Moore Act Reintroduced***

Sen. Jon Tester (D-MT) has introduced legislation to make it easier for veterans who suffered sexual abuse in the military to get help from the Veterans Affairs Department. The Ruth Moore Act aims to make it easier for veterans to get VA benefits by easing the department's "burden of proof" standards. As part of the VA's process to get disability benefits, a veteran must be able to show that their condition is connected to their time in the military. "Congress and the Pentagon must continue working together to address the prevalence of sexual violence in our armed services," Tester said in a statement. "And as we seek to bring justice to survivors of military sexual trauma, we must also make sure they are treated fairly in accessing the benefits they need. That's what this bill does."

According to the legislation, if a veteran says a mental health condition is connected to military sexual trauma, the VA will generally consider a diagnosis from a mental health professional to be "satisfactory" evidence for considering the condition to be related to military service. The legislation goes a step further, adding that, if there isn't evidence to the contrary, a veteran's testimony could be enough to "establish" that "the claimed military sexual trauma" happened. Tester's legislation comes as senators approved a handful of veteran-related amendments to the budget, which passed early Friday morning 27 MAR. Senators passed amendments on improving VA healthcare for rural veterans, allowing the agency to hire more mental healthcare workers, bolstering a program that gives veterans access to non-VA care, expanding the VA's research on issues related to female veterans and giving legally married same-sex couples access to VA benefits. Rep. Chellie Pingree (D-ME) has introduced a companion bill to Tester's legislation in the House. [Source: The Hill | Jordain Carney | March 27, 2015 ++]

## ***VA Women Advisory Committee Update ► 4 New Members***

Four new members have been appointed to the Department of Veterans Affairs' (VA) Advisory Committee on Women Veterans, an expert panel that advises the Secretary on issues and programs affecting women Veterans. Established in 1983, the Committee makes recommendations to the Secretary for administrative and legislative changes. "Women have made significant contributions to the safety and security of our great Nation. As we seek to enhance services for women Veterans, VA values the Committee's guidance," said VA Secretary Robert A. McDonald. "The Committee's recommendations help VA to identify and address gaps in service to better meet the needs of women Veterans today and in the future. VA welcomes the newest members of this important Committee."

Of the approximately 22 million living Veterans, about 2 million are women Veterans. They comprise 9.2 percent of the total Veteran population. VA estimates that by 2040, women Veterans will comprise approximately 16 percent of the total Veteran population. "VA is committed to offering a full continuum of benefits and health care services and is transforming itself to meet the evolving needs of our women Veterans," said Elisa Basnight, Director of VA's Center for Women Veterans, who echoed Secretary McDonald's sentiments. "This advisory committee plays an integral role in our progress." New members of the Committee are:

- Ms. Octavia Harris, El Cajon, California, a retired Command Master Chief, U.S. Navy; currently serves as a program manager of the Comprehensive Advanced Restorative Effort at the San Diego Naval Medical Center;
- Ms. Louisa Long Jaffe, Alexandria, Virginia, a retired Lieutenant Colonel, U.S. Army; currently serves as President and Chief Executive Officer of Technical and Project Engineering, LLC;
- Dr. Joyce Johnson, Chevy Chase, Maryland, a retired Rear Admiral, U.S. Public Health Service; currently practices medicine in the specialty of public health/preventive medicine, and serves as a global health/public health and management consultant; and
- Ms. Shannon McLaughlin, Sharon, Massachusetts, a Major serving full time in the Massachusetts National Guard, with combat service in Afghanistan.
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The new Committee members, who are appointed to two-year terms, join Committee members Dr. Shirley Quarles of Atlanta, Georgia; Ms. Felipe Torres, Helotes, Texas; and Ms. Mary Westmoreland, Bronxville, New York, who were also reappointed for another term. For more information about women Veterans, visit [www.va.gov/womenvet](http://www.va.gov/womenvet), or contact the Women Veterans Call Center at 1-855-829-6636. The call center is available to address concerns of women Veterans, their families and caregivers M-F 08-2000 and Sat 08-1830 EST. [Source: VA Blog | VAntage Point | April 02, 2015 ++]

## ***Homeless Vets Update ► VA Awards \$93M in SSVF Grants***

Secretary of Veterans Affairs Robert A. McDonald today announced the award of nearly \$93 million in Supportive Services for Veteran Families (SSVF) 3-year grants that will help approximately 45,000 homeless and at-risk Veterans and their families. The grants will be distributed to 24 non-profit agencies in 15 communities, with \$30 million in awards being distributed to the Los Angeles area. “The Department of Veterans Affairs is committed to using evidence-based approaches such as SSVF to prevent homelessness and produce successful outcomes for Veterans and their families,” said Secretary McDonald. “This is a program that works, because it allows VA staff and local homeless service providers to work together to effectively address the unique challenges that make it difficult for some Veterans and their families to remain stably housed.”

Under the SSVF program, VA is awarding grants to private, non-profit organizations and consumer cooperatives that provide services to very low-income Veteran families living in – or transitioning to – permanent housing. The grants announced today will provide additional resources to the fourth year operations of the SSVF program. “With the addition of these crucial resources, communities across the country continue an historic drive to prevent and end homelessness among Veterans,” said Matthew Doherty, Acting Executive Director of the U.S. Interagency Council on Homelessness. “The SSVF program gives Veterans and their families the rapid assistance they need to remain in permanent housing or get back into permanent housing as quickly as possible.”

Through the homeless Veterans initiative, VA committed more than \$1 billion in FY 2014 to strengthen programs that prevent and end homelessness among Veterans. VA provides a range of services to homeless Veterans, including health care, housing, job training and education. More information about VA’s homeless programs is available at [www.va.gov/homeless](http://www.va.gov/homeless). Details about the SSVF program are online at [www.va.gov/homeless/ssvf.asp](http://www.va.gov/homeless/ssvf.asp). [Source: VA News Release | March 31, 2015 ++]

## ***VA Aid & Attendance Update ► Assisted Living Services Funding***

A government attempt to close a loophole in a benefit for low-income wartime veterans could hurt many of those it was designed to help, a benefits consultant said. That's because the Department of Veterans Affairs' proposal goes beyond fixing a problem that arose from veterans transferring assets to family members or trusts in order to meet income limits for the pension benefit. The proposal would eliminate funding for assisted living services that many poor veterans rely on, said Patty Servaes of Elder Resource Benefits Consulting. “In most cases, these are the poorest of the poor veterans,” she said. A VA benefits official couldn't be reached for comment on provisions of the proposed regulation. The agency received more than 800 comments on the proposal, VA spokeswoman Megan Lutz said. The agency cannot estimate “when the final regulations will be ready for publication in the Federal Register,” she said.

The daughter of a World War II Navy veteran said the benefit had a significant impact on her father's final months. Having the government pay part of the \$4,000 monthly cost of staying at Overlook Green in Whitehall eased Joseph Quinn's mind, said his daughter, Kathleen Kotula of South Park. "I think it made him feel thankful that they were able to do that for him and his family," she said. Quinn, 91, of Bethel Park served on a minesweeper during the war. He retired as an industrial engineer from U.S. Steel Corp.'s Clairton Works. He had a good pension, but "once you start looking at a nursing home and that sort of thing, it can eat your money up quickly," Kotula said. The staff at Overlook Green made sure he took his medications and helped him to take a shower, she said.

The benefit covers such minimal care, but the proposal classifies help with medications and daily living as non-medical, Servaes said. "Under these new regulations, that's not going to qualify you," she said. The benefit in question provides up to \$2,120 per month for wartime veterans who are at least 65, or who have a disability not connected to their military service. A 2012 report by the Government Accountability Office recommended the VA add a look-back provision, similar to one used by Medicaid, to keep veterans from transferring assets in order to meet income guidelines. At least one veteran transferred more than \$1 million to an irrevocable trust three months before applying for the benefit, the study found. Though the VA knew about the transfer, it approved the benefit because the transfer wasn't illegal, the GAO said. Such transfers are legal for the veterans' benefit but tend to disqualify veterans for Medicaid coverage. The GAO found that some financial planners charged veterans hundreds to thousands of dollars in fees and urged them to transfer assets into trusts, even though that disqualified them for Medicaid.

The proposed change to the program would assume that any transfer made in the past three years before applying for the benefit was done to meet income requirements. That would disqualify the veteran from receiving the pension benefit for up to 10 years based on the amount transferred. The VA said in its Federal Register notice of the proposed change that a penalty period might keep financial advisers from suggesting that claimants "transfer assets ... to create the appearance of economic need where it does not exist." Joe Davis, spokesman for the Veterans of Foreign Wars, said the organization believes the proposal will benefit veterans. An American Legion spokesman couldn't be reached for comment. Although Servaes dislikes some details of the look-back proposal, she doesn't disagree with the general idea. She worries about veterans who need help with assisted living. A VA analysis estimated the agency could save \$134 million over five years from the look-back provision — but would save \$313 million on denied coverage for assisted living services. Given those figures, it appears the intent is to target assisted living, she said. "How could it not be?" Servaes said. [Source: Pittsburgh Tribune-Review | Brian Bowling | April 05, 2015 ++]