



Federal Update for August 5 - 9, 2013



GI Bill Update

A bill that would pay more to student veterans pursuing math and science degrees than to English or political-science majors is drawing opposition from the Veterans Affairs Department. Although science, technology, engineering and math degrees can lead to employment in high-demand occupations, VA doesn't like the idea of using GI Bill education benefits to steer academic choices. "The bill could create inequity of payments among veterans who have all earned the same benefit," VA officials said in a written statement to the Senate Veterans' Affairs Committee. The committee had the bill on its June 12 agenda for discussion, but no public comments were made and no decision has been made about whether to bring the measure to a vote. Student veterans currently "are free to pursue programs and degrees that best fit their personal and professional goals, yet this bill could result in higher payments to certain veterans based on an individual's decision to pursue a specific degree or career path," VA said.

The inequity would be even greater if a student received extra benefits at the start of their college career by pursuing a highly technical field only to later switch to another degree path. "Two beneficiaries could conceivably complete the same degree yet have received different payment amounts over the course of their education," VA said. However, the American Legion, the nation's largest veterans' group, supports the bill. "Degrees in these kinds of programs can often cost more or last longer than other programs of education, making them a less desirable option for transitioning service members who are concerned with starting new careers and supporting their families," the Legion said in a statement to the committee. The bill, S.514, sponsored by Sen. Sherrod Brown (D-OH) does not specify how much more a student would receive, leaving that up to VA. Extra benefits would be authorized for veterans using the Post-9/11 GI Bill, but not other veterans' education benefits program. Spouses or children using transferred Post-9/11 GI Bill benefits would not be eligible for the additional payments. Brown's bill also would give VA the opportunity to provide extra benefits for other

academic pursuits that prepare students for high-demand jobs. Robert Norton, deputy government relations director for the Military Officers Association of America, said he “appreciates the intent” but does not think the bill is necessary, noting that the Post-9/11 GI Bill already pays the full cost of tuition and fees at public colleges and universities. The additional money might be more useful if it went toward increasing the government’s contribution to tuition and fees at private institutions by raising the percentage of matching funds under the Yellow Ribbon program, Norton said. [Source: ArmyTimes | Rick Maze | 12 Jul 2013 ++]

GI Bill Update 2

Beginning 1 AUG, all active duty personnel who may choose to transfer Post-9/11 GI Bill benefits to a family member will be required to serve in uniform an additional four years, regardless of the years already served. The current policy allows service members to transfer benefits if they have served at least six years and agree to four additional years on active duty. Those who had 10 or more years of service could transfer the benefits without further commitment, but now they must also agree to serve four more years. Transferability is only available to active duty members. If a service member transferred the benefit and voluntarily leaves the military prior to completing the four additional years of service, the individual may be required to pay back those benefits. However, the requirement may be waived, if the service member is involuntarily separated. To apply to transfer the benefit, service members should first contact the Department of Veterans Affairs (VA) to establish their eligibility and then submit a transferability application. For additional information on GI Bill benefits visit <http://www.gibill.va.gov>. [Source: NAUS Weekly Update 19 Jul 2013++]

GI Bill Update 3

According to an AP report, the Senate may soon have the chance to vote on whether or not to remove the time limit for GI Bill benefits. Currently veterans have 10 years to use their Montgomery GI Bill (or 15 years to use their Post-9/11 GI Bill). The so-called delimiting date is determined by the veterans last discharge date. Senator Richard Blumenthal announced his new bill the Veterans Back to School Act of 2013 (S.873) on 28 MAY, saying the new bill that would repeal the “unfair and arbitrary time limits.” Blumenthal said more than 2 million veterans who missed the 10-year expiration date have been denied the benefits despite paying the required Montgomery GI Bill enrollment fee of \$1,200. While the bill

would not have an immediate effect on Post-9/11 vets, it would restore the GI Bill for many Vietnam, Cold-War, and Gulf-War era veterans who were unable to take advantage of their benefits within the 10 years after discharge. [Source: Military.com | Terry Howell | 30 May 2013 ++]

GI Bill Update 4

1 AUG marks the fourth anniversary of the Post-9/11 GI Bill. VA has issued approximately \$30 billion in Post 9/11 GI-Bill benefit payments since its inception in August 2009 and helped nearly 1 million Servicemembers, Veterans, and their families pursue their education. “The Post-9/11 GI Bill has helped many of our Nation’s Veterans pursue their education and successfully transition to civilian life,” said Secretary of Veterans Affairs Eric K. Shinseki. “We’re proud that the Department of Veterans Affairs can administer this important benefit that makes such a big difference in the lives of nearly a million Veterans and their families.” The Post-9/11 GI Bill is the most extensive educational assistance program since the Serviceman’s Readjustment Act of 1944, more commonly known as the GI Bill, was signed into law. Post-9/11 GI Bill provides comprehensive educational support through tuition, books and housing allowance to people with at least 90 days of total service after September 10, 2001, or people discharged with a service-connected disability after 30 days.

Approved training under the Post-9/11 GI Bill includes graduate and undergraduate degrees, vocational and technical training, on-the-job training, flight training, correspondence training, licensing and national testing programs, entrepreneurship training, and tutorial assistance. VA is now processing benefit payments for currently enrolled students in an average of seven days, largely as a result of VA’s ongoing transformation to electronic claims processing. The delivery of Post-9/11 GI Bill benefits has been automated and processing time cut in half through implementation of VA’s Long Term Solution, an end-to-end claims processing system that uses rules-based, industry-standard technologies. “Since the end of World War II, GI Bill programs have shaped and changed the lives of Veterans, Servicemembers, their families and their survivors by helping them reach their educational and employment goals,” said Allison A. Hickey, Under Secretary for Benefits. “That is still true today.”

In April 2012, President Obama signed Executive Order 13607 which established the Principles of Excellence, offering guidelines that promote student success under the program and ensure accurate information about institutions and their courses. Over 6,000 educational and training institutions have agreed to comply with these principles. “The Principles of Excellence, further strengthened by Public Law 112-249, provide future student Veterans with greater consumer education” said Michael Dakduk, executive director of Student Veterans of America. “It is extremely important to have the right tools and information before making a decision on a post-secondary credential, degree program, or institution of higher learning.” VA is working with schools, community organizations and other partners to ensure beneficiaries have all the information they need to use their education benefits, including:

- Education plans for all military and Veteran education beneficiaries;
- A designated point of contact for academic and financial advice at each school; and
- An end to fraudulent and aggressive recruiting techniques and misrepresentation.

This summer, VA is launching new tools to help beneficiaries learn more about their vocational aptitudes and select an education institution.

- The ‘Factors to Consider When Choosing a School’ guide offers future students steps to take when researching, choosing, and attending a school.
- CareerScope® is a free, new tool featured on <http://www.gibill.va.gov> that measures a student’s aptitude and interests through a self-administered online test, identifying potential career paths.
- The new GI Bill® Comparison Tool allows students to research and compare schools, including key indicators like average student loan debt and graduation rates.

“We will continue to work hard to improve VA’s benefits delivery process for Post-9/11 GI Bill beneficiaries and to ensure that Veterans and their families have the tools they need to choose the right education institution to help them build a foundation for the future,” Hickey added. For more information on the Post-9/11

GI Bill and other Veteran education programs, visit <http://www.gibill.va.gov>.

[Source: VA News Release 29 Jul 2013 ++]

TRICARE Prime Update

Legislation in both chambers of Congress offers an alternative to a plan by TRICARE Management Activity at the Pentagon to remove tens of thousands of beneficiaries from the TRICARE Prime program. The National Guard Association of the United States (NGAUS) supports the legislative efforts and made that known last week in a letter to Sen. Amy Klobuchar (D-MN) who authored the Keep Faith with TRICARE Prime Act, S.1078, in the Senate in May. The bill is similar to one in the House that was introduced the same month by Rep. John Kline (R-MN). That bill is H.R.1971. The legislation would give 170,000 beneficiaries who would lose TRICARE Prime under the agency's plan an opportunity to remain on TRICARE Prime if they prefer. The TRICARE plan would remove some people from PRIME on 1 OCT and enroll them in TRICARE Standard, which is more expensive and has a more limited network of providers. In the letter to Klobuchar, retired Maj. Gen. Gus L. Hargett Jr., the NGAUS president, said, "This will mean longer driving distances to obtain health care for those retirees in rural areas who cannot find providers nearby who accept Standard. This is not acceptable." In announcing his legislation, Kline said, "Promises made should be promises kept and the Pentagon should not break faith with our nation's heroes." TRICARE Management Activity offers information about its plan at <http://tricare.mil/psa>. [Source: NGAUS Washington Report 16 Jul 2013 ++]

Vet Jobs Update

National Guard and reserve members would receive preferential hiring credit for federal civilian jobs under bipartisan legislation introduced 18 JUL in the House and Senate. The Military Reserve Jobs Act would extend the already available veterans' hiring preference to reserve component members who may have only limited active-duty service. Where veterans receive a five-point boost on hiring preference under current law, National Guard and reserve members would get between three and five points, depending on their length of service. Three points would be awarded to those who complete basic training and have a six-year service obligation. Four points would be provided to those who have completed 10 years of reserve service as long as they earned a minimum of 50 retirement points each year and are still in a reserve component. Five points could be

claimed by Guard and reserve members who have completed 20 or more years of service but who are not yet receiving military retired pay.

Sens. Joe Donnelly (D-IN), Ted Cruz (R-TX) and Patrick Leahy (D-VT) are cosponsors of, the Senate version of the bill S.1320. Rep. Tim Walz (D-MN) is chief sponsor of the similar House measure. In a statement, Donnelly said the tiered point plan would give credit for a Guard or reserve member's commitment to public service without reducing the value of service for those who served on active duty. Leahy, co-chairman of the Senate National Guard Caucus, said he believes "if someone wears the uniform for our country, they should be given preference in federal hiring decisions." About 44 percent of Army National Guard members and 70 percent of Air National Guard members do not qualify for veterans' hiring preferences today because their only active-duty service was for training purposes and they have never deployed on a contingency operation, according to a statement from Donnelly's office. If accurate, that means about 131,000 Guard members would be eligible for preferential hiring points under the bill. No estimates were provided about the percentage of Army, Air Force, Navy and Marine Corps reserve members who currently qualify for veterans' hiring preferences. [Source: American Legion Leg Up 22 Jul 2013 ++]

Vet Benefits ~ Gay Couples

House Republicans will no longer defend a law that bars married, same-sex couples from receiving veterans' benefits available to married heterosexual couples. On 19 JUL, Buzzfeed reported that the House, responding to a 19 JUL deadline in a federal lawsuit challenging the veterans' benefits provision, asked to "withdraw as a party defendant" from the case. The Title 38 definition of "spouse" in the U.S. Code that governs veterans' benefits specifies — twice — that the person in question must be of the "opposite" sex in order to qualify. For married veterans and their partners, that effectively limits spousal benefits to straight couples. It's very similar to the language of the DOMA (Defense of Marriage Act) provision struck down in the Windsor decision, which is in part why the Department of Justice hasn't defended the law since 2012, after the administration's decision to stop defending DOMA itself. The Legal Advisory Group of the House of Representatives, controlled by the GOP, has been defending the provisions ever since.

The key passage from the motion filed by the Legal Advisory Group of the House of Representatives was: *The Windsor decision [of the Supreme Court] necessarily resolves the issue of DOMA Section 3's constitutionality in this case. While the question of whether [Title 38] is constitutional remains open, the House has determined, in light of the Supreme Court's opinion in Windsor, that it no longer will defend that statute. Accordingly, the House now seeks to leave to withdraw as a party defendant*

The House's decision to step away from Title 38 will resolve two notable pending lawsuits, both challenging Section 3 of DOMA and Title 38 in the U.S. Code for legally married same-sex couples in the U.S. The plaintiffs in the Massachusetts case addressed here argued on 18 JUL in a court filing that the DOMA decision should resolve the case in their favor. It looks like they were right. The second suit, out of California, was filed by the Southern Poverty Law Center on behalf a disabled veteran and her wife, who sought additional benefits available to heterosexual couples, and the right to be buried together in a veterans' cemetery. [Source: The Atlantic Wire | Abby Ohlheiser | 18 Jul 2013 ++]

POW/MIA Update

In 2010 a seven-member team from the Hawaii-based Joint POW/MIA Accounting Command investigated an anonymous lead that an American World War I soldier's remains were in an underground passageway in Connigis, France. According to an internal report by JPAC's Paul M. Cole, the accounting command had no authority to investigate a World War I case, but the team went anyway as part of three stops in France. What they found were a rubber skeleton, some nonhuman bones and some Champagne at the owner's chateau that apparently was to the team's liking, the report states. The J2 "intelligence" section of JPAC then proposed to send a recovery team to excavate — even though no human remains had been identified, and the chateau's owner thought someone might have mistakenly reported the Halloween rubber skeleton as remains, according to officials. It was "gross research misconduct," and it was among a series of JPAC trips to Europe that Cole characterized as "military tourism" boondoggles costing many thousands in taxpayer dollars.

The Star-Advertiser obtained a copy of the explosive and contentious 342-page draft JPAC study — which was disavowed and rejected by JPAC brass --after The

Associated Press published a story on it earlier this month. The former two-star general in charge of JPAC until November said he instituted a series of reforms after the report's research was completed in late 2010, correcting many problems within the Hawaii command. Still, the allegations in the study have prompted a Pentagon re-examination of JPAC — and infuriated some POW/MIA groups that claim the government agency moves too slowly on remains cases. "The report raises issues about how DoD accounts for missing service members," said Lt. Col. Jim Gregory, a Pentagon spokesman. "While this report remains a draft work, DoD takes seriously the allegations and recommendations in it." The undersecretary of defense for policy has initiated a review of the issues raised, including allegations of fraud, waste and abuse, Gregory said in an email.

Headquartered at Joint Base Pearl Harbor-Hickam, JPAC has a staff of about 500 and sends 70 teams a year on identification and recovery missions to a dozen countries in search of American service members missing from World War II, Korea and the Vietnam War. A sampling of the JPAC J2 section's "military tourism" visits to Europe showed that they did "not appear to be rigorous, demanding, or an imposition on anyone who enjoys luxury accommodations, fine hotels and top-tier cuisine," Cole said in the report, released in 2012. On another 2010 mission, this time to Italy, a JPAC team spent \$58,577, excluding airfare, to retrieve "additional portions" from a 1945 B-26 bomber crash when the crew had been "located, recovered, identified and removed from the roster of the missing 65 years ago," Cole said. Yet another 2010 mission to Italy saw four JPAC team members stay five nights at the Grand Hotel de la Minerva, where room rates started at \$500 a night, according to Cole. Now-retired Maj. Gen. Stephen Tom, who ran JPAC from 2010 to November 2012, said he already had targeted for change some of the shortcomings identified by Cole. Others, meanwhile, have sought to discredit Cole, pointing to inaccuracies in the report. "In a way, it's hard to double-check all the facts on that thing," said Tom. "I don't doubt that that type of stuff had gone on in 2010 (when Cole did his research), but he went overboard. ... It's like turning the knife in someone's back."

Tom said he doesn't dispute that a team noted in one of Cole's examples stayed at an expensive hotel in Italy. "It might have been a \$500-a-room hotel for some," Tom said, "but we were staying there for the government rate." Tom said he is not sure what that cheaper government rate was. After it was reported by The Associated Press, the Cole report touched a nerve with members of Congress and

some of the families of the more than 83,000 missing Americans desperately seeking closure with loved ones who went off to war and never returned. A separate Government Accountability Office examination of the remains recovery effort is due out soon. "Allegations of mismanagement at any federal agency are a matter to be taken seriously," said U.S. Sen. Mazie Hirono, a member of the Senate Armed Services Committee. "I am working with military officials and will closely examine the upcoming GAO report in order get a more complete view of what is going on in the unit." JPAC is tasked with a solemn mission of finding those who have given the ultimate sacrifice, and everyone can agree that this unit should carry out these duties with dignity and honor," she said. Adm. Samuel Locklear III, head of U.S. Pacific Command, JPAC's higher command, said 11 JUL, "I do think that there are areas where we need to take harder looks at how it (JPAC) is organized and how the mission steps are prioritized."

Tom said he improved the accounting command by instituting standard operating procedures and engaging in a "wholesale restructuring" in the summer of 2012. Overseas investigations had been run by civilians in the J2 section, while follow-up excavation and recovery missions were overseen with "stricter military command and control," Tom said. Tom said he put them both under military control. The military teams had to file daily reports and had responsibility for enforcing proper standards and conduct, Tom said. Asked whether there was previously not enough oversight of the overseas missions by the J2 section, Tom said, "Let me just say that it needed improvement." He also said he put in place a special board to review whether overseas missions were warranted. Tom said he asked for the report as the accounting command looked ahead to a congressional mandate that JPAC increase its identifications of American war dead to 200 per year by 2015 — more than double the 80 identifications in 2011. But the former commander said he also ultimately rejected Cole's report because it did not look at all sections of JPAC as requested, and because of personal attacks it made on JPAC personnel. "That's not what I wanted," Tom said.

The past European excursions are harshly criticized as extravagances, while their shortcomings — failing to produce enough new remains to be identified — threatened to undermine JPAC's mission of accounting for missing American service members, Cole said in the report. At the time that Cole gathered his information, he estimated that JPAC was wasting in excess of \$3.5 million per year on products and services that were "unwanted, unneeded, unused or defective."

Cole revealed that it took 18 "site surveys" to produce one Southeast Asia identification and 36.75 site surveys to produce one World War II identification. Gregory, the Pentagon spokesman, said that unlike Vietnam War case files, with more than 40 years of research and investigative work, the case files for World War II are minimal. "JPAC has had to develop a reservoir of information to kick-start the nascent World War II recovery activity," he said. "This required increasing mission-essential travel and operations in Europe as well as the Pacific." Tom said JPAC is focusing on Europe because of the larger numbers of missing bomber crew members it can recover. Also under his command, teams working on recoveries from Vietnam began using Vietnamese to do the searches, reducing the number of Americans needed, he said.

Mark Sauter and John Zimmerlee obtained the report for their book, "American Trophies: How US POWs Were Surrendered to North Korea, China and Russia by Washington's Cynical Attitude." The Cole report affirms how America has failed to make accounting for its missing a top priority, Sauter said. The ebook will be available at <http://www.cynicalattitude.com>. "A tragic part of the behavior in this report is how it diminishes the service of the many JPAC people who have suffered and even risked their lives to recover remains," Sauter said. Lynn O'Shea, director of research with the National Alliance of Families for the Return of America's Missing Servicemen, said JPAC has been allowed to do anything it wants and get away with anything it wants. "JPAC has become its own little kingdom, run by a group of people that never changes, no matter who the commanding general is," O'Shea said. The National League of POW/MIA Families, however, decried the Cole report, saying it pitted the Central Identification Laboratory against other JPAC entities. "Inaccuracies and manipulated data in his report, largely unfounded assertions and personal accusations reflect a lab-generated power-play seeking greater lab control within JPAC," the group said on its website. The Honolulu Star-Advertiser | William Cole | 15 Jul 2013 ++]

POW/MIA Update 2

"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 (73,000+), Korean War (7,900+), Cold War (126), Vietnam War (1,655), 1991 Gulf War (0),

and OEF/OIF (6). 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.dtic.mil/dpmo/accounted_for. For additional information on the Defense Department's mission to account for missing Americans, visit the Department of Defense POW/Missing Personnel Office (DPMO) web site at <http://www.dtic.mil/dpmo> or call (703) 699-1420. The remains of the following MIA/POW's have been recovered, identified, and scheduled for burial since the publication of the last RAO Bulletin:

Vietnam

- The DPMO announced 8 JUL that the remains of a U.S. serviceman, missing in action from the Vietnam War, has been have been identified and have been returned to his family for burial with full military honors. Navy Hospital Corpsman 3rd Class Michael B. Judd of Cleveland was buried on July 15, in Arlington National Cemetery. On June 30, 1967, Judd was aboard a CH-46A Sea Knight helicopter that was attempting to insert a U.S. Marine Corps reconnaissance team into hostile territory in Thua Thien-Hue Province, Vietnam. As the helicopter approached the landing zone, it was struck by enemy fire from the surrounding tree line, causing the aircraft to catch fire. The aircraft crashed landed. Although most of the reconnaissance team survived, Judd and four other crew members of the team, died in the crash. In 1993, joint U.S./Socialist Republic of Vietnam (S.R.V.) teams investigated the case in Thua Thien-Hue Province. The team interviewed local villagers who claimed to have discovered an aircraft crash site in the nearby forest while searching for firewood in 1991. The team surveyed the location finding aircraft wreckage that could not be associated with a CH-46A. During the 1990s, joint U.S./S.R.V. teams continued to investigated the loss in Thua Thien-Hue Province. In 1999, the team interviewed the same local villagers who provided relevant case information and the joint team surveyed the crash site again, this time uncovering aircraft wreckage consistent with a U.S. military helicopter. In 2012, joint U.S./ S.R.V. recovery teams began excavating the crash site and recovered human remains and aircraft wreckage from the CH-46A helicopter that Judd was aboard. Scientists from the Joint POW/MIA

Accounting Command (JPAC) and the Armed Forces DNA Identification Laboratory (AFDIL) used forensic identification tools and circumstantial evidence, including dental comparisons in the identification of Judd remains.

Korea

- The DPMO announced 18 JUL that the remains of a U.S. serviceman, missing in action from the Korean War, have been identified and have been returned to his family for burial with full military honors. Army Sgt. Bernard J. Fisher of Wilkes Barre, Pa., was buried July 16, in Arlington National Cemetery. In January 1951, Fisher and elements of Company L, 3rd Battalion, 19th Infantry Regiment (IR), 24th Infantry Division (ID), were deployed northeast of Seoul, South Korea, where they were attacked by enemy forces. During the 19th IR attempt to delay the enemy forces from advancing, Fisher and his unit moved towards a more defensible position, when the unit suffered heavy losses. It was during this attack, that Fisher was reported missing. In July 1951, the U.S. Army Graves Registration recovered the remains of four men north of Shaha-dong, near Seoul, South Korea. The remains were buried in the United Nation Cemetery at Tanggok, South Korea, and were disinterred and transferred to the U.S. Army's Central Identification Unit in Kokura, Japan for laboratory analysis. During the analysis the remains of three men could not be positively identified. In March 1955, a military review board declared the remains of the fourth to be unidentifiable. The unidentified remains were transferred to Hawaii, where they were interred as "unknown" at the National Memorial Cemetery of the Pacific, also known as the "Punchbowl." In 2012, U.S. officials reevaluated Fisher's records and determined that with advances in technology, the unknown remains could likely be identified. Following the reevaluation, the decision was made to exhume the remains for scientific analysis identification. In the identification of the remains, scientists from the Joint POW/MIA Accounting Command (JPAC) used circumstantial evidence and forensic identification tools, such as dental comparison and chest radiograph – which matched Fisher's records.
- The DPMO announced 22 JUL that the remains of a U.S. serviceman, missing from the Korean War, have been identified and will be returned to

his family for burial with full military honors. Army Cpl. Glyndon E. Moyer, 18, of Luray, Va., will be buried July 25, in his hometown. In late November 1950, Moyer and elements of the 31st Regimental Combat Team (RCT) were deployed along the east of the Chosin Reservoir near Sinhung-ri, South Hamgyong Province, in North Korea. On Dec. 1, 1950 remnants of the 31st RCT, known historically as Task Force Faith, began a fighting withdrawal to a more defensible position near the Hagaru-ri, south of the reservoir when he was reported missing Dec. 2, 1950. Between 1991 and 1994, North Korea gave the United States 208 boxes of remains believed to contain the remains of 200-400 U.S. service members. North Korean documents, turned over with some of the boxes, indicated that some of the human remains were recovered from the area where Moyer was last seen. In the identification of Moyer, scientists from the Joint POW/MIA Accounting Command (JPAC) and the Armed Forces DNA Identification Laboratory (AFDIL) used circumstantial evidence, and forensic identification tools such as dental comparisons, mitochondrial DNA – which matched Moyer’s sister and brother. Using modern technology, identifications continue to be made from remains that were previously turned over by North Korean officials.

- The DPMO announced 23 JUL that the remains of a U.S. serviceman, missing from the Korean War, were recently identified and will be returned to his family for burial with full military honors. Army Sgt. Clement Thibodeaux Jr., 18, of Baton Rouge, La., will be buried July 26, in Church Point, La. In late Nov. 1950 elements of the 25th Infantry Division (ID) and 35th Infantry Regiment (IR) were fighting with units of the Chinese army north of the Ch’ongch’on River in North Korea. In the course of the fighting, and the subsequent withdrawal by U.S. forces, the 25th ID suffered extensive casualties, with numerous men being taken captive by the Chinese. It was during this withdrawal, Thibodeaux was captured by enemy forces. In 1953, returning U. S. personnel told debriefers that Thibodeaux had been captured and taken by enemy forces to a POW camp known as “Death Valley.” Soldiers also stated that in Jan. 1951 Thibodeaux died from malnutrition and pneumonia. His remains were not among those returned by communist forces in 1954. In 2005, a joint U.S. and Democratic People's Republic Korea (D.P.R.K.) team excavated a site in Unsan County in North Korea and found multiple remains. The remains subsequently were

repatriated to the U.S. and were sent for scientific identification. In the identification of Thibodeaux, scientists from the Joint POW/MIA Accounting Command (JPAC) and the Armed Forces DNA Identification Laboratory (AFDIL) used circumstantial evidence, and forensic identification tools such as dental comparisons and mitochondrial DNA – which matched Thibodeaux's brother.

- The DPMO announced 26 JUL that the remains of a U.S. serviceman, missing from the Korean War, have been identified and will be returned to his family for burial with full military honors. Army Sgt. 1st Class Joseph D. Steinberg, 31, of San Francisco, Calif. will be buried Aug. 1, in San Bruno, Calif. In Feb. 1951 Steinberg and Battery C, 15th Field Artillery Battalion, were a part of the Support Force 21 in a major offensive near Hoengsong, South Korea when they were overrun and suffered over 200 casualties. Steinberg and over 100 men were taken as prisoners. Following the war, Steinberg's remains were not accounted for. Between 1991 and 1994, North Korea gave the United States 208 boxes of remains believed to contain the remains of 200-400 U.S. service members. North Korean documents, turned over with some of the boxes, indicated that some of the human remains were recovered from the area where Steinberg was last seen. In the identification of Steinberg, scientists from the Joint POW/MIA Accounting Command (JPAC) and the Armed Forces DNA Identification Laboratory (AFDIL) used circumstantial evidence, and forensic identification tools such as dental comparisons, bone samples, and mitochondrial DNA – which matched Steinberg's sister, niece, and nephew. Using modern technology, identifications continue to be made from remains that were previously turned over by North Korean officials. Today, more than 7,900 Americans remain unaccounted-for from the Korean War. Identifications continue to be made from the remains that were returned to the United States, using forensic and DNA technology.

World War II

- The Department of Defense POW/Missing Personnel Office (DPMO) announced 16 JUL that the remains of a U.S. serviceman, missing from World War II, have been identified and are being returned to his family for burial with full military honors. Army Sgt. Jerome E. Kiger, of Mannington,

W.V., will be buried on July 21, in Fairmont, W.V. On July 21, 1944, a B-24H Liberator aircraft, which carried nine crew members, was shot down by enemy fire and crashed while on a bombing raid to Oberpfaffenhofen, Germany. Of the nine crew members, six were able to parachute to safety and a seventh crewman's remains were recovered near Hadorf. Kiger and another crewman were not recovered. Attempts to recover their remains after the war were unsuccessful. In 2009, a German national turned over human remains to a Joint POW/MIA Accounting Command (JPAC) investigating team who was operating in southern Germany. The German national recovered the remains and aircraft wreckage from a crash site southwest of Munich. In 2012, a JPAC recovery team excavated the suspected crash site southwest of Munich, locating additional human remains and aircraft wreckage. To identify Kiger's remains, scientists from JPAC and the Armed Forces DNA Identification Laboratory (AFDIL) used circumstantial evidence and forensic identification tools such as dental comparisons and mitochondrial DNA, which matched Kiger's sister and niece.

Following is a Summary of Veteran Related Legislation Introduced in the House and Senate Since the Last Bulletin was Published

- H.R.2704: Department of Veterans Affairs Budget Planning Reform Act of 2013. A Bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to submit to Congress a Future-Years Veterans Program and a quadrennial veterans review, to establish in the Department of Veterans Affairs a Chief Strategy Officer, and for other purposes.
- H.R.2726: Long-Term Care Veterans Choice Act. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts and agreements for the transfer of veterans to non-Department medical foster homes for certain veterans who are unable to live independently.
- H.R.2743: Veterans Eagle Parks Pass Act. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

- H.R.2749: Veterans Education Transparency Act. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to make certain records available to educational institutions where veterans or persons receiving educational assistance under the laws administered by the Secretary are enrolled, and for other purposes.
- S.1295: VA Notice of Relevant Services Available to Vets from VSO's. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide veterans with notice, when veterans electronically file claims for benefits under laws administered by the Secretary, that relevant services may be available from veterans service organizations, and for other purposes.
- S.1296: Servicemember's Electronic Health Records Act of 2013. A bill to amend the Wounded Warrior Act to establish a specific timeline for the Secretary of Defense and the Secretary of Veterans Affairs to achieve interoperable electronic health records, and for other purposes.
- S.1320: Military Reserve Jobs Act of 2013. A bill to establish a tiered hiring preference for members of the reserve components of the armed forces.
[Source: <http://www.loc.gov> & <http://www.govtrack.us/congress/bills> Jul 2013 ++]

Senate Vet Bill Progress

The Senate Veterans Affairs Committee voted along party lines to extend special Caregiver benefits for Post-9/11 veterans to the Caregivers of veterans of prior conflicts at a markup hearing Wednesday, but it failed to identify a "Payfor" to cover the \$8.5 billion cost drawing the opposition of panel Republicans.

Caregivers of veterans who served after Sept. 10, 2001 receive special benefits including training, counseling, respite care and a stipend depending on the severity of a veteran's disability. The Committee favorably voted out a number of other measures including:

- In-State Tuition for Student Veterans. Veterans enrolled at any public college will be reimbursed at the in-state tuition rate even if they haven't established residency. The bill takes effect on July 1, 2015 and veterans would have three years from separation to claim the in-state rate if they are non-residents.
- VA Claims backlog. The VA must report publicly every quarter on disability claims goals and how it's meeting those objectives

- **Veteran Status for Certain Career Reservists.** An amended provision honors as veterans National Guard and Reserve members who served long enough to earn a reserve pension and TRICARE benefits but performed no service on active duty orders. Prior versions of the bill, S. 629, foundered on objections that the legislation would open up unearned veterans benefits. The compromise language authorizes veteran status to the career reservists but strikes any reference to Title 38, the U.S. set of laws governing veterans benefits.
- **Sexual Assault Claims.** Veterans traumatized by sexual assault in military service can apply for disability under procedures similar to those created for PTSD claims.
- **Survivor Education Benefits.** Surviving spouses of fallen service members of the Afghanistan and Iraq wars will be authorized the same schooling benefits their children get under the Fry Scholarship program.
- **COLA Increase.** Disability, pension and other benefits paid by the VA will get a rate hike on January 1, 2014 based on any adjustment to Social Security benefits.
- **Definition of spouse.** VA laws will be changed to reflect the Supreme Court's decision on same-sex couples.

Other bills also cleared the panel for floor vote over the objection of Ranking Member Richard Burr (R-NC). The panel extended for two years the popular Veterans Retraining Assistance Program (VRAP) that re-opens training benefits under the Montgomery GI Bill to veterans aged 35-60; approved advanced fertility treatment to approximately 2,000 veterans, male and female, with severe wounds or injuries from IED blasts; and created two new employment programs for veterans. Burr opposed the provisions and the Caregiver extension “so we won’t continue to saddle future generations of Americans with continued debt.” Committee Chairman Bernie Sanders (I-VT) promised he would do his “best to find the funding” before the bills reach the floor of the Senate. [Source: MPAA Leg Up 26 Jul 2013 ++]

VA Hosts National Veterans Small Business Conference in St. Louis

WASHINGTON (Aug. 6, 2013) – The Department of Veterans Affairs, in collaboration with other federal agencies and commercial partners, is hosting the

National Veterans Small Business Conference from Aug. 6-8 at the America's Center Convention Complex in St. Louis.

"VA is committed to bringing more Veteran-owned small businesses into a public-private partnership to help them grow and succeed," said Secretary of Veterans Affairs Eric K. Shinseki. "This event is a unique opportunity for Veteran-owned small businesses to connect directly with government procurement decision makers and business partners."

This is VA's premier government event designed to help Veteran entrepreneurs compete for -- and win -- new business.

By attending, Veteran-owned business owners will have the one-of-a-kind opportunity to connect directly with representatives from nearly 30 federal agencies. This year's event also includes 30 commercial companies that are committed to expanding their supply base with Veteran-owned businesses.

Among the businesses participating are Ford Motor, Lockheed Martin, and Pfizer. Government participants include the Army Corps of Engineers, U.S. Agency for International Development and the State of Missouri.

Participants will receive information, tools, tips, techniques and how-to instructions to start, build and expand a small business into a life-changing reality. Veterans will be able to attend hundreds of training courses. Networking opportunities include business requirements sessions, networking roundtables, receptions and over 400 exhibits at the two-day expo.

Finally, Veterans will learn about getting the Veteran-owned business certification needed to compete for federal contracts, outreaching to veteran communities, and targeting networking to discuss government procurement and contracting requirements.

Contractor growth rates are down as the U.S. emerges from the worst economic crisis since the Great Depression. However, contracting for service-disabled, veteran-owned small businesses is increasing at an annual growth rate of 15 percent.

There are 26 million small businesses in the United States. Of these, 3.6 million are owned by Veterans and service disabled Veterans. They employ over 1.8 million workers and generate over \$1.6 trillion in revenue. VA assists Veteran-owned businesses with everything from small business start-ups to large defense contracts.

VA Reaches Out to Veterans about the Health Care Law

WASHINGTON (Aug. 6, 2013) – The Department of Veterans Affairs has launched an awareness campaign and a new website, www.va.gov/aca, to let Veterans know what the Affordable Care Act means for them and their families. Veterans receiving health care from the Department of Veterans Affairs will see no change in their benefits or out-of-pocket costs when portions of the Affordable Care Act take effect next year.

“VA wants all Veterans to receive health care that improves their health and well-being,” said Secretary of Veterans Affairs Eric K. Shinseki. “If you are enrolled in VA health care, you do not need to take any additional steps to meet the health care law coverage standards. If you are not enrolled in VA health care, you can apply at any time.”

“VA encourages eligible Veterans who are not enrolled in VA’s health care system to take advantage of the world-class care we provide to the men and women who have served this Nation in uniform,” Shinseki added.

Veterans can apply for VA health care at any time by visiting www.va.gov/healthbenefits/enroll, calling 1-877-222-VETS (8387), or visiting their local VA health care facility. Full details on eligibility are available at www.va.gov/opa/publications/benefits_book

VA’s health care system for Veterans has no enrollment fee, no monthly premiums and no deductibles. Most Veterans also have no out-of-pocket costs, though some may have small copayments for some health care or prescription drugs.

“VA will continue to provide Veterans with high quality, comprehensive health care and other benefits they have earned through their service,” said Dr. Robert Petzel, VA’s chief physician and under secretary for health.

The Affordable Care Act was created to expand access to coverage, reduce rising health care costs, and improve health care quality and care coordination. The Affordable Care Act creates new opportunities for coverage for uninsured Veterans and their families.

There are more than 1.3 million Veterans and more than 950,000 spouses and children of Veterans without health insurance. Most uninsured Veterans are eligible for VA health care. For those who are not eligible for VA care – such as Veterans’ family members – the law created a new Health Insurance Marketplace.

In 2014, the [Marketplace](#) will be a new way to shop for and purchase private health insurance. People who purchase insurance through the Marketplace may be able to lower the costs of health insurance coverage by paying lower monthly premiums. For more information, visit www.healthcare.gov.

For information about VA health care and the Affordable Care Act, VA encourages Veterans and family members to visit the new website at www.va.gov/aca, or call 1-877-222-VETS (8387), Monday through Friday from 8 a.m. to 10 p.m. or Saturdays from 11a.m. to 3 p.m., Eastern time. The new website includes a Health Benefits Explorer, where Veterans can learn about the benefits they can receive if they enroll in VA care.

NASDVA Joins Fully Developed Claims Community of Practice

WASHINGTON (Aug. 8, 2013) – The Department of Veterans Affairs (VA) today welcomed the National Association of State Directors of Veterans Affairs (NASDVA) to the Fully Developed Claims (FDC) Community of Practice (CoP), which was established in May to speed the processing of Veterans’ disability compensation claims by promoting the early submission of all available evidence needed by VA to reach a disability rating decision. NASDVA joins Veteran Service

Organizations, the American Legion and Disabled American Veterans, who are charter members of the community.

“We’re thrilled NASDVA is part of the effort to increase the number of Veterans filing fully developed claims so that earned benefits can be delivered faster,” said Under Secretary for Benefits Allison A. Hickey. “State Veterans Affairs offices help many thousands of Veterans across the country each year to get the benefits they deserve, and their support is critical in meeting our goal of processing all claims within 125 days in 2015.”

Claims are considered “fully developed” when Veterans submit all available supporting evidence, such as private treatment records, at the time they first file a formal claim and certify they have no additional evidence to submit. VA can typically complete FDCs in half the time of traditionally filed claims.

Last week, VA announced that Veterans filing an FDC may be entitled to up to one year of retroactive disability benefits. The retroactive benefits, which are in effect Aug. 6, 2013, through Aug. 5, 2015, are a result of a comprehensive legislative package passed by Congress and signed into law by President Obama last year.

“I strongly encourage all states to embrace a claims culture that is centered on FDCs,” said NASDVA President W. Clyde Marsh in a letter to members. “In order to make a huge impact on reducing the nation’s claims backlog, it will take a collective effort with NASDVA, Veterans Service Organizations (VSOs), the Veterans Benefits Administration (VBA) and Veterans.”

NASDVA has encouraged its member states to participate in FDC workshops at VA regional offices and to make a specific commitment to increase the percentage of FDCs submitted in their states (www.benefits.va.gov/fdc).

NASDVA is made up of directors and commissioners overseeing state-run Veterans programs and represents all fifty states, the District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico and the Virgin Islands.