



Federal Update for December 16 - 20, 2013



VA to Expand Benefits for Traumatic Brain Injury

WASHINGTON (Dec. 16, 2013) – Some Veterans with traumatic brain injury (TBI) who are diagnosed with any of five other ailments will have an easier path to receive additional disability pay under new regulations developed by the Department of Veterans Affairs.

The new regulation, which takes effect 30 days from today, impacts some Veterans living with TBI who also have Parkinson’s disease, certain types of dementia, depression, unprovoked seizures or certain diseases of the hypothalamus and pituitary glands.

“We decide Veterans’ disability claims based on the best science available,” said Secretary of Veterans Affairs Eric K. Shinseki. “As scientific knowledge advances, VA will expand its programs to ensure Veterans receive the care and benefits they’ve earned and deserve.”

This regulation stems from a report of the National Academy of Sciences, Institute of Medicine (IOM) regarding the association between TBI and the five diagnosable illnesses. The IOM report, *Gulf War and Health, Volume 7: Long-Term Consequences of Traumatic Brain Injury*, found “sufficient evidence” to link moderate or severe levels of TBI with the five ailments.

The new regulations, printed in the *Federal Register*, say that if certain Veterans with service-connected TBI also have one of the five illnesses, then the second illness will also be considered as service connected for the calculation of VA disability compensation.

Eligibility for expanded benefits will depend upon the severity of the TBI and the time between the injury causing the TBI and the onset of the second illness. However, Veterans can still file a claim to establish direct service-connection for

these ailments even if they do not meet the time and severity standards in the new regulation.

Veterans who have questions or who wish to file new disability claims may use the eBenefits website, available at www.eBenefits.va.gov/ebenefits.

Servicemembers who are within 180 days of discharge may also file a pre-discharge claim for TBI online through the VA-DoD eBenefits portal at www.eBenefits.va.gov/ebenefits.

The published final rule will be available Dec. 17 at <http://www.regulations.gov>.

Information about VA and DoD programs for brain injury and related research is available at www.dvbic.org.

Information about VA's programs for Gulf War Veterans is available at www.publichealth.va.gov/exposures/gulfwar/hazardous_exposures.asp.

DoD Benefit Cuts Update ► Under 62 Retiree Budget Deal Impact

The yearly value of a 20-year military retirement would be cut for the current force steadily until age 62 under a COLA cap provision in the "bipartisan" budget deal struck by Rep. Paul Ryan (R-WI) and Sen. Patty Murray (D-WA) the House and Senate budget committee chairmen. The cumulative effect would be to cut the lifetime value of military retirement by roughly \$83,000 for a typical enlisted member who retires at age 40 after 20 years' service. The typical officer retiring at age 42 after 20 would lose about \$124,000. That's according to retired Air Force Col. Michael F. Hayden, director of government relations for Military Officers Association of America. Hayden also serves as co-chair of The Military Coalition, an umbrella group of more than 30 military and veteran associations, rushing to try to kill the deal.

Targeted in the Ryan-Murray deal is full inflation protection for "working age" military retirees, those younger than 62. Retirees 62 and older would continue to get annual cost-of-living adjustments (COLAs) that match inflation as measured by

the government's Consumer Price Index. Retirees younger than 62, and future retirees including currently serving members, would see yearly COLAs in retirement cut by one-percentage point below inflation until age 62. At that point they would receive a one-time catch up in their annuity to restore lost purchasing power going forward into old age. The Ryan-Murray deal, said Hayden, reneges on assurances by Congress in setting up the Military Compensation and Retirement Modernization Commission last year, as well as promises from President Obama and his defense secretaries, that any substantive changes to retirement would be "grandfathered," impacting only future generations of members. Current retirees or serving members were to be protected.

The budget deal, said Hayden, 'basically shoots the grandfather.' "I have to think anyone who signed on to this doesn't understand the full effect it will have on purchasing power of promised retired pay," Hayden said. The message being sent to the current force and younger retirees is, he said, "they just changed the rules on the benefit you signed up for." To do so without the armed services committee holding a single hearing, and without any analysis conducted on the impact on force readiness, said Hayden, is "absolutely insane." "You have a group of lawmakers not affiliated with the military that completely backdoor these changes," Hayden said. Murray serves on the Senate appropriations subcommittee on defense and the veterans affairs committee, which she chaired for a few years until becoming budget committee chairman last year. Hayden said The Military Coalition was rushing to try to stop the budget deal from becoming law. He wasn't optimistic.

"They basically are putting a lump of coal in the stocking and running out for the holidays," Hayden said. Hayden said this would have "a significant impact on members and their families looking to make the military a career." The long-term financial impact is enough to change minds "on whether to stay in the military." Congress and the White House seemed unaware of the hornet nest they had kicked inside the military community. At a press conference late Tuesday, Ryan and Murray congratulated themselves on reaching a deal that takes a first step toward reducing the deficit through bipartisan compromise, eases across-the-board sequestration cuts to federal programs, including defense, and protects their "core beliefs." For him, Ryan said, those are no tax increases and replacing arbitrary cuts of sequestration with "smart, targeted reforms." "We eliminate waste. We stop sending checks to criminals. We cut corporate welfare. We reform

some mandatory programs and we start to make real reforms in these autopilot programs that are the drivers of our debt in the first place," Ryan said. One "autopilot" program, in his view, appears to be full COLAs for working-age military retirees.

"For younger military retirees, we trim their cost-of-living adjustment just a bit," explains a fact sheet released by Ryan's committee. "It's a modest reform for working-age military retirees." The first capped COLAs would take effect in January 2016. President Obama called the deal "balanced" and "a good first step" to replace sequestration which has "harmed students, seniors and middle-class families and served as a mindless drag on our economy over the last year." The deal, the president continued in a written statement, includes "targeted fee increases and spending cuts designed in a way that doesn't hurt our economy or break the ironclad promises we've made to our seniors."

Murray said the deal would cut \$6 billion from military retirement over 10 years, and another \$6 billion from federal civilian retirement by forcing new hires with fewer than five years' federal service to contribute an additional 1.3 percent of salary toward their pensions. "We think it's only fair that hard-working taxpayers who paid for the benefits that our federal employees receive are treated fairly as well," said Ryan. "We also believe it's important that military families as well as non-military families are treated equally and fair. "The Federal Employees Retirement System (FERS), which took effect in 1987, only provides full inflation protection in years when the CPI increase is two percent or less. If inflation is between two to three percent, COLA is set at two percent. If the CPI is more than three percent, COLAs for FERS are set one percent below the CPI. Advocates for military retirees argue that FERS wasn't imposed on career employees. They could stay under a system still paying full COLAs. [Source: Military.com | Tom Philpott | 11 Dec 2013 ++]

Yellow Ribbon Reintegration Program ► Reserve Post-Deployment

A Department of Defense program that has helped ease the post-deployment process for thousands of Guard and reserve members and their families in recent years will remain vital even after combat operations wind down in Afghanistan, a senior defense official who helped establish it told American Forces Press Service.

DoD launched the Yellow Ribbon Reintegration Program in 2008 to ensure reserve-component members have access to the information and resources they need to effectively reintegrate with their families, communities and their employers, said Ronald G. Young, who oversees the program as executive director of Employer Support of the Guard and Reserve.

Over the past 12 years, about 900,000 Guard and reserve members have been called to duty, many for extended combat deployments. But unlike their active-duty counterparts, who returned to the extensive support of an installation after deployment, many reserve component members returned to communities that didn't always understand the depth of their experience and to families unfamiliar with military demands. "When we brought home our units from mobilizations in Iraq and Afghanistan, they would demobilize at an active-duty installation" often far from their homes, Young explained. "Here we were, trying to tell unit members about all the services and support they were entitled to now that they were returning home, yet nobody from the local vicinity where they lived or where the unit was located was there to support them." The Yellow Ribbon Reintegration Program helped bridge that gap, ensuring geographical separation from the military didn't leave troops emotionally or socially isolated. Yellow Ribbon coordinators fanned out across the United States to deliver support and services where service members and their families could access them.

Although DOD has oversight of the program, each service tailored its own program to its members' needs. But they share a general format, with at least one event scheduled at the alert phase, during deployment, and at 30, 60 and 90 days after redeployment. In addition, family programs help ensure family members understand the deployment and reintegration processes and know about resources available to help them. "We as a department have recognized the importance of a program to reintegrate our service members back into their local communities with the local support organizations right there," Young said. Now that combat deployments are drawing down and fewer reserve-component units are being mobilized, Young said it's critical that the Yellow Ribbon Reintegration Program remains strong. "We have learned that the Yellow Ribbon Reintegration Program is important to readiness, regardless of whether you are mobilizing for a war or mobilizing to go to Europe to backfill for a unit there. You don't have to be leaving to go into a war zone to need the type of support this program provides," Young said. "So I see the Yellow Ribbon Reintegration Program as an enduring

program for the department," he said. "It helps us to reorganize, refit and prepare out units so they are ready when they are needed again in the future."

Based on the key role the reserve components play in national defense, Young said that future is now. "Today, we have 55,000 Guard and reserve members on active duty around the world," he reported. "The Guard and reserve are no longer just a strategic force, to be put on the shelf and await the next engagement somewhere," Young added. "They are part of the operational force, and my belief is that the Guard and reserve will continue to be utilized into the future for operational missions." By some estimates, members of the reserve components could be even more important as the services reduce the size of their active forces, he noted. "When they return home, they are going to need that same support and assistance to reintegrate with their families," Young said. "And therefore, the Yellow Ribbon Reintegration Program is going to remain important to the readiness of our future force. It helps keep our force ready, it keeps our family ready and it is vitally important for our operational Guard and reserve."

To remain relevant post-conflict, the Yellow Ribbon Reintegration Program has to be reliable, resourced and with trained coordinators ready to provide support when needed, whether during peacetime or war, Young said. DOD is exploring ways to deliver online training and a centralized, ready source of information for those who need it, he said. As the program incorporates best practices learned from current operations, Young said it must be agile to adapt to future needs and operating environments. "As part of that, we are adjusting the program content to make it scalable" to suit the size and duration of future mobilizations, he said. "And the program has to be committed," Young said. "We must remain dedicated to those who serve and those we support through a process of continuous evaluation and improvement of the program to ensure it provides enduring support to the services." [Source: AFPS | Donna Miles | 2 Dec 2013 ++]

Sequestration Update ► H.R.3639 Calls for Chained-CPI

A Navy veteran in Congress proposes protecting defense spending with an ambitious plan for cutting federal entitlements — including military retired pay. Rep. Jim Bridenstine (R-OK), a former Navy pilot who flew combat missions off the

aircraft carrier Abraham Lincoln over Iraq and Afghanistan, introduced a bill 2 DEC that he calls the Provide for the Common Defense Act, which would relieve planned sequestration cuts in the 2014 and 2015 defense budgets by tackling federal benefits. His plan is far from the only proposal pending in Congress, but Bridenstine is a vocal conservative affiliated with the tea party movement, and his status as a veteran willing to cut military benefits provides political cover for other lawmakers who share his view about the importance of protecting defense spending ahead of other programs, according to congressional aides involved in House and Senate budget negotiations.

Lawmakers are looking for a way to avoid the next round of sequestration. Expected to begin 15 JAN, the cuts on tap for the current fiscal year would force a \$53 billion reduction in defense spending if Congress and President Obama cannot agree on an alternative budget plan. Military retired pay is actually a peripheral target of Bridenstine's plan. One of the provisions of his bill, H.R.3639, would apply a much-discussed but controversial change in how cost-of-living adjustments are calculated for Social Security and other federal benefits linked to the Consumer Price Index. The so-called Chained-CPI plan endorsed by Bridenstine would result in annual COLAs that are 0.3 percent to 0.5 percent less by changing assumptions on the measurement of the cost of goods and services to take into account the possibility that consumers would substitute cheaper goods to avoid rising prices, such as buying a different brand or product.

For retirees, the immediate impact of this change is small. For example, the 1.5 percent COLA that took effect on Dec. 1 and will first appear in January checks would have been about 1.3 percent under the Chained-CPI formula. However, his proposal assumes the change would result in \$216 billion in savings because it would apply to a wide range of federal entitlements. If implemented, the Chained-CPI calculation could also apply to veterans' disability and survivor benefits. Unlike military retired pay, veterans' benefits are not automatically linked to changes in consumer prices but rather are traditionally increased by the same percentage through an act of Congress. In a statement, Bridenstine said his bill "strengthens defense, reforms entitlements and reduces the national deficit by \$200 billion." Undoing sequestration is the chief reason for the bill, he said.

- "China is attempting to control international waters and airspace as its own while also endeavoring to build the world's largest navy and air force,

including state-of-the-art aircraft carriers and nuclear ballistic missile submarines.

- “Russia is investing \$750 billion into military modernization and buildup while threatening nuclear war and invading its former Soviet satellite states which are striving for freedom and independence. These aggressive actions are an attempt to deny free markets and American freedom of navigation.”

Rep. Doug Lamborn (R-CO), a cosponsor of the bill, said the effort is designed to protect defense programs from being cut to pay for lower priority programs.

“Washington has a spending problem, but incessantly and mindlessly cutting national security will not get us out of our fiscal mess,” Lamborn said.

“Completely eliminating the Department of Defense would not even pay off this year’s deficit, let alone seriously reduce our \$17 trillion national debt. Congress needs to give our military relief rather than use it as a punching bag.” The Chained-CPI proposal is strongly opposed by many congressional Democrats but it is an idea partly endorsed by the Obama White House as a potential part of a larger spending and debt reduction plan. In addition to revising the COLA calculation, Bridenstine’s proposal would increase Medicare premiums and deductibles, cap growth in agriculture subsidies and require federal civilian employees to contribute slightly more to their government retirement funds.

[Source: NavyTimes | Rick Maze | 4 Dec 2013 ++]

Arlington National Cemetery Update ► Christmas Wreaths

A major donation by Google and smaller donations from a number of individuals will assure that nearly 120,000 gravestones at Arlington National Cemetery will be decorated with holiday wreaths this season. Google, which is mapping the cemetery with cameras mounted on people and cars, donated \$250,000 to Wreaths Across America, a nonprofit organization that has been laying wreaths there since 1992. Others also contributed smaller amounts after reading a story in last week's Washington Post that reported that the effort was falling short this year. "We're happy to do our part to honor veterans during this holiday season," said Susan Molinari, Google's vice president of public policy and government relations. Wreaths Across America, which puts wreaths on graves in 900 cemeteries nationwide, had about 12 percent more donations this year than last, but many corporate sponsors who previously had supported the Arlington effort

decided this year to split their contributions between Arlington and other military cemeteries around the nation. This week's donations will almost bring the organization to its goal of setting 130,000 wreaths on Arlington's 240,000 headstones 14 DEC . "We are so incredibly grateful and humbled" by the donations, said Amber Caron, a spokeswoman for Wreaths Across America. Getting a wreath on every headstone is next year's goal, she said. [Source: The Washington Post | Patricia Sullivan | 11 Dec2013 ++]

NDAAs 2014 Update ► Expedited Process Unveiled

House and Senate Congressional military committee leaders on 9 DEC unveiled an expedited process for a new \$632.8 billion defense bill for 2014. It paves the way for a lower pay raise for military service members in 2014. According to a HASC press release, the measure “supports current law, which is intended to ensure pay for our troops keeps pace with the civilian sector, but provides the President with latitude to make exceptions by executive order.” President Obama told Congress on 30 AUG that he intends to use his authority to set the 2014 military pay increase at 1 percent. Absent this additional action, service members would have received a 1.8 percent increase. The HASC release makes clear the NDAAs neither affirms nor rejects the President’s decision. In addition, if the bill clears the Senate with no changes and is signed into law, it includes the following provisions:

- NO increase in TRICARE fees/deductibles/copayments.
- A one-time election for those forced out of Prime in OCT to continue enrollment in Tricare Prime.
- \$30M in Impact Aid for local school districts with military children.
- \$10.4B for military construction, housing, and energy conservation.
- Further accommodates religion/moral beliefs by service members and Chaplains.
- TAP to include info on disability-related jobs and education protections.
- Authorizes salutes for Veterans and those not in uniform for Pledge of Allegiance.
- A “Sense of Congress” that state courts should not consider military deployment as the sole factor in determining child custody in state court proceedings.
- DoD and VA to develop and implement policies on treating and helping service members who have sustained severe injuries to their reproductive and urinary tract systems.

- DoD to carry out a pilot program for clinical trials of investigational treatments of brain injury and PTSD at non-military facilities.
- DoD and VA to establish and deploy an integrated electronic health record system by Dec. 31, 2016.
- More than 30 provisions and reforms to the Uniform Code of Military Justice related to combatting sexual assault in the military.
- Create a definition of gender-neutral occupational standards that would be used by each military service to develop the standards required for all military career designators.
- Prohibit the Defense Department from initiating another base realignment and closure round.
- Keep Guantanamo Bay operational, prohibits the transfer of detainees to the U.S. and the construction of detainee facilities in the U.S., and maintains limitations on detainee transfers to third countries.
- Re-authorize personnel recovery authorities to plan and execute the safe recovery of U.S. personnel isolated during military and contingency operations.
- Facilitate the development of more functional, lighter and more protective body armor, as well as directs DOD to adopt and field a common camouflage utility uniform for specific combat environments for use by all service members.

Bowing to a calendar crunch and pressure from the Pentagon, Senate Armed Services Committee Chairman Carl Levin (D-MI), ranking Republican committee member Sen. James Inhofe of Oklahoma and House Armed Services Committee Chairman Buck McKeon (R-CA), announced they would “blend” the authorization act that the House passed in June with a draft that was working its way through the Senate until negotiations fell apart just before Thanksgiving. Both Levin and Inhofe emphasized they were unsatisfied with the quick approval process, but said they had no choice, since the House was scheduled to adjourn 13DEC for the rest of the year, leaving no time for conference talks. “This is the only path to a bill,” Levin said. “There is no alternative.” Without congressional approval of a new bill, a long list of special pay categories for servicemembers will expire 31 DEC. In addition, the Pentagon is bracing for another round of forced spending cuts by mid-January, although there were signs 9 DEC that House and Senate

writers of the broader federal budget were near an agreement that could avert the cuts and actually restore some funds to the Defense Department.

Monday's development had been urged by the chairman of the Joint Chiefs of Staff, Army Gen. Martin Dempsey, in a letter to House Speaker John Boehner (R-OH) and Senate Majority Leader Harry Reid (D-NV). Dempsey said congressional inaction on a new bill threatens military readiness and only increases uncertainty in an era of continuing spending cuts. The bill's many provisions "are critical to the nation's defense and are urgently needed to ensure we all keep faith with the men and women, military and civilian, selflessly serving in our armed forces," Dempsey wrote to Reid and Boehner. Levin read the letter on the Senate floor. Levin said the newer, shorter process would involve an initial House vote, followed by a Senate vote next week since it plans to stay in session until the 20th of DEC. He said negotiators blended the bills by simply focusing on ideas that had been approved and discarding the more-contentious issues. "The bill that we've come up with is not a Democratic bill or a Republican bill. It is a bipartisan defense bill, one that serves the interests of our men and women in uniform and preserves the important principle of congressional oversight over the Pentagon," Levin said.

The process means Congress won't be asked to decide between two proposals for reforming sexual assault prosecutions in the military; one, by Sen. Kirsten Gillibrand (D-NY), would remove decisions from the military's chain of command and another, by Sen. Claire McCaskill (D-MO), would stop short of such a move. Defense officials had been objecting to the Gillibrand proposal. But even without the McCaskill or Gillibrand proposals, Levin and Inhofe said the bill still contains 27 reforms to the military's justice system, such as eliminating commanders' ability to unilaterally overturn convictions, criminalizing retaliation against an accuser, providing a special counsel to alleged victims of sexual assault and reshaping how victims are treated during a trial's discovery phase. The bill does contain a controversial proposal to ease restrictions on transferring detainees from the U.S. military prison at Guantanamo Bay, Cuba, but retains a House prohibition on transferring them to the United States. How to deal with such proposals help stall last month's talks in the Senate, as Republicans had been pressing for an open amendment process. There are still approximately 500 pending amendments to the bill, including sanctions against Iran that are being

opposed by the Obama administration while it continues delicate discussions with Iranian leaders.

Levin and Inhofe repeatedly emphasized they were forced into accepting the bill's newer, quicker process. "We are where we are," Inhofe said. "We only had until 11 o'clock in the morning of the 13th," he said. "That's it. Mechanically, if we are all going to embrace and love each other and agree to everything, it still couldn't be done. There's no way we could have a defense authorization bill this year." Waiting until January wasn't an option either, Inhofe said, because of the expiration of special pay provisions. Because a snowstorm had prevented many senators from returning to Washington on the 9th, Reid canceled Senate floor votes that had been scheduled for the afternoon and announced the Senate would resume debate on the defense bill the next morning. The House passed their version of the bill 12 DEC putting the ball in the Senate's court to pass it prior to their 20 DEC Xmas recess. Source: AFSAOC & Stars and Stripes | J. Taylor Rushing | 10 & 11 Dec 2013 ++]

VA Claims Backlog Update ► VA Testimony at Senate Hearing

At a hearing 11 DEC before the Senate Committee on Veterans' Affairs (SCVA), the Department of Veterans Affairs' Under Secretary for Benefits, Allison A. Hickey, outlined progress made by the Veterans Benefits Administration (VBA) in reducing the backlog of Veterans' disability compensation and pension claims by 36 percent since March -- attributing the success to the combined impact of VBA's transformation initiatives and increased employee productivity. "We know there is much more work to be done to reach our goal of eliminating the disability claims backlog in 2015," said Hickey. "But I'm encouraged that the improved tools and processes we've put in place so far are having a real impact so that we may better serve our nation's Veterans, their survivors and their families."

In her testimony, Under Secretary Hickey detailed the elements of VBA's transformation plan, which includes re-training and reorganizing its workforce, streamlining business processes, and building and implementing new technology solutions. With each transformation milestone, said Hickey, VBA is successfully moving away from a paper-bound, manual process to improve benefits delivery to Veterans, their families, and survivors through paperless claims processing. She

also noted that if full funding is received, mandatory overtime for VBA claims processors, which helped bring down the backlog this year, will continue for much of 2014. Key accomplishments highlighted in the testimony included:

- Decreasing the pending inventory of claims by 22 percent;
- Decreasing the number of claims in the backlog (those pending over 125 days) by 36 percent;
- Increasing claim-level accuracy from approximately 83 percent in 2011 to 90 percent today;
- Increasing medical issue-level accuracy to approximately 97 percent today;
- Completed processing of 99.9 percent of all claims that were pending over two years;
- Completed processing of 97 percent of all claims that were pending over one year through the end of October;
- Converting over 360 million images of paper claims documents into a digital format for electronic processing; and
- Establishing over 3.2 million Veteran, Servicemember and family member accounts in *eBenefits*, the joint Defense Department/VA web portal for accessing and tracking VA benefits.

Also, VA's web-based, paperless electronic claims processing solution, the Veterans Benefits Management System (VBMS), was successfully deployed to all 56 of VA's regional benefits offices across the country, six months ahead of schedule. VBMS has also been fielded to the Appeals Management Center, the Records Management Center, the Board of Veterans' Appeals, VA's National Call Center, and all VA Medical Centers. Currently, about 75 percent of the VBA's claims inventory is in digital form for electronic processing in VBMS – a percentage that is growing daily. In December, VBMS will continue to add new features and capability.

During her testimony, Hickey thanked the committee members for their support, noting that VA will rely on their continued support for resourcing the information technology and automation advancements needed to meet the Department's goal of eliminating the backlog in 2015. In fiscal year 2013 alone, VA provided over \$59 billion in compensation benefits to four million Veterans and survivors, and over \$5 billion in pension benefits to more than 515,000 Veterans and

survivors. For Veterans and separating Servicemembers who are planning to file a disability claim, VA urges them to do so by filing Fully Developed Claims (FDCs) electronically through *eBenefits*. Veterans and separating Servicemembers who need help filing their claims can contact their local veteran service organization for assistance. Under current law, Veterans filing initial disability compensation claims as FDCs now through Aug. 5, 2015, may be eligible for up to one year of retroactive benefits. Registered *eBenefits* users with a Premium account can file a claim online, track the status, and access a variety of other benefits, including pension, education, health care, home loan eligibility, and vocational rehabilitation and employment programs. [Source: VA News Release 11 Dec 2013 ++]

VA Burial Benefit Update ► Hmong Vet Burial Policy

It is yet another piece of unfinished business for this do-nothing Congress. Even worse in this case, time is literally running out for an estimated 6,000 Hmong veterans who want nothing more than to be buried in a national cemetery. That will take an act of Congress, because they didn't serve directly in the U.S. military. While this issue may not have as much sweep as a farm bill or immigration reform, it matters a great deal to individuals affected, in places like the Central Valley. It is a matter of honor that all Americans should care about. As Rep. Jim Costa, a Fresno Democrat, states it: "Serving side-by-side with U.S. troops during Vietnam, Hmong veterans have earned the right to rest in peace beside their brothers in arms. ... Granting them burial benefits recognizes their patriotic service and demonstrates our nation's deep gratitude for their heroic actions." He was joined by Rep. Paul Cook, a Republican from Yucca Valley who is a Vietnam vet, in reintroducing H.R.3369, the Hmong Veterans' Service Recognition Act, in late October. The legislation has gained some support since it was first introduced in 2010. As of last week, it had 33 co-sponsors – 25 Democrats, 8 Republicans. Ten California representatives are among them. Unfortunately, the bill is nowhere to be found on the House Committee on Veterans' Affairs calendar before the House goes home for the year on 13 DEC. Costa plans to resume his crusade in January, and there is some cause for optimism. Cook is on the subcommittee assigned the measure; five of the other eight members are co-sponsors, including Reps. Gloria Negrete-McLeod and Raul Ruiz of California. Members of Congress representing California should have particular sympathy for

this measure, given that there about 1,200 Hmong veterans still living in the state. There are nine national cemeteries in the state, including Sacramento Valley National Cemetery in Dixon and San Joaquin Valley National Cemetery in Santa Nella. Now, the only foreign soldiers allowed in national cemeteries are Filipino veterans who fought under the U.S. flag during World War II, when the Philippines was a U.S. commonwealth. Under H.R.3369, eligibility would be expanded to Hmong veterans – if they were legal U.S. residents at the time of death and if they were granted U.S. citizenship by a 2000 law, or served with guerrilla forces based in Laos in support of U.S. forces between Feb. 28, 1961 and May 7, 1975.

Just before Veterans Day last month, The Sacramento Bee's Stephen Magagnini told some of their stories. Charlie Moua, 65, a local leader of Hmong veterans, said he was only 11½ when he was trained to fire a rifle. Khoua Xiong, 80, of Sacramento, said he lost two-thirds of the battalion he commanded. His cousin, Katoua Xiong, 74, said half his company of 100 soldiers was killed. They were among thousands of Hmong guerillas who fought in the CIA's secret campaign against North Vietnamese and communist forces in Laos. They saved lives of American soldiers, rescued U.S. pilots who were shot down and gathered vital intelligence. Four decades later, Hmong veterans are aging and dying by the day. It's already too late for their leader, Gen. Vang Pao, who died nearly three years ago at a Clovis hospital at age 81. He led thousands of Hmong in Laos; after the communist takeover in 1975, he helped refugees and those who resettled here. The military, however, refused to make an exception and would not let him be interred at Arlington National Cemetery, the most hallowed ground for our military. Instead, he is buried at a memorial park in Glendale. Congress still has a chance to grant Pao's men their dying wish. It is a well-deserved and long-overdue honor. [Source: Sacramento Bee | Editorial Board | 9 Dec 2013 ++]

VA Burial Benefit Update ► New Monetary Burial Award Rules

The VA has proposed to change and simplify the rules for a surviving spouse to receive the basic monetary burial award. Basically it is recognizing that any funeral will cost more than the allotted benefit. Thus to make it easier on the survivor they will not require a written application with attached receipts. They also say that they will be simplifying the descriptions and regulations to make it

easier for the survivor to understand. Following are the VA's proposed guidelines for the benefits for a non-service related death:

Non-service-Related Death. For deaths on or after October 1, 2011, VA will pay up to \$700.00 toward burial and funeral expenses (if hospitalized by VA at time of death), or \$300 toward burial and funeral expenses (if not hospitalized by VA at time of death), and a \$700.00 plot-interment allowance (if not buried in a national cemetery). For deaths on or after December 1, 2001, but before October 1, 2011, VA will pay up to \$300.00 toward burial and funeral expenses and a \$300.00 plot-interment allowance. The plot-interment allowance is \$150.00 for deaths prior to December 1, 2001. If the death happened while the Veteran was in a VA hospital or under VA contracted nursing home care, some of the costs for transporting the Veteran's remains may be reimbursed. An annual increase in burial and plot allowances, for deaths occurring after October 1, 2011, begins in fiscal year 2013 based on the Consumer Price Index for the preceding 12-month period.

Monetary Burial Benefits Regulation Change. VA is proposing to change its monetary burial benefits regulations to pay eligible survivors more quickly and efficiently. If approved, these regulations would authorize VA to pay, without a written application, eligible surviving spouses basic monetary burial benefits at the maximum amount authorized in law through automated systems rather than reimbursing them for actual costs incurred.

- Under current rules, VA pays burial benefits for burial and funeral expenses on a reimbursement basis, which requires survivors to submit receipts for relatively small one-time payments that VA generally pays at the maximum amount permitted by law.
- The proposed amendments to the burial regulations will permit VA to pay, at a flat rate, burial and plot or interment allowances thereby enabling VA to automate payment of burial benefits to eligible surviving spouses.

The changes are intended to help survivors of Veterans bear the cost of funerals by changing regulations to get them the benefits they deserve more quickly. The proposed regulation, if approved, would do the following:

- Restructure, consolidate, and clarify VA’s current monetary burial benefits rules to make them easier to understand by Veterans, their survivors, and other stakeholders;
- Clearly establish VA’s priority of payments and enable automated payment to eligible surviving spouses;
- Remove the requirement for *eligible* surviving spouses to file a claim for basic burial allowances and simplify the burial claims process for all beneficiaries;
- Establish in regulations a presumption that VA will pay the service-connected (SC) burial allowance for Veterans that were rated totally disabled from service-connected conditions at the date of death; and
- Implement portions of Public Law 112-260, authorizing monetary burial benefits for Veterans without wartime service whose remains are unclaimed.

Statement: “VA is committed to improving the speed and ease of delivery of monetary burial benefits to Veterans’ survivors during their time of need. The proposed changes will permit VA to automatically pay the basic burial or interment allowances to eligible surviving spouses, without the need for a written application. VA wants to help survivors of Veterans bear the cost of funerals by changing regulations to get them the benefits they deserve more quickly.” [Source: T REA News for the Enlisted 9 Dec 2013 +]

GI Bill Update ► ACE Report on Vet vs. Traditional Students

A recent report revealed major differences between veteran and service member students and traditional students among undergraduates at four-year universities. Released by the American Council on Education, the report revealed that on a national scale, veteran and service member students tended to be older and spend less time on campus than traditional students. Student veterans and service members were more likely to report a positive relationship with faculty and administration than traditional students. However, they were slightly less likely to report friendly and supportive relationships with other students, a difference of about four percent. Margaret Baechtold, director of Veteran Support Services, said she was not surprised at some of the statistics the report revealed. “The vast majority of them do not live in the residence halls,” she said.

“So it isn’t surprising, like other older students who have either other responsibilities or are living off campus, that the amount of time they spend on campus and the way they engage in campus-based activities is different than a traditional 18- to 22-year-old undergraduate student.”

The ACE report, titled Student Veterans/Service Members’ Engagement in College and University Life and Education, was based on data collected from 2009 to 2012 in a study called From Soldier to Student II. It also included data from the 2012 National Survey of Student Engagement, an annual survey of undergraduate students at four-year universities in the U.S. “Within our population of student veterans, a much higher percentage of them are married and have families than of the general student population,” Baechtold said. “That in and of itself is absolutely going to impact the amount of time and interest they have in campus specific activities versus their own personal family commitments and potentially jobs they might hold while they’re in school.” Anthony Arnold, second year law student at Indiana University (IU) and Navy reservist, said he spends a great deal of time on campus, in contrast to the national results. In addition to his role as president and founder of the IU chapter of Student Veterans of America, Arnold said he has stayed busy with law internships and other student organizations within the law school. Arnold said a law student can be expected to spend a great deal of time on campus studying regardless of military or civilian status. However, he said he still makes time to hang out with friends and engage with other students. “(SVA has) different workshops (to) help veterans, student veterans, meet their professional goals,” he said. “But then the other half of the organization is the social atmosphere. It’s getting to try and get veterans who don’t come out, don’t socialize, don’t integrate with the campus to attempt to do so.” James Sutor, criminal justice undergraduate at IU and Army sergeant, said he also spends a lot of time on campus. Aside from being a cadet for IUPD and helping with SVA events, Sutor said he makes an effort to socialize with friends every day.

According to the ACE report, student veterans’ and service members’ average age was 33 as compared to civilian students’ average age of 22. At 27 and 29 respectively, Sutor and Arnold’s ages are close to the national average found in the report. Arnold said because of different life experiences and priorities his fellow service members tended to spend more time studying than traditional students. “For some veterans, we’ve lived in Japan, lived in Europe, we’ve

traveled around the world, missing a Friday night isn't that big of a deal," Arnold said. In November, the U.S. Department of Veterans Affairs announced that one million veterans, service members and family members benefited from the Post-9/11 GI Bill since 2009.

The results of "From Soldier to Student II" revealed support services on college campuses have increased as well. IU has had support services for student veterans/service members since January 2007, Baechtold said. A recent report from the U.S. News and World Report ranked IU one of the top ten best universities in the country for student veterans and service members. Only 46 percent of veteran/service member students in the report findings said they felt supported by administrative personnel. Sutor, on the other hand, said the Veteran Support Services staff made his transition from Ivy Tech to IU easier when he transferred two semesters ago. "It's almost like, when you go there as a new student, they just basically hold your hand and, like, guide you through everything," Sutor said. Arnold also expressed a great deal of satisfaction with the VSS staff. "I can't speak more highly of the office," he said. "They are an integral part of making sure that veterans are able to succeed here on campus." [Source: Indiana University Newsroom 3 Dec 2013 ++]

Veterans' Treatment Court Update ► Washington DC Conference

The 700,000 veterans consigned to the dustbins of society -- prisons and jails -- won some top level attention at the first national Vet Court Conference in Washington D.C., which brought together 1,000 judges, mental health and substance abuse professionals and the leadership of the Veterans Affairs and Defense Departments. The three day conference, sponsored by the Justice for Vets division of the National Association of Drug Court Professionals, focuses on veterans involved in the criminal justice system as a result of substance abuse and mental health problems. There are some grim statistics behind this issue: One in six returning veterans from Iraq and Afghanistan suffers from a substance abuse disorder; since 2004, the number of veterans treated for mental illness and substance abuse has increased 38 percent, and 81 percent of arrested veterans had a substance abuse problem.

The first veterans treatment court in the country was established in 2008 by Judge Robert Russell in Buffalo, N.Y. The goal was to divert veterans charged with felony or misdemeanor nonviolent criminal offenses to a specialized criminal court that emphasizes treatment and rehabilitation guided by veteran health care professionals, veteran peer mentors and mental health professionals. Since then, the number of veteran courts has grown to 130. Melissa Fitzgerald, senior director of Justice for Vets, said the specialized courts “have gained national prominence as the most innovative solution for veterans entering the criminal justice system. Veterans treatment courts stand between the veteran and a felony conviction, incarceration, or worse, ensuring that when returning service members are arrested because of a substance abuse and/or mental health disorder, they receive the structure, treatment and mentoring they need to get their lives back on track.”

VA Secretary Eric Shinseki, in his keynote speech at the conference 2 DEC, said that homelessness also stands out as another key factor for incarceration. He said, “nearly 58,000 [veterans] are estimated to be homeless on any given night. I am told that incarceration is the No. 1 predictor of homelessness. “If we are going to break the cycle between incarceration and homelessness, we will have to raise our level of collaboration and leverage all our assets to address these factors, which seem so pervasive when dealing with troubled Veterans—depression, insomnia, substance use disorder, pain, failed relationships.” Shinseki said this includes VA taking a sharp look at its own use -- some critics say abuse -- of addictive, prescription pain killers, such as Oxycontin. Over the past three years, Shinseki said, VA has discouraged overuse of opiates in favor of other medications and therapies and has taken steps to reduce the use of opiates. Since 2012, the Minneapolis-based VA health care system has cut its use of high-dose opiates by more than 50 percent and all but eliminated Oxycontin prescriptions, decreasing its use by 99 percent., Shinseki said.

VA has hired 172 justice outreach specialists who work directly with the courts “to see that veterans who are before the court or already in jail get the care they need and that courts are supported in their consideration of best possible alternatives to incarceration,” Shinseki said. Those specialists worked with 5,800 veterans in the first year of the program in 2010, a number that jumped to 36,000 this year, he said. Veterans in the justice system aided by VA have averaged seven prior arrests, Shinseki said, and 20 percent have spent a year or more behind bars.

Vet courts do make a difference, he said. “Two-thirds of veterans before the treatment courts successfully complete their treatment regimens,” he said. “When they receive VA services, they experience an 88 percent reduction in arrests from the year prior to the year after treatment court admission. They also benefit from a 30 percent increase in stable housing in the year after.” Christopher Deutsch, spokesman for the National Association for Drug Court Professionals, said it is hard to truly quantify how many veterans from the long wars in Afghanistan and Iraq are in prison, as the last report from the Bureau of Justice Statistics on incarcerated veterans was released in 2000, a year before the start those wars.

A November 2011 study, conducted by researchers at VA’s Connecticut health care system and the Yale Medical School Department of Psychiatry, focused on 30,000 jailed veterans and determined that Afghanistan and Iraq veterans constituted only 3.9 percent of that population. Iraq and Afghanistan veterans in the survey, the report said, were more likely to report combat stress and were 26 percent less likely to have a diagnosis of drug abuse or dependence, but three times more likely to have combat-related post-traumatic stress disorder. VA has developed a new system to identify incarcerated veterans called the Veterans Reentry Search Service to enable corrections officials to quickly and easily identify any veteran in their institutions. Shinseki has “written each governor encouraging collaboration through VRSS,” he said. “With greater participation, we will be better able to identify and treat veterans in need of our services, hopefully reducing their appearances before you. We intend to make VRSS available to the courts, as well.” [Source: Next.gov | Bob Brewin | 3 Dec 2013]

GI Bill Update ► 7 Pieces of Legislation to Upgrade Benefit

At least seven legislative proposals are pending in Congress to improve the new GI Bill for large swaths of beneficiaries, including active-duty and reserve troops, wounded warriors and families. The four-year-old Post-9/11 GI Bill has served 1 million students at a cost of almost \$35 billion — but some lawmakers clearly think it could be doing more to serve troops, veterans and their families. A key focus of some of the new proposals is improving and expanding the ability of troops to transfer GI Bill benefits to family members, a unique feature of the new GI Bill that has made spouses and children eligible to use benefits earned by a

service member. Other initiatives would boost benefits for surviving spouses and reservists and add extra benefits for vets with post-traumatic stress. Whether any of the ideas move forward depends in large part on money, as the proposals are swimming against the tide of restricted benefits in a time of tight budgets. When lawmakers overhauled the Post-9/11 GI Bill in 2011 to fix some flaws, they paid for the upgrades by making offsetting cuts in other facets of the program that have left many student veterans unhappy. For example, tuition reimbursement was reduced for students attending public colleges and universities as nonresidents, and the monthly living stipend that originally was paid during breaks between school terms ended. But two years later, Congress is still trying to find a way to help nonresident students, looking for a no-cost fix that would require states to reduce tuition rather than have the government pay more. Still, a number of lawmakers clearly believe the Post-9/11 GI Bill remains a work in progress. Here are the seven proposals — so far without cost estimates — that are in play:

- Give more time to transfer - Among the many current restrictions on transferring benefits to a spouse or children is one that requires the initial decision to be made while a service member is still in uniform. Once made, a transfer decision can be revoked later, but the initial decision must be made before separation or retirement. The Post-9/11 Education Assistance Enhancement Act, H.R.3514, sponsored by Rep. Jim McDermott, D-Wash., would relax this rule and give service members up to five years after separation or retirement to make their initial transfer decision.
- Raise age limit for children - Another McDermott bill, H.R.3515, would raise the age limit for dependent children to use benefits. Now, children must use transferred GI Bill benefits by age 26. McDermott's bill, the Increased Age Limit for Post-9/11 Education Assistance Dependents Act, would raise the cutoff to age 29. McDermott said this would help those seeking advanced degrees. "These small changes in policy can be a big leg up for a family that needs flexibility on taking advantage of the veterans' educational benefits they've rightfully earned," McDermott said.
- Expanded Fry Scholarships - Fry Scholarships, a Post-9/11 GI Bill offshoot, provides full GI Bill benefits to surviving children of troops who died in the line of duty on or after Sept. 11, 2001. Surviving spouses would be added under the Spouses for Heroes Education Act, introduced in the House by

Rep. Dina Titus, D-Nev., and in the Senate by Sen. Jeff Merkley, D-Ore. Titus' bill is H.R.3441 and Merkley's is S.1039. When a service member dies, "the least we can do is to ensure their family has the education they need to succeed," said Merkley, a member of the Senate Military Family Caucus. "We already provide that benefit to the children of our fallen heroes. We should extend that benefit to a husband or wife who often must go back to school to provide a foundation for their family." Under both bills, benefits could be used for up to 15 years following the service member's death, but eligibility would end if the surviving spouse remarries.

- Help for PTSD vets - To help veterans with mental health conditions who may have difficulty in classes, Sen. Rand Paul, R-Ky., has an amendment to the Senate version of the 2014 defense authorization bill that would give more time to use benefits but reduce monthly payments. Under Paul's Amendment 2225 to the pending bill, veterans who have service-connected post-traumatic stress or suffered a traumatic brain injury could extend their 36 months of GI Bill benefits by an extra 18 months. But tuition and living stipends would be reduced to 67 percent of full payments.
- More benefits for wounded - A similar Senate amendment to the defense bill was filed by Sen. Ron Wyden, D-Ore. Amendment 2110 would extend the 15-year post-service time limit to use Post-9/11 GI Bill benefits for those who received medical care from the Defense Department. For every month of medical care received, wounded warriors would get an extra month of benefits.
- More credit for reservists - For National Guard and Reserve members, Sen. Tom Udall, D-N.M., wants to change how training time is counted to give reserve-component members more credit toward Post-9/11 GI Bill benefits. His Amendment 2266 to the Senate defense bill would apply to Guard and Reserve members who served in contingencies such as operations Iraqi Freedom, Enduring Freedom and New Dawn. For these service members, time spent in entry-level and skill training could be counted as active service for the purposes of determining their level of GI Bill benefits. This extra three to 15 months of service could result in a significant boost in tuition, living stipends and book allowances, which are based on length of service. Someone with 90 days to six months of service receives only 40 percent of the GI Bill payment that goes to someone with 36 months of service. Udall is pushing this change, he said, because he believes reservists

who have served on the front lines deserve the same GI Bill benefits as active-duty members.

- Make foster children eligible - Foster children would be added as potential beneficiaries of transferred benefits under H.R.3600, a measure cosponsored by Reps. Bill Foster, D-Ill., and Cathy McMorris Rodgers, R-Wash. The GI Bill Education Benefits Fairness Act is aimed at correcting a problem discovered after about 100 foster children began receiving benefits but were cut off in mid-semester after a review of the law, with families required to repay the money. If passed, this bill would retroactively cover those families in addition to applying to future benefits transfers. “Children of the men and women who serve honorably shouldn’t be denied the benefits they were promised because of a bureaucratic oversight,” Foster said. McMorris Rodgers, co-chair of the Congressional Military Family Caucus, said the goal is to treat all children the same. “We know that when a parent joins the military, it’s not just a job but a family commitment to our country,” she said. [Source: ArmyTimes + Rick Maze | 2 Dec 2013 ++]

DAV Statement on the Budget Agreement

To avoid another government shutdown in January, the House and Senate reached a bipartisan budget agreement last week covering both fiscal years 2014 and 2015. At that time, both the Senate and House Budget Committees stated that the agreement contained no provisions detrimental to disabled veterans. However, it is now evident that enactment of this agreement *would* cut future cost-of-living adjustments (COLAs) for military retirement pay received by veterans who retired due to medical reasons, including those who suffered combat wounds. This reduction of the military retirement COLA could shrink payments to disabled veterans by hundreds of millions of dollars over the next decade.

DAV is extremely disappointed to learn that this unconscionable policy is contained in the budget agreement that passed the Senate December 18, and we urge Congress to immediately repeal this unacceptable provision. Cutting benefits for medically retired veterans in order to reduce the deficit would be a major betrayal of those who have sacrificed so much for their country.

We do note that the budget agreement does not make any reductions in benefits paid to veterans by the Department of Veterans Affairs, including disability compensation payments. The full COLA for veterans benefits approved by Congress last month will not be reduced by this agreement. However, working-age military retirees, if retired based on longevity or medically retired, would see their retirement pay increase at a slower pace than they would have received otherwise, one percent less, until they reach the age of 62, at which time these payments would revert to normal cost-of-living increases pegged to the full rate of inflation, assuming no other change in law. The reduction in COLA will not become fully effective until the end of 2015.

DAV urges Congress to take swift action to repeal any cuts to military retirement pay for veterans who are medically retired.

Klobuchar Provisions to Help Fight Sexual Assault in the Military Pass Senate, Head to President's Desk to be Signed into Law

Washington, D.C. – U.S. Senator Amy Klobuchar's provisions to the *National Defense Authorization Act* to help fight sexual assault in the military passed the Senate and will now head to the President's desk to be signed into law.

Klobuchar's provisions would require automatic retention of sexual assault records, strengthen whistleblower protections and help stop repeat offenders.

"Our men and women in the military put their lives on the line fighting for our country; we shouldn't be asking them to fight against sexual assault as well," Klobuchar said. "These provisions take some critical steps to help crack down on sexual assault and provide support to victims, and I will continue to work to ensure these crimes are eliminated from the ranks."

The *National Defense Authorization Act of 2014* includes the following Klobuchar provisions to address sexual assault in the military:

- The bipartisan provision Klobuchar authored with Republican Senator Lisa Murkowski of Alaska that would require automatic retention of both restricted and unrestricted reports of sexual assault for 50 years. Klobuchar

has worked hard over the years to ensure reports are made available to victims, and this legislation would be a decisive step in that effort. Current law only requires retention of restricted reports—when a servicemember chooses not to take legal action—at the request of the affected servicemember. Automatic retention of records will make it easier for servicemen and women who have been sexually assaulted to get VA benefits for assault-related ailments or to seek justice in the future.

- Legislation Klobuchar introduced with Senator McCaskill of Missouri to add sexual assault and related charges to the list of protected communications that can be investigated by the DOD Inspector General. This expanded whistleblower protection will help ensure that service members are able to report sexual assault crimes without facing retaliation from superiors or peers that re-victimizes them and threatens their careers. Sixty-two percent of victims of military sexual assault reported that they faced some kind of retaliation, and it is the biggest deterrent to victims reporting what happened to them.
- Klobuchar’s provision requiring that the disposition of substantiated sexual-related offenses be noted in personnel records, helping to ensure that commanders are aware of potential repeat offenders.
- A provision similar to Klobuchar’s legislation—the *Military Sexual Assault Prevention Act*—which expresses the sense of the Senate that charges of rape, sexual assault, forcible sodomy, or attempts to commit these offenses should be disposed of by court-martial rather than by non-judicial punishment or administrative action.

In 2012, the Department of Defense received 3,374 reports of sexual assault in the military. But by the DOD’s own estimates, 26,000 incidents of unwanted sexual contact actually took place during that period. That means that only 12.9%, a small fraction, of all incidents were actually reported. And even of the 3,374 reported offenses in 2012, only 880 faced command action for sex crimes. Of those 880, 594 faced courts-martial and 302 of those courts-martial resulted in convictions.