

# Government Affairs Report

## March 31, 2019

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### Washington Update

The first week of March, I was in Washington, D.C. meeting with some of our New Jersey elected officials.

I had an opportunity to meet with Jake Gutman – Legislative Correspondent for Senator Cory Booker and the Senator himself was in attendance briefly. We thanked the Senator for cosponsoring S.191 — Burn Pits Accountability Act, S.326 — RAIDER Act of 2019 (legislation that prohibits the use of amounts appropriated for military construction or the Army Corps of Engineers for the construction of barriers, land acquisition, or any other associated activities on the southern border without specific statutory authorization from Congress.) and S.514 — a bill to amend title 38, United States Code, to improve the benefits and services provided by the Department of Veterans Affairs to women veterans, and for other purposes.

I met with David Michaels, staff member for Congresswoman Mikie Sherrill (NJ-11). David was asked to convey our thanks to the Congresswoman for cosponsoring H.R.299 — Blue Water Navy Vietnam Veterans Act of 2019, H.R.367 — Pay Our Coast Guard Parity Act of 2019, H.R.425 — Supporting Veterans in STEM Careers Act, H.R.847 —Protecting Gold Star Spouses Act of 2019 and H.R.886 —Veteran Treatment Court Coordination Act of 2019.

I met with Eliza Ramirez, Legislative Director for Congressman Malinowski (NJ-7). We asked Eliza Ramirez to thank the Congressman for his co-sponsorship and support of vital veterans' legislation: H.R.95 — Homeless Veteran Families Act, H.R.299 —Blue Water Navy Vietnam Veterans Act of 2019, H.R.367 — Pay Our Coast Guard Parity Act of 2019, H.R.840 — Veterans' Access to Child Care Act and H.Res.124 — Expressing opposition to banning service in the Armed Forces by openly transgender individuals.

I met with met with Jake Freed, Senior Legislative Assistant for Congressman Frank Pallone, Jr. (NJ-6). Jake was asked to thank the Congressman for his co-sponsorship and support of vital veterans' legislation: H.R.95 — Homeless Veteran Families Act. H.R.186 — Veterans Jobs Opportunity Act, H.R.299 —Blue Water Navy Vietnam Veterans Act of 2019, H.R.367 — Pay Our Coast Guard Parity Act of 2019, H.R.550 — Merchant Mariners of World War II Congressional Gold Medal Act of 2019, H.R.578 — To direct the Secretary of Veterans Affairs to seek to enter into an agreement with the city of Vallejo, California, for the transfer of Mare Island Naval Cemetery in Vallejo, California, and for other purposes, H.R.613 — TRICARE Reserve Select Improvement Act and H.Res.124 — Expressing opposition to banning service in the Armed Forces by openly transgender individuals.

I met with Congressman Andy Kim (NJ-3) and Legislative Assistants Tom Smith and Anand Jantzen.

The Congressman was thanked for his co-sponsorship and support of vital veterans' legislation: H.R.299 —Blue Water Navy Vietnam Veterans Act of 2019, H.R.367 — Pay Our Coast Guard Parity Act of 2019, H.R.400 — Care Packages for Our Heroes Act of 2019 and H.R.1019 — Full Military Honors Act of 2019.

I met with Chelsea Flenar, Legislative Assistant for Congressman Sires (NJ-8). We asked Chelsea to thank the Congressman for his co-sponsorship and support of vital veterans' legislation: H.R.95 — Homeless Veteran Families Act, H.R.186 — Veterans Jobs Opportunity Act, H.R.299 —Blue Water

Navy Vietnam Veterans Act of 2019, H.R.307 — Preserving America's Battlefields Act, H.R.367 Our Coast Guard Parity Act of 2019, H.R.421 — Making continuing appropriations for the Coast Guard, H.R.550 — Merchant Mariners of World War II Congressional Gold Medal Act of 2019, H.R.578 — To direct the Secretary of Veterans Affairs to seek to enter into an agreement with the city of Vallejo, California, for the transfer of Mare Island Naval Cemetery in Vallejo, California, and for other purposes, H.R.628 — WINGMAN Act (the “Working to Integrate Networks Guaranteeing Member Access Now Act” - legislation that modifies title 38, United States Code, to permit veterans to grant access to their records in the databases of the Veterans Benefits Administration to certain designated congressional employees, and for other purposes.), H.R.1257—To require the Secretary of the Treasury to mint coins in commemoration of the United States Coast Guard, and H.Res.124 — Expressing opposition to banning service in the Armed Forces by openly transgender individuals.

We discussed the fact that little progress has been made in regards to improving women veterans' health care. Not one piece of legislation in the previous session that was passed dealt with women veterans' health care improvements that are needed.

We spoke about transition issues, burn pits, concurrent receipt and veterans' health care.

We discussed the Blue Water Navy Vietnam Veterans Act of 2019 and asked everyone we spoke with to reach out to the staff for Congressman Gottheimer (NJ-5), who has yet to sign on to this legislation, and urge them to seek the Congressman's co-sponsorship of this legislation. Since that time, Congressman Gottheimer has signed on as a co-sponsor. All 12 members of the House of Representatives from New Jersey are now supporting this legislation.

We spoke about working to reduce veteran suicides, increasing access to mental health services and related concerns with the level of the effort by the VA to combat the veteran suicide crisis. We stated more oversight by Congress would help to avoid the shortcomings of having funding available yet unspent by VA to make veterans aware of the services to help veterans dealing with suicidal ideation. We faulted VA for spending less than 1% (\$57,000) of the \$6.2 million set aside for suicide prevention media outreach in fiscal 2018 as noted by a Government Accountability Office study.

We urged full funding of the Defense POW/MIA Accounting Agency so that they may fulfill our nation's obligation by maximizing the number of missing personnel accounted for while ensuring timely, accurate information is provided to their families.

We spoke about the Andrew P. Carpenter Tax Act and the need to reintroduce this legislation. This legislation would amend the Internal Revenue Code to exclude from gross income any amount attributable to the discharge of student loan indebtedness of a veteran who died as a result of a service-connected disability.

We spoke about HR533, the Military Surviving Spouses Equity Act (supported by New Jersey Assembly and Senate resolutions AR85 and SR82 urging enactment of HR533).

We discussed the CBO report Options for Reducing the Deficit: 2019 to 2028 and the proposals to exclude certain disabilities from veterans' disability compensation and to exclude certain disabilities from veterans' disability compensation for new applicants stating unequivocally that we are opposed to any such legislation that would reduce or eliminate compensation that has been awarded to veterans.

We spoke about VA's proposed amendments to its regulations that govern VA health care. These proposed rules would grant eligible veterans access to urgent care from qualifying non-VA entities or providers without prior approval from VA. This rulemaking would implement the mandates of the VA MISSION Act of 2018 and increase veterans' access to health care in the community. We expressed

our adamant opposition to charging veterans' copayments for service connected health issues and expressed concerns that these changes would result in a lot of confusion for veterans seeking health care.

We spoke about pursuing full funding and enactment of the Mission Act. We spoke about our opposition to the changes listed in 38 CFR Part 17 Urgent Care §1725. We are adamantly opposed to charging veterans for care for service-connected conditions.

We called for increased research of the efficacy of medical cannabis. There is substantial evidence from comprehensive studies that concludes cannabinoids are effective for treating chronic pain, chemotherapy induced nausea and vomiting, sleep disturbances, multiple sclerosis spasticity symptoms, and possibly post-traumatic stress disorder. Yet, minimal federal research has been conducted regarding medical cannabis. It is imperative VA providers are fully educated and understand the potential impact of cannabis use for those who receive legal prescriptions from outside VA.

I had the opportunity to hear Senate Committee on Veterans' Affairs Chairman Johnny Isakson offer comments at the Joint Hearing of the Senate and House Veterans' Affairs committees. I also had an opportunity to hear him speak at a reception later that evening.

I had the opportunity to hear House Committee on Veterans' Affairs Chairman Mark Takano offer comments at the Joint Hearing of the Senate and House Veterans' Affairs committees. I also had an opportunity to hear him speak at a reception later that evening.

And I had the opportunity to hear Secretary of Veterans Affairs Robert Wilkie speak to the veterans present at the reception.

I am anticipating a challenging two years during this session.

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### Forever GI Bill: Early Implementation Challenges

On November 30, 2018, the VA OIG received a request from 12 senators and one congressman to investigate allegations that VA planned to withhold retroactive payments for missed or underpaid monthly housing stipends for students under the Harry W. Colmery Veterans Education Assistance Act, also known as the Forever GI Bill. This Issue Statement discloses the information that the OIG provided to those members of Congress with some additional context.

During December 2018 and January 2019, OIG staff conducted interviews with VA and contract personnel involved in the Forever GI Bill implementation efforts. The OIG also reviewed internal VA documents and the results of an independent assessment conducted by the MITRE corporation.

The OIG found that the Veteran's Benefits Administration (VBA) failed to modify their electronic systems by the required date to make accurate housing allowance payments under sections 107 and 501. These sections fundamentally redesign how VBA pays monthly housing allowances to veterans using the Post-9/11 Educational Assistance Program. VA lacked an accountable official to oversee the project during most of the effort. This resulted in unclear communication and inadequately defined expectations of the VA offices and contractors involved. In November 2018, the VA Secretary named the Under Secretary for Benefits as the official responsible for implementing the Forever GI Bill.

The OIG conducted this review in accordance with the Council of the Inspectors General on Integrity and Efficiency's Quality Standard for Inspection and Evaluation, except for the advance reporting standards. Due to the nature of the objective to respond to congressional inquiries and disclose that information to the VA and the public, not distributing a draft to VA did not have an effect on this Issue Statement and there are no recommendations requesting VA's response.

## New Jersey Update

March 20<sup>th</sup>, 2019 I and 13 members of the Veterans Executive Legislative Action Council (VELAC) met with 7 representatives from the Department of Military and Veterans Affairs and 9 members of the Governor's staff. We discussed the following:

During the campaign, candidate for Governor Murphy announced a vague plan to split the Department of Military and Veterans Affairs. This poorly developed concept had some major flaws.

It appeared as though someone was attempting to create a position for himself at the expense of the taxpayers in general and the military and veteran communities in particular. This plan had nothing to do with improving how members of the military and veterans are treated in our state. Veterans and members of our military were merely being used as a vehicle to obtain a good paying job with benefits.

There was no major veteran organization representation, or input sought, on the incoming Governor's transition team. All of the major veterans' service organizations were opposed to the plan. Nobody ever came forward and claimed ownership of the plan. No one issued an apology to the veteran and military communities for launching such a poor idea.

Legislation benefitting veterans is moving at a pathetic pace. In 2018 four bills impacting veterans were signed into law. They are:

P.L.2018, JR.10. Designates October 3rd of each year as "Sergeant Dominick Pilla and Corporal Jamie Smith Day" in New Jersey. Approved 10/3/2018. (SJR75/AJR129)

P.L.2018, c.77. Requires public utility to charge veterans' organization residential rate for service delivered to property at which veterans' organization primarily operates. Approved 8/10/2018. (A837/S2446) The veteran community is waiting for this law to be enacted. 7 months have passed and still no action.

P.L.2018, c.78 Revises law concerning reciprocity for out-of-State professional and occupational licenses. Approved 8/10/2018. This is not a veterans' bill, however it will have a positive impact on those serving and their spouses whose military assignments bring them into New Jersey.

P.L.2018, c.149. Makes General Fund supplemental appropriation of \$250,000 to New Jersey Manufacturing Extension Program, Inc. Approved 2/17/2018. (A4315/S2839) This bill makes a General Fund supplemental appropriation of \$250,000 to the Department of State for the purpose of funding the New Jersey Manufacturing Extension Program, Inc. These monies are required to be used, subject to the approval of the Director of the Division of Budget and Accounting, to coordinate and maximize the efficiency and effectiveness of Statewide worker training, as well as to employ underserved and underemployed veterans and other State residents in need of long-term employment.

The pace of military and veterans' affairs legislation moving through the Assembly, in particular, has been terrible. The veteran community made recommendations to hear certain specific bills and our requests have fallen by the wayside.

The veteran community is constantly hearing about the need to hold down expenditures that would benefit veterans, all the while we see no accountability with the tax breaks that reduce the available state funds that would improve our states untenable financial situation, we see monies being expended to benefit those who live in our state illegally, we see funding for education – some of which again benefits those living here without benefit of legal residence and recently we see millions of dollars to prop up horse racing being approved. However the mere mention of veterans' benefits brings an almost immediate response as to the costs involved.

There was legislation introduced that commemorates 100th anniversary of Armistice during World War I. The Armistice of 11 November 1918 was the armistice that ended fighting on land, sea and air in World War I between the Allies and their opponent, Germany. It would have been ideal to have this legislation approved in both chambers before Veterans Day 2018. It was finally passed by the Assembly (74-0-0) January 31, 2019. Eighty days after Veterans Day, which marked the 100th anniversary of the end of World War 1, the Assembly passed this bill. There has been no action in the Senate on this legislation. This is absolutely inexcusable. The absolute disrespect to those brave Americans who fought in World War 1 is astounding. All this talk about supporting and respecting veterans is just that – TALK.

Members of the veteran community are working to recognize all service-connected disabled veterans in New Jersey without any concern as to when and where they served. What is needed is a constitutional amendment to provide that disabled veterans may have served at any time in order to receive benefits provided by Constitution or by law. Those men and women who have sustained injuries in service to our country should not be denied benefits because the time or places they have served in are not recognized by the Constitution. We argue that any injury recognized by the Department of Veterans Affairs as service-connected should be recognized by New Jersey, as we are the only state to make the distinction that the injury must occur in a time of war or combat zone recognized by the Constitution. The argument put forth by a committee aide that the legislature does not know how to write this legislation has no merit whatsoever. ACR206 and SCR153 should be heard without further delay. Any additional legislation required to favorably resolve this situation should be introduced, made a priority, be heard in any committee having jurisdiction and moved to the floors in both chambers for a vote. To continue to fail to recognize those individuals, who in service to our nation were injured, should be seen as the embarrassment it is.

We are witnessing a rash of non-combat training exercises that have severely injured members of our Armed Services and the U.S. Coast Guard. Automatic spending cuts put in effect in 2013 as part of a federal budget agreement are part of the problem when the cuts impact equipment maintenance and upgrades as well as readiness training. The speed up in training schedules to meet deployment demands around the globe, coupled with reduced funding for training, equipment maintenance and base infrastructure, as well as a drain to the private sector of experienced, highly skilled armed services personnel; is taking its toll. It's critical for our servicemen and women to simulate battlefield conditions. That involves not just live weapons fire, but mastering new technology including drones, robots and computer simulations. The pressure, specifically on the U.S. Central Command and the U.S. Pacific Command, has increased with heightened tensions in Asia and the Middle East. And training timelines have been compressed to meet deployment timelines. Yet when our New Jersey service personnel are injured in these events, they are not recognized as disabled veterans. That can no longer be permitted. When service-connected injuries are certified by the Department of Veterans' Affairs and recognized by the federal government and 49 states, there is no reason for New Jersey to not recognize these service members as disabled without some connection to war-time service. It is time to fully recognize our disabled veterans.

Vacancies on boards, commissions & councils dealing with veterans' issues are problematic. February 14, 2019 A4550, legislation that establishes the "New Jersey Military Advisory Board" was reported favorably from the Assembly Military and Veterans' Affairs committee with amendments, 2nd reading. The committee amended the bill to require a copy of the advisory board's annual report to be issued to each member of the Legislature.

February 17, 2019 I sent an email to the 17 sponsors/cosponsors of A2515/S2003, legislation that established the New Jersey Military Skills Council, passed by the Assembly (74-0-0) and the Senate (38-

0) May 26, 2016. It was approved July 15, 2016 as P.L.2016, c.16. I asked them for an update on the operations of the New Jersey Military Skills Council. I inquired if this council was indeed established and had any required annual reports to the Legislature by March 1 of each year actually been received. This council was initially designated to be set up by the Department of State. DMAVA has now seized the initiative and is proceeding to stand this council up.

There are a number of boards, councils and commissions that have been created in past years to deal with issues of importance to the military and veterans' communities in New Jersey. The number of vacancies, the lack of meetings and the lack of submitting reports to the Governor and the Legislature from some of these various councils and commissions is appalling. Below is a listing of some of these councils and commissions:

- Brigadier General William C. Doyle Cemetery Advisory Council
- Veterans Service Council
- New Jersey Military Advisory Board
- Veterans Haven South Advisory Council
- Veterans Haven North Advisory Council
- New Jersey Veterans Memorial Home - Menlo Advisory Council
- New Jersey Veterans Memorial Home - Paramus Advisory Council
- New Jersey Veterans Memorial Home - Vineland Advisory Council
- NJ Commission On Women Veterans
- NJ Veterans Benefits Commission
- Council on Armed Forces and Veterans' Affairs

While VELAC is not interested in assessing blame or pointing fingers; undoubtedly some accountability is long overdue. There is no point in passing legislation to establish boards, councils or commissions that do not operate as intended. Vacancies need to be filled as required. Meetings need to be held on a timely basis and reports need to be completed and distributed as set forth in law.

The New Jersey Lottery reported another successful year of ticket sales with Fiscal Year 2017 revenue of over \$3.1 billion. Lottery-generated revenue resulted in a contribution of \$994 million to the State on behalf of Lottery beneficiaries. New Jersey Lottery contributions provide vital funding to education and institutions making everyone in the Garden State a winner. The Lottery is the State's fourth largest revenue producer.

Northstar New Jersey was hired in October 2013 to drum up ticket sales for the lottery, which funds public education and programs for the disabled and military veterans.

Since its inception in 1970, the Lottery has dedicated nearly \$25 billion to programs and institutions that benefit millions of New Jersey residents. The Departments of Agriculture, Education, Human Services, Military and Veterans Affairs and Higher Education Services receive support from Lottery generated revenue. Some of the programs and institutions that receive Lottery funding include the: School Nutrition Program, Tuition Aid Grants, Student Tuition Assistance Reward Scholarship (NJ Stars), Marie H. Katzenbach School for the Deaf, centers for developmentally disabled, state psychiatric hospitals and homes for New Jersey's disabled soldiers.

Governor Christie had the great idea of privatizing the state lottery, the thing created to help fund social service programs, like housing for disabled veterans and psychiatric hospitals. He claimed there was money to be made by letting a private company run the lottery. There was. Just not for New Jersey.

Christie once said privatizing the lottery would “generate reliable and growing revenues for state institutions and educational programs far into the future.” That was before he pushed through another bad idea: Using the lottery to help stabilize the state’s underfunded public employee pension fund. The lottery revenue now goes to the pension fund, and the programs that were supposed to benefit from the lottery in the first place must be paid through the general fund.

These are no small amounts of money as shown below in the listing for amounts that were previously dedicated to the operations of the three Veterans Memorial Homes.

Prior Fiscal Years Disbursements to DMAVA for  
Operations for Homes of Disabled Soldiers

2009 - \$31,404,000	2010 - \$31,723,000	
2011 - \$36,288,000	2012 - \$38,102,000	
2013 - \$41,689,000	2014 - \$46,619,000	
2015 - \$47,625,000	2016 - \$15,656,000	
2017-\$8,777,000	2018 - \$0	2019 - \$0

Changes in Trenton

There have been a few changes in both the Senate and Assembly Military and Veterans’ Affairs Committee. Previously former Senator Jeff Van Drew served on the Senate Military and Veterans’ Affairs committee. He has since resigned as he is now serving as a Congressman representing the 2<sup>nd</sup> Congressional District in New Jersey. Bob Andrzejczak has been appointed to fill the Senate seat previous held by Jeff Van Drew until the next election. The new Senator is serving as the Vice Chairman of the Senate Military and Veterans’ Affairs committee. His seat in the Assembly has been filled by former Assemblyman Matt Milam until the next election. Assemblyman Milam now serves on the Assembly Military and Veterans’ Affairs committee in place of Bob Andrzejczak. Once again there are two veterans on the six-person committee.

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FY 2020 NJ Budget

The FY 2020 NJ Budget has been released. At this time this budget is tentative only. You can download a copy of the FY 2020 State of New Jersey Budget in Brief from the State of New Jersey, Department of the Treasury, Office of Management and Budget at <https://www.nj.gov/treasury/omb/>

Budget hearings have started in Trenton and the hearings, followed by deliberations, will continue until the budget is passed. Passage is due by the end of June.

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Recognizing Women Veterans

AJR 178/SJR118 Designates March of each year as “Women Veterans Month” in New Jersey. This joint resolution designates March of each year as “Women Veterans Month” in New Jersey in honor

and remembrance of all women veterans who have proudly and valiantly served this State and Nation. Today, women constitute approximately 15 percent of the military personnel on active duty and demonstrate great skill, sacrifice, and commitment to defending the principles upon which our Nation was founded and continues to uphold.

To pay respect to the State and Nation's women veterans for their dutiful service to the Nation, the Governor is respectfully requested to issue an annual proclamation calling upon public officials and the citizens of this State to observe March of each year as "Women Veterans Month" in New Jersey.

Introduced, referred to Assembly Military and Veterans' Affairs Committee 12/3/2018.

Introduced in the Senate, referred to Senate Military and Veterans' Affairs Committee 1/15/2019.

This is yet another piece of legislation that failed to be heard in a timely fashion in Trenton. This legislation should have been passed prior to the end of the month of March. However, that is just not going to happen apparently.

AJR183/SJR114 Designates June 12 of each year as "Women Veterans Appreciation Day" in New Jersey. This resolution designates June 12 of each year as "Women Veterans Appreciation Day." Women have served in the United States Armed Forces informally and formally since the American Revolution. Whether disguised as male soldiers during the American Revolution and Civil War, as nurses in World Wars I and II, or as combat helicopter pilots in Afghanistan, women have served the Nation honorably.

Today, women constitute approximately 15 percent of the military personnel on active duty. The population of women veterans is expected to reach 2 million by 2020, increasing exponentially from 1.1 million in 1980, and comprising more than 10 percent of the veteran population. To highlight the growing presence of women in the armed forces and to illustrate the State's appreciation for women veterans, the Governor is respectfully requested to issue an annual proclamation calling upon public officials and the citizens of this State to observe June 12 of each year as "Women Veterans Appreciation Day" in New Jersey.

Reported from Assembly Military and Veterans' Affairs Committee, 2nd Reading 2/14/2019.

Reported from Senate Military and Veterans' Affairs Committee, 2nd Reading 3/7/2019.

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