

Government Affairs Report

October 7, 2018

VIETNAM VETERANS OF AMERICA - LEGISLATIVE ALERT

For over a decade, Vietnam Veterans of America has sought legislation to restore presumptive Agent Orange exposure status to members of the Armed Forces, who served in the territorial waters of Vietnam. H.R. 299, the Blue Water Navy Vietnam Veterans Act of 2018, passed the House by a vote of 382-0 on June 25, 2018, however, the bill has not moved out of the Senate Veterans Affairs Committee since the August 1, 2018 hearing.

When the bill is enacted into law, "Blue Water" veterans who served off the coast of Vietnam, veterans who served near the demilitarized zone in Korea, and certain veterans who served in Thailand will again be eligible for compensation for service-connected, disabilities related to their exposure to Agent Orange.

VVA believes Congress should recognize that these veterans were exposed to Agent Orange and should authorize presumptive status for VA disability claims associated with this exposure. Now is the time to contact your Senators to ask them to support this bill.

Contact Senators Booker and Menendez requesting that Senator Isakson, Chair, Senate Veterans Affairs Committee move H.R. 299, the Blue Water Navy Vietnam Veterans Act of 2018, out of committee and on to the Senate floor for a vote and passage.

These veterans are aging, and the time to help them is now!

VA SECRETARY WILKIE IS WRONG ON NAVY BENEFITS BILL

Veterans Affairs Secretary Robert Wilkie's new opposition to HR 299, the Blue Water Navy bill, is a misguided affront to U.S. Navy veterans who have suffered for years with the results of Agent Orange exposure, the head of a national veterans advocacy group said today.

In a September 6, 2018 letter to Senate Veterans Affairs Committee Chairman Johnny Isakson, Wilkie expresses opposition to the bill, which passed the House of Representatives earlier in the summer with massive support and after years of effort on the part of Military Veterans Advocacy and its executive director, Cdr. John Wells (USN, Ret.).

"Secretary Wilkie's letter is replete with misinformation, including an assertion that no scientific evidence supports the conclusion that Navy personnel who served on ships in the harbors and estuarine waters of Vietnam were exposed to the deadly toxins in Agent Orange," Wells said. "On the contrary, multiple studies provide ample evidence that the defoliant chemicals that were sprayed on land ran off into these rivers and harbors and were pumped into the water filtration systems of U.S. Navy ships. Not only were sailors exposed to the toxin, but it was made even more harmful in the distillation process."

Congress long ago authorized VA medical benefits for Navy personnel who served aboard these ships, but the policy was changed by the VA years later to only award Agent Orange benefits to personnel who set foot on Vietnamese soil. Military Veterans Advocacy and other organizations have lobbied Congress for many years to pass the Blue Water Navy bill, restoring these benefits. Now that the bill has made it through the House, it is stuck in the Senate Committee.

"Despite having widespread support in the full Senate, this bill to restore rightful benefits to our veterans is being stalled by one senator - Chairman Isakson - and is being opposed by the person who should most be on our side - Secretary Wilkie," Wells said. "Our organization supported Sec. Wilkie's nomination and he told me directly that we could meet to discuss this legislation. Contrary to his word, he has declined to discuss the matter with us, and has now delivered official opposition. This is beyond disappointing; it's maddening."

"We will continue to fight this injustice and the VA misrepresentations in the Congress and the courts. We will not give up."

GOLD STAR FAMILIES REMEMBRANCE WEEK

On September 6, 2018, the Senate passed S. Res. 522, which designates September 23 through September 29, 2018, as Gold Star Families Remembrance Week to honor and recognize "the sacrifices made by the families of members of the Armed Forces who have made the ultimate sacrifice," and to encourage all Americans to observe Gold Star Families Remembrance Week by performing acts of good will and celebrating the families of those who gave their lives for our freedom.

DEPARTMENT OF VETERANS AFFAIRS FISCAL 2019 BUDGET

President Donald Trump signed the Department of Veterans Affairs fiscal 2019 budget into law on Friday, September 21, 2018 giving the department a funding boost of more than 6 percent and pushing the agency's total spending over \$200 billion for the first time.

The bill includes \$1.1 billion for the start of a VA electronic health records overhaul and \$400 million for opioid abuse prevention within the department.

The final deal also includes a \$1.75 billion increase in money tied to the VA Mission Act, passed at the start of the summer. The legislation will rewrite the VA's community care programs, expanding veterans ability to access private health care at taxpayer expense.

The VA funding legislation also includes \$10.3 billion in military construction funding for fiscal 2019 as well as the full-year budgets for the legislative branch and federal energy programs.

Trump's signature came just a day after he blasted a similar sprawling budget package focused on the Department of Defense as a "ridiculous spending bill" because it omitted border wall funding he has demanded from Congress.

The House is expected to finalize that legislation next week. If the president chooses to veto it, most federal departments would face a partial government shutdown. VA would be exempted from those problems, however, since their fiscal 2019 funding is now in place.

HR5895

TITLE II--DEPARTMENT OF VETERANS AFFAIRS

Provides appropriations to the Veterans Benefits Administration (VBA) for:

- Compensation and Pensions,
- Readjustment Benefits,
- Veterans Insurance and Indemnities,
- the Veterans Housing Benefit Program Fund,
- the Vocational Rehabilitation Loans Program Account,
- the Native American Veteran Housing Loan Program Account, and
- General Operating Expenses.

Provides appropriations to the Veterans Health Administration (VHA) for:

- Medical Services,
- Medical Community Care,
- Medical Support and Compliance,
- Medical Facilities, and
- Medical and Prosthetic Research.

Provides appropriations to the National Cemetery Administration.

Provides appropriations to the VA for Departmental Administration, including:

- General Administration,
- the Board of Veterans Appeals,

- Information Technology Systems,
- the Veterans Electronic Health Record,
- the Office of Inspector General,
- Construction--Major Projects,
- Construction--Minor Projects,
- Grants for Construction of State Extended Care Facilities, and
- Grants for Construction of Veterans Cemeteries.

(Sec. 201) Specifies transfer authorities and requirements for the VBA.

(Sec. 202) Specifies transfer authorities and requirements for the VHA.

(Sec. 203) Permits appropriations provided by this title for salaries and expenses to be used for employment of temporary or intermittent experts and consultants, hire of passenger vehicles, lease of a facility or land or both, and uniforms.

(Sec. 204) Prohibits appropriations in this title other than Construction--Major Projects and Construction--Minor Projects from being used for land acquisition or construction of any new hospital or home.

(Sec. 205) Requires the VA to be reimbursed for medical services it provides to any person not defined as a beneficiary under specified laws.

(Sec. 206) Permits appropriations provided by this title for Compensation and Pensions, Readjustment Benefits, and Veterans Insurance and Indemnities to be used for payment of prior year accrued obligations for the accounts recorded in the last quarter of FY2018.

(Sec. 207) Permits appropriations provided by this title to be used to pay specified prior year obligations. Requires obligations from trust fund accounts to be paid only from the Compensation and Pensions account.

(Sec. 208) Requires the VA to use surplus earnings from the National Service Life Insurance Fund, the Veterans' Special Life Insurance Fund, and the United States Government Life Insurance Fund to reimburse the General Operating Expenses--Veterans Benefits Administration and Information Technology Systems accounts for the costs to administer the insurance programs during FY2019.

(Sec. 209) Permits amounts deducted from enhanced-use lease proceeds for reimbursement of expenses from a prior year to be obligated in the year in which the proceeds are received.

(Sec. 210) Permits funds provided by this title for salaries and other administrative expenses to be used to reimburse the following offices, subject to specified limits:

- the Office of Resolution Management,
- the Office of Employment Discrimination Complaint Adjudication,
- the Office of Accountability and Whistleblower Protection, and
- the Office of Diversity and Inclusion.

(Sec. 211) Requires the VA to collect third-party reimbursement information prior to providing hospital care, nursing home care, or medical services for a non-service connected disability. Permits the VA to recover reasonable charges for care from anyone who has not provided the required disclosures.

(Sec. 212) Permits enhanced-use leasing revenues to be deposited into the Construction--Major Projects and Construction--Minor Projects accounts to be used for construction, alterations, and improvements of VA medical facilities.

(Sec. 213) Permits funds provided for Medical Services to be used for: (1) furnishing recreational facilities, supplies, and equipment; and (2) funeral and burial expenses.

(Sec. 214) Permits funds deposited in the Medical Care Collections Fund to be transferred to the Medical Services and Medical Community Care accounts and remain available until expended for the purposes of those accounts.

(Sec. 215) Permits the VA to enter into agreements with Federally Qualified Health Centers in Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service to provide healthcare, including behavioral health and dental care, to

veterans in rural Alaska. Defines "rural Alaska" as those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

(Sec. 216) Permits funds deposited into the Department of Veterans Affairs Capital Asset Fund to be transferred to the Construction--Major Projects and Construction--Minor Projects accounts to remain available until expended.

(Sec. 217) Requires the VA to report quarterly to Congress on the financial status of the VA.

(Sec. 218) Permits specified FY2019 VA funds to be transferred to or from the Information Technology Systems account if approved by Congress.

(Sec. 219) Permits specified FY2020 VA advance funding provided for medical accounts to be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund and used for the operation of combined federal medical facilities.

(Sec. 220) Permits transfers from the Medical Care Collections Fund to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for the operation of combined federal medical facilities.

(Sec. 221) Requires specified funds from the Medical Services, Medical Support and Compliance, and Medical Facilities accounts to be transferred to the DOD-VA Health Care Sharing Incentive Fund to remain available until expended.

(Sec. 222) Prohibits the VA from using funds to replace the current system that the Veterans Integrated Service Networks use to select and contract for diabetes monitoring supplies and equipment.

(Sec. 223) Directs the VA to notify Congress of all bid savings in major construction projects that total at least \$5 million or 5% of the programmed amount of the project, whichever is less.

(Sec. 224) Prohibits funds provided for the Construction--Major projects account from being used to increase the scope of a project above the original budget request without congressional approval.

(Sec. 225) Requires the VA to submit to Congress a quarterly report containing performance measures and data from each VBA regional office.

(Sec. 226) Directs the VA to notify Congress before organizational changes that result in the transfer of 25 or more full-time equivalent staff from one organizational unit to another.

(Sec. 227) Requires the VA to report to Congress quarterly regarding any single national outreach and awareness marketing campaign exceeding \$2 million.

(Sec. 228) Permits the VA to transfer funds to the Medical Services account if the transfer is necessary to address the needs of the VHA, meets specified requirements, and is approved by the Office of Management and Budget and Congress.

(Sec. 229) Permits FY2019 funds provided for the Board of Veterans Appeals and General Operating Expenses--Veterans Benefits Administration to be transferred between those accounts if Congress approves the transfer.

(Sec. 230) Prohibits the VA from reprogramming more than \$7 million in funds among major construction projects or programs without congressional approval.

(Sec. 231) Requires the VA to ensure that the toll-free suicide hotline authorized under current law: (1) provides individuals who contact the hotline with immediate assistance from a trained professional, and (2) adheres to all requirements of the American Association of Suicidology.

Prohibits funds provided by this division from being used to enforce or otherwise carry out any executive action that prohibits the VA from appointing an individual to occupy a vacant civil service position, or establishing a new civil service position, with respect to the hotline.

(Sec. 232) Prohibits funds from being used to close or diminish services at certain VA medical facilities until the VA submits to Congress a national realignment strategy.

(Sec. 233) Requires the VA to use the breast cancer screening guidelines issued on May 10, 2017, by the Veterans Health Administration National Center for Health Promotion and Disease Prevention.

Specifies that the requirement is for the period beginning on October 1, 2018 and ending on January 1, 2024.

(Sec. 234) Permits VA Medical Services funds to be used to provide: (1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran, or (2) adoption reimbursement to a covered veteran. Defines a "covered veteran" as a veteran who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(Sec. 235) Prohibits funds from being used to: (1) convert to contractor performance an activity or function performed by more than 10 federal employees unless the conversion is based on the result of a public-private competition and meets specified criteria, or (2) conduct studies comparing the costs of private and government provision of certain VHA products and services without a specific appropriation for that purpose.

(Sec. 236) Prohibits the VA from transferring funds from the Filipino Veterans Equity Compensation Fund to any other VA account.

(Sec. 237) Prohibits funds provided by this division from being used to conduct research using canines unless: (1) the scientific objectives of the study can only be met by research with canines, (2) the study has been directly approved by the Secretary of Veterans Affairs, and (3) the study is consistent with the revised VA canine research policy document. Specifies reporting requirements for canine research.

(Sec. 238) Provides additional appropriations to the VA for infrastructure improvements, including new construction, for:

- seismic improvement projects and seismic program management activities,
- National Cemetery Administration projects with Departmental Administration--Construction, Major Projects,
- VHA Medical Facilities, and
- Departmental Administration--Construction, Minor Projects.

(Sec. 239) Provides additional appropriations for programs and activities authorized in the VA MISSION Act of 2018 to remain available through FY2020. Requires specified funds to be used for: (1) the Veterans Community Care Program, and (2) the Family Caregivers Program.

TITLE III--RELATED AGENCIES

Provides appropriations for related agencies, including:

- the American Battle Monuments Commission;
- the U.S. Court of Appeals for Veterans Claims;
- Cemeterial Expenses of the Army, including Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery; and
- the Armed Forces Retirement Home.

(Sec. 301) Permits funds from concessions at Army National Military Cemeteries to be used to support activities at the cemeteries.

More info is available in the House Report - H. Rept. 115-929 - ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019, AND FOR OTHER PURPOSES.

SEPTEMBER TRENTON ACTIVITIES

S149/S2445 Authorizes special Combat Action Badge license plate program. Bills combined and referred to the Senate Budget and Appropriations Committee 9/13/2018.

S2937 The New Jersey Battlefield to Boardroom Act; provides corporation business tax credits and gross income tax credits for qualified wages of certain veterans. 9/17/2018 introduced in the Senate, referred to the Senate Military and Veterans' Affairs Committee.

S2968 Permits certain health care professionals to waive health insurance copayments for members of military serving on active duty. 9/24/2018 introduced in the Senate, referred to the Senate Military and Veterans' Affairs Committee.

SJR73 Urges U.S. Congress to pass "Military Hunger Prevention Act." Passed by the Senate (39-0) 9/27/2018.

SJR75 Designates October 3rd of each year as "Sergeant Dominick Pilla and Corporal Jamie Smith Day" in New Jersey. 7/26/2018 passed by the Senate (33-0) Substituted for AJR129 9/27/2018, passed Assembly (79-0-0).

SR80 Urges United States Congress to pass legislation to automatically enroll veterans for benefits they are entitled to in United States Department of Veterans Affairs system. 9/27/2018 resolution passed Senate (Voice).

SR82 Urges Congress enact Military Surviving Spouses Equity Act. 9/27/2018 resolution passed Senate (Voice).

S1818 Makes General Fund supplemental appropriation of \$500,000 to DMVA for Council on Armed Forces and Veterans' Affairs for preservation of military installations in case of base realignment and closure. Reported from Senate Military and Veterans' Affairs Committee, 2nd Reading 9/27/2018.

S2197 Establishes disabled veteran tenant gross income tax credit. Reported from Senate Military and Veterans' Affairs Committee, 2nd Reading 9/27/2018, referred to Senate Budget and Appropriations Committee.

S2398 Provides gross income tax deduction to certain surviving spouses of veterans. Reported from Senate Military and Veterans' Affairs Committee, 2nd Reading 9/27/2018, referred to Senate Budget and Appropriations Committee.

S2448 Waives certain professional and occupational licensing fees for veterans and spouses of veterans. Reported from Senate Military and Veterans' Affairs Committee with amendments 2nd Reading 9/27/2018, referred to Senate Budget and Appropriations Committee.

S2449 Waives certain commercial driver license fees for veterans and spouses of veterans. Reported from Senate Military and Veterans' Affairs Committee with amendments 2nd Reading 9/27/2018, referred to Senate Budget and Appropriations Committee.

New Jersey Legislative Update

Military and Veterans Affairs Bills by Committee Bills Pending in Committee – Bills Passed by Committee

Senate Military and Veterans Affairs Committee

Bills pending – 56

Bills passed – 33

Senate Budget and Appropriations Committee

Bills pending – 21

Bills passed - 1

Senate Community and Urban Affairs Committee

Bills pending – 23

Bills passed - 1

Senate Economic Growth Committee

Bills pending – 1

Bills passed - 0

Senate Education Committee

Bills pending – 4

Bills passed - 0

Senate Environment and Energy Committee

Bills pending – 10

Bills passed - 1

Senate Health, Human Services and Senior Citizens Committee

Bills pending – 3

Bills passed - 0

Senate Higher Education Committee

Bills pending – 12

Bills passed - 1

Senate Judiciary Committee

Bills pending – 4

Bills passed - 0

Senate Law and Public Safety Committee

Bills pending – 3

Bills passed - 0

Senate State Government, Wagering, Tourism & Historic Preservation Committee

Bills pending – 10

Bills passed - 1

Senate Transportation Committee

Bills pending- 10

Bills passed - 2

Assembly Military and Veterans Affairs Committee

Bills pending – 176

Bills passed - 13

Assembly Agriculture & Natural Resources Committee

Bills pending – 6

Bills passed - 0

Assembly Appropriations Committee

Bills pending – 5

Bills passed - 2

Assembly Commerce & Economic Development Committee

Bills pending – 2

Bills passed - 1

Assembly Education Committee

Bills pending – 3

Bills passed - 0

Assembly Health & Senior Services Committee

Bills pending - 3

Bills passed - 0

Assembly Higher Education Committee

Bills pending – 4

Bills passed - 0

Assembly Housing & Community Development Committee

Bills pending – 2

Bills passed - 0

Assembly Human Services Committee

Bills pending – 0

Bills passed - 1

Assembly Judiciary Committee

Bills pending – 4

Bills passed - 0

Assembly Law and Public Safety Committee

Bills pending – 4

Bills passed - 0

Assembly State and Local Government Committee

Bills pending – 8

Bills passed - 2

Assembly Transportation & Independent Authorities

Bills pending – 6

Bills passed - 0

Assembly Women and Children Committee

Bills pending – 1

Bills passed – 0

Total Military and Veterans Affairs bills pending in Senate - 158

Total Military and Veterans Affairs bills passed by Senate Committees - 40

Total Military and Veterans Affairs bills pending in Assembly – 224

Total Military and Veterans Affairs bills passed by Assembly Committees - 19

January 9, 2018 the members of both Chambers of the 218th Legislature were sworn in. They met in Joint Session to receive the Annual State of the State Address from Chris Christie, Governor of the State of New Jersey. Since that time just one Military and Veterans Affairs bill has been signed into law as of October 5, 2018. Nine months and just one bill. Here's that bill:

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. (This is one of 119 bills that have been signed into law to date.)

There are a number of issues here that need to be addressed. Obviously most of the bills that deal with military and veterans affairs issues are heard by the Senate and the Assembly Military and Veterans Affairs Committees. The Senate Military and Veterans Affairs Committee has held six meetings and passed from committee 33 bills, with 56 pending. The Assembly Military and Veterans Affairs Committee has held five meeting, three of which involved legislation being heard and passed 13 bills with 176 pending.

The Senate Budget and Appropriations Committee has held 14 meetings at which one military and veterans affairs bill was passed by the committee, with 21 pending. The Assembly Appropriations committee has held 4 meetings at which 2 military and veterans affairs bills were passed, with 5 pending.

The Senate Community and Urban Affairs Committee has held 2 meetings at which one military and veterans affairs bill was passed with 23 pending. The Assembly Housing & Community Development Committee has held 5 meetings with no military and veterans affairs bills passed and 2 pending.

Generally speaking, after nine months into a twenty four month session there is much work to be done.

In the 2016-2017 session, of the 9,908 bills that were introduced, 509 dealt with matters of concern for members of the military, veterans and their dependents. 40 bills were signed into law. Due to the fact that that most bills require an introduction in both chambers the count would be 80. That works out to 5% of the bills introduced dealt with military and veterans affairs legislation. Of that 5%, only 15.7% of the bills were passed. So out of all of the bills introduced, military and veterans affairs bills that were passed amounted to 8/10ths of one percent of the total number that were introduced. That my friends is a very poor number.

And for what it is worth, another 80 bills had at least a hearing in one committee. Some even were voted on in one chamber, but did not make it all the way through the process. So if one is feeling generous they can argue that a little over 31 percent of the military and veterans affairs bills got some activity. Less than 1/3 is still a poor number.

At the current pace, even these numbers look like a long shot. We need to reach out to our elected officials and let them know we are concerned with the slow pace of activity as it pertains to military and veterans affairs legislation.

Prepared by
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Government Affairs Chairman

Let's Go Vote November 6, 2018!!!

It is imperative to the continuation of democracy in this country, that each time the ballot box is placed before the American public; every qualified citizen exercises his or her right to vote. Casting a ballot for the political candidate of your choice is not only a priceless heritage of every American citizen, but also a responsibility of that citizenship. Each vote that is cast is an expression of belief in the American form of government, and each vote that is not cast is a rejection of all the concepts for which America stands. Those Americans who don't vote because they're too disinterested, too busy, or too lazy, fail in their obligations as citizens.

When Americans become apathetic towards government and no longer exercise their right to govern themselves, we are all in grave danger of losing our right of self government. There is an old maxim that states, "Those who will not govern, will be governed."

Voting in every election is essential to the health and well being of our great nation, because ours is a nation where the people decide the issues through their elected representatives. It is through the ballot box that we the people exercise our power to govern and any power that the elected may have is derived from that same ballot box. It is awareness and involvement that keeps the ballot box open and free; it is an open and free ballot box that keeps America healthy.

Today, more than ever before, this country needs the political involvement of all its citizens, especially our proud veterans. American voters must make themselves aware of what is happening on all levels of government, learn the facts, weigh the alternatives, make a decision and then cast a vote for those who best represent that decision.

We may not have the most perfect system of government that can possibly be devised, but it is far better than any system yet known to man. It has been achieved by free people expressing their position at the ballot box.

It is up to us to set the example. We can't count on the other person to get out and vote. He may be counting on you. It is our future as well as the person down the street. Why let him choose the road we will travel. He doesn't make our other daily decisions for us. Are you willing to let him make a choice for you that comes only once every two or four years?

It is your right as much as John Doe's. Get out and exercise your greatest right. Cast your ballot. It is your way to continue having a free and great country. If it is worth dying for, it is certainly worth your vote.