

AMVETS LEGISLATIVE UPDATE

NOVEMBER 24, 2020

News Driving the Week

- More than 100 more members of Congress are pushing their colleagues to expand [care for Vietnam veterans ill from Agent Orange](#) exposure in the final defense spending and policy bill. Representative Josh Harder sent a letter along with 111 other lawmakers urging the Congress members set to negotiate the final version of the National Defense Authorization Act (NDAA) this week to include his measure that would expand care for thousands of Vietnam veterans "left behind by VA." That massive must-pass annual defense spending and policy bill is all but guaranteed to pass in recent years and is prime real estate for major military and veterans legislation, including on toxic exposures. That list of "presumptive" conditions includes all of the illnesses VA recognizes as service-connected diseases related to the toxic herbicide and therefore provides coverage and benefits for. The three illnesses lawmakers are pushing to include are bladder cancer, hypothyroidism and Parkinsonism and adding them to the list could provide care to more than 34,000 veterans. Senator Tester said he was confident the amendment would make it into the final version and would be surprised if lawmakers on the conference committee stripped it out.

- After nearly two decades of overseas deployments and combat for U.S. service members, [the Department of Veterans Affairs could be poised to get its first leader with experience serving overseas](#) in the recent wars. Advocates say such a pick would not only have first-hand knowledge of emerging veterans issues such as burn pits and expanded roles of women in the military, but also potentially provide VA leadership with its youngest top administrator ever. Among the candidates being considered is former Pennsylvania Representative Patrick Murphy, former acting Army Secretary and the first Iraq War veteran ever elected to Congress (in 2006). Senator Tammy Duckworth has also been rumored for the job, although convincing her to leave a safe Democratic Senate seat may prove difficult for the new administration. Duckworth, a former Illinois National Guard soldier, lost both of her legs in 2004 when insurgents shot down her helicopter in Iraq. She worked in VA leadership as an assistant secretary from 2009 to 2011, before being elected to Congress. Two Afghanistan War

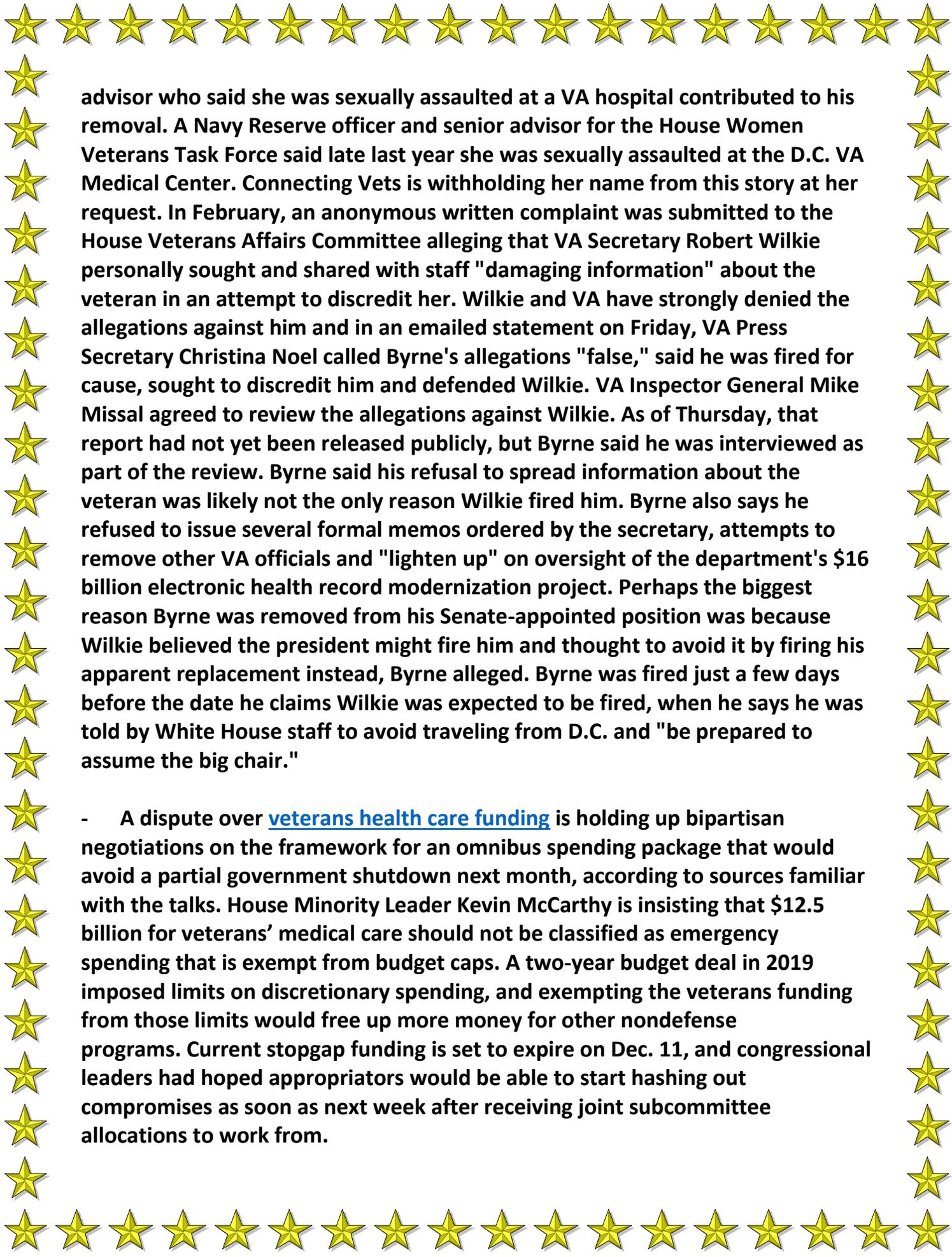


veterans — former Democratic presidential candidate Pete Buttigieg and former Missouri Secretary of State Jason Kander — have also been rumored to be under consideration for the post. Both men are viewed as rising figures within the party, and have talked frequently about how their military experience has shaped their post-military public service.

- A recent court order could give up to 15,000 [Vietnam veterans previously denied disability benefits](#) an average of \$28,000 in backdated payouts, but federal officials could still yet try to appeal the ruling in coming weeks. Earlier this month, the U.S. District Court for Northern California ruled in favor of thousands of “blue water” Navy veterans and their survivors who had charged they are being wrongly denied benefits as part of a deal reached by Congress last year. Under that plan, the Department of Veterans Affairs was required to grant presumptive benefit status for chemical defoliant exposure to veterans who served on ships off the coast of Vietnam during that war. Advocates for years had lamented that VA required direct proof of exposure that was difficult to obtain decades after veterans' tours on ships. Under Secretary for Benefits Paul Lawrence said no decision has been made by VA and Department of Justice officials on an appeal.

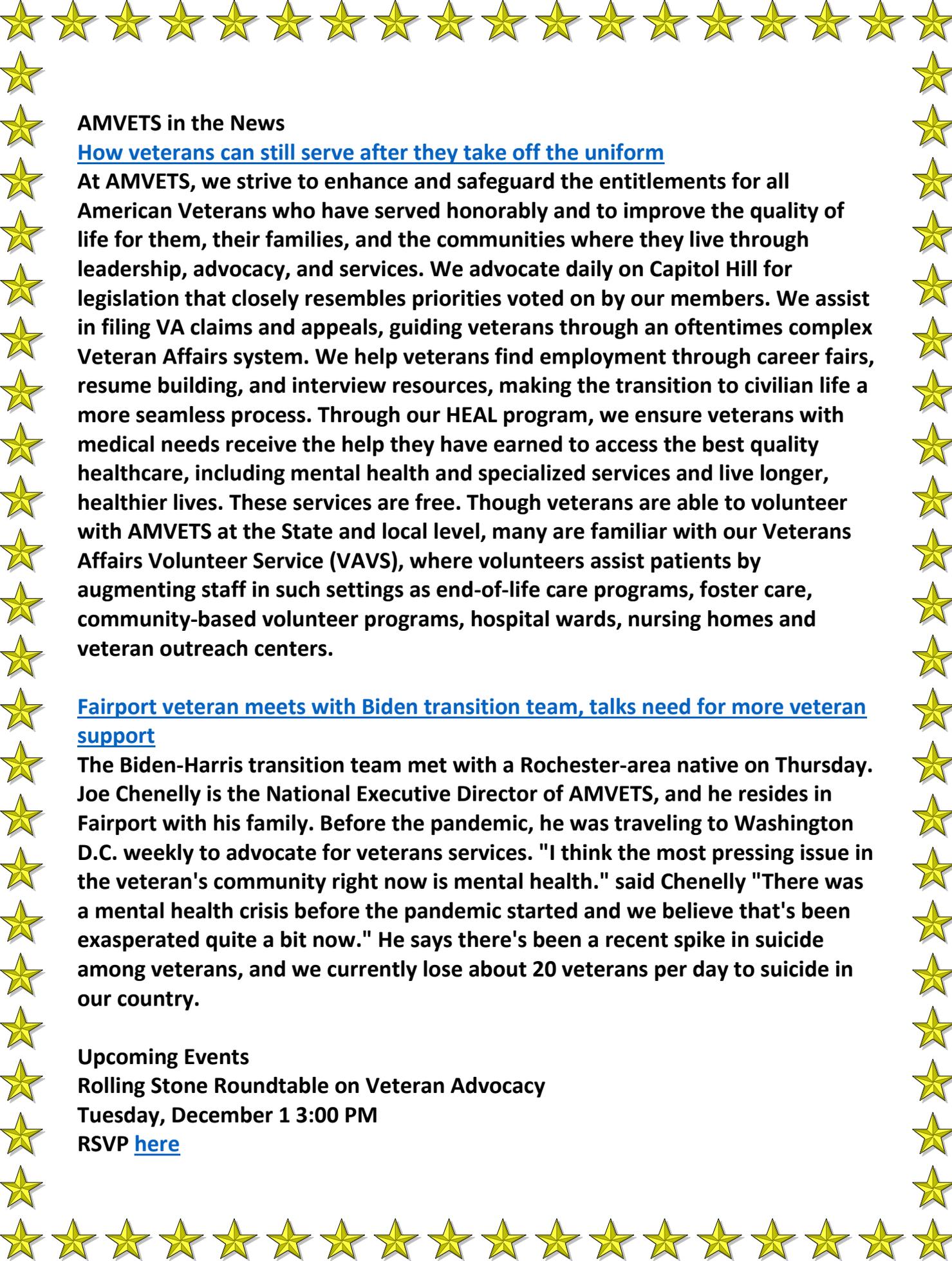
- Despite concerns from lawmakers, Veterans Affairs officials are moving ahead with plans to outsource nearly all [compensation and pension exams](#) in coming months, a move they believe will improve service for veterans. The compensation and pension exams are a key part of the process for veterans to receive disability benefits. In most cases before payouts begin, VA requires some type of review by a medical expert to confirm a veteran's injuries and the severity of its impact. Before the coronavirus pandemic, about 25 percent of those exams were conducted at VA medical centers or health clinics. When many of those were partially shuttered due to virus prevention efforts, the backlog of C&P exams swelled to more than 350,000. In a letter to VA leadership last month, Representative Elaine Luria and head of the House Veterans' Affairs Committee's panel on disability compensation, said she worried the shift of the exams outside of the VA health system could lead to decreased oversight of the process.

- [Former Department of Veterans Affairs Deputy Secretary James Byrne](#) said his refusal to follow a directive to discredit a veteran and senior Congressional



advisor who said she was sexually assaulted at a VA hospital contributed to his removal. A Navy Reserve officer and senior advisor for the House Women Veterans Task Force said late last year she was sexually assaulted at the D.C. VA Medical Center. Connecting Vets is withholding her name from this story at her request. In February, an anonymous written complaint was submitted to the House Veterans Affairs Committee alleging that VA Secretary Robert Wilkie personally sought and shared with staff "damaging information" about the veteran in an attempt to discredit her. Wilkie and VA have strongly denied the allegations against him and in an emailed statement on Friday, VA Press Secretary Christina Noel called Byrne's allegations "false," said he was fired for cause, sought to discredit him and defended Wilkie. VA Inspector General Mike Missal agreed to review the allegations against Wilkie. As of Thursday, that report had not yet been released publicly, but Byrne said he was interviewed as part of the review. Byrne said his refusal to spread information about the veteran was likely not the only reason Wilkie fired him. Byrne also says he refused to issue several formal memos ordered by the secretary, attempts to remove other VA officials and "lighten up" on oversight of the department's \$16 billion electronic health record modernization project. Perhaps the biggest reason Byrne was removed from his Senate-appointed position was because Wilkie believed the president might fire him and thought to avoid it by firing his apparent replacement instead, Byrne alleged. Byrne was fired just a few days before the date he claims Wilkie was expected to be fired, when he says he was told by White House staff to avoid traveling from D.C. and "be prepared to assume the big chair."

- A dispute over [veterans health care funding](#) is holding up bipartisan negotiations on the framework for an omnibus spending package that would avoid a partial government shutdown next month, according to sources familiar with the talks. House Minority Leader Kevin McCarthy is insisting that \$12.5 billion for veterans' medical care should not be classified as emergency spending that is exempt from budget caps. A two-year budget deal in 2019 imposed limits on discretionary spending, and exempting the veterans funding from those limits would free up more money for other nondefense programs. Current stopgap funding is set to expire on Dec. 11, and congressional leaders had hoped appropriators would be able to start hashing out compromises as soon as next week after receiving joint subcommittee allocations to work from.



AMVETS in the News

[How veterans can still serve after they take off the uniform](#)

At AMVETS, we strive to enhance and safeguard the entitlements for all American Veterans who have served honorably and to improve the quality of life for them, their families, and the communities where they live through leadership, advocacy, and services. We advocate daily on Capitol Hill for legislation that closely resembles priorities voted on by our members. We assist in filing VA claims and appeals, guiding veterans through an oftentimes complex Veteran Affairs system. We help veterans find employment through career fairs, resume building, and interview resources, making the transition to civilian life a more seamless process. Through our HEAL program, we ensure veterans with medical needs receive the help they have earned to access the best quality healthcare, including mental health and specialized services and live longer, healthier lives. These services are free. Though veterans are able to volunteer with AMVETS at the State and local level, many are familiar with our Veterans Affairs Volunteer Service (VAVS), where volunteers assist patients by augmenting staff in such settings as end-of-life care programs, foster care, community-based volunteer programs, hospital wards, nursing homes and veteran outreach centers.

[Fairport veteran meets with Biden transition team, talks need for more veteran support](#)

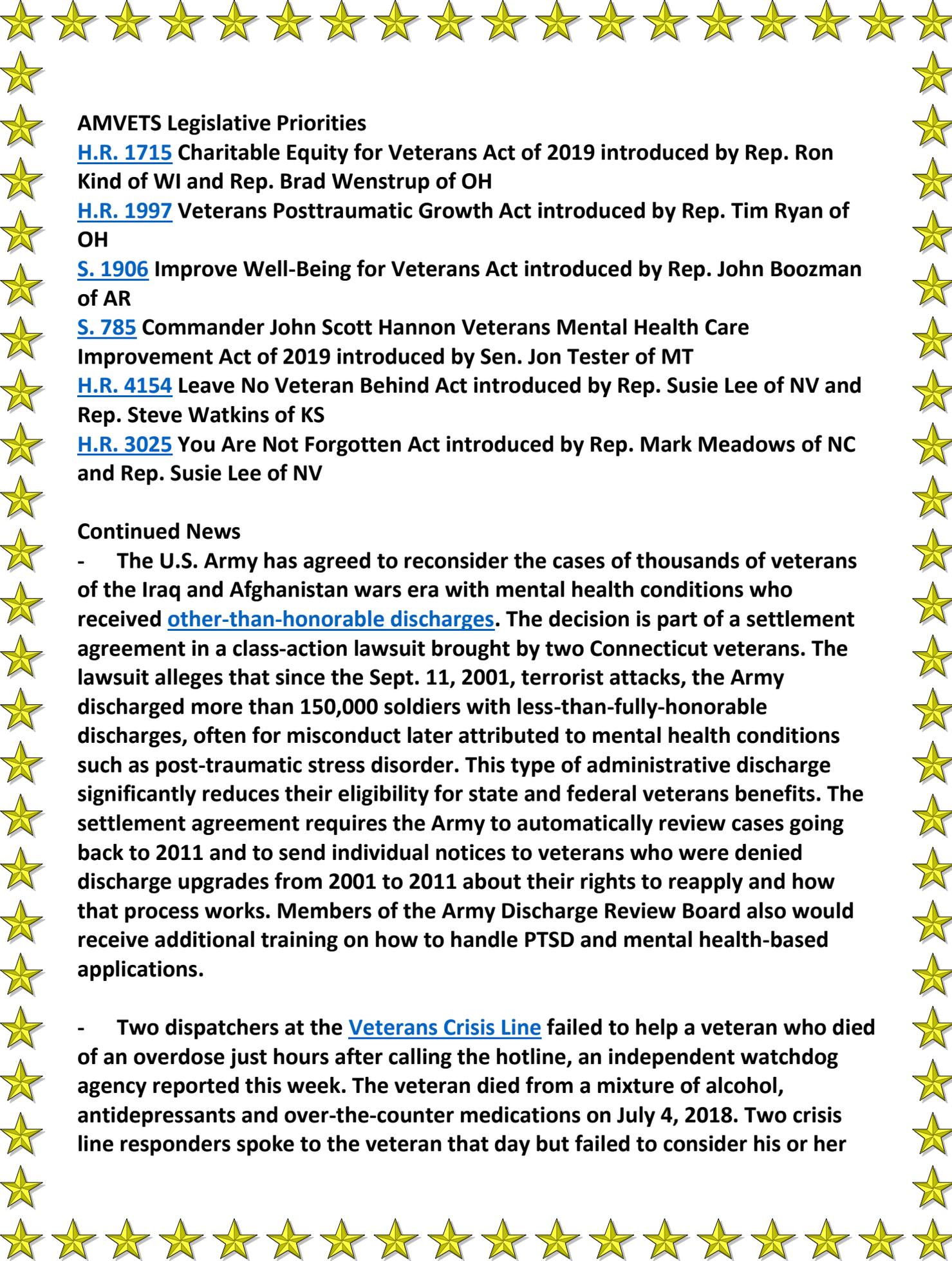
The Biden-Harris transition team met with a Rochester-area native on Thursday. Joe Chenelly is the National Executive Director of AMVETS, and he resides in Fairport with his family. Before the pandemic, he was traveling to Washington D.C. weekly to advocate for veterans services. "I think the most pressing issue in the veteran's community right now is mental health." said Chenelly "There was a mental health crisis before the pandemic started and we believe that's been exasperated quite a bit now." He says there's been a recent spike in suicide among veterans, and we currently lose about 20 veterans per day to suicide in our country.

Upcoming Events

Rolling Stone Roundtable on Veteran Advocacy

Tuesday, December 1 3:00 PM

RSVP [here](#)



AMVETS Legislative Priorities

[H.R. 1715](#) Charitable Equity for Veterans Act of 2019 introduced by Rep. Ron Kind of WI and Rep. Brad Wenstrup of OH

[H.R. 1997](#) Veterans Posttraumatic Growth Act introduced by Rep. Tim Ryan of OH

[S. 1906](#) Improve Well-Being for Veterans Act introduced by Rep. John Boozman of AR

[S. 785](#) Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019 introduced by Sen. Jon Tester of MT

[H.R. 4154](#) Leave No Veteran Behind Act introduced by Rep. Susie Lee of NV and Rep. Steve Watkins of KS

[H.R. 3025](#) You Are Not Forgotten Act introduced by Rep. Mark Meadows of NC and Rep. Susie Lee of NV

Continued News

- The U.S. Army has agreed to reconsider the cases of thousands of veterans of the Iraq and Afghanistan wars era with mental health conditions who received [other-than-honorable discharges](#). The decision is part of a settlement agreement in a class-action lawsuit brought by two Connecticut veterans. The lawsuit alleges that since the Sept. 11, 2001, terrorist attacks, the Army discharged more than 150,000 soldiers with less-than-fully-honorable discharges, often for misconduct later attributed to mental health conditions such as post-traumatic stress disorder. This type of administrative discharge significantly reduces their eligibility for state and federal veterans benefits. The settlement agreement requires the Army to automatically review cases going back to 2011 and to send individual notices to veterans who were denied discharge upgrades from 2001 to 2011 about their rights to reapply and how that process works. Members of the Army Discharge Review Board also would receive additional training on how to handle PTSD and mental health-based applications.

- Two dispatchers at the [Veterans Crisis Line](#) failed to help a veteran who died of an overdose just hours after calling the hotline, an independent watchdog agency reported this week. The veteran died from a mixture of alcohol, antidepressants and over-the-counter medications on July 4, 2018. Two crisis line responders spoke to the veteran that day but failed to consider his or her



risk for overdose and didn't contact local authorities, according to a new report from the Department of Veterans Affairs Office of Inspector General. Responders marked the veteran at "moderate to low risk," despite the veteran reporting a previous suicide attempt and having suicidal thoughts within the past two months. The veteran also told responders he or she had a gun, was drinking and taking over-the-counter medication.

- The Trump administration was dealt a blow by a labor panel on Monday, which ruled the Veterans Affairs Department violated a contract with one of its employee unions as it sought to quickly dismiss poorly performing workers. The Federal Labor Relations Authority decision in part unwinds VA's implementation of the 2017 [VA Accountability and Whistleblower Protection Act](#), a law that made it easier to fire employees. President Trump has repeatedly highlighted the act as one of the key legislative accomplishments of his term. FLRA upheld a 2018 arbitrator's ruling, which found VA violated its collective bargaining agreement with the American Federation of Government Employees when it eliminated "performance improvement plans" from the pre-disciplinary process. Monday's decision requires VA to reinstate all employees fired without first being provided such a plan. The FLRA decision requires VA to resume compliance with its collective bargaining agreement, rescind any adverse action against AFGE-represented employees who did not first receive a performance improvement plan, and reinstate any fired worker at the department, including back pay, restored leave and other benefits. VA will also pay AFGE's attorney fees, though it can still appeal the ruling to federal court. A department spokesperson said VA is reviewing the decision.

For more than a decade, health officials have watched in vain as suicide rates climbed steadily — by 30 percent nationally since 2000 — and rates in the V.A. system have been higher than in the general population. The trends have defied easy explanation and driven investment in blind analysis: machine learning, or [A.I.-assisted algorithms](#) that search medical and other records for patterns historically associated with suicides or attempts in large clinical populations. Doctors have traditionally gauged patients' risks by looking at past mental health diagnoses and incidents of substance abuse, and by drawing on experience and medical instinct. But these evaluations fall well short of predictive, and the artificially intelligent programs explore many more factors, like employment and marital status, physical ailments, prescription history and

hospital visits. These algorithms are black boxes: They flag a person as at high risk of suicide, without providing any rationale.

- Veterans who served at [a secret Soviet-era airbase in Karshi-Khanabad, Uzbekistan](#), have sickened and died from illnesses they believe were caused by exposures to toxicants at the base, including dangerous levels of radiation and "black goo" oozing up from the ground. VA officials, including Secretary Robert Wilkie, have previously denied any link between K2 and cancers or other major health concerns among veterans, even before the department has conducted any scientific studies. VA's continued denial, left "hundreds if not thousands" of K2 veterans ineligible for care and disability benefits for their service at the base. Service members at K2 may have been exposed to jet fuel because of leaking Soviet-era underground fuel distribution systems, volatile organic compounds from the fuel, particulate matter and dust, depleted uranium from Soviet missiles destroyed at the site, asbestos in the buildings, lead-based paint in at least one building and more, according to VA. One of the biggest frustrations for advocates, veterans and their families, is that disability benefits often can be denied by the VA for a lack of evidence tying exposures to specific illnesses, and there are not "presumptive" conditions for many types of exposures. Even veterans exposed to Agent Orange decades ago still struggle to have their illnesses recognized as being connected to their service and therefore eligible for VA care. VA leaders have often cited the need for more research before presumptives can be established.

- [Opinion](#): Why Ketamine Could Be the All-in-One Solution to Curb Veteran Suicide Rates

