



Statement of the
Fleet Reserve Association
on its
2021 Legislative Goals

Presented to the:

U.S. House of Representatives and
United States Senate
Veterans' Affairs Committees

By

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March 18, 2021

The FRA

“Heading to 100 Years”

The Fleet Reserve Association (FRA) wants to express its appreciation for the opportunity to meet with the Biden-Harris transitioning team to review goals concerning the Department of Veterans Affairs (VA). FRA is the oldest and largest organization serving enlisted men and women in the active, reserve, and retired communities plus veterans of the Navy, Marine Corps, and Coast Guard. The Association is Congressionally Chartered, recognized by the Department of Veterans Affairs (VA), and entrusted to serve all veterans who seek its help.

FRA started in 1924 and its name is derived from the Navy’s program for personnel transferring to the Fleet Reserve after 20 or more years of active duty, but less than 30 years for retirement purposes. During the required period of service in the Fleet Reserve, assigned personnel earn retainer pay and are subject to recall by the Secretary of the Navy.

The Association testifies regularly before the House and Senate Veterans’ Affairs Committees, and it is actively involved in the Veterans Affairs Voluntary Services (VAVS) program. A member of the National Headquarters’ staff serves as FRA’s National Veterans Service Officer (NVSVO) and as a representative on the VAVS National Advisory Committee (NAC). FRA’s VSOs oversee the Association’s Veterans Service Officer program and represent veterans throughout the claims process and before the Board of Veteran’s Appeals.

In 2016, FRA membership overwhelmingly approved the establishment of the Fleet Reserve Association Veterans Service Foundation (VSF). The main strategy for the VSF is to improve and grow the FRA Veterans Service Officers (VSO) program. The newly formed foundation has a 501(c) (3) tax exempt status and nearly 800 accredited service officers with FRA.

FRA became a member of the Veterans Day National Committee in 2007, joining 24 other nationally recognized VSOs on this important committee that coordinates National Veterans’ Day ceremonies at Arlington National Cemetery. FRA will host the ceremony in their centennial year, 2024. The Association is a leading organization in The Military Coalition (TMC), a group of 35 nationally recognized military and veteran groups jointly representing the concerns of over five million members. FRA staff also serve in several key TMC leadership positions.

FRA is grateful for receiving a grant for 501 c19 groups from the Paycheck Protection Program (PPP) grant under the Economic Aid to hard-hit small businesses, and nonprofits.

The Association’s motto is “Loyalty, Protection, and Service.”

FY 2022 VA Budget

In a normal budget year, the Administration releases its annual fiscal budget for the upcoming fiscal year (FY 2022) starting October 1, 2021, in early February. When a new President is sworn in (late January) the Administration usually takes longer to submit a budget. Four years ago the previous new Administration did not submit a budget request until late May. The last proposed VA budget provided a 10.2 percent increase over the previous year. FRA supports budget initiatives to help ensure adequate funding for the Department of Veterans Affairs (VA), with special attention for VA health care to ensure access and care for all beneficiaries. That is why FRA supports the Independent Budget (IB) recommendations. Notable in this year's IB is a call for \$4 billion for overdue construction on medical facilities, doubling the VA's current budget for those projects.

It is noted in IB that the past year has been one of the most challenging with COVID-19 pandemic disruption that has significantly impacting veteran's ability to access benefits and other services.

The recently enacted COVID-19 relief package provides additional funding for the Department of Veterans Affairs (VA) that includes the following provisions:

- \$272 million for the VA to mitigate the impacts of the pandemic on the benefits claims and appeals backlog;
- \$13.5 billion for the VA to provide health care services and related support to eligible veterans, including COVID-19 vaccine distribution, expanded mental health care, enhanced telehealth capabilities, extended support for veterans who are homeless or in danger of becoming homeless, and PPE and supplies for clinical employees;
- \$100 million for accelerated deployment of the VA's supply chain modernization initiative to improve the department's preparedness and response to public health emergencies;
- \$750 million for the VA to support COVID-19 response, staff and veteran safety, and preparedness at state veterans homes through one-time payments to support operations and additional construction grants to support shovel-ready projects;
- \$10 million for the VA Office of Inspector General to provide oversight;
- \$386 million for up to 12 months of retraining assistance for veterans who are unemployed due to COVID-19 and do not have other veteran education benefits; and
- Providing VA copayment relief by waiving medical debts and billing during the pandemic, as well as costs for COVID-19 testing, treatment, and vaccination services at the Department.

Despite the budgetary challenges VA should continue to increase staffing levels and continue to implement the VA MISSION Act. FRA argues that modernizing the Electronic Health Record (EHR) should be a top priority.

Agent Orange

FRA is thankful that the FY 2021 National Defense Authorization Act added new presumptive conditions due to exposure to Agent Orange herbicide such as bladder cancer, hypothyroidism, and parkinsonism. FRA is thankful to SVAC Chairman Jon Tester for his leadership on this issue. It has been estimated that this expansion will benefit 34,000 suffering veterans. The Association also supports efforts to include hypertension in the list of presumption ailments.

The underlying law specifically affects Blue Water Navy Veterans who served offshore of Vietnam between Jan. 6, 1962, and May 7, 1975. The Act signed into law June 25, 2019, also applies to veterans who served in the Korean Demilitarized Zone (DMZ) between Jan. 1, 1967, and Aug. 31, 1971. These veterans can apply for disability compensation and other benefits if they have since developed one of 14 conditions that are presumed to be related to exposure to herbicides such as Agent Orange. Veterans no longer need to prove that they were exposed to herbicides.

Survivors of veterans can file claims for benefits, based on the veteran's service, if the veteran died from at least one of the presumptive conditions associated with Agent Orange. The law also provides benefits for children born with spina bifida if their parent is or was a veteran with certain verified service in Thailand during a specific period. The Blue Water Navy Act also includes provisions affecting the VA Home Loan Program. The law creates more access for veterans to obtain no-down-payment home loans, regardless of the loan amount. Also, the home loan funding fee is reduced for eligible Reservists and National Guard first-time borrowers who use their home loan benefit. Certain Purple Heart recipients do not pay any funding fee.

FRA wants to thank the National Archives and Records Administration (NARA), helping the VA to determine ship locations and to digitize more than 1,800 vessels' deck logs. The collaboration between the VA and the NARA has already assisted in granting more than 22,524 claims since Jan. 1, 2020. The effort digitized more than 29 million images from U.S. Navy and Coast Guard deck logs. It has also provided data, such as ship name, date, and coordinates to feed an internal claims-related technical processing system that identifies the vessels that may have traveled within the offshore waters of the Republic of Vietnam. This approach ensures that VA claims adjudicators have the evidence needed to render a decision the first time a case is reviewed. This effort has resulted in faster service for veterans and reduced the need for physical handling of archival records which preserves our nation's historical documents.

Toxic Exposure

FRA is a member of the Toxic Exposures in the American Military (TEAM) Coalition and wants to ensure that no veteran who had exposure to burn pits or other environmental toxins goes without access to VA health care benefits. The Association is thankful for the recent Senate

Veterans Affairs Committee hearing on this issue and we are aware that additional legislation will be introduced in the near future. The HVAC Disability Assistance subcommittee hearings last year discussed toxic exposure caused by burn pits in the middle east and southwest Asia. In her opening statement, Chairwoman Rep. Elaine Luria (Va.) highlighted the many effects of toxic exposure and airborne hazards. FRA supports oversight hearings on the negative effects of these hazards, and what steps the VA is taking to get veterans who are affected by burn pit exposure to get the proper care they need. The burn pit registry was created to allow eligible veterans and service members to document their exposures and report health concerns through an online questionnaire.

Burn pits were a common way to get rid of waste at military sites in Iraq and Afghanistan. More than 3.7 million service members have been deployed to the Southwest Asia theater of military operations since 1990. Deployment to the region exposed service members to airborne hazards including oil-well fire smoke, emissions from open burn pits, dust suspended in the air, exhaust from military vehicles, and local industrial emissions. Temperature extremes, stress, and noise encountered by service members may have increased their vulnerability to these exposures. Toxins in burn pit smoke may affect the skin, eyes, respiratory and cardiovascular systems, gastrointestinal tract, and internal organs. The VA has received 12,582 claims related to burn pit exposure but only 2,828 have been granted. The FRA supported the "The Toxic Exposure in the American Military Act" (TEAM Act - S.4393), from the last session of Congress which would have expanded access to preventative and diagnostic services for veterans exposed to toxins and establishes an independent scientific commission tasked with researching the health effects of such toxic exposure and reporting its findings to the VA and Congress.

As noted above many claims have been rejected because of the lack of evidence of burn pit exposure. Each VA claim related to burn pit exposure must include:

1. Medical evidence of a current disability;
2. Evidence of burn pit exposure; and
3. Evidence of a link between the claimed disease/injury and exposure to burn pits.

The second step puts a very high burden of proof on a service member: each has to provide their own, personal evidence that they were exposed to burn pits. To remedy this, the "Veterans Burn Pits Exposure Recognition Act" (S.437) was recently introduced by Senators Dan Sullivan (AK) and Joe Manchin (WV) that "concedes" exposure based on the time and place of deployment.

FRA is looking forward to working with both committees and bill sponsors to pass a comprehensive bill on toxic exposure this year.

Veteran's Health Care

Senate Veterans' Affairs Committee (SVAC) Chairman Jon Tester (Mont.), Sen. John Boozman (Ark.), SVAC Ranking Member Jerry Moran (Kan.), and Sen. Richard Blumenthal (Conn.) have introduced bipartisan legislation to expand COVID-19 vaccine eligibility to veterans and their families under the Department of Veterans Affairs (VA).

The "Strengthening and Amplifying Vaccination Efforts to Locally Immunize all Veterans and Every Spouse (SAVE LIVES) Act" (S. 682) would allow the VA to provide no-cost COVID vaccination services to all veterans, veteran spouses, caregivers, and Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) recipients to the extent that such vaccines are available. The legislation also urges the Department of Health and Human Services to adjust VA's vaccine allocation based on this increased eligibility pool, as much as the supply chain allows. Similar legislation, the "VA Vaccine Act" (H. R. 1276) sponsored by House Veterans Affairs Committee Chairman Mark Takano (Calif.) has passed the House. This bill provides vaccines to veterans who are enrolled in the VA health care system, and veteran caregivers.

FRA members appreciate the VA response to the COVID-19 pandemic and are thankful that essential health care workers at the VA were the first to be offered the COVID-19 vaccine. The VA has a limited number of vaccines and the distribution plan addresses vaccinations for veterans, staff, and other federal partners including a prioritization framework for identifying the population(s) at highest risk to receive the vaccine.

The agency has given more than 1.3 million tests and the VA telehealth usage has increased by more than 1400 percent. Since the start of the pandemic, more than 10,605 VA patients and 121 VA employees have died from COVID-19. To date, 1.4 million "high risk" veterans at 258 sites. In January 2021 VA permitted veteran caregivers to also receive the vaccine. The VA has given priority to veterans already receiving care at the VA and veterans who are age 75 or older. Some VA facilities are offering vaccines to veterans who are age 65 and older. There is no charge for the vaccine.

Veteran's health care includes significant challenges. "For example, an estimated 25% of veterans are diabetic; nearly triple the national average of 9.4%. The Veterans Health Administration reports that military veterans also are more likely to be diagnosed with chronic conditions associated with diabetes, including hypertension, chronic obstructive pulmonary disease (COPD) and heart disease."¹ According to numerous sources 30 percent of all VA medical appointments are now held in the community rather than in VA medical facilities. The law now allows authorized veterans to access "walk-in care" a limited number of times each year

¹ Express Script Inc. e-newsletter 11/9/18

at clinics with VA contracts. FRA also supports expanding the VA efforts to pursue a pilot program to increase veteran access to dental care.

Mental Health/Suicide

FRA supports improvements of VA and Defense Department suicide prevention programs to reduce the rate of suicide among veterans and active-duty service members.

Veterans ages 18 to 34 experience a higher rate of suicide than all other age brackets of veterans. The suicide rate for young veterans increased by 76 percent from 2005 to 2017, according to the Department of Veterans Affairs' 2020 National Veteran Suicide Prevention Annual Report. A growing number of these veterans never experienced combat. In 2017, President Donald Trump signed a bill that created the Recovery Engagement and Coordination for Health – Veterans Enhanced Treatment (REACH VET) program, which expands mental health resources for veterans. The program screens all service members prior to leaving the military to help VA identify at-risk service members. Nonprofit organizations and the VA are also collaborating to create a resource network to provide mental health services before and after service members leave the military.

FRA is thankful two major proposals were enacted into law: the “Commander John Scott Hannon Veterans Mental Health Care Improvement Act” (S. 785) and the “Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act” (H.R.7105) which amends several VA authorities related to helping veteran’s transition from military to civilian life; suicide prevention; mental health care research and oversight; mental health care staffing; and health care for women veterans.

Also, Congress enacted the “National Suicide Hotline Designation Act” (S. 2661) which designates 9-8-8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system. It should be noted that the 988 program has been delayed by the Federal Communications Commission.

Disability Claims Backlog and the 48 Hour Review

FRA urges Congress to pass legislation that requires VA to be held accountable for achieving the VA’s stated goal to achieve an operational state for VA in which no claim is pending over 125 days and all claims have an accuracy rate of 98 percent or higher. Currently there are more than 209,000 pending claims that have been pending 125 days or more. There has been a steady increase in backlog claims since March 2020, and the most current report indicates an 87.35 percent accuracy on disability claims, with an Average Days to Complete (ADC) at 110 days.

FRA is thankful that the number of Legacy Appeals for disability claims has been reduced by nearly 19,000 at the end of September 2020 as compared to the end of February 2021.

In April 2020, the VA eliminated the critical 48-hour review period—a decades-old practice allowing veterans and their representatives time to review benefits determinations prior to VA’s final decision—as it promotes efficiency, mitigates potential errors, and reduces the need for appeals. FRA supports the “Veterans Claim Transparency Act” sponsored by Sens. Jon Tester (Mt.) and John Boozman (Ark.) that would reinstate the review period to ensure accredited Veteran Service Organizations, attorneys, and claims agents can review and course correct benefits determinations, prior to VA’s final decision.

FRA is grateful that Last October the VA has reestablished in-person benefits services in select locations throughout the country. Currently, there are 10 regional offices (RO) open to the public and more are expected to reopen in the coming weeks since the reopening phases will vary by RO and local conditions.

Regional offices continue to adhere to the Centers for Disease Control and Prevention guidelines, which include the use of social distancing, face coverings, hand sanitizer, and asking sick individuals to stay at home. Veterans can continue to interact with the Veterans Benefits Administration (VBA) virtually for accessing benefits.

VA MISSION Act/Caregiver Act

FRA and many caregiver families are disappointed in the way the VA expanded the Caregivers Act. The VA MISSION Act expands the VA Caregiver Program to include all catastrophically disabled veterans. The previous caregiver law only applied to veterans disabled or wounded on or after September 11, 2001. The program provides a monthly stipend, and health care benefits for the caregiver.

The VA final regulation to improve and expand the VA Program of Comprehensive Assistance for Family Caregivers (PCAFC) went into effect on Oct. 1, 2020. This program provides training, education, and assistance to family members caring for a veteran. The expansion will occur in two phases. The first phase began October 1, 2020, which includes eligible veterans who incurred or aggravated a serious injury in the line of duty in the active, military, naval, or air service on or before May 7, 1975. Phase two will go into effect two years later and includes eligible veterans of all eras. Requiring the VA to expand this program to all severely disabled veterans regardless of the era of service was a top priority for FRA. The VA’s revised regulation tightened the eligibility criteria substantially beyond what is required by law. As the VA’s regulation substantially changes the program’s eligibility criteria, the process to determine a veteran’s “need” for assistance, and the entire methodology and basis for the stipend paid to the caregiver.

Post 911 GI Bill

FRA wants to improve the Post 9/11 GI Bill program and other education benefit programs for veterans, and survivors of disabled or deceased veterans. The Association wants to preserve the military Tuition Assistance (TA) program and opposes shifting a significant part of the cost to active-duty beneficiaries.

FRA is thankful that the COVID-19 relief legislation (H.R. 1319) includes a provision to close the 90/10 loophole and thereby remove for-profit colleges' target from the backs of veterans and military-connected students. It should be noted that many for-profit colleges have been sued for illegally deceptive recruiting of veterans, servicemembers, their families, and survivors.

Oversight of VA IT

The Association believes Congressional oversight of the ongoing implementation of VA technology upgrades that will provide a joint Electronic Health Record (EHR) is vital to ensuring improvements to the system. FRA wants to ensure adequate funding for Department of Defense (DoD) and the VA health care resource sharing in delivering seamless, cost-effective, quality services to personnel wounded in combat and other veterans and their families. Some members of Congress have expressed concern about the cost and length of time to fully implement. The cost and the long time for implementation notwithstanding, FRA believes there is a tremendous opportunity with the two departments using the same EHR.

Women's Veterans Issues

“Forty years ago, women made up only two percent of the veteran population.”² according to the Department of labor they now represent 10 percent of that population. FRA is thankful that the 116th Congress passed, and former President Trump signed into law the “Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act” (H.R.7105). The bill includes major provisions of the FRA-supported Deborah Sampson Act to assist women veterans including the creation of VA Office of Women's Health, providing \$20 million to retrofit VA hospitals with women's health spaces, and makes permanent a program to provide childcare at VA facilities, among other measures. The Association wants to increase access to gender-specific medical and mental health care to meet the unique needs of women service members and women veterans.

² Gljobs.com. Jan. 2021, Natalie Hayek, page 12

Homeless Veterans

FRA supports the “Improving Housing Outcomes for Veterans Act” (S. 612/H.R. 876) sponsored by Sen. Rob Portman (Oh.) and Rep. Anthony Gonzalez (Oh.) respectively that would provide needed care for veterans experiencing homelessness. The bills follow a May 2020 Government Accountability Office (GAO) report, which found shortcomings in VA’s programs to support veterans experiencing homelessness in collaboration with local partners and other federal agencies.

In 2010 the VA established a goal of eliminating veteran homelessness by 2015. That goal has not been achieved. The Department of Housing and Urban Development (HUD) and VA have a wide range of programs that prevent and end homelessness among veterans, including health care, housing solutions, job training and education. VA, the Department of Labor, and HUD programs for homeless veterans have reduced homelessness. According to the National Coalition for Homeless Veterans the veterans experiencing homelessness decreased by nearly 50 percent since 2009. FRA wants the VA and other government agencies to invest in efforts to ensure that veteran’s homelessness is rare, brief, and nonrecurring.

Servicemembers Civil Relief Act

FRA wants to ensure that the Servicemembers Civil Relief Act (SCRA) is enforced by regulatory agencies, including the Consumer Financial Protection Bureau (CFPB), Office of Military Affairs and wants to ensure that active-duty personnel are protected from predatory lenders. FRA wants to make mandatory arbitration agreements in financial contracts unenforceable.

Concurrent Receipt

The Association strongly supports the “Major Richard Star Act” (S. 344/H.R. 1282) that is sponsored by Chairman Tester and Rep. Gus Bilirakis respectively that expands concurrent receipt to include Combat Related Special Compensation (CRSC) veterans who are medically retired with less than 20 years of service. Concurrent receipt refers to the simultaneous receipt of two types of monetary benefits: military retired pay and Department of Veterans Affairs (VA) disability compensation. FRA supports legislation authorizing the immediate payment of concurrent receipt of *full* military retired pay and veterans’ disability compensation for *all*.

Conclusion

In closing, allow me again to express the sincere appreciation of the Association's membership for all that you and the members of both of the House and Senate Veterans' Affairs Committees and your outstanding staffs do for our Nation's veterans.

Our leadership and Legislative Team stand ready to work with the Committees and their staffs to improve benefits for all veterans who have served this great Nation.

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Michael “Mick” Fulton FRA National President

Michael “Mick” Fulton, a resident of Imperial Beach, Calif., and a member of Fleet Reserve Association (FRA) Branch 289, was elected National President of the Association on October 15, 2020. A year earlier Mick was elected National Vice President at the Association’s National Convention Memphis, Tennessee. He was elected as President of the Association’s Southwest (SW) Region and served as a member of the Association’s National Board of Directors for 2013–2014, representing FRA shipmates who reside in New Mexico, Arizona, Southern California, and the regions surrounding El Paso, Texas, and Las Vegas, Nev.

Fulton enlisted in the Navy in September of 1976 and retired from military service on 1 November 2006. During his highly successful military career, he served as a Boatswain's Mate on several ships and as a small craft coxswain, LCAC craftmaster and Instructor. Upon advancement to E-9 he served three tours afloat as Command Master Chief, his final tour was ashore as Command Master Chief of Naval Base Coronado. Through his career he earned numerous performance awards, including the Meritorious Service and Navy Commendation Medals, three times each. He worked as marine repair yard and project development manager in the civilian sector after he left active-duty service.

He first joined FRA in 1980 and has held a variety of leadership positions at the local and regional levels. He has served as Secretary, Vice President, President and as a member of Branch 289’s board of directors. Elected as Regional Vice President (2012–2013), in April of 2013, Fulton took over the unexpired term of his predecessor, and has now been elected Regional President in his own right for the coming year. He has also served as Chairman of both SW Regional Convention and SW Public Relations for two years (2010-2011).

“I am honored by this opportunity to serve as National President to help advance FRA’s mission to support our military and protect their benefits,”