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If Veterans don't help Veterans, who will?

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Military-Veteran Advocacy Report

On DC Trip

September 15, 2017

Military-Veterans Advocacy Report from Capitol Hill September 2017.

I spent the first week of September in Washington and actually was able to spend only a limited amount of time on Capitol Hill. I also had to teach a Veterans Law CLE, represent a veteran at a BVA hearing and attend a meeting of the Military Coalition Veterans Committee.

Previously, the Chairman of the House Veterans Affairs Committee had agreed to move HR 299, the Blue Water Navy bill, forward if the Veterans Service Organizations agreed to support "round downs" as an offset as required by the Pay As You Go Act of 2010. The "round down" would be an agreement to round the monthly disability payment of all veterans down to the nearest dollar. It is a budget control device that has been used frequently in the past. The maximum loss to any one veteran would be \$11.88 per veteran per year. *Round downs would generate \$1.8 billion over ten years which would pay for the Blue Water Navy and the veterans of Agent Orange exposure on Guam. Our intent was to fold HR 299 and HR 809 (the Foster bill) together and pay for both with the round downs.*

We had proposed round downs as an offset in 2015 and Senator Bernie Sanders I-VT had vetoed it. Unfortunately, in the Senate, one Senator can block a bill. I met with Senator Sanders staff and basically told them that if he blocked a bill passed by the House we would take the issue to the voters in Vermont.

Unfortunately the Veterans Service Organizations (VSOs) at the Military Coalition refused to agree to the "round downs." Led by the VFW and somewhat supported by MOAA, the general consensus was that round downs were not acceptable. In other words, to save \$11.88 per veteran per year, 90,000 Blue Water Navy veterans and 50,000 Guam veterans will not be covered.

I questioned the VFW on how they propose to pay for the bills and they basically gave non-answers. I pressed for a response but they would only say "we'll take care of it." Unfortunately, this response has been consistent for the last six years and they have yet to take care of it.

It is not just the VFW, the DAV has refused to support round downs. The Legion has been kind of wishy washy. The Military Order of the Purple Heart is led by Hershel Gober, the husband of the General Counsel who started this mess with her arbitrary and capricious opinion. Gober was the Acting Secretary under President Clinton and started the process that eventually resulted in the deprivation of benefits in 2002. Let's face it folks. We have been abandoned again. The Association of the U. S. Navy has taken the lead in supporting whatever it takes to pass this bill. Fleet Reserve Association has joined them. Vietnam Veterans of America have also been very supportive. A few smaller groups have joined in their support but the so called "Big 6" with the exception of VVA have given us lip service and not much else.

At the end of this message, I have listed several organizations with phone numbers and emails. If you belong to any of these organizations let them know how you feel. Call them, email them and fax them with the consistent message - "Support round downs for Blue Water Navy and Guam veterans."

Many of you are going to say "But Congress can do this if they really want to." OK you are right. But the point is they will not do it. We are on our 4th rendition of HR 299. We have a bunch of co-sponsors, we have had hearings, we have had news reports. But nothing has happened. No amount of states of emergency, telephone

call-ins or anything else is going to move this forward in Congress without an offset. I don't like that but that is the way it is. This is not a Democrat or Republican issue. Unfortunately it is the law.

If you are still reading don't throw in the towel. I am not. But there is more bad news. Congressman Valadao, the sponsor of HR 299 wrote a letter to Secretary Shulkin asking him to make a decision. He replied this week with a very disappointing "stall" letter referring to some bogus study sponsored by the VA that will result in a negative or inconclusive finding. We have studied this issue enough. It is time to mover forward.

OK, where do we go from here. We are still waiting for a decision on our suit in Blue Water Navy Vietnam Veterans Association v. Shulkin. I expected a decision long ago. As I have previously mentioned the Court had some jurisdictional questions. I think whether we win or lose we will get good guidance on what the Court expects concerning the jurisdictional question. That will allow us more flexibility in rule making requests. Unfortunately, future requests for rule making will take time. We have had a rule making request pending for 11 months now on Nha Trang and Da Nang harbors. I am going to start looking into the possibility of a mandamus action which could force the Secretary to respond. I have to do some research on that.

If we lose the case on jurisdictional issues, I have another case in the pipeline. The government brief is due the end of the month. There is no jurisdictional issue on this other case.

Here is where I need your help. The fastest way to get this through is for members of the VSOs to contact them and demand that they notify the House Veterans Affairs Committee that they will support round downs for the Blue Water Navy and Guam. Pick the organizations you belong to and make those calls and send those emails. Keep calling and emailing until the organizations bend to the will of their membership.

And keep praying for the success of the Court case. If we win, the vast majority of HR 299 will come out of existing appropriateions and will not require an offset. Finding an offset for the remainder of the BWN and the Guam vets will become easier.

We are trying to find a sponsor for an omnibus bill that will cover all 4.5 million veterans who have been exposed to toxic substances. I will return to Washington this Fall to try to get that bill introduced.

Keep us in your prayers. God bless.

John B Wells

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