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Description of document: Department of Veterans Administration (VA) Meeting minutes - Advisory Committee on Former Prisoners of War 2019

Requested date: 06-June-2020

Release date: 18-June-2020

Posted date: 28-June-2021

Source of document: Freedom of Information Act Request  
FOIA SERVICE  
810 Vermont Avenue, NW  
(005R1C) VACO  
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DEPARTMENT OF VETERANS AFFAIRS  
Washington DC 20420

June 18, 2020

In Reply Refer To: 001B  
FOIA Request: 20-07183-F

Via Email

This is the Initial Agency Decision to your June 6, 2020 Freedom of Information Act (FOIA) request to the U.S. Department of Veterans Affairs (VA), FOIA Service. You requested "A copy of the meeting minutes for each meeting of the VA Advisory Committee on Former Prisoners of War." You advised that we may limit the request to records since January 1, 2019 and requested that we omit the meeting minutes from the December 11-12, 2019 meeting as the information is available online.

Your request was received by the VA FOIA Service on June 8, 2020 and was assigned FOIA tracking number **20-07183-F**. Please refer to this number when corresponding with our office about this request.

On June 9, 2020, your request was referred to and received by the VA Office of the Secretary (OSVA).

On June 10, 2020, I acknowledged receipt of your request and advised that I conducted a search of the GSA Federal Advisory Committee Act (FACA) Database located at <https://www.facadatabase.gov/FACA/apex/FACADatasets> and located a 2019 document titled Minutes-FPOWAug2019; however, due to current maintenance I was unable to open the document. I advised that I then conducted a search of the VA Advisory Committee Management Office (ACMO) website where I located the December 11-12, 2019 that you advised we could omit. Finally, I advised that I requested the Designated Federal Officer (DFO), Advisory Committee on Former Prisoners of War conduct a search for responsive records.

On June 15, 2020, the DFO provided this office with a total of 25 pages, Bates numbered (20-07183-F) 000001 through (20-07183-F) 000025, consisting of the following:

VA Advisory Committee on Former Prisoners of War Meeting Minutes of August 14-16, 2019, (25 pages).

All information is provided in its entirety. No portions of the requested records have been withheld either in whole or in part.

### **FOIA Mediation**

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. Under the provisions of the FOIA Improvement Act of 2016, the following contact information is provided to assist FOIA requesters in resolving disputes:

#### **VA Central Office FOIA Public Liaison:**

Name: Doloras Johnson

Email Address: [vacofoiaservice@va.gov](mailto:vacofoiaservice@va.gov)

#### **Office of Government Information Services (OGIS)**

Email Address: [ogis@nara.gov](mailto:ogis@nara.gov)

Fax: 202-741-5769

Mailing address:

National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740-6001

### **FOIA Appeal**

Please be advised that should you desire to do so; you may appeal the determination made in this response to:

Office of General Counsel (024)

Department of Veterans Affairs

810 Vermont Avenue, NW

Washington, DC 20420

If you should choose to file an appeal, please include a copy of this letter with your written appeal and clearly indicate the basis for your disagreement with the determination set forth in this response. Please be advised that in accordance with VA's implementing FOIA regulations at 38 C.F.R. § 1.559, your appeal must be postmarked no later than ninety (90) days of the date of this letter.

Sincerely,

Ruthann

Parise 941640

Ruthann Parise

OSVA FOIA Officer

Digitally signed by  
Ruthann Parise 941640  
Date: 2020.06.18  
12:08:39 -04'00'

Enclosure: FPOW August 2019 Minutes, 25 pages

**DEPARTMENT OF VETERANS AFFAIRS**  
**ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR**

**August 14-16, 2019**

**MINUTES**

**Members Present:**

Earl Newsome, Acting Chairman  
James Stokes, Acting Vice-Chairman  
Lane Carson  
Harry Corre  
Lucretia McClenney (by telephone)  
Dr. Marion Sherman  
James Williams

**Also Present:**

Leslie Williams, Designated Federal Officer (DFO)  
E. Maquel Marshall, Alternate DFO  
Jelessa Burney, Program Manager, Advisory Committee Management Office  
James Byrne, General Counsel, Performing the Duties of the Deputy Secretary,  
Department of Veterans Affairs  
Kadell Felton, Veterans Affairs San Diego  
Kevin Friel, Deputy Director, Veterans Affairs Pension and Fiduciary Service  
Tom Howard, Chief of Staff, National Cemetery Administration  
Duane Honeycutt, Acting Assistant Deputy Under Secretary for Field Operations  
Allan Lane, Veterans Affairs Waco  
Shaon Rillon, Veterans Affairs San Diego  
Jeffrey Moragne, Director, Advisory Committee Management Office  
Scott Post, Assistant Director, National Outreach  
Katrina Smith, Veterans Affairs Houston  
William York, Veterans Affairs Reno  
The Advisory Committee on Former Prisoners of War (FPOW) met in public and closed sessions on August 14-16, 2019, in the Sonny Montgomery Conference Room, 810 Vermont Avenue, N.W., Washington, District of Columbia 20420

**Wednesday, August 14, 2018**

Business Meeting Opening, VA Lingo Bingo (Beginning of the Open Session)

Acting Chairman Newsome called the Committee to order at 9:00. Ms. Leslie Williams, the DFO, started the meeting by reminding folks about meeting protocols and procedures. The Committee had a quorum with 7 individuals present. 6 attended in person and 1 attended by telephone. Mr. E. Maquel Marshall, the alternate DFO, described VA Lingo Bingo and how it would help familiarize the Committee with terminology the Department of Veterans Affairs uses. Committee members and special guests introduced themselves.

Opening Remarks

Acting Chairman Newsome welcomed the Committee and gave some remarks. He mentioned a previous work call the Committee had before this meeting.

Welcome and Updates: ACFPOW Program Management Office

Mr. Honeycutt gave the presentation. He is currently the Head of Veterans Benefits Administration (VBA) Field Operations. Efforts have been made to cross check systems, like issued prisoner of war (POW) plates, with State Department of Veterans Affairs that have successfully found veterans or their widows that were not in receipt of benefits. Veterans Affairs has found themselves interacting more often with County Veterans Service Officers as opposed to the Big 6 Veterans Service Organizations (VSOs) like Disabled American Veterans (DAV), American Legion, and The Veterans of Foreign Wars of the US (VFW).

Acting Vice-Chairman Stokes asked a question about whether State Departments of Veterans Affairs or VSOs are the better entity to reach the former prisoners of war (FPOWs) in each state. Mr. Honeycutt mentioned that he uses a multi-pronged approach in completing his due diligence for finding FPOWs. He often will attend state service organization conventions.

Acting Chairman Newsome mentioned that the last report by the Department of Veterans Affairs on the number of living POWs came out in 2005 with a spreadsheet being released in 2007, and that it would be valuable to update that report. Mr. Honeycutt mentioned that every year State Departments of Veterans Affairs do come to the Veterans Affairs Central Office for discussions along with holding their own national conventions every year.

Committee Member Corre talked about his concerns as a service officer about service compensation. He also brought up questions relating to insurance offered to service members. Mr. Honeycutt brought up that the \$10,000 insurance figure offered to

Committee Member Corre while he served would be a considerably higher amount today. Acting Chairman Newsome commented that the FPOW parent committee would be breaking up into subcommittees later on to come up with ideas and recommendations.

Committee Member Sherman brought up her experience at VA Loma Linda. She mentioned that FPOWs are often aging and that it is critical to get them in for timely medical care. There is legislation to convert FPOWs from third priority to the highest priority. Mr. Honeycutt mentioned that Veterans Affairs has moved to newer technologies by harnessing social media and having a paperless claims process now. The Veterans Affairs used to have era specific veterans working at their regional offices but unfortunately much of that rating expertise and knowledge is no longer available. Although Veterans Affairs has a high level of accountability today they can still work on their consistency.

Committee Member McClenney suggested that Veterans Benefits Administration (VBA), Veterans Health Administration (VHA), and National Cemetery Administration (NCA) designate someone to do outreach. Committee Member Carson mentioned that for Louisiana about 1/3 of POWs were "in the system," which means they were enrolled in benefits. He also suggested that on the annual POW recognition day in September that a letter be sent out to all known FPOWs. Mr. Honeycutt mentioned that in 2017 there was a program that sent letters out to FPOWs. When filing an application there is no current designation for "spouse of a former POW" but marking "former POW" on the application should get it expedited processing. Acting Chairman Newsome requested a best estimate of data on current numbers of FPOWs alive, as the last estimate came out in 2004. He also suggested that the Veterans Affairs should look into locality pay for DIC as a possible recommendation.

Committee Member Williams asked about a service update on the Purple Heart Organization. Mr. Honeycutt mentioned that Milwaukee had a Military Order of the Purple Heart Claims Office in their Veterans Affairs building. VSOs can petition for space in regional offices. Purple Heart closed up their claims division at the Milwaukee VA regional office. Committee Member Sherman talked about how combat veterans, especially POWs, have higher rates of dementia. Mr. Honeycutt talked about how different eras of generations of veterans have different participation rates for VA benefits.

Ms. Williams, the DFO, talked about how DIC is automated if a POW passes away and there is a spouse of record, but if there is no spouse of record it does not kick in automatically. There is a process time of one week on average for POWs with spouses of record. Annually, VBA and VHA perform a cross collaboration/cross training in partnership with Education and Employee Services. FPOW coordinators on the benefit

and health side are required to work on a case study in a three day training activity, which grants those trainees a certification. VHA has a directive that in order to process an FPOW claim on the VHA and VBA side, one needs to be certified. In 2019 the VHA updated their regulations that the training only needed to be completed once, but the VBA still maintains the need for the training annually.

Acting Vice-Chairman Stokes asked whether the training would go down to the county level also. Ms. Williams mentioned that the training was for internal VA employees only. These employees include outreach coordinators for the VBA side and for VHA it is for DEMO certified doctors, program advocates, as well as outreach advocates. Sometimes VBA leadership will also participate in training. Mr. Honeycutt mentioned that for the three states he has served in the VA, county veteran service officers often received specific training from the VBA in order to maintain their certifications. Training topics are various, including former POW training, training on evolving legislation, training on VBA claims and pension, among others. Dr. Sherman mentioned that the training certification used to be a three day in person training, but about four years ago it shifted to an electronic training that is much more condensed. This allows for more people to attend but consequently is much less interactive. Mr. Williams asked about claims for veterans affected by Agent Orange. Mr. Honeycutt mentioned that legislation was passed that adds blue-water navy veterans affected by Agent Orange to apply for claims, with the VBA gearing up for those claims.

Ms. Williams talked about how establishing POW status is done by Department of Defense (DoD). That process is now a database but not one in which VA is able to extract the lists from anymore. VA has a massive list that provides for everyone that has been given POW status but there is no knowing who is deceased or not. VA developed relationships with NAM-POW and The Mitchell Center, which helped them develop accurate accounting of POWs from Vietnam, World War II, and Desert Storm. VA is still working on developing accurate accounting of POWs from Korea. VA currently has a data sharing agreement with DoD but currently does not include FPOW information. Since DoD is the only agency that can give out that information, the goal is to establish data sharing on FPOWs with DoD. VA has been granted approval to go ahead and update the FPOW fact sheet. In 2017 an outreach letter was sent out to FPOWs. The VA is planning on issuing another letter in 2019 once they sort issues like mailing records. Once the letter is mailed the VA will be tracking data like new claims, how many claims for secondary benefits are new for FPOWs, and others. These letters will only go to folks that are in the data system. There was talk of coordinating with Department of Motor Vehicles and the VSOs since they may know about FPOWs unknown to the VA.

Committee Member Williams mentioned that through his organization there was an official count of 661 POWs from Vietnam while the VA only has around 500 on record,

with about 475 today that have not passed away. Ms. Williams mentioned that the gentleman who wrote the most recent FPOW report is a Dr. Charles Steinger. Ms. Williams is working with Dr. Steinger to obtain more updated information.

Mr. Honeycutt mentioned the national work queue. VBA used to process claims at the nearest regional office, but now claims can be processed anywhere, reducing work queue times.

#### Preparing Advisory Committee Reports

Ms. Williams talked about the SMART template that was provided to committee members. The last time the committee provided a report to the Secretary was in 2017. The goal for the newest report is to include information the committee received in Loma Linda, what the subcommittee received in Puerto Rico, and information from this meeting. The Secretary has requested the committee provide him two reports. The first report would be an unvetted one sent from the Chairman directly to his desk with no comments on it. The second report would be the vetted report. Using the SMART template the last recommendations made it through the Secretary's Office in record time. Once the committee sends their copy of the report to the DFO it will be considered officially submitted. The Secretary has given the FPOW Committee 120 days to get the vetted report onto his desk. Ms. Williams will provide recommendations from the previous chairman of the committee. Advisory Committee Management Office (ACMO) recommends as few recommendations as possible.

The Committee recessed from 11:13 a.m. to 12:59 p.m. for lunch.

(End of Open Session and Beginning of Closed Session)

#### Sub-Committee Breakout Session

The parent committee broke into the subcommittees on health and benefits to draft new recommendations. Out of 56 VA regional offices San Diego has the most dedicated outreach team. Even though VBA and VHA have cross collaboration training, there has been no data on how they collaborate in the field.

Subcommittee on Health Members: Acting Chairman Earl Newsome, Committee Member Harry Corre, Committee Member Lane Carson, and Dr. Marion Sherman

The Subcommittee on Health first took a look at the VHA directive that sets up their scope. The first step is to ensure that the hospitals and medical centers are following their own directives. The Loma Linda FPOW team had a lot of support. The team had two primary care doctors, a primary care nurse, social worker, part time clerk, among others. Facilities generally have at least one Care and Benefits Team (CBT). Due to many members of the FPOW CBT being busy, Loma Linda used the social worker as a



hub in order to coordinate the care. The hub role was helpful not just for the veterans but also for the entire team itself.

The directive talks about the VBA and VHA advocates getting together on a quarterly basis, but Committee Member Corre mentioned that doesn't always occur. Dr. Sherman brought up that there should be specific things they communicate on like when an FPOW moves, if an FPOW passes away, or is hospitalized. Committee Member Corre handles FPOW cases by having the FPOWs have a primary care doctor and be seen at least once every three months. Right now the VA Central Office creates performance measures which are passed down one level at a time. Dr. Sherman mentioned that her ability to see electronic records from other VAs has hugely advanced. Acting Chairman Newsome suggested that if a POW gets admitted, there could be a flag that would inform the FPOW coordinator. Committee Member Corre mentioned that currently the way to find out if a POW passes away is to check up on them. Dr. Sherman mentioned that that method would involve looking up an FPOW's computerized patient record system (CPRS). Ms. Williams mentioned that even though the VA is a federal entity they will follow state laws when states have common law. Dr. Sherman talked about how just in the last year or two VA medical staff have had greatly enhanced access to a veteran's history through a remote link. Committee Member Carson asked if there was a way to monitor outpatient vet center medical data by the VA. Dr. Sherman mentioned that as a doctor in the VA system she is unable to see vet center data although the vet centers can see all the VA data.

Subcommittee on Benefits Members: Acting Vice Chairman James Stokes, Committee Member Lucretia McClenney, and Committee Member James Williams

**One recommendation this group has is called a warm handoff that when an FPOW moves out of one catchment area to another, that the advocate from the first area contact the advocate from the new area.** This so called warm handoff should also be instituted in the VHA directive. **A second recommendation is to institute a requirement for the FPOW coordinator to check up on FPOWs at least on an annual basis.** The third recommendation from this group is to have a flag sent to the FPOW coordinator of their catchment area when an FPOW has a change in level of care needed or passes away. The group had a recommendation that the FPOW coordinator also keep track of how many living FPOWs are in their catchment area.

**Committee Member McClenney recommended that the VA adequately capture the information of number of FPOWs and spouses out there and to validate DIC benefits. The Subcommittee recommended that spousal benefits be based on cost of living which can be derived by something like zip code.** Ms. Williams mentioned that certain recommendations can only be possible through a legislative

change by Congress. **Acting Vice-Chairman Stokes recommended that the VA take a broader and more holistic approach to validating numbers of FPOWs, dependents, and spouses.** He talked about how the VA should take advantage of social and digital media platforms instead of just using mail or electronic mail. The VA could reach out to County VSOs, other VSOs like the Big 6, and State Departments of Veterans Affairs agencies. The Subcommittee wants to see data on current FPOWs across all of the United States to include details down to counties and can be set up by zip code. Ms. Williams mentioned that the VA does not get involved with domestic issues so when a court comes down with a ruling that involves VA benefits the VA has to do an apportionment and that is how it is enforced.

**Acting Vice-Chairman Stokes recommended that any Veterans Service Officer that can file an application for a POW must receive annual CBT training with the State Department of Veterans Affairs providing the training.** He mentioned that they can be offered at the county level, the state level, or even at the VSOs. Mr. Marshall mentioned that the CBT training is only offered internally for VA employees and that certain recommendations that are too detailed could be outside the scope and mandate of the VA. Committee Member McClenney mentioned that the last annual list of VSOs published by the VA had over 100 organizations on it. Mr. Marshall suggested that instead of targeting the Big 6 that the subcommittee broaden its search to reach more VSOs.

**The subcommittee had a potential recommendation on the procedures of flying the POW MIA flag, especially at national veterans' cemeteries, for which they would consult the NCA representative who presents on Friday.** Mr. Marshall responded by stating that when the committee visited Loma Linda and San Juan those veterans cemeteries did not have one specific designated area where they are required to have a POW memorial or something special and different. Mr. Marshall reminded the subcommittee that when a recommendation goes from the committee to the Secretary's Office that recommendation will be sent to the VA agency that is in charge of the contents. The subcommittee was interested in learning the reason why the VA moved the CBT training from in person to online.

(End of Closed Session and Beginning of Open Session)

#### DFO Updates/Administrative Items

The committee is forecasting having two site visits in September 2019. Those two sites proposed are revisiting Louisiana for follow up and the Atlanta regional office. The parent committee will be divided into the health and benefits subcommittees each respectively visiting a different site. Both of these regions also have significant numbers of FPOWs. The parent committee has one more meeting forecast for 2019. Jackson,

Mississippi, has been proposed as a primary site while Houston, Texas is a secondary site being considered. Houston and specifically Harris County has the highest number of veterans in Texas. The schedule is balanced between areas that need improvement and areas that have high numbers of FPOWs, so the committee can assess the types of VA benefits and services that are needed.

The FPOW committee will try to follow a schedule of two parent committee and two subcommittee meetings per year, with the goal on having the subcommittee meetings be follow ups to the parent committee meetings. The plan is for the Subcommittee for Health to visit San Antonio in 2020 where Dr. Kellogg is starting a pilot program to treat FPOWs via telehealth. Tacoma, Washington; Jackson, Mississippi; Manchester, New Hampshire; Boston, Massachusetts; and Phoenix, Arizona are the top five medical centers where FPOWs are. For the Subcommittee for Benefits the plan is to visit San Diego in 2020. San Diego is the largest regional office for outreach, and hosts a meeting for FPOWs on a monthly basis. The first parent committee meeting in 2020 is aimed at the spring timeframe targeting Boston, with Manchester, New Hampshire as an alternative. For the Subcommittee on Health in summer 2020 the proposal is to visit Louisville, Kentucky. For the Subcommittee on Benefits in summer 2020 the proposal is to visit Winston-Salem, North Carolina. The forecast is for the parent committee to end 2020 with a meeting in Baltimore, Maryland. The plan has the committee meeting up in Detroit, Michigan at some point to assist with building their program. Acting Chairman Newsome will present directly with the Secretary of Veterans Affairs in 2020.

(End of Open Session Start of Closed Session)

#### General Business

Acting Chairman Newsome set a goal for the subcommittees to generally have a draft of recommendations by the time the meeting ended on August 16, 2019. The goal was to have reports due after either parent or subcommittees meet. Ms. Williams talked about setting a goal of submitting either one or two reports a year. The committee received the SMART template in order to help with drafting their recommendations.

(End of Closed Session Start of Open Session)

#### Meeting Recess

The Committee recessed for the day at 3:45 p.m.

**Thursday, August 15, 2019**

#### Business Meeting Opening

Acting Chairman Newsome reconvened the meeting at 9:01 a.m.

(End of Open Session Start of Closed Session)

The Committee recessed from 9:08 a.m. to 9:13 a.m.

#### Subcommittee Break-out Session Part 1

The parent committee broke into the subcommittees on health and benefits to draft new recommendations.

Subcommittee on Health Members: Acting Chairman Earl Newsome, Committee Member Harry Corre, Committee Member Lane Carson, and Dr. Marion Sherman

Dr. Sherman mentioned that there is pending legislation to make FPOWs the first priority for treatment at the VA. April 9 is National Former Prisoner of War Recognition Day. Dr. Sherman suggested that the committee convene on that day. For the first FPOW specific measure Committee Member Corre mentioned that when he first started doing this work the VA would have needed a team of advocates. It depends on what the population of POWs is at the time. The next update to the VHA directive is scheduled for 2023, but Acting Chairman Newsome mentioned that the VA can go in and amend the directive. He suggested that the FPOW advocates, when checking on FPOWs, also do a current assessment of the veteran. Committee Member Corre mentioned while he was Commander and a Service Officer he would check up on his veterans and their spouses whenever there was a meeting and make sure they didn't need more assistance. He also talked about how from experience as an advocate he has noticed that VBA coordinators have different lists of POWs from what VHA has due to some POWs claiming benefits but not being part of the VA health system.

The group recommended adding three FPOW specific performance measures. **The first would have the FPOW CBT advocate meet with every medical center FPOW at least annually. The second measure is that if an FPOW transfers to another catchment area, the FPOW advocate will perform a warm handoff and transfer of medical progress notes. The third performance measure is that there would be a written annual review from each VA medical center for the following: living POWs, FPOWs transferred in, FPOWs transferred out, and deceased FPOWs. Another recommendation had the FPOW CBT include the vet center as an ex officio member. There were thoughts on recommending some specific questions CBTs should be responsible for discussing: concerns regarding treatment needs of specific medical center FPOWs, transfers in or out of the medical center, and any changes in the level of care.**

Subcommittee on Benefits Members: Acting Vice Chairman James Stokes, Committee Member Lucretia McClenney, and Committee Member James Williams

Committee Member McClenney wanted to know whether the subcommittees would present to each other. Mr. Marshall mentioned that the subcommittees would be presenting their findings to each other later today. Ms. Williams reminded the group that they should work on placing the recommendations within the SMART template. The M27 is the directive for the VBA for doing outreach to FPOWs, specifically Chapter 10. Mr. Marshall mentioned that in the VA outreach reporting tool, organizations have reported over 55 FPOW outreach events this year. Mr. Marshall and Ms. Williams are pushing for the VA to add in the new update of the roles and responsibilities of FPOW coordinators for them to have a mandated set number of hours of outreach every month.

(End of Closed Session Start of Open Session)

#### Overview: Pension and Fiduciary Benefits

Kevin Friel, Deputy Director for Veterans Affairs Pension and Fiduciary Service gave the presentation. Five distinct areas of oversight for pension and fiduciary service are veteran's pension, survivor's pension, dependency and indemnity compensation (DIC), burial benefits, and the fiduciary program. To be eligible for these benefits the veteran has to have served at least one day in war time and the character discharge has to be other than dishonorable. Other criteria involve time served, with veterans serving 90 days consecutively before September 7, 1980; after 1980 they will have to have served for 24 months.

The VA determines how much a veteran is eligible for based on the veteran's net worth and income. On October 18 VA released a new regulation that created guidelines for net worth. Every case is different although old guidelines triggered a net worth evaluation if the stated net worth was \$80,000 or more, yet the VA has been known to treat it on a case-by-case basis. The program is an income or needs based one, with the VA placing the threshold at \$127,000, which has been inflation adjusted. In calculating that income the VA does not consider an applicant's primary home, vehicle, or net worth of items inside the primary home. The VA allows medical expenses to be deducted from that income calculation. The veteran cannot deduct the first 5% of the maximum allowable income, which comes out to approximately \$750 this year. Everything after the \$750 threshold is a dollar for dollar reduction.

For the veteran's side VA has found the average age of beneficiaries to be 75. The process time is about 60-70 days from receipt of an application to finalization. The pension program is run by the three pension management centers (PMCs) found in Philadelphia, Saint Paul, and Milwaukee. There are about 260,000 veterans

participating in the program today, with about 192,000 survivors participating in the Survivors Pension Program. Congress set a net income threshold of about \$13,000 for veterans and \$9,000 for survivors. The VA has seen a decline in the number of veterans receiving the benefit, with about 320,000 three years ago and 260,000 in 2018. For survivors there has also been a decline, with about 220,000 receiving benefits three years ago and 192,000 in 2018. Projections are that there are 1.2 million veterans that are eligible for benefits but either have not applied or do not know about it.

To be eligible for DIC the veteran has to have passed away from a service connected condition or a disability rate secondary to a service connected condition. 38 USC 1318 sets additional parameters for eligibility for DIC. On July 14, 2014, VA started an automated process for DIC. The VA every week does a comparison with the Social Security master death file. When a veteran passes away, VA contacts the spouse of record, with the ability to add a spouse at time of notification if there is not one on file. At time of notification, the VA automatically pays burial payment to the surviving spouse. If the veteran is not buried in a state or national veteran's cemetery a plot benefit will be paid. If the veteran meets 1318, DIC will be automatically paid without the spouse submitting an application. Annually about 28,000-35,000 surviving spouses are paid the burial benefits and month of death benefit without any application. About 4,000 surviving spouses annually receive the DIC automatically. For states that have common law in effect, the VA will award benefits to a common law spouse.

VA Pension and Fiduciary Service does not handle active duty burial payments. Instead they process benefits for veterans after service which includes the categories service connected, non-service connected, and death in a VA medical facility. If there is no spouse of record the VA will pay benefits to the first to file, which includes family members or the executor of the estate. For the non-service connected benefit the VA pays \$300 for the burial and \$760 for the plot. If the veteran passes away in a VA medical facility or is being buried in a VA national cemetery, the VA pays for transportation from the veteran's home of record to the national cemetery. For a 100% service connected benefit the VA pays a flat \$2,000. For veterans who pass away in a VA medical facility or a contracted VA medical facility, the VA pays \$760 for the plot, and \$760 for the burial and transportation.

The VA pays out annually about \$4.9 billion for pension benefits and about \$6 billion for DIC. VA has about 440,000 surviving spouses receiving the DIC benefit with that number expected to increase. The VA is still paying benefits to the child of a Civil War veteran. Acting Chairman Newsome mentioned that the VA is also still paying some families of Spanish American War veterans. After 1980 the Department of Defense (DoD) was able to consolidate 214 forms, allowing the VA to access them electronically.

The fiduciary program is designed for beneficiaries who are deemed unable to manage their VA funds. It generally comes from a physician that deems somebody incompetent. After the deemed incompetency the VA will send a due process letter and proposed rating to the beneficiary. The beneficiary is given 60 days to ask for a hearing or submit paperwork showing that they are competent. Based on a ruling by the Department of Justice, veterans deemed incompetent are placed on the National Instant Criminal Background Check (NICS) database, which prohibits them from purchasing firearms. The next step is for the VA to send a field examiner out to visit the veteran and attempt to appoint someone as a fiduciary. If the VA cannot find a spouse, family members, or anyone else to take responsibility, the VA will instead contract a paid fiduciary. The VA has set 4% of the annual or monthly benefit as the maximum a fiduciary can charge. If there is a retroactive payment or the amount of the annual benefit exceeds \$25,000, the fiduciary is responsible for getting a surety bond. If the amount exceeds \$10,000 per year, the fiduciary is also required to submit an annual accounting for the VA. This accounting includes 12 months of bank statements and receipts for big ticket items that are purchased for validation the money went to the veteran. Misuse of funds will trigger the VA reporting the fiduciary to the Inspector General (IG) and removal of the fiduciary.

A veteran has to earn about \$22,000 or less after medical expenses to be eligible to receive full aid and attendance benefits. The VA has two types of special monthly pensions which are aid and attendance (A&A) and house bound. About half of the beneficiaries under the VA received aid and attendance. The beneficiaries receiving house bound is just over 4,000. The average age of beneficiaries is 74 while the average age of members of the fiduciary program is in the eighties. The pension program has approximately 450,000 members, while DIC has about 440,000 and about 190,000 beneficiaries in the fiduciary program. The VA Pension and Fiduciary Service provides training to groups like VSOs and the National County Veterans Service Officers. The VA has been wary of groups that are engaged in pension poaching. They offer to help a veteran get services, like aid and attendance, and provide them services like a loan. If the claim is processed and approved, the company will get retroactive payment, but if the claim is not approved, the beneficiary often does not need to pay it back. The VA has instituted a three year look back on asset transfers and is looking to see if the veteran got fair market value.

The Committee recessed from 11:05 a.m. to 1:00 p.m. for lunch.

#### Discussion Forum: FPOW Outreach Coordinators

Mr. Marshall welcomed the FPOW outreach coordinators that were on the telephone line. The committee first heard from Katrina Smith, an FPOW Coordinator at the Houston Regional Office. One concern Ms. Smith brought up is how once an FPOW has been acknowledged in the VA system, there needs to be work on acknowledging

and getting into contact with the spouse. Ms. Smith suggested that the Care and Benefits Team (CBT), especially in her area, continue the training that they have had over the last couple of months. Acting Chairman Newsome asked Ms. Smith whether the VHA directive quarterly meetings between FPOW coordinators at the medical center and regional office involved discussions on FPOWs who have passed away or transferred into the new catchment area. Ms. Smith mentioned that at the last meeting she was at, they did talk about transfers but did not discuss FPOWs who have passed away.

A comment by Julie Koontz from Waco, Texas was that POWs in her area were having difficulty getting to their compensation and pension (C&P) exam. There are also not enough doctors that can provide field examinations at their VA medical facility. Ms. Koontz spoke about inviting FPOWs to the regional offices once they have completed their benefit plan. The San Diego regional office does the same thing on a monthly basis. Acting Vice-Chairman Stokes asked a question on whether or not any FPOW coordinator had run into an FPOW that was not in the DoD or VA FPOW databases. Allan Lane from the Waco, Texas office answered that a couple of years ago that during examinations of a veteran it was discovered he was an FPOW. The hospital contacted the regional office and by working together the veteran was able to start receiving benefits the next day. Mr. Lane mentioned that inviting the FPOW to the office was beneficial for VA staff and the FPOW after the claim was processed. Dr. Sherman asked a question about whether or not FPOW coordinators are having their quarterly meetings, whether the meetings are in person or virtual, what content is discussed in the meetings, and who attends the meetings. Ms. Smith mentioned that they have social workers, psychologists, FPOW coordinator, and raters. In Houston they discuss how they can better treat the FPOWs and how they can enhance their training to achieve that goal. Waco commented that they do not have meetings with applicants. The Muskogee office reported that they are not currently having quarterly meetings.

Acting Chairman Newsome asked a question about whether or not the Houston regional office gets referrals from the vet centers for FPOWs. Ms. Smith talked about how they get referrals from vet centers. Acting Chairman Newsome asked whether or not the Houston regional office provides the FPOW fact sheet to other members in the system performing outreach. Ms. Smith mentioned that they do provide that sheet and that they use the formal one used by the VBA. Committee Member Carson asked a question about reaching out to FPOWs and what the Houston regional office does on POW MIA day. Ms. Smith talked about how on POW MIA day the office does a ceremony and invites the FPOWs and their spouses. Houston has about 70 living FPOWs in their catchment area. The Seattle regional office mentioned that they have received five new cases in 2019. And the Huntington regional office mentioned that they have less than one case per year. Acting Chairman Newsome wanted to know which war the new



claims were mainly from. Ms. Smith mentioned that for Houston there are a lot of claims from Vietnam. The Muskogee office reported that they are mostly seeing World War II cases.

Kadell Felton from San Diego mentioned that he and his colleague Shaon Rillon are able to conduct a visit to an FPOW's home after the FPOW has passed away in order to help the spouse get their benefits going. Acting Chairman Newsome asked about whether there were warm handoffs when a FPOW transfers to a new catchment area. Ms. Smith and Mr. Felton said that has happened before. Mr. Marshall asked a question about whether or not any FPOW coordinators had experience with finding ways to reach known or unknown FPOWs in an out of the box fashion. William York from the Reno regional office mentioned that many FPOWs do not want to discuss their experience with Veterans Affairs members. As of July 31, 2018 VHA Directive 1650 placed the Care and Benefits Teams under the VHA. Mr. York mentioned that the VBA does not interact with FPOWs until an FPOW files a claim. VBA has ratings board tools linked to the DAA which provides them with a POW and MIA list by state to help confirm POW status. Mr. Felton mentioned that San Diego has the San Diego POW Chapter 1 which is very active in the community where they hold POW play dates. Some places they hold the play dates are at the regional office, on the USS Midway, and at the Veterans Museum in Balboa Park. Mr. Felton and his colleague Mr. Rillon get to attend these events and were able to find two POWs that nobody knew about previously. Loma Linda has also had events where unknown POWs came.

Mr. Marshall asked FPOW coordinators to share some of the best practices they have in their catchment area. Mr. Felton mentioned that trust between the team and the VA is very important. One thing Mr. Felton does is offer guidance on letters that FPOWs receive from the VA. Talking with spouses can often help the VA discover issues they can solve before the veteran would have informed the VA. The San Diego regional office receives a POW group roster from a POW group in San Diego. The San Diego Padres invite and honor the POWs every year. The owner of the Padres offers up his space on Military Appreciation Day. Shaon Rillon mentioned that he meets with the San Diego POW Chapter 1. If some of the POWs or surviving spouses in San Diego can't make it to the meeting, the outreach team will go out to them. The Cleveland office commented that they attend and speak at the annual state POW convention, keep in touch with the state POW commander, and make presentations at the County Veterans Service Officer trainings. San Diego reports about 65-70 FPOWs are alive. Vietnam era POWs often are involved in NAM-POW and do not associate with San Diego POW Chapter 1 often. Acting Chairman Newsome asked what would be involved if there was a requirement to contact living POWs in the area. Currently there is no directive on the VBA side that requires them to contact POWs until a claims issue is raised.

Committee Member Williams mentioned that NAM-POW is having their reunion on the 30<sup>th</sup> of September to the 4<sup>th</sup> of October in Portland, Maine.

(End of Open Session Start of Closed Session)

#### Discussion: Advisory Committee Recommendations

Acting Chairman Newsome asked what VBA has as far as policy that targets an amount of outreach for coordinators. VBA has two different manuals field coordinators reference, the M21 and the M27. The M21 provides field coordinators process and procedures in terms of processing FPOWs' claims and also how to prove FPOW status is legitimate. The M27 came from the outreach office, which has the roles and responsibilities as a coordinator, but is still under construction. Mr. Marshall and Ms. Williams will be requesting from VA leadership that coordinators be mandated to perform a certain amount of outreach. There is no current mandated number of outreach hours for outreach coordinators. VBA does not have a similar document as the VHA guidance.

Currently the VA has a process in place to substantiate POW status. Under the updated VA official definition of an FPOW it includes the procedures for substantiating POW status which can also be found in the M27 document, since it was not placed in the M21. The M27 states each regional office, national call center, and pension management center has to have a designated FPOW Coordinator. The FPOW Coordinators have their own chain of command. The primary focus at a regional office is claims process. Acting Chairman Newsome recommended putting a directive that would require VHA coordinators to talk to the VBA side on a quarterly basis. Mr. Posti mentioned that that would be added to the M27. The M21 is internal procedures so it is not externally facing. Chapter 10 of the M27 is focused on FPOWs.

The Committee recessed from 2:21 p.m. to 2:41 p.m.

#### Subcommittee Break-out Session Part 2

Subcommittee on Health Members: Acting Chairman Earl Newsome, Committee Member Harry Corre, Committee Member Lane Carson, and Dr. Marion Sherman

Acting Chairman Newsome mentioned that in the directive many of the responsibilities are done by the advocates, but he wanted to ask that the following responsibilities be added to the person who is the FPOW coordinator before the VA updates the directive again in 2023. Dr. Sherman mentioned that Mr. Posti told her those responsibilities will be placed in the updated M27. Ms. Williams reminded the subcommittee that that kind of a VA enterprise wide directive would have to come directly from the Secretary. Acting Chairman Newsome suggested adding update review periods to directives in order to

update them more often. Currently FPOW advocates have seven duties in the directive and Dr. Sherman suggested adding three more. Acting Chairman Newsome suggested not placing certain new performance measures until after VHA has created the new directive but instead to ask VHA whether they established any performance measures. Ms. Williams mentioned that if VHA concurs with the performance measures, they will have to come out with an action plan describing how they will implement the measures, which can be tracked by the FPOW program manager. Ms. Williams mentioned that other committees do follow-up to recommendations by inviting the respective agency to come to the committee and speak about how they are putting the recommendations into action. She also brought up that FPOW outreach coordinator hours are supposed to be reported in the outreach reporting tool but Ms. Williams does not have authority to reach out to a coordinator about how many hours they have completed compared to others.

**The subcommittee recommended that the VBA side also institute the same recommendations, and that the VA create a web based spreadsheet so that individual VAs can go online and enter that information.** This spreadsheet would include number of FPOWs that are living, the number that passed away, the number that transferred in, and the number that transferred out.

Subcommittee on Benefits Members: Acting Vice Chairman James Stokes, Committee Member Lucretia McClenney, and Committee Member James Williams

**Recommendation number one is to have the VA expand outreach relationships with VSOs and establish new relationships with State Department of Veterans Affairs agencies and all other Veterans Service Organizations in order to establish and collaborate efforts to identify all living FPOWs and cross reference the FPOW's status against the DoD shared database on all living/deceased FPOWs.** The VA will accomplish this by providing all VSOs with a letter of instruction that provides guidance and format necessary to collect veteran/FPOW and spouse data through electronic mail and mail, a more accurate database of living FPOWs and surviving spouses being the desired final results.

#### Sub-Committee Update

Acting Vice-Chairman Stokes presented first for the Subcommittee on Benefits and Memorial Services. Currently the committee is comprised of the Acting Vice-Chairman Stokes, Committee Member Williams, and Committee Member McClenney. The committee has three recommendations they would like to submit but they are currently in a draft and discussion phase. The committee would like to find out how to capture the number of FPOWs that are out there that are not currently in the DoD database. **The recommendation for that is for the VA to expand outreach and relationships with VSOs, establish new relationships with State Departments of Veterans Affairs,**

**and all other veteran's aid organizations to establish and coordinate efforts to identify all living FPOWs, in order to cross reference the FPOW status against the DoD database for all living and deceased FPOWs.** The committee believes it could be possible to do this through US mail and electronic mail. The VA could also provide VSO organizations a letter of instruction that provides guidance and format necessary to collect veteran or FPOW spouse data. Ms. Williams reminded the committee that DoD decides who does and doesn't have FPOW status.

**The second recommendation is that care and benefits training be provided online for all veterans' service officers that are outside of the VA.** This will help identify through a national effort those that are outside the VA system and have not been reached out to, and help the VA get them into the system, take care of their application, and determine what benefits they and their spouses are entitled to. Ms. Williams mentioned that the care and benefits certification training is currently offered in VTEL.

**The third recommendation the subcommittee has is that the POW flag be prominently displayed at all veterans cemeteries, that the flag be flown either at the entrance or at a designated area.** Ms. Williams mentioned that she spoke to a gentleman in the Office of Protocol who stated that at this time there are no VA specific guidelines regarding the FPOW flag. The only time the VA is required to fly the FPOW flag is next month in recognition of POW MIA day.

Acting Chairman Newsome introduced the Subcommittee on Health. The subcommittee discussed adding four responsibilities for FPOW advocates at hospitals and one additional responsibility to FPOW advocates at regional offices. VHA directive 1650 currently covers responsibilities for FPOW advocates. In addition the subcommittee would like the vet centers to be included as members of the treatment teams in the VHA directive 1650 on an ad hoc basis. The subcommittee also recommends adding responsibilities to the M27 document for the FPOW coordinator.

Dr. Sherman read the recommendations for the Subcommittee on Health. **The first recommendation is to expand the responsibilities of the FPOW advocate as currently directed by VHA directive 1650 number 5 g(2).** The responsibilities would be that the FPOW CBT advocate shall personally follow up with each known medical center FPOW at least annually. This includes updates on current health status, or needs, and FPOW satisfaction of VA services. The second additional advocate responsibility has the FPOW CBT advocate or designee perform a warm handoff and formal medical progress note documentation to the receiving medical center FPOW CBT advocate or designee. The third responsibility would be to annually perform and document the following: the number of FPOWs living, transferred in, transferred out, and deceased for that year for that specific medical center.

**Recommendation number two would expand the FPOW care and benefits team to include a local vet center staff person as an ex officio member. Recommendation number three will expand the current requirements in VA directive 1650 number 5 g(3), whereby the FPOW Care and Benefits Team Advocate quarterly meetings would include specific required content.** Currently no specific content is required. The subcommittee has five additional content areas that should be discussed: (1) concerns regarding the treatment needs of current medical center specific FPOWs; (2) transfers of medical center FPOWs into or out of that medical center; (3) changes in level of care for medical center FPOWs, for example hospitalization or admission to assisted care; (4) death of medical center FPOWs; and (5) total number of medical center FPOWs known, annual transfers in and out of the medical center catchment area, and annual FPOW deaths recorded on a spreadsheet.

**Recommendation number four has the VA create a web based spreadsheet to record each medical center's annual FPOW numbers.** These would include living FPOWs, deceased FPOWs, and transfers into or out of the medical center. Specific data that should be recorded is war/era/conflict for each FPOW.

#### General Business

Acting Vice Chairman Stokes suggested that the committee perform a round robin for questions the committee wanted to ask the Deputy Under Secretary. Acting Chairman Newsome would ask the Secretary to prioritize targeted outreach for FPOWs from World War II and their spouses due to their advanced age and dire need for benefits and services. Dr. Sherman wanted to ask about the current VA leadership level of support and commitment to FPOWs. She also wanted to know whether the VA would consider changing FPOW status from third priority to first priority status.

Acting Chairman Newsome brought up two drafts he wanted to propose. The last time the VA produced a summary report on FPOWs was in 2005. The Office of the Assistant Secretary for Planning, Policy, and Preparedness was the group in charge of creating that report. Acting Chairman Newsome recommended that the Veterans Affairs National Center for Veterans Analysis and Statistics publish an update to the 2005 report. The second recommendation Acting Chairman Newsome proposed was that the VA, through the National Center for Veterans Analysis and Statistics, on a quarterly basis produce the veterans "available at a glance" pocket card. On the card are an overview of veterans' benefits, and estimated number of World War II veterans that pass away each day. The Acting Chairman recommended adding the estimated number of living FPOWs.

Ms. Williams mentioned that the VA is currently working on updating the FPOW fact sheet. The fact sheet is mostly updated besides Korea FPOW information. Once that

information is placed in VA, leadership will need to approve the document before it can be published. Acting Chairman Newsome asked that the updated FPOW fact sheet be posted to the VA website when approved and be provided to VA outreach staff.

The Committee recessed from 4:07 p.m. to 4:44 p.m.

(End of Closed Session Start of Open Session)

#### Meeting Recess

The Committee recessed for the day at 4:48 p.m.

### **Friday, August 16, 2019**

#### Business Meeting Opening

Acting Chairman Newsome reconvened the meeting at 8:35 a.m.

#### General Business

Ms. Williams asked that the committee take a look at a document that shows 14 general principles of ethical conduct. She asked for the committee to read, sign, and submit it before the close of the meeting.

(End of Open Session Start of Closed Session)

#### ACMO Director Information Session to Committee

Mr. Jeffrey Moragne, the Director of the Advisory Committee Management Office (ACMO) for the VA, gave the presentation. Previously the committee had a Federal Advisory Committee Act (FACA) 101 best practices training session. Mr. Moragne mentioned that the ideal number of recommendations put forth by a FACA committee would be between three to five recommendations. The VA Operations Board, chaired by the Deputy Secretary in March of 2019, had reduced the average number of days needed for a committee recommendation to be approved from 165 days to 113. A new policy for ACMO is to have committees send a clean copy of their recommendations directly to the Secretary. This process means there are no comments from staff offices or administrations. The next step is to wait 120 days for those institutional responses in which the Secretary can do a comparison. Understanding the lifecycle of a document can help when committees' inputs will be the most useful. Staff may only be taking inputs on revising a document during a certain timeframe and any recommendations given after that timeframe would be updated the next time the document is revised.

The Committee recessed from 8:47 a.m. to 8:57 a.m.

(End of Closed Session Start of Open Session)

### Memorial Services

Tom Howard, Chief of Staff for the National Cemetery Administration (NCA), gave the presentation. The NCA is focused on three key things, which are providing access, preserving the legacy, and partnering to serve. These ideas came from an old quote "we all die two deaths" in which the first death is when the breath leaves our body and the second when people stop speaking our names. NCA has a commitment that those entrusted for interment never be forgotten. NCA's primary goal is to provide access to burial and memorial benefits. It has 137 national cemeteries spread out through five regional districts. There are also 115 cemeteries funded through grants provided to states, territories, and tribes. Overall NCA has 4.7 million veterans interred in a veteran's cemetery with other eligible individuals, like spouses and children, making up about 3.7 million additional gravesites over 9,000 acres.

NCA has a goal to provide at least 95% of veterans a burial option within a 75 mile drive of their home. It is currently at 92% of that goal. In three weeks NCA will be dedicating their newest national cemetery in Fargo, North Dakota. President Trump has transferred 11 closed Army post cemeteries to the VA as part of his government reform plan. The first, at Fort Lawton, in the Seattle area, just transferred over to the VA. Every three years NCA participates in the American Customer Satisfaction Index, a cross-industry index looking at public and private corporations. NCA traditionally has done well in its customer service ratings, with the highest scores across the industry. In 2019 it received a score of 97 out of 100 points, the highest score ever recorded.

Under Secretary Randy Reeves created the Legacy Program, where the VA provides contracts to universities for them to partner with local middle and high schools to help research veterans buried in national cemeteries. The information is developed along with families and then placed online, where it can be celebrated. The VA has awarded 12 contracts in order to get students into cemeteries to honor and research the lives of veterans. NCA has an Online Veterans Legacy Memorial, which allows the public to search for any veteran buried in a national cemetery and show what is on the headstone and marker of the veteran. The VA may eventually expand to allow families and historians to add additional information. Additionally, POW information will be available on this website and associated with their gravesite locator entry.

The VA has provided over \$1 billion in grants to states, tribes, and territories since 1978. NCA also partners with VSOs to see what they can offer to respect their fellow service members and veterans. As part of its Legacy Program, it is focused on telling the stories of veterans interred in national cemeteries. They have a program called "Writing to Wellness" which gives veterans a chance to write stories on themselves or a

fellow veteran as a means to provide positive affirmation and aspiration. NCA has 30 monuments in its system to commemorate POW MIA service. Nearly all national cemeteries display the POW MIA flag daily. At 119 out of 137 cemeteries it is displayed on a separate flagpole, while at 13 cemeteries it is displayed on the same flagpole as the United States flag. Some of the national cemeteries do not fly the POW MIA flag, among them a number of Confederate cemeteries NCA is in charge of.

Acting Chairman Newsome wanted to know what kind of designation FPOWs can place on their headstone. He mentioned on the application block 14, there are various other awards for valor and achievement but not one for POWs. Mr. Howard mentioned that those graphics shown will be emblems of belief with about 60 possible to choose from. There are areas on the headstone known as additional options inscriptions, which comes after the name and dates. If there are issues confirming FPOW status for a veteran, NCA will provide a headstone in the meantime, and if they determine a veteran received a certain medal, they will replace the headstone.

Committee Member Carson asked Mr. Howard to talk a bit more about the difference between traditional and cremated burials in national cemeteries. Mr. Howard mentioned that NCA has seen an increase in demand for cremated burial options. NCA has found that on the West Coast inurnment is now higher in demand over internment. Committee Member Carson wanted to know the amount of funding the Federal Government provides to states for national cemeteries. Mr. Howard mentioned that NCA's primary focus is on the establishment and expansion of national cemeteries with grants also provided for maintenance of cemeteries to do things like raise and realign headstones. VBA does reimburse cemeteries per burial. NCA is pushing for funding to be able to provide grants to states and tribal organizations to send staff to training at the NCA corporate center in St. Louis.

Acting Vice-Chairman Stokes wanted to know whether it is optional or a mandated policy to fly the POW flag at national cemeteries. Mr. Howard mentioned that he will be getting the committee the NCA's flag policy. Acting Vice-Chairman Stokes also asked about whether the 75 mile radius on national cemeteries was also in effect for state veteran's cemeteries. Mr. Howard mentioned that the 95% goal does include state veteran's cemeteries. NCA encourages states to place new state veteran's cemeteries in locations currently underserved by a national or state cemetery. NCA expects within a number of years that there will be more state cemeteries than national ones. At NCA the priority list process has been deemed by regulation. NCA does not want to ever close a cemetery; if a state decides to close one, NCA may often offer grants to the state as a priority. Mr. Howard will provide more information on the regulatory process in the future.

(End of Open Session Start of Closed Session)



## Committee Photos

The Committee recessed from 9:26 a.m. to 9:49 a.m. for committee photos.

(End of Closed Session Start of Open Session)

## VA Mission and Service to Former Prisoners of War

James Byrne, General Counsel, performing the duties of the Deputy Secretary, Department of Veterans Affairs presented to the committee. Deputy Secretary Byrne mentioned that he is committed to having VA senior leadership use and value the FACAs. He promises that the senior leadership will at least deliberate on anything that the VA may not be able to institute immediately.

The current Secretary of Veterans Affairs is the Honorable Robert Wilkie. He is the 10<sup>th</sup> serving Secretary of Veterans Affairs. One of Secretary Wilkie's priorities as part of his modernization program is on customer service, providing the care, benefits, and services that our veterans deserve but also done in a fiscally responsible manner. The second priority is the MISSION Act which began on June 6, a comprehensive act that took community care programs and unified them. There are 8-9 attachments in the act which help to enhance the care of our veterans. As part of the act the VA has a new bonus structure which helps in the ability to retain good employees. Veterans getting care at the VA now have the choice to go to urgent care centers in the community. The VA has partnered with almost 6,000 and will be reaching closer to 7,000 within the next month or so with a goal to reach 10,000 by the end of the year. Among these urgent care facilities the VA has partnered with CVS and Walgreens which have a large national footprint. This is all part of the community care network the VA is building with TriWest and others.

Caregivers is a program unique to the mental health care industry in the United States. It was a post 9-11 program to provide some supplemental dollars and resources for families or friends to take care of veterans in their homes instead of placing them in institutions. This helps to cover different eras. Many of these populations have additional requirements for care due to their age.

The VA is also currently undergoing a transformation. The VA has antiquated support systems, which has necessitated an IT modernization. The new VA CIO has been charged by Secretary Wilkie with modernizing the VA's IT system. The VA is also currently working on modernizing its supply chain. It spends about \$27 billion a year on supplies and services. In partnering with the Defense Logistics Agency, this will enable the VA to find all types of efficiencies and be able to negotiate better. The VA is undergoing financial management business transformation (FMBT) by upgrading their financial systems. This will enable the VA not to just ensure they are paying their

employees but to make sure the supply chain and services are also being paid. Data from 2017 showed that the VA had over 4 million credit card purchases that year, which were fraught with all types of problems. The VA is also working on improving how long it takes to get burial appeals approved. There are also HR modernization efforts for the almost 400,000 employees the VA has.

DoD and the VA have a strong collaboration ranging from things like access to buildings, interoperability between exchange of documents, helping to transition veterans, among others. Deputy Secretary Byrne co-chairs the Joint Executive Council (JEC) where they discuss these issues at an executive level and pass it down to working groups to execute the solutions. Another program DoD and the VA are collaborating on is suicide prevention.

The VA is also working hard on electronic health records modernization, for which it is spending over \$16 billion. The VA is in partnership with DoD on this modernization effort. It currently has scanned over 78 million records that are electronically available, with about 35 million having been placed in an online database. This database will be interoperable with DoD, as they will be using the same platform. By being able to analyze the data, the VA can help make the system more efficient by comparing veterans across the country. The VA is working with the White House to lead a task force in addressing suicide prevention in the military by harnessing resources of the whole federal government, state governments, local governments, communities, non-profit organizations, private sector organization, and the veteran's community.

Dr. Sherman asked Deputy Secretary Byrnes about what he thought the current VA leadership level of support and commitment for FPOWs was and whether he would be supportive of moving FPOWs' priority status from third to first. Deputy Secretary Byrnes mentioned that there had been discussion with Secretary Wilkie and that he is passionate for those who have "borne the battle." Recently Purple Heart recipients have had their priority elevated, allowing them priority care and in the benefits realm for processing.

Deputy Secretary Byrnes recently traveled to the National Association of State Directors of Veterans Affairs (NASDVA), where he was a keynote speaker, and he noticed the VA leadership team presence was significant. Duane Honeycutt took some time to follow up on some questions he had been asked on August 14, 2019. On the VHA side, FPOWs may be third priority, but on the VBA side, they are considered first priority. Across the entire VBA spectrum there are 1,087 claims pending for FPOWs, which includes service connection, non-service connected, burial appeals, and others. Out of that 1,087, there are 940 that are considered actionable and are distributed in the field to processors, with the remainder being considered non-actionable. Among the 1,087, there are 115 that require a rating decision which could be an increase, a grant, A&A, et cetera. Non-

rating is about 250, which can include burials, dependency adjustment, among other adjustment required things. Over half require a work item review. The VA currently has 11 appeals pending nationally for FPOWs, with most likely being old legacy regulation type of appeals. For FPOWs, categories like ALS, over 65, and military sexual trauma are considered for priority. Mr. Honeycutt believes that the VA can help county and state VSOs get together and work together. Wisconsin has tribal veteran's service officers unlike many other states.

The Committee recessed from 10:51 a.m. to 11:20 a.m.

### General Business

Acting Chairman Newsome brought up next steps for the committee. The committee has first drafts of recommendations using the SMART format. The committee will fine tune them to get down to the final submissions. Ms. Williams mentioned that once all the recommendations were formatted into a single typed document that the Acting Chairman should email that out to the entire committee. After that committee members need to review the document and provide comments. After the committee fine tunes the recommendations, they should submit a draft copy to Mr. Marshall and Ms. Williams. After the draft copy is received, Ms. Williams suggests the committee participate in an administrative call and do an official vote on that call. After that official vote the Acting Chairman will submit the official copy to Mr. Marshall and Ms. Williams. They in turn will vet the document out to different entities within the VA. Once the administrations are signed off a copy will be sent to the Chairman, who will release it to the rest of the committee. Dr. Sherman from the Subcommittee on Health will send their recommendations to the Acting Chairman, while Acting Vice-Chairman Stokes from the Subcommittee on Benefits will send their recommendations to the Acting Chairman.

Acting Chairman Newsome asked for information on when the subcommittees would know whether they are traveling on site visits in September. Ms. Williams mentioned that the committee needs to get approval from VA leadership for travel. The goal is to travel in the last two weeks in September. Ms. Williams plans to submit an inquiry for travel to leadership by Monday. Acting Chairman Newsome suggested that the subcommittees, while traveling in September, work on some fine tuning of their final draft recommendations. Ms. Williams suggested that the committee recommendations have at least the unvetted copy sent to the Secretary by the beginning of October and having the vetted copy of the recommendations sent by the end of October, with a goal of having the vetted copy submitted before the next parent committee meeting. The schedule is leaning towards December for the next parent committee meeting with Jackson hosting.

(End of Open Session Start of Closed Session)

### Financial Briefing

Mr. Marshall, the ADFO, presented the financial briefing presentation to the committee. The committee completed the financial agreements in advance. Committee members will receive a \$195 honorarium per day they are conducting business or in a meeting. Mr. Marshall asked for the committee members to give him their hotel bills before leaving for the day. The committee members also receive a per diem, which for this area is \$76 per day. The per diem is reduced on days of travel. For Wednesday and Thursday the committee will receive their full per diem, but for Friday they will only receive 75% of the \$76. Receipts are required for processing from the office due to the federal travel regulation and are due five business days from August 16. The deposits for travel will come in two separate deposits, the first being travel reimbursements and the second being the honorarium.

Dr. Sherman had a question about how the process would work since she and Committee Member Corre are VA employees. Mr. Marshall asked that they submit the receipts to their respective offices for approval but also to copy Mr. Marshall and Ms. Williams. Mr. Marshall's office is the first line of approval for the funding. The additional taxes and tips provided on receipts increased from last year to 20%. VA employees who are not on a day of official work and not on leave will receive a stipend. Mr. Marshall asked committee members to attach mileage information to reimbursements.

### Closing Remarks

Committee Member McClenney recommended that the next time the parent committee meets up that the subcommittees are given loaner laptops to use. Ms. Williams mentioned that most VA laptops are encrypted so only VA employees would be able to use them. She did recommend that if the group members have their own laptop or even an iPad with a keyboard that that could work for them also. Ms. Williams will also be sending the names of Acting Chairman Earl Newsome and Acting Vice-Chairman James Stokes up to remove the acting from their titles. Ms. Williams will be sending out an email soliciting volunteers to vice chair each subcommittee. She plans to have Acting Chairman Newsome float between both subcommittees. This is Committee Member Carson's last meeting as a member. He thanked the committee for all its hard work. Ms. Williams mentioned that when the Committee went to New Orleans, they would send an invitation to Mr. Carson. Ms. Williams mentioned that she would be going to NAM-POW and would be soliciting for new committee members while there.

(End of Closed Session Ends Start of Open Session)

### Meeting Adjourn

The Committee recessed for the day at 11:56 a.m.