

RAO Bulletin Update

15 January 2007

THIS BULLETIN UPDATE CONTAINS THE FOLLOWING ARTICLES:

2	CRDP [40]	(New Legislation)
2	Military End Strength	(Increase Proposed)
2	Vet Educational Assistance	(Post 911 Program)
3	VA COLA 2007 [04]	(Summary of Increases)
3	DoD Mental Health TF [03]	(22 Jan Meeting)
4	COLA 2008 [02]	(TMC Asks 3/5%)
4	Echo Taps Worldwide	(Armed Forces Day Plan)
4	VA Panel Hearing Change [02]	(Joint Hearings Reinstated)
5	Medicare Part D [14]	(Lower Premiums)
6	Diet Pills [01]	(False Claims)
6	SSA Prisoner Rules	(Inmate Benefits)
7	SSA Wage Credits [01]	(Military Service)
8	Navy Lodge New Facility	(Accepting Reservations)
9	IRS New Collection Policy	(Collection Firms Profit)
10	NDAA 2007 [18]	(UCMJ & Contractors)
10	South Dakota Vet Bonus [01]	(Still Available)
11	Disabled Vet Tax Termination Act	(New CRDP Legislation)
11	Tricare Uniform Formulary [16]	(More Tier Changes)
12	Legislative Agenda for 2007	(Legislation Needed.)
13	VDBC [10]	(JAN Washington DC Mtg)
14	VA Budget 2007 [11]	(Funding Shift)
14	Surgery to Replace Eyeglasses	(No Waiting List)
15	BRAC [21]	(More Funding Needed)
15	U.S. Passport Policy [01]	(New Travel Requirement)
16	House Armed Services Committee	(Background)
17	HASC [01]	(Democrat's Restructure)
18	PTSD Update 10	(Heart Attack Risk)
18	SSA Fund Depletion [04]	(Mexico Agreement Released)
19	NDAA 2007 [17]	(Retirement/SBP Improvements)
19	VA Retro Pay Project [06]	(Overview)
20	CRSC [36]	(CR Open Season)
21	VA Compensation Rates (SMC)	(2007 Monthly Payments)
22	SSA Benefits at Death	(What & how to get)
23	Military Legislation Status 13 JAN 07	(Where we stand)



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CRDP UPDATE 40:

Following in his father's footsteps, Rep. Gus Bilirakis (R-FL) has reintroduced concurrent receipt legislation in the new 110th congress which is well-known to the disabled military community. H.R. 303 called the Retired Pay Restoration Act would eliminate the 10-year phase-in period for retirees with a disability rating of 50% - 90% and extends concurrent retirement and disability payments' (CRDP) eligibility to retirees rated less than 50%. H.R. 89 would extend eligibility for combat-related special compensation (CRSC) to chapter 61 (disability) retirees with fewer than 20 years of service. His father Michael Bilirakis retired after 24 years in Congress, having succeeded in breaking the federal government's long-standing opposition to paying full military retired pay and veterans' disability compensation for the same period of service

Meanwhile, Rep. Jim Marshall has introduced H.R. 333, a proposal called the "Disabled Veterans Tax Termination Act," which is the most comprehensive concurrent receipt legislation ever introduced. Marshall's all-encompassing bill includes the elements of H.R. 303 and H.R. 89, and would also open CRDP to chapter 61 retirees with less than 20 years of service. In essence, H.R. 333 would vest service-earned retired pay at 2.5% times years of service times base pay - exempting that amount of retired pay from any offset by VA disability compensation. This formula is the same formula that is now used for chapter 61 retirees with over 20 years of service. [Source: MOAA Leg Up 12 Jan 07 ++]

MILITARY END STRENGTH:

Defense Secretary Robert Gates and General Peter Pace testified at the House Armed Services Committee's hearing on the situation in Iraq. Secretary Gates announced that he is recommending to the President a permanent increase of 92,000 soldiers and Marines over the next five years. The increase includes 65,000 soldiers and 27,000 Marines with an emphasis on increasing combat capability. Each year, as part of the Military Authorization Act, Congress sets the Active Duty End Strength, which is the maximum number of people that each of the services can have on active duty. For FY 2007 the present limits are: Army - 512,400, Air Force - 334,200, Navy - 340,700, and Marine Corps - 180,000.

Gates also discussed policies on managing and deploying members of the Guard and Reserves. Guard units will be recalled on an accelerated basis until the current OEF/OIF conflict has been stabilized. Changes in policy will include mobilization of ground reserve forces on a unit basis rather than an individual basis in an effort to increase unit cohesion. Members of the Guard and Reserves will also be involuntarily mobilized for a maximum of one year at a time, as opposed to the current practice of sixteen to twenty-four months. These shortened periods of mobilization are to be made possible by significantly reducing post-mobilization training times. Training responsibilities and certifications are to be delegated to Adjutants General and unit commanders. [Source: NAUS Update 12 Jan 07 ++]

VETERANS EDUCATIONAL ASSISTANCE:

Freshman Senator Jim Webb (D-VA) introduced "The Post-9/11 Veterans Educational Assistance Act of 2007" (S.22) on 4 JAN to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes. The bill provides:

- A new benefits package to cover costs of tuition, room and board, and a monthly stipend of \$1,000 for service members who have served on active duty since September 11, 2001. For veterans to qualify they must have served at least two years of active duty, with at least some period of active duty time served beginning on or after September 11, 2001;



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- Educational benefits for a period of time that is linked to time served in the military. Generally, veterans will not receive assistance for more than a total of 36 months, which equals four academic years;
- Additional payments for tutorial assistance, up to \$100 a month, as well as licensure and certification tests;
- Veterans up to fifteen years (currently 10 years for active duty only) to use their educational assistance. But veterans would be barred from receiving concurrent assistance from this program and the Montgomery G.I. bill program;
- Reservists would have the option of participating in the Reserve MGIB or electing to participate in the new program; and
- The Secretary of Veterans Affairs (VA) would administer the program. [Source: FRA NewsBytes 12 Jan 07]

VA COLA 2007 UPDATE 04:

By now millions of veterans and eligible family members will have received their VA disability compensation, pension, and survivors' benefits COLA increases in their January pay. A recent law signed by President Bush provides the 3.3% increase in disability compensation and survivor s' benefits. Under the veterans disability compensation program, tax-free payments will generally range from \$115 to \$2,471 per month depending on the degree of disability. Special payments up to \$7,070 per month apply to the most severely injured veterans. Pension disability benefits will also be increased by the same percentage and effective on the same date. The maximum annual rate for permanently and totally disabled veterans can range from \$10,929 to \$18,234.

Payments under this program are based on household income. This increase also applies to survivors of veterans who died in service or from a service-connected disability. Dependency and Indemnity Compensation (DIC) survivors' benefit payments can range from \$1,067 to \$2,443 per month. Survivors of wartime veterans receiving death pension are also entitled to an increase. The maximum annual payment rate for a surviving spouse can range from \$7,329 to \$11,715. Benefits under this program are intended to bring an eligible spouse's income to a level established by law. Under each benefit program, additional allowances may be payable for helpless, minor or school age children. [Source: NAUS Update 12 Jan 07]

BLOOD DONOR MONTH:

About 20% of servicemembers donate blood, compared to less than 5% of the civilian population. This year, the Armed Services Blood Program (ASBP) will collect about 160,000 units or pints of blood products. The ASBP collects blood only from servicemembers, government civilians, retirees and their family members. The program manages 18 stateside blood donor centers and four overseas centers. Specific information can be found on the program's website www.militaryblood.dod.mil. Blood is always needed because blood products normally must be replenished about 42 days after being collected. [Source: NAUS Update 12 Jan 07]

DOD MENTAL HEALTH TF UPDATE 03:

The next meeting of the DoD Task Force on Mental Health will be held in Tacoma, Washington, on January 22 & 23. The Task Force will obtain, review and evaluate information related to the effectiveness of mental health



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services provided to members of the Armed Forces by the DoD. They will also hold a "Town Hall Meeting" to hear concerns from the Active Duty, Guard and Reserve, Retired and veterans communities in the Ft. Lewis, Tacoma and Seattle metropolitan areas. [Source: NAUS Update 12 Jan 07]

COLA 2008 UPDATE 02:

The Military Coalition (TMC), a grouping of more than 30 associations that support quality-of-life issues for troops, veterans, retirees, and their families, has set a goal for 2007 of adjusting active-duty and reserve military pay upwards with an ultimate intent of matching private-sector wages. They plan to ask for a 3.5% raise effective 1 JAN 08 which would be a half percentage point higher than equivalent pay raises in the private sector. This would narrow the 4% gap that remains in the wake of the 2.2% across-the-board raise and certain targeted raises in January, according to TMC. The gap would continue to close if Congress should re-establish a previous formula that kept military pay increases a half percentage point above the private sector. The Defense Department currently is planning for only a 3% hike in 2008. [Source: Armed Forces News 12 Jan 07]

ECHO TAPS WORLDWIDE:

Hundreds of volunteer brass players are being recruited to perform the 24 notes of "Taps" on 19 May 07, in recognition of Armed Forces Day at National Cemeteries, State Veterans Cemeteries and American Battle Monuments Cemeteries overseas. The event, called "Echo Taps Worldwide," is being organized by the VA National Cemetery Administration and Bugles Across America to honor and remember American veterans through a worldwide performance of Taps. Organizers also hope the event will interest brass players in volunteering to perform Taps at the military funerals of veterans throughout the year. Each day, America loses about 1,800 of its veterans, primarily those who fought in World War II and Korea. In honor of them and the service they provided, it is important that our Nation preserves the tradition of a live bugler to play final military honors. During the event, players will form a line through the cemetery and perform a cascading version of Taps. Brass players of all ages are encouraged to perform at the cemetery of their choice. Schools and other organizations are also invited to participate in the tribute as performers or support volunteers. More information and a sign-up sheet are available at www.echotaps.org.

The first large "Echo Taps" event occurred in May 05, when 674 brass players from 30 states lined 42-miles of road between Woodlawn National Cemetery in Elmira, NY, and Bath National Cemetery in Bath, NY. Playing "Taps" in cascade, it took nearly three hours from the first note played at Woodlawn to the final note of Taps sounded at the National Cemetery at Bath. In 2006, players performed "Echo Taps" at 52 National Cemeteries and State Veterans Cemeteries across the Nation on Veterans Day in preparation for the upcoming effort. The Armed Forces Day event in 2007 will involve buglers around the world to include participants at American Battle Monument Cemeteries overseas. Thomas Day, a Marine veteran who founded Bugles Across America in 2000 said, "A live bugler performing Taps is an expression of the Nation's appreciation for the service of each veteran. With more than 600,000 veterans dying each year, we are always looking for new volunteers to perform this valuable service. Echo Taps Worldwide will honor America's 40 million veterans who have served over the course of our history and draw attention to the need for more buglers to perform "Taps" as part of final military honors. [Source: TREA Update 12 Jan 07 ++]

VA PANEL HEARING CHANGE UPDATE 02:

On 11 JAN congressional leadership from both the House of Representatives and Senate made good on one of their commitments to America's veterans. In a joint statement issued, House Speaker Nancy Pelosi, Senate Majority Leader Harry Reid, House Veterans' Affairs Committee Chairman Bob Filner, and



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Senate Veterans' Affairs Committee Chairman Daniel Akaka announced the reinstatement of the traditional joint hearings process in which veterans and military service organizations appear before the Veterans' Affairs Committees. Chairman Filner said, "I look forward to working with the veterans' community, the administration and my colleagues in the House and Senate to provide our troops, veterans, and military families the benefits and health care they have earned and deserve." The announcement reverses a policy created by Rep. Steve Buyer (R-IN) who used his position as House Veterans' Affairs Committee chairman to end the annual joint appearances by veterans' groups to give legislative presentations before a joint meeting of the House and Senate veterans committees.

Buyer believed the appearances were not helpful to lawmakers because their timing jumped around from year to year, timed to coincide with annual meetings of the organizations rather than the congressional schedule or budget process. As such, Buyer decided over objections from some major veterans' groups to stop participating. House aides who asked not to be identified said Buyer's decision may have made sense in terms of getting meaningful testimony from veterans' groups that was more integrated with the annual budget process, but picking a fight with the organizations over the largely ceremonial appearances of veteran leaders who testified before an audience of their membership rubbed many the wrong way. Buyer invited the leaders of veterans' groups to testify early in the 2007 budget process last year, both before and after the Bush administration submitted its funding request to Congress, but those appearances did not mollify the organizations, which appealed to then-House Speaker Dennis Hastert (R-IL) to order Buyer to schedule the joint hearings. Buyer never budged, although appearances continued before the Senate Veterans' Affairs Committee because its chairman, Sen. Larry Craig (R-ID) didn't share Buyer's view. [Source: NavyTimes Rick Maze article 11 Jan 07 ++]

MEDICARE PART D UPDATE 14:

HHS Secretary Mike Leavitt announced 8 JAN that independent estimates for the Medicare Part D prescription drug benefit for the FY 2008 budget cycle show that net Medicare costs are 30% less (\$189 billion lower) than were originally predicted when the benefit was created in 2003. In addition, based on strong, competitive bids by health care plans for 2007, average monthly premiums will be approximately \$22 for beneficiaries, down from \$23 in 2006, if enrollees remain in their current plans. The initial estimate for 2006 premiums was \$37. According to actuaries with the Centers for Medicare & Medicaid Services (CMS), the updated Medicare Part D baseline of payments to Part D plans for the FY 2008 budget cycle has decreased from last summer's mid-session review numbers by \$113 billion over the next ten years (2007 - 2016). Importantly, of the \$113 billion reduction, \$96 billion is a direct result of competition and significantly lower Part D bids. The bottom line from the news is that beneficiaries are paying less in premiums and taxpayers are seeing billions of dollars in savings.

In addition to the \$96 billion reduction resulting from the substantially reduced bids in 2007 in an effort to compete with rival plans, two other factors have lowered the estimated cost of Part D payments. Lower growth in drug costs in general and lower enrollment than originally expected. Lower actual growth in drug costs in 2005, compared to last summer's mid-session review estimates, resulted in an approximate \$13 billion reduction in the new baseline. The reduced Part D cost estimates reflect lower actual growth in drug costs than had been expected, with a single-digit percentage increase (5% in 2005) observed for only the second time in more than a decade. Relatively slow growth in actual drug prices and costs, compared to past trends, is expected to persist over the next few years, as more generic drugs become available and aggressive steps to keep down drug costs continue. Lower-than-anticipated enrollment in Part D reduced the new Medicare Part D payments to Part D plans by \$20 billion when compared to last summer's mid-session review figures. As the CMS actuaries



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discovered, many Medicare beneficiaries had creditable prescription drug coverage from other sources (such as FEHB, Tricare, and the VA), and did not need to sign up for what would have been duplicative coverage under Part D. The new baseline numbers also reflect an increase of \$16 billion due to updated figures from the 2002 to the 2003 Medicare Current Beneficiary Survey.

In addition to savings as a result of drug plan competition, beneficiaries are saving more as well by overwhelmingly selecting less-costly drug plans for themselves. The average monthly Part D premium in 2006 for the standard benefit package would have been about \$32 if beneficiaries had enrolled in plans randomly, without a preference for the lower-cost, lower-premium plans. Instead, enrollees actually paid premiums that averaged about \$23 in 2006, reflecting their choice of more efficient plans with lower premiums. The actuaries note that this pattern is expected to occur again in 2007, as beneficiaries opt for the best bargains among competing plans, and should further lower the average monthly premium. [Source: HHS Press Release 8 Jan 07 www.hhs.gov ++]

DIET PILLS UPDATE 01:

The FTC has filed complaints in four separate cases alleging that weight-loss and weight-control claims were not supported by competent and reliable scientific evidence. Marketers of the four products

– Xenadrine EFX, CortiSlim & CortiStress, TrimSpa, and One-A-Day WeightSmart – have settled with the FTC, surrendered cash and other assets worth at least \$25 million, and agreed to limit their future advertising claims. In separate cases, the marketers of these products admitted that they engaged in deceptive marketing as follows:

- Two marketers will pay between \$8 million and \$12 million to settle FTC allegations that Xenadrine EFX's weight-loss claims were false and unsubstantiated. The funds will be used for consumer redress. Xenadrine EFX contains green tea extract, caffeine, and bitter orange (*Citrus aurantium*). Among other things, the FTC charged that people appearing in the ads had achieved their reported weight loss by engaging in rigorous diet and/or exercise programs and were paid from \$1,000 to \$20,000 in connection with their testimonials. In a bankruptcy case not involving the Commission, the defendants have agreed to pay at least an additional \$22.75 million to settle claims brought by creditors and consumers, including personal injury claims for an earlier ephedra-based product.

- Seven marketers will surrender assets totaling at least \$12 million to settle FTC charges that they made false and unsubstantiated claims that CortiSlim would cause rapid, substantial, and permanent weight loss in all users and that CortiStress would reduce the risk of osteoporosis, obesity, diabetes, Alzheimer's disease, cancer, and cardiovascular disease.

- The marketers of TrimSpa will pay \$1.5 million to settle FTC allegations they made unsubstantiated claims that it causes rapid and substantial weight loss and that one of its ingredients, *Hoodia gordonii*, enables this by suppressing appetite.

- The Bayer Corporation will pay a \$3.2 million to settle FTC allegations that advertisements for One-A-Day WeightSmart multivitamins violated an earlier Commission order requiring all health claims for One-A-Day brand vitamins to be supported by competent and reliable scientific evidence. The FTC objected to claims that One-A-Day WeightSmart, which contains EGCG (epigallocatechin gallate), would prevent weight gain and facilitate weight loss by increasing metabolism. [Source: FTC News Release 4 Jan 07 ++]

SSA PRISONER RULES:



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The Social Security Administration pays benefits under both the Social Security and Supplemental Security Income (SSI) programs. Both of these programs prohibit payments to most prisoners. Social Security benefits are suspended if an otherwise eligible person is confined in a jail, prison, or other penal institution for more than 30 continuous days due to conviction of a crime. Nor can SSA pay benefits to someone who, by court order, is confined in an institution at public expense in connection with a criminal case if the court finds that the person is: guilty, but insane; not guilty of such an offense by reason of insanity or similar factors (such as a mental disease); or incompetent to stand trial for such an alleged offense. Also, SSA cannot pay benefits to someone who, immediately upon completion of a prison sentence for conviction of a criminal offense (an element of which is sexual activity), is confined by court order in an institution at public expense. The confinement must be based on a court finding that the individual is a sexually dangerous person or sexual predator (or a similar finding.) However, if a person is not confined in prison or other similar place, benefits may be paid to an eligible individual.

There is no provision in the Social Security Act to provide benefits for a spouse or dependent child while the sponsor is incarcerated and is not currently receiving or eligible to receive social security benefits. However, you may want to contact your Social Services/Welfare department to find out if there are any locally sponsored programs that may be able to provide you with assistance. They may also be able to provide you with the names of organizations that may be of some help. If the sponsor was eligible and receiving Social Security benefits prior to incarceration, payments to eligible dependents would not be affected. The Social Security Administration does not provide any benefits just for ex-prisoners. Once you are released, you can get Supplemental Security Income (SSI) payments if you are 65 or older, or are blind or have a disability have little or no income and resources.

It is important that you tell SSA of your confinement as soon as possible to avoid receiving money that you are not due and subsequently have to pay back. Once released, even if on an ankle bracelet monitoring program, you notify SSA to have your benefits reinstated. You can contact SSA at anytime at www.socialsecurity.gov/reach.htm to report any changes that may affect your Social Security payments. If you were getting Medicare and cash benefits before you went to jail, your cash benefits will stop but your hospital insurance (Part A) coverage will continue. To keep your Supplemental Insurance (Part B) coverage or medical insurance that you are paying for, you must pay the premiums or your coverage will end. If your coverage ends while you are in jail because you did not pay your Medicare premiums, you will be able to enroll again during the next General Enrollment Period (JAN thru MAR of each year). Your insurance coverage will start again the following year. If you reenroll, you will be responsible for any unpaid past-due premiums and your ongoing premium will be higher. [Source: www.socialsecurity.gov Jan 07]

SSA WAGE CREDITS UPDATE 01:

The earnings of people who serve in the military services on active duty or active duty for training have been covered by Social Security since 1957. Inactive duty service in the armed forces reserves [such as weekend drills] has been covered since 1988. However, people who served in the military before 1957 did not pay into SS directly. Veteran's records are credited with special earnings [wage credits], depending on when they served which for SS purposes count toward any benefits that might be payable. Those in the military service from 1957 on paid SS taxes the same way as civilian employees do. Those taxes are deducted from your pay and an equal amount is paid by the U.S. government as your employer. You must have credit for a certain amount of work covered by SS before any benefits can be paid on your record. The number of credits you need to qualify for benefits depends on your age and the type of benefit you might be eligible for. Nobody needs more than 40 credits.

In some cases you can qualify with less



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than 40 credits. The amount you get from SS depends on earnings averaged over much of your working lifetime. Generally, the higher the earnings, the higher your benefits. The wage credits for military personnel can help you qualify for SS or increase the amount of your benefit. Credits are granted for periods of active or active duty training only. Social Security cannot add extra wage credits to your earnings record until you file for SS benefits. Wage credits are granted for

- Service in 1978 to 2001. For every \$300 in active duty basic pay, you are credited with an additional \$100 in earnings up to a maximum of \$1200 per year. If you enlisted after 7 SEP 80, and didn't complete at least 24 months of active duty or your full tour, you may not be able to receive the additional earnings.
- Service in 1957 thru 1977. You are credited with \$300 in additional earnings for each calendar quarter in which you received active duty basic pay.
- Service in 1940 thru 1956. For military service inclusive of time spent in a military academy your record may be credited with \$160 a month in earnings from 16 SEP 1940 thru 1956 under the following circumstances

(1) You were honorably discharged after 90 or more days of service, or you were released because of a disability or injury received in the line of duty; or

(2) You are still on active duty; or

(3) You are applying for survivor's benefits and the veteran died while on active duty.

You cannot receive credits if you're already receiving a federal benefit based on the same years of service unless you were on active duty after 1956. In this situation you are eligible to receive the credit for 1951 thru 1956 even if you are drawing a military retirement based on these years. Congress ended wage credits JAN 02 under Public Law 107-117 NDAA after deciding that service members are better paid today and that wage credits were losing their importance and value.

Every applicant for SS benefits is asked to note their or their sponsor's military service on the application and to show proof, either a DD 214 or W-2. If a person has difficulty in producing those documents SSA will assist them by contacting the armed services and requesting some kind of verification of military wages. Every veteran or military widow drawing Social Security today might want to check with SSA to verify if the wage credits were used in setting benefits, not just noted on an application. You are entitled to reimbursement from the time you started drawing SS and to an increase in your monthly SS check if the wage credits were not used in computing your entitlement. You can get both SS and military retirement. Generally there is no offset for SS benefits because of your military retirement with the exception of SBP. You'll get your full SS benefit based on your earnings. However, your benefit may be reduced if you also receive a government pension you didn't pay SS taxes. This is covered in SS Pub No. 05-10045. Use www.socialsecurity.gov to access SS information on the Internet. [Source: Various Jan 07 ++]

NAVY LODGE OPENS NEW FACILITY:

Navy Lodge Norfolk VA has opened the doors of its new four-story 100-room facility. The new Navy Lodge features all types of rooms – family, business class, standard as well as handicapped rooms. Each of the new guest rooms has the latest amenities including Internet hook up, free local phone calls, air conditioning, cable TV, a DVD, direct-dial telephone service and a kitchenette complete with microwave and utensils. Navy Lodges are on average 40% less expensive than



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comparable civilian accommodations but still have all of the same amenities. You'll also have housekeeping service, vending machines, video rental service and guest laundry facilities as well as handicapped accessible and non-smoking rooms. There are 41 Navy Lodges located around the world. Guests may reach the Navy Lodge Reservation Center by calling toll-free 1-800-NAVY-INN (628-9466) in the continental United States. The Reservation Center never closes. Reservations can also be made online at www.navy-lodge.com.

Once you make a reservation you cannot be bumped from your room. Reservation and room assignments are accepted on an as-received basis without regard to rank, rate or time of reservation. Reservations are to be made by and guaranteed by the sponsor. You can reserve as many rooms as required. Group reservations can be made by calling the Navy Lodge of your choice directly. Your room reservation can be guaranteed with your credit card. Family members staying at Navy Lodges without the military member are required to show their identification at check-in. You as the sponsor will be required to be present to check in your sponsored guests. Pets are not allowed in the Navy Lodge. Kennel information is available by calling the Navy Lodge where you will be staying.

Retirees can make advance reservations based on their classification as follows:

- Medical (both inpatient and outpatient) 60 Days
- Leisure 30 Days
- Surviving spouses and their family members (18 years of age or older with ID card) 30 Days

[Source: Military.com Benefits 8 Jan 07 ++]

IRS NEW COLLECTION POLICY:

The IRS's national taxpayer advocate Tuesday issued a stinging rebuke of the agency's program to use private agencies to collect delinquent tax debts, saying the initiative is fatally flawed and urging Congress to terminate it once and for all. The recommendation came in Taxpayer Advocate Nina Olson's 2006 annual report to Congress, in which she listed the private debt collection initiative among the most serious problems facing the agency. Under authority granted by Congress in 2004, the IRS began assigning certain taxpayer accounts to three private collection firms in SEP 06. The agency planned to turn over 40,000 cases, although fewer than that ultimately were assigned due to various complications in administering the program. The IRS plans to turn over 446,000 cases over two and a half years.

The problem, Olson reported, is that under the program, the government (aka taxpayers) has the 'privilege' of paying up to 25% of any taxes collected to private collection agencies, even while estimates show that IRS employees could perform the work far more efficiently, with a return on investment of approximately 13:1. The law establishing the debt collection program does not allow for true cost-benefit comparisons between the use of private collectors and the IRS's own workers, Olson said. In October, the Government Accountability Office reported that IRS projections showed that debt collection program might not pay off in its initial phase. Rep. Steve Rothman, D-N.J., who sponsored legislation last year to end the initiative, applauded Olson's recommendation to kill it. "This outsourcing program is estimated to cost tens of millions of dollars a year," he said, "and has already allowed the most complained-about industry in America to get hold of tax returns, which include taxpayers' Social Security numbers." Colleen M. Kelley, president of the National Treasury Employees Union, which represents IRS workers, said Congress should move "immediately" to implement Olson's recommendation.



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In a response to Olson's report, the IRS said the private collection program has started off well. During the first 10 weeks, the agency reported, the IRS referred nearly \$90 million in outstanding accounts to the firms and collected \$8.43 million. That, officials said, exceeds the conservative target of 6% set for this initial year and is on target for achieving the business-case assumption of 10 to 15% annually, depending on case type. The Tax Fairness Coalition, which represents the private collection companies, issued a statement saying that Olson's report fails to recognize the value of the program, the success it has seen so far, and the complementary way in which private collection agencies are working with the IRS to help recover billions of dollars in unpaid taxes, thereby helping to close the ever-widening tax gap. The group noted that the IRS has yet to find any instances of fraud or misuse of taxpayer information in the initiative. [Source: GOVEXEC.com Daily Briefing Tom Snoop article 9 Jan 07 ++]

NDAA 2007 UPDATE 18:

U.S. Military Contractors operating in combat zones are now subject to the Uniform Code of Military Justice (UCMJ). Congress quietly made this change as part of the FY 2007 Military Authorization Act. The provision makes a very small, but important change to Article 2 of the UCMJ. Under previous law, the UCMJ only applied to civilians in combat areas during periods of war declared by Congress. Paragraph a (10) of Article 2 originally read, "(10) In time of war, persons serving with or accompanying an armed force in the field." In a Vietnam-era case, the Court of Military Appeals set aside the conviction of a civilian contractor in Saigon because it construed the old Art. 2(a)(10) to apply only in cases of declared war [United States v. Averette, 19 C.M.A. 363, 41 C.M.R. 363 (1970)].

The new provision changes this paragraph to read: "In time of declared war or a contingency operation, persons serving with or accompanying an armed force in the field." The law also defines "contingency operation" to mean a military operation that:

(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of this title, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress.

This means that civilian contractors in locations such as Iraq or Afghanistan can now be court-martialed or punished under the provisions of Article 15 if they violate any of the punitive articles of the UCMJ. For example, a civilian contractor who mouths off to a commissioned officer in Iraq could conceivably be court-martialed and sentenced to prison for up to one year for violating Article 89, Disrespect toward a superior commissioned officer. The legal change is the work of Sen. Lindsey Graham, R-S.C., who said it would give military commanders a more fair and efficient means of discipline on the battlefield by placing civilian contractors accompanying the Armed Forces in the field under court-martial jurisdiction during contingency operations as well as in times of declared war. The change was intended to close a legal loophole that has enabled contract personnel to escape punishment for violating the law. [Source: About U.S. Military 9 Jan 07 ++]

SOUTH DAKOTA VETERANS BONUS UPDATE 01:

The state of South Dakota is paying a veterans' bonus of up to \$500 to certain servicemembers. Bonuses are available for servicemembers who:



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- were legal residents of the state for at least six months immediately preceding entry into the armed forces.
- are currently on active duty or were honorably discharged from the armed forces.
- served on active duty during one of the following periods.

For service between Jan. 1, 1993, and Sept. 10, 2001, payment will be made to those who served overseas and were awarded the Armed Forces Expeditionary Medal, Southwest Asia Service Medal, Kosovo Campaign Medal or any other United States campaign or service medal awarded for participation in combat operations against hostile forces. All active duty service between the dates of Sept. 11, 2001, and a date to be determined qualifies for a bonus payment. This program also allows payment for active duty during the Desert Storm dates of 2 AUG 90 to 31 DEC 92 for people who did not already receive payment for service during this period. Application forms may be obtained by writing to: SD Veterans Bonus, 500 E. Capitol, Pierre, SD 57501, or by calling (605) 773-7251. Forms can also be requested by e-mail to john.fette@state.sd.us. Writers should include their name, street or post office box number, city, state and zip code. [Source: About U.S. Military 9 Jan 07]

DISABLED VETERANS TAX TERMINATION ACT:

Representative Jim Marshall on 9 JAN introduced HR 333, the Disabled Veterans Tax Termination Act which would correct the following inequities that now exist in title 10 US Code 1414 (Concurrent Retirement Disability Pay):

- Extend the benefits of CRDP to some 375,000 retired career veterans who are rated less than 50% disabled by the VA.
- Repeal the 10 year phase in of CRDP for those 180,000 retired career veterans who are rated 50 to 90% disabled. It would also eliminate the diminishing returns of the 10 year schedule beyond 2007. Consider that with the 2007 increment, restoration is approximately 65% of full amount. In 2010, restoration will be approximately 95% of the full amount, leaving the last 4 years to restore the remaining 5% such that the average monthly increment in 2014 is \$0.31 in 2005 dollars for a total budget outlay of some \$23,500 for the entire year.
- Extend the benefits of CRDP at 100% to those 28,000 retired career veterans who are rated less than 100% but who are considered “individually unemployable” (IU) and compensated at 100% by the VA.
- Extend the benefits of CRDP to 183,000 career veterans who were involuntarily retired with less than 20 years of retirement service for medical disability to include wounds received in combat. Currently those incurring combat inflicted disabilities in Iraq and Afghanistan are denied the benefits of CRDP.

Veterans are urged to contact their Congressional representative and request their cosponsorship of this bill. [Source: USDR Action Alert 9 Jan 06]

TRICARE UNIFORM FORMULARY UPDATE 16:

On 20 DEC, beneficiary representatives got to review the latest Defense recommendations to move some Attention Deficit Hyperactivity Disorder (ADHD) and narcolepsy medications to the third tier (\$22 copay), along with some newer contraceptive and topical antifungal agents. The beneficiary panel concurred with moving Focalin, Focalin XR, and Daytrana to the



RAO

Retiree Assistance Office (RAO) Bulletin

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third tier with a 90-day implementation time. That will still leave a choice of four ADHD drugs at the lower copay level: Straterra, Concerta, Ritalin, and Adderall. Two new contraceptives (Seasonique and Loestrin 24 Fe) and one new antifungal drug (Vusion) will be moved to the third tier. Over 30 contraceptives will remain in the formulary for a \$3 or \$9 copay.

MOAA Deputy Director CDR John Class, USN (Ret) once again urged timely notification to beneficiaries affected by the change. Currently, DoD depends on the military associations to spread the word. But relatively short lead times for implementation leave no time for advance publication in associations' magazines. Thus, for beneficiaries who don't receive e-mail updates from members of the Military Coalition (TMC), Retiree Activities Offices (RAO/RSO), and others the first notification is usually when they show up for their refills and get charged \$22 instead of the \$9. The recommendations will be submitted to Assistant Secretary of Defense (Health Affairs) Dr. William Winkenwerder for final decision.

Third tier drugs may not be stocked in Military Treatment Facility (MTF) pharmacies, but may be special-ordered if prescribed by an MTF physician after a medical necessity determination is granted and may be special-ordered if prescribed by a non-MTF physician to whom the patient was referred after medical necessity is determined to be warranted. For information, you may contact the TRICARE retail pharmacy (TRRx) customer service line at (866) 363-8779, or visit them online. For the TRICARE mail order pharmacy (TMOP) go to their Web site or call (866) 363-8667. For additional information, go to the Formulary Search Tool for additional information about medications, their availability and cost at the TRICARE Web site. A chart of drugs already approved for the third tier can be found at www.moaa.org. [Source: MOAA Update 5 Jan 06 ++]

LEGISLATIVE AGENDA FOR 2007:

In 2007 the military community can expect to see numerous bills introduced in the 110th Congress that will impact on their well being. Some will be the reintroduction of legislation under new bill numbers that expired when the 109th Congress recessed and some will be new or revised approaches to enhance veteran's benefits. All will require cosponsors to sign on and support them. Without sufficient cosponsors the bills will never get out of committee to give them a chance at approval on the floor of the House and Senate. Legislators listen to their constituents and if enough constituents support an issue they will sign on as cosponsors in support of veteran issues.

Thus, input to them by veterans is essential. Elsewhere in this Bulletin Update is information on how to contact your legislator. Knowledge of the issues affecting our community will enhance your communications. It is never too early to express your views and it is not necessary to wait for a bill to be introduced to contact your representative. The Retired Enlisted Association (TREA) has published their 2007 Legislative Agenda which is fairly comprehensive on the issues that need to be addressed by Congress. More will be forthcoming in the Bulletin on these below issues as the year progresses:

- Expansion of CRSC to those with less than 20 years of service
- Expansion of Concurrent Receipt (CR) to those with VA disability compensation ratings of 40% and below (to include those with 0% disabled with Special Awards from VA).
- Expansion of CR to those with 15 years or more service (last enlistment should benefit).
- Elimination of the 10 year phase-in for CR for those less than 100% to include those rated as unemployable.
- Effective date of CRSC and CR



RAO

Retiree Assistance Office (RAO) Bulletin

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to be retroactive to VA disability compensation rating effective date (VA claims can be backlogged for a year or more before claim is adjudicated).

- Specific legislative language indicating that guard/reserve eligible retirees at age 60 who become disabled on active duty with less than 20 years of active service are eligible for CRSC or CR at age 60.
- Include those as unemployable for higher CRSC rating.
- Refundable tax credit for Medicare Part B premiums.
- Pre-tax deduction of TRICARE premiums, deductibles and co-payments.
- Increase reimbursement rate for TRICARE Standard.
- Equality in TRICARE Prime – same benefits for retirees as active duty (for example eyeglasses are not covered for retirees).
- FEHBP eligibility for military retirees.
- Reserve/Guard retirement lowered to age 55 (includes full TRICARE benefits).
- Reform the Uniformed Services Former Spouse Protection Act.
- Monitoring of the Base Realignment and Closure (BRAC) process for beneficiary impact (active, guard/reserve, retired and survivors).
- Eliminate the SBP/DIC offset.
- Paid-up Premiums at age 70 with 30 years in SBP.
- Correct the SBP government subsidy to the 40% as originally intended.
- Authorize DoD and VA to become Medicare providers.
- Guaranteed funding of the VA Appropriations (Currently enrolled and those eligible to enroll).
- Zero percent service connected – category 3 for VA healthcare.
- Non-service connected military retirees – category 3 for VA healthcare.
- Flag Protection Constitutional Amendment.

[Source: www.trea.org/LegislativeAgenda.htm Jan 07 ++]

VDBC UPDATE 10:

The Veterans Disability Benefits Commission will be holding their first meeting of 2007 Thursday, 18 JAN 08-1515 and Friday, 19 JAN 08-1500 in the Hotel Washington, 515 15th Street, NW, Washington, DC. The (draft) agenda for the meeting includes updates on the progress of the studies being conducted by the Center for Naval Analyses (CNA) and the Institute of Medicine (IOM). CNA will include an overview and discussion with Commissioners regarding its research and



RAO

Retiree Assistance Office (RAO) Bulletin

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analyses of Individual Unemployability (IU) and Program Operations. VA will provide a public response to IOM's request for documents and information related to IOM's research on behalf of the Commission. In addition to providing a summary of the overall status of Issue Papers addressing specific research questions, Commission staff will also facilitate the presentation and discussion of new or revised Issue Papers at various stages of development. (Research Questions approved by the Commission on 14 OCT 05.)

On Friday morning there will be time set aside for the Commission to receive comments from veteran and military service organizations and interested members of the public on three topics related to specific Research Questions:

- Line of Duty (Research Question 13);
- Character of Discharge (Research Question 23); and
- Concurrent Receipt (Research Question 21 - addressing concurrent receipt policies for military retirees only.)

The SBP-DIC Offset Paper (also referred to as the Survivors Concurrent Receipt Issue) will be posted for review following the anticipated approval by the Commission with public comments to be received at the next month's meeting of the Commission. Retirees who live near or are visiting the Washington DC area are encouraged to attend. [Source NAUS Weekly Update 5 Jan 07 ++]

VA BUDGET 2007 UPDATE 11:

Secretary of Veterans Affairs R. James Nicholson notified Congress 19 DEC that he was transferring \$250 million from construction and maintenance in order to pay for medical care costs for veterans. His letter suggested that, if Congress doesn't provide more money, Nicholson might have to shift additional funds. In the short term, the initial shift will be reflected in delays in facility maintenance, but if VA funding remains flat-lined beyond mid-February, the department might have to place a freeze on hiring. This would prevent scheduled hiring of additional claims workers to reduce the buildup of pending claims. The administration had requested a \$2.8 billion increase for health care in 2007, to be used for mental health and long-term care programs as well as medical care for veterans of the Iraq and Afghanistan wars. [Source: Armed Forces News 5 Jan 06 ++]

SURGERY TO REPLACE EYEGASSES:

The Wilford Hall Refractive Surgery Center at Lackland Air Force Base, Texas, is offering eye surgery as a possible replacement for eyeglasses. The Director, Lt. Col. Charles Reilly said the center has no waiting list because it has increased its capacity due to advanced technology and systems as well as improved efficiency. Surgical options available include Laser-In-Situ Keratomileusis, or LASIK; Photorefractive Keratectomy, known as PRK; and newer procedures such as Epi-LASIK, which is a combination of the two. Military members requesting the surgery must submit an application, have their commander's authorization and an eyeglass prescription that is at least one to two years old. Only 10 to 15% of patients who apply for the surgery will not qualify. Colonel Reilly says that patients have a 96 to 98% chance of achieving better than 20/20 vision after surgery. [Source: Armed Forces News 5 Jan 06 ++]

COMMISSARY USER SAVINGS:

Commissary customers closed 2006 with record-breaking savings. According to Patrick Nixon, Defense Commissary Agency director and chief executive officer the average customer savings for a family of four have risen to nearly \$3,000 annually.



RAO

Retiree Assistance Office (RAO) Bulletin

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Savings have actually been holding steady at about 32% for several years. DeCA has not revised its savings messages for more than a year, but using current U.S. Department of Agriculture figures for retail grocery food purchases consumed at home, a family of four shopping at the commissary on a regular basis can save \$2,957 annually on groceries. The figure formerly used was \$2,700. Under the latest calculations, couples can save \$1,885, and individuals can save \$1,029 by shopping regularly at their commissary. [Source: Armed Forces News 5 Jan 06 ++]

BRAC UPDATE 21:

Senior military officials are pressuring lawmakers to add billions of dollars to a long-term continuing resolution (CR) to cover necessary base-closure costs and pay for military construction and quality of life projects in fiscal 2007, warning that failure to do so would have dire consequences for the services. In particular, officials said a CR without added funds would create a \$4 billion funding shortfall for a spate of base closures and realignments approved by the White House in 2005. The military must complete all personnel and equipment moves mandated during that base-closure round by September 2011, a tight deadline even without these budget constraints. Army, Navy and Marine Corps leaders sent two strongly worded letters to House and Senate leaders and key members of the Armed Services and Appropriations committees late last month, after it became apparent that Congress would not pass most of the fiscal 2007 spending bills and instead hold funding for military construction at fiscal 2006 levels for the rest of the current fiscal year under a CR.

Army Chief of Staff Peter Schoomaker and Secretary Francis Harvey warned that efforts to shut down and realign bases are "quickly coming apart at the seams," with the Army limited to spending less than one-quarter of the amount needed to keep base realignment and closure moves on schedule. Navy Secretary Donald Winter, Chief Naval Officer Michael Mullen and Marine Corps Commandant James Conway warned of similar consequences in a letter delivered to Capitol Hill 22 DEC 06. They wrote that the CR could stymie their efforts to construct facilities and move equipment and people to receiver locations, and impede their ability to harvest savings and organizational efficiencies already accounted for in the budget. Lawmakers have not yet determined whether to add money or otherwise alter the continuing resolution to pay for base closures, although Democratic leaders have indicated they would consider limited spending increases in certain areas. But several House and Senate members — including those who would gain personnel and military missions at their local bases — would support fully funding BRAC at the \$5.8 billion level requested by President Bush and authorized in the fiscal 2007 defense authorization bill, which Bush signed into law.

Many communities affected favorably by base closures are already writing their lawmakers to press the issue. But the losers in the 2005 BRAC round, who comprise a formidable force of their own, could just as likely back decreased funding in the hopes of buying their communities time and the economic benefits from prolonged military spending. The Defense Department does not have to rely solely on Congress for adequate funding of base closures this year. Defense officials could opt to reprogram money, or add money to base-closure accounts in the fiscal 2007 supplemental spending bill due to Capitol Hill in the next several weeks. [Source: GOVEXEC.com Daily Briefing 4 Jan 07 ++]

U.S. PASSPORT POLICY UPDATE 01:

Beginning in 2007, all passengers traveling by air to or from the United States will be required to hold a valid passport. The U.S. Department of State estimates this new requirement will go into effect on 23 JAN 07, and applies to all passengers - including U.S. citizens - traveling to and from Canada, Mexico, Bermuda, and the Caribbean. [Source: MOAA News Exchange 4 Jan 07]



RAO

Retiree Assistance Office (RAO) Bulletin

Courtesy of The Gamewardens of Vietnam www.TF116.org

HOUSE ARMED SERVICES COMMITTEE:

The U.S. House Committee on Armed Services, commonly known as the House Armed Services Committee (HASC), is a standing committee of the United States House of Representatives, the lower house of Congress. It is responsible for funding and oversight of the Department of Defense (DOD) and the United States armed forces, as well as substantial portions of the Department of Energy. The committee's work is handled through six subcommittees. According to the committee rules their responsibilities are:

- Subcommittee on Projection Forces: Navy and Marine Corps programs, except strategic weapons, space, special operations and information technology programs, deep strike bombers and related systems, and strategic lift programs.
- Subcommittee on Readiness: Military readiness, training, logistics and maintenance issues and programs. In addition, the subcommittee will be responsible for all military construction, installations and family housing issues, including the Base Realignment and Closure process.
- Subcommittee on Strategic Forces: Strategic Forces except deep strike systems, space programs, ballistic missile defense and Department of Energy national security programs, except non-proliferation programs.
- Subcommittee on Tactical Air and Land Forces: All United States Army and Air Force acquisition programs, except strategic weapons and lift programs, special operations and information technology accounts. In addition, the subcommittee will be responsible for all United States Navy and Marine Corps aviation programs, National Guard and Army and Air Force reserve modernization, and ammunition programs.
- Subcommittee on Terrorism, Unconventional Threats and Capabilities: Department of Defense counter proliferation and counter terrorism programs and initiatives. In addition, the subcommittee will be responsible for Special Operations Forces, the Defense Advanced Research Projects Agency, information technology and programs, force protection policy and oversight, and related intelligence support.
- Subcommittee on Total Force: Military personnel policy, reserve component integration and employment issues, military health care, military education and prisoner of war and missing in action issues. In addition, the subcommittee will be responsible for Morale, Welfare and Recreation issues and programs.

The Chairman may designate a panel of the Committee consisting of members of the Committee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee. Panels cannot continue in existence for more than six months. However, a panel so appointed may, upon the expiration of six months, be reappointed by the Chairman. No panel so appointed shall have legislative jurisdiction. The Chairman of the Committee or of any subcommittee or panel is required to make public announcement of the date, place, and subject matter of any committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the Chairman of the Committee or of any subcommittee or panel, with the concurrence of the respective ranking minority member of the Committee, subcommittee or panel, determines that there is good cause to begin the hearing sooner, or if the Committee, subcommittee or panel so determines by majority vote, a quorum being present for the transaction of business, such chairman shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest,



RAO

Retiree Assistance Office (RAO) Bulletin

Courtesy of The Gamewardens of Vietnam www.TF116.org

promptly entered into the committee scheduling service of the House Information Resources, and promptly posted to the internet web page maintained by the Committee.

In accordance with House rules the full Committee is required to meet every Wednesday at 10:00 a.m., and at such other times as may be fixed by the chairman of the Committee or by written request of members of the Committee. A Wednesday meeting of the Committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee chairman sets meeting dates after consultation with the Chairman and the other subcommittee chairmen, and the ranking minority member of the subcommittee with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

Meetings and hearings are open to the public unless it is determined by record vote that all or part of the remainder of that hearing or meeting on that day shall be in executive session because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee is authorized:

- (1) To sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and
- (2) To require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents, including, but not limited to, those in electronic form, as it considers necessary.

The HASC maintains a web site for public review and in accordance with its obligation to keep the public informed at www.house.gov/hasc. This site provides information to veterans about the HASC, the latest news, schedules and transcripts, press releases, bills/reports/publications, and Democratic views. [Source: Various ++ Jan 07]

HASC UPDATE 01:

Democrats in charge of the House Armed Services Committee are reshuffling its subcommittees to align each panel's jurisdiction closer to the individual military services' budgets and programs. As one of his first orders of business, incoming Chairman Ike Skelton (D-MO) plans to undo many of the structural changes that his Republican predecessor Duncan Hunter of California imposed in 2003 when subcommittees were organized to focus on different military missions. Skelton plans, for example, to change the names of the existing Projection Forces Subcommittee to the Seapower and Expeditionary Forces Subcommittee, and of the Tactical Air and Land Forces Subcommittee to the Air and Land Forces Subcommittee. The Seapower panel, which likely will be chaired by Rep. Gene Taylor (D-MS) will oversee nearly all Navy and Marine Corps systems, including Navy and Marine Corps aviation programs that once fell under the purview of the Tactical Air and Land panel. Meanwhile, deep strike and strategic airlift programs, including the B-1 and B-52 bombers and the C-17 Globemaster III cargo plane, all previously overseen by the Projection Forces panel, will now move to the renamed Air and Land Forces Subcommittee. Rep. Neil Abercrombie (D-HI) is expected to be chairman of that panel, though



RAO

Retiree Assistance Office (RAO) Bulletin

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a House aide cautioned that decisions on subcommittee leadership for the 110th Congress are not yet final.

The changes will give the subcommittees less of a mission focus, more of a service focus. The decisions had a lot to do with the desires of the incoming subcommittee chairs and how they felt the organization of the committee would be most effective. Meanwhile, the House Armed Services Committee is in the planning and hiring stages for its new Subcommittee on Oversight and Investigations, which is expected to be chaired by Rep. Martin Meehan (D-MA). Meehan, a senior member of the committee, wrote Skelton the day after the 7 NOV elections to lay claim to the subcommittee chairmanship and detail his plans for it. In a three-page letter, Meehan proposed focusing on force protection, military readiness, Pentagon funding priorities and contracting abuses. The House Armed Services Committee had an oversight and investigations panel from 1993-1994, and an investigations subcommittee from 1981-1992. Skelton has said that oversight of the Iraq war and other Pentagon activities will be the hallmark of his chairmanship. [Source: GOVECEC.com Daily Briefing 3 Jan 06 ++]

PTSD UPDATE 10:

A groundbreaking study of 1,946 male veterans of World War II and Korea suggests that vets with symptoms of post-traumatic stress disorder are at greater risk of heart attacks as they age. The new study is the first to document a link between PTSD symptoms and future heart disease, and joins existing evidence that vets with PTSD also have more autoimmune diseases such as arthritis and psoriasis. A second study, funded by the Army, found that soldiers returning from combat in Iraq with post-traumatic stress disorder reported worse physical health, more doctor visits and more missed workdays. The Army study is based on a survey of 2,863 soldiers one year after combat. Their study was funded by the National Institutes of Health and the Department of Veterans Affairs. The Army study appears in the American Journal of Psychiatry. Medical authorities first accepted post-traumatic stress disorder as a psychiatric condition in 1980 at the urging of Vietnam veterans. In PTSD, the body's normal hormonal response to stress becomes trigger-happy, scientists believe. Long after traumatic events, people remain edgy, fearful and prone to nightmares and flashbacks. The continual release of adrenaline may wear down the cardiovascular system. The Harvard and Boston University researchers analyzed data from the Veterans Administration Normative Aging Study, a long-term research project tracking Boston-area vets. [Source: Associated Press National News article 2 Jan 07 ++]

SOCIAL SECURITY FUND DEPLETION UPDATE 04:

After numerous refusals over three and a half years, the Social Security Administration (SSA) has released the first known public copy of the U.S.-Mexico Social Security Totalization Agreement. The government was forced to make the disclosure in response to lawsuits filed under the Freedom of Information Act by TREA Senior Citizens League, a 1.2 million-member nonpartisan seniors advocacy group. The Totalization Agreement could allow millions of illegal Mexican workers to draw billions of dollars from the U.S. Social Security Trust Fund. The agreement between the U.S. and Mexico was signed in JUN 04, and is awaiting President Bush's signature. Once President Bush approves the agreement, which would be done without Congressional vote, either House of Congress would have 60 days to disapprove the agreement by voting to reject it.

The Social Security Administration itself warns that Social Security is within decades of bankruptcy. According to the SSA, the Social Security Trust Fund will begin paying out more than it is taking in by 2017, and will be exhausted by the year 2040. Yet, they seem to have no problem making agreements that hasten its demise. The U.S. currently has 21 similar agreements in effect with other nations, which are intended to eliminate dual taxation for persons who work



RAO

Retiree Assistance Office (RAO) Bulletin

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outside their country of origin. All of the agreements are with developed nations with economies similar to that of the U.S. For example, a worker who turns 62 after 1990 generally needs 40 calendar quarters of coverage to receive retirement benefits. Under totalization agreements, workers are allowed to combine earnings from both countries in order to qualify for benefits. The Agreement with Mexico, like other totalization agreements, would allow workers to qualify with just six quarters, or 18 months, of U.S. coverage. Mexico's retirement system is radically different than that of other participating countries. For example, only 40% of non-government workers participate in Mexico's system, whereas 96% of America's non-government workers do. In addition, the U.S. system is progressive, meaning lower wage earners get back much more than they put in; in Mexico, workers get back only what they put in, plus accrued interest. Refer to <http://www.SeniorsLeague.org> for more information or to see the Totalization Agreement documents or contact Brad Phillips (202) 776-0640. [Source: TREA Senior Citizens League 20 Dec 7 ++]

NDAAs 2007 UPDATE 17:

Completion of the 2007 NDAAs and subsequent signature by the President established two modifications to existing benefits for retirees:

1. Members retiring on or after 1 JAN 07 will receive credit for years of active service beyond 30 years. This will permit computing retired pay percentage from 75 to 100% of the active duty pay.
2. Members with Natural Interest Person (NIP) coverage under the survivor Benefit Plan can elect a new NIP if the original NIP dies under the following guidelines:
 - a. Provides a two-year survival period to make the election fully effective.
 - b. Requires a buy in for any period in which the NIP premiums were not paid.
 - c. Provides a two-year open season for member if NIP dies prior to enactment.
 - d. Provides a six-month election period for member if NIP died after enactment.

[Source: DFAS Leg Up DEC 06]

VA RETRO PAY PROJECT UPDATE 06:

On 1 SEP 06 the Defense Finance and Accounting Service (DFAS) and the Department of Veterans Affairs (DVA) finalized plans for disabled military retiree retroactive pay, commonly called the VA Retro program. The program is designed to pay more than 100,000 eligible military retirees any retroactive money due as a result of increases in their percentage of disability. These payments include adjustments to Combat-Related Special Compensation (CRSC), Concurrent Retirement and Disability Pay (CRDP) and DVA disability compensation. Individual amounts will vary based on differences in disability amount and length of retroactive period. CRSC is available to retired military personnel who have a combat-related DVA disability rating of at least GOVEXEC.com 60% effective 1 JUN 03 (or 10% with purple heart) subsequently decreased to 10% effective 1 JAN 04.

CRSC entitles recipients to additional funds designed to compensate them for the reduction in military retired pay due to the receipt of DVA compensation. Through CRSC, recipients can receive partial or full concurrent receipt of military retirement pay and DVA disability compensation. CRSC is paid based on the combined disability rating of combat-related disabilities for which



RAO

Retiree Assistance Office (RAO) Bulletin

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recipients actually receive DVA compensation. CRDP is a phased-in restoration of the retired pay deducted from military retirees' accounts due to their receipt of DVA compensation (reflected on Retiree Account Statements as the VA waiver). The phased in restoration began 1 JAN 04, and applies to military retirees who have a DVA-rated, service-connected disability of 50% or higher. CRDP payments reflect as a decrease in the VA waiver deduction on recipients' Retiree Account Statement, however they continue to receive the same amount from DVA. CRDP payments are taxable and subject to collection actions for alimony, child support, community property, garnishment, and government debt. A disabled military retiree maybe eligible for both CRSC and CRDP but, by law, cannot receive both.

Each year an open season is provided so that recipients can elect which type of payment they want to receive. Retirees may be eligible for payment from DFAS as a restoration of retired pay or from DVA as part of disability compensation. Retirees entitled to additional money from DFAS will receive notification by mail of money due and a schedule of payment. If recipients are entitled to additional compensation from DVA, DVA is responsible for payment and will notify affected retirees. DFAS began VA Retro payments in SEP 06 and DVA began issuing payments in NOV 06. Completion of the majority of payments is expected within six months, and it could take up to six more months to calculate and pay the most complex retroactive pay accounts. These involve multiple DVA rating adjustments, shifts by retirees between CRDP and CRSC, ex-s pouse pay entitlements, and any other issues that require lengthy record searches. No action is required by the retiree to initiate the VA Retro investigation. DVA is providing DFAS with the eligible retiree Social Security Numbers. Both organizations are working together to provide eligible retirees with their full entitlements to both DVA compensation and CRSC or CRDP.

Deceased military retirees may not receive CRSC or CRDP past the date of death. However, the deceased military retiree's designated beneficiary is entitled to any unpaid military retired pay. Retroactive increases made prior to the military retiree's death and during the period in which CRSC/CRDP were paid provides for entitlement to VA Retro payments. These payments will be made to the beneficiary of the deceased. Depending on the outcome of the case review, the retiree may receive more than one payment. This may occur for two reasons:

- 1.) If your retroactive period(s) of increased award include CRSC and CRDP, you will receive one payment for CRDP (which is taxable) and one for CRSC (which is not taxable).
- 2.) The retiree may be entitled to money from both DFAS and DVA.

Military retirees may call 1(877)327-4457 for issues concerning their entitlement for VA Retro. Trained customer service representatives are available at this phone number which is exclusively for VA Retro questions, M_F from 08-1630 (EST). Questions concerning disability percentages should be directed to DVA at 1(800) 827-1000. For all other questions regarding military retired pay, regular recurring CRSC or CRDP payments, allotments, taxes or any other retired pay-related business, call 1(800) 321-1080. Service is available from 07-1930 M-F (except federal holidays). Military retirees can also find regular updates concerning VA Retro on the DFAS Web site www.dod.mil/dfas. [Source: DFAS Retired Pay Newsletter Dec 06 ++]

CRSC UPDATE 36:

This annual open season election period will be from 1 JAN through 31 JAN 07 and allows the retiree to choose which payment is preferred. Federal law states that you can receive CRDP or CRSC; not both. Beginning in late December, eligible retirees were mailed a CRDP/CRSC Open Season Election Form. The retiree needs to return the form only if



RAO

Retiree Assistance Office (RAO) Bulletin

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making a change from CRDP to CRSC or vice versa. If the retiree prefers to keep things the way they are, they should do nothing. The payments the retiree now receives will continue uninterrupted. To help the retiree make a more informed decision, the form will include a comparison of the CRSC and CRDP entitlement amounts as well as information about the collection actions and taxes to which each type of payment is subject. If the retiree wants to change from CRDP to CRSC, or vice versa, the form must be postmarked by 31 JAN 07. If the form is dated after this date, it will not be processed and the current payments will continue uninterrupted. The change in the payment will be effective with the first business day of FEB 07. Due to a 30-day processing timeframe, the retiree may not receive their first payment until the first business day of March 2007 including a retroactive adjustment for the payment that would have been paid on the first business day of February. The retiree's election will remain in effect unless changed from CRDP to CRSC or vice versa in a subsequent annual open season. [Source: www.dod.mil/dfas/retiredpay/concurrentretirementanddisabilitypay/crdpandcrsc.htm 1 Jan 07]

VA COMPENSATION RATES (SMC):

Special Monthly Compensation (SMC) is a rate paid in addition to (i.e., SMC (K)) or in place of 0% to 100% combined degree compensation. To qualify, a veteran must be disabled beyond a combined degree percentage or due to special circumstances (i.e., aid and attend ance, loss of use of one hand, etc.). SMCs are referred to by the letters (K) through (R.2). These alphabetic designations follow the paragraph numbering system in 38 U.S.C. §1114. As required by the Veterans' Compensation Cost-of-Living Adjustment Act of 2007 the DVA has given notice of adjustments in SMC effective 1 DEC 06 as indicated below:

With or Without Children:

SMC (K): \$89 Usually added to other rate or paid as the rate when percentage is zero.

SMC (Q): \$69 Paid in place of a rate.

Without Children:

SMC (L) through SMC (S)

Veteran Alone: \$3075(L), \$3233(L½), \$3393(M), \$3636(M½), \$3860(N), \$4086(N½), \$4313(O/P), \$6164(R.1), \$7070(R.2), \$2766(S)

Veteran w/Spouse: \$3214(L), \$3372(L½), \$3531(M), \$3765(M½), \$3999(N), \$4225(N½), \$4452(O/P), \$6303(R.1), \$7209(R.2), \$2905(S)

Veteran w/Spouse + 1 Parent: \$3326(L), \$3484(L½), \$3643(M), \$3877(M½), \$4337(N½), \$4564(O/P), \$64 15(R.1), \$7321(R.2), \$3017(S)

Veteran w/Spouse + 2 Parents: \$3438(L), \$3596(L½), \$3755(M), \$3989(M½), \$4223(N), \$4111(N), \$4449(N½), \$4676(O/P), \$6527(R.1), \$7433(R.2), \$3129(S)

Veteran with 1 Parent: \$3,187(L), \$3345(L½), \$3504(M), \$3738(M½), \$3972(N), \$4198(N½), \$4425(O/P), \$6276(R.1), \$7182(R.2), \$2878(S)

Veteran with 2Parents: \$3,299(L), \$3457(L½), \$3616(M),



RAO

Retiree Assistance Office (RAO) Bulletin

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\$3850(M½), \$4084(N), \$4310(N½), \$4537(O/P), \$6388(R.1), \$7294(R.2), \$2990(S)

Additional A/A spouse \$126 (See footnote b.)

With Children:

SMC (L) through SMC (S)

Veteran w/Spouse + 1 Child: \$3315(L), \$3473(L½), \$3632(M), \$3866(M½), \$4100(N), \$4326(N½), \$4553(O/P), \$6404(R.1), \$7310(R.2), \$3006(S) Veteran with 1Child: \$3169(L), \$3327(L½), \$3486(M), \$3720(M½), \$3954(N), \$4180(N½), \$4407(O/P), \$6258(R.1), \$7164(R.2), \$2860(S)

Veteran w/Spouse + 1 Parent + 1 Child: \$3427(L), \$3585(L½), \$3744(M), \$3978(M½), \$4212(N), \$4438(N½), \$4665(O/P), \$6516(R.1), \$7422(R.2), \$3230(S) Veteran w/Spouse + 2 Parent + 1 Child: \$3539(L), \$3697(L½), \$3856(M), \$4090(M½), \$4324(N), \$4550(N½), \$4777(O/P), \$6628(R.1), \$7534(R.2), \$3230(S)

Veteran w/1 Parent + 1 Child: \$3281(L), \$3439(L½), \$3598(M), \$4832(M½), \$4066(N), \$4292(N½), \$4519(O/P), \$6370(R.1), \$7276(R.2), \$2972(S) Veteran w/2 Parent + 1 Child: \$3393(L), \$3551(L½), \$3710(M), \$3944(M½), \$4178(N), \$4404(N½), \$4631(O/P), \$6482(R.1), \$7388(R.2), \$3084(S)

Additional A/A spouse \$126 (See footnote b.)

Add for each additional child under age 18 \$70. See footnote

Add for each additional schoolchild over age 18 \$222. See footnote (a)

FOOTNOTES:

a. Rates for each school child are shown separately. They are not included with any other compensation rates. All other entries on this chart reflecting a rate for children show the rate payable for children under 18 or helpless. To find the amount payable to a 70% disabled veteran with a spouse and four children, one of whom is over 18 and attending school, take the 70% rate for a veteran with a spouse and 3 children, \$ 1,401 , and add the rate for one school child, \$155. The total amount payable is \$1,556.

b. Where the veteran has a spouse who is determined to require A/A, add the figure shown as "additional for A/A spouse" to the amount shown for the proper dependency code. For example, veteran has A/A spouse and 2 minor children and is 70% disabled. Add \$88, additional for A/A spouse, to the rate for a 70% veteran with dependency code 12, \$1,352. The total amount payable is \$ 1,440. [Source: www.vba.va.gov/bln/21/Rates/ Dec 06 ++]

SSA BENEFITS AT DEATH:

Social Security should be notified as soon as possible when a person dies. In most cases, the funeral director will report the person's death to Social Security. You will need to furnish the funeral director with the deceased's Social Security number so he or she can make the report. Or, you can report the death to a service representative by calling SSA at 1(800) 772-1213, between 0700 & 1900 on business days. Whenever you call, have the deceased person's Social Security number



RAO

Retiree Assistance Office (RAO) Bulletin

Courtesy of The Gamewardens of Vietnam www.TF116.org

handy. If you are deaf or hard of hearing, call the TTY number 1(800) 325-0778. Some of the deceased's family members may be able to receive Social Security benefits if the deceased person worked long enough under Social Security to qualify for benefits. You should get in touch with Social Security as soon as you can to make sure the family receives all of the benefits to which it may be entitled. At death:

1. A one-time payment of \$255 can be paid to the surviving spouse if he or she was living with the deceased; or, if living apart, was receiving certain Social Security benefits on the deceased's record. If there is no surviving spouse, the payment is made to a child who is eligible for benefits on the deceased's record in the month of death.

2. Certain family members may be eligible to receive monthly benefits, including:

- A widow or widower age 60 or older (age 50 or older if disabled);
- A surviving spouse at any age who is caring for the deceased's child under age 16 or disabled;
- An unmarried child of the deceased who is: Younger than age 18 (or age 18 or 19 if he or she is a full-time student in an elementary or secondary school); or age 18 or older with a disability that began before age 22;
- Parents, age 62 or older, who were dependent on the deceased for at least half of their support; and
- A surviving divorced spouse, under certain circumstances.

If the deceased was receiving Social Security benefits, you must return the benefit received for the month of death or any later months. For example, if the person dies in July, you must return the benefit paid in August. If benefits were paid by direct deposit, contact the bank or other financial institution. Request that any funds received for the month of death or later be returned to Social Security. If the benefits were paid by check, do not cash any checks received for the month in which the person dies or later. Return the checks to Social Security as soon as possible. However, eligible family members may be able to receive death benefits for the month in which the beneficiary died. If you are getting benefits on your own record, you can apply for survivor's benefits. Call or visit SSA to find out whether you can get more money as a widow or widower. Upon receipt of the report of death SSA will take the following action:

- If you are getting benefits on your spouse's record when he or she dies, SSA will change your payments to survivor's benefits.
- Current benefits for children will automatically change to survivors benefits after the death is reported.

For more information and to find copies of SSA publications, refer to www.socialsecurity.gov or call the above numbers. If overseas contact the nearest U.S. Embassy. SSA will answer specific questions and provide information by automated phone service 24 hours a day. A Social Security representative can tell you what benefits may be payable and set up an appointment, if necessary, to file a claim. All calls are treated with confidentiality. [Source: SSA Publication No. 05-10008 Sep 04]

MILITARY LEGISLATION STATUS 13 JAN 07:

Following is a listing of Congressional bills of interest to the military community that have been introduced in the 110th Congress. Support of these bills through cosponsorship by other



RAO

Retiree Assistance Office (RAO) Bulletin

Courtesy of The Gamewardens of Vietnam www.TF116.org

legislators is critical if they are ever going to move through the legislative process for a floor vote. A cosponsor is a member of Congress who has joined one or more members in his/her chamber (i.e. House or Senate) to sponsor a bill or amendment. The first member to sign onto a bill is considered the Sponsor, members subsequently signing on are Cosponsors. Any number of members may cosponsor a bill in the House or Senate. At <http://thomas.loc.gov> you can determine the current status of each bill and if your legislator is a sponsor or cosponsor of the bill you are concerned with. The key to increasing cosponsorship is letting our representatives know of veterans feelings on issues. At the end of some of the below listed bills is a web link that can be used to do that. Otherwise, you can locate on <http://thomas.loc.gov> who your representative is and his/her phone number, mailing address, or email/website to communicate with a message or letter of your own making:

H.R.0023: A bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II. Sponsor: Rep Filner, Bob [CA-51] (introduced 1/4/07). Cosponsors (0).

H.R.0081: A bill to amend title 38, United States Code, to provide that members of the Armed Forces and Selected Reserve may transfer certain educational assistance benefits to dependents, and for other purposes. Sponsor: Rep Bartlett, Roscoe G. [MD-6] (introduced 1/4/07) Cosponsors (0).

H.R.0089: A bill to amend title 10, United States Code, to extend eligibility for combat-related special compensation (CRSC) paid to certain uniformed services retirees who are retired under chapter 61 of such title with fewer than 20 years of creditable service. Sponsor: Rep Bilirakis, Gus M. [FL-9] (introduced 1/4/07) Cosponsors (1).

H.R.0092: A bill to amend title 38, United States Code, to establish standards of access (i.e. 30 days) to care for veterans seeking health care from the Department of Veterans Affairs, would allow referral to civilian care in cases where the standard is not met, would require the VA to annually report its performance in meeting those access standards, and for other purposes. Sponsor: Rep Brown-Waite, Ginny [FL-5] (introduced 1/4/07) Cosponsors (4).

H.R.0109: A bill to amend the Small Business Act to make service-disabled veterans eligible under the 8(a) business development program. Sponsor: Rep Davis, Jo Ann [VA-1] (introduced 1/4/07) Cosponsors (0).

H.R.0112: A bill to amend title 38, United States Code, to provide for the payment of stipends to veterans who pursue doctoral degrees in science or technology. Sponsor: Rep Davis, Jo Ann [VA-1] (introduced 1/4/07) Cosponsors (0).

H.R.0136: A bill to amend title II of the Social Security Act to provide that individuals and appropriate authorities are



RAO

Retiree Assistance Office (RAO) Bulletin

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notified by the Commissioner of Social Security of evidence of misuse of the Social Security account numbers of such individuals. Sponsor: Rep Gallegly, Elton [CA-24] (introduced 1/4/07). Cosponsors (0).

H.R.0140: A bill to amend title 10, United States Code, to require the amounts reimbursed to institutional providers of health care services under the TRICARE program to be the same as amounts reimbursed under Medicare, and to require the Secretary of Defense to contract for health care services with at least one teaching hospital in urban areas. Sponsor: Rep Green, Gene [TX-29] (introduced 1/4/07). Cosponsors (0).

H.R.0156: A bill to amend title 38, United States Code, to provide for the payment of dependency and indemnity compensation (DIC) to the survivors of former prisoners of war who died on or before 30 SEP 99, under the same eligibility conditions as apply to payment of DIC to the survivors of former prisoners of war who die after that date. Sponsor: Rep Holden, Tim [PA-17] (introduced 1/4/07) Cosponsors (0)

H.R.0191: A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits. Sponsor: Rep Paul, Ron [TX-14] (introduced 1/4/07) Cosponsors (7)

H.R.0207: A bill to provide for identification of members of the Armed Forces exposed during military service to depleted uranium, to provide for health testing of such members, and for other purposes. Sponsor: Rep Serrano, Jose E. [NY-16] (introduced 1/4/07). Cosponsors (0)

H.R.0243: A bill to amend title 10, United States Code, to provide for the payment of Combat-Related Special Compensation (CRSC) to members of the Armed Forces retired for disability with less than 20 years of active military service who were awarded the Purple Heart. Sponsor: Rep Well er, Jerry [IL-11] (introduced 1/5/07). Cosponsors (0).

H.R.0303: A bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation (CRSC) and to eliminate the phase-in period under current law with respect to such concurrent receipt. Sponsor: Rep Bilirakis, Gus M. [FL-9] (introduced 1/5/07). Cosponsors (2).

H.R.0315: A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to enter into contracts with community health care providers to improve access to health care for veterans in highly rural areas, and for other purposes. Sponsor: Rep Pearce, Stevan [NM-2] (introduced 1/5/07). Cosponsors (9).



RAO

Retiree Assistance Office (RAO) Bulletin

Courtesy of The Gamewardens of Vietnam www.TF116.org

H.R.0333: A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability rated less than 50% to receive concurrent payment of both retired pay and veterans' disability compensation, to eliminate the phase-in period for concurrent receipt, to extend eligibility for concurrent receipt and combat-related special compensation to chapter 61 disability retirees with less than 20 years of service, and for other purposes. Sponsor: Rep Marshall, Jim [GA-8] (introduced 1/9/07). Cosponsors (0).

H.R.0339: A bill to amend title 38, United States Code, to improve access to medical services for veterans seeking treatment at Department of Veterans Affairs outpatient clinics with exceptionally long waiting periods. Sponsor: Rep Duncan, John J., Jr. [TN-2] (introduced 1/9/07). Cosponsors (0).

H.R.0343: A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to military retirees for premiums paid for coverage under Medicare Part B. Sponsor: Rep Emerson, Jo Ann [MO-8] (introduced 1/9/07). Cosponsors (0).

H.R.04025: A bill to amend title 38, United States Code, to provide for annual cost-of-living adjustments (COLA) to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans. Sponsor: Rep Knollenberg, Joe [MI-9] (introduced 1/11/07). Cosponsors (0).

S.0022: A bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes. Sponsor: Sen Webb, Jim [VA] (introduced 1/4/07). Cosponsors (0).

S.0057: A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs. Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/4/07). Cosponsors (1).

S.0066: A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II. Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/4/07). Cosponsors (0).

S.0067: A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are



RAO

Retiree Assistance Office (RAO) Bulletin

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entitled to travel on such aircraft. Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/4/07). Cosponsors (0).

S.0071: A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use DoD commissary and exchange stores. Sponsor: Sen Inouye, Daniel K. [HI] (introduced 1/4/07). Cosponsors (0).

S.0117: A bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes. Sponsor: Sen Obama, Barack [IL] (introduced 1/4/07). Cosponsors (1).

S.0207: A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate part or all of any income tax re fund to support reservists and National Guard members. Sponsor: Sen Coleman, Norm [MN] (introduced 1/9/07). Cosponsors (0).

S.0225: A bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance. It would expand retroactive payments of traumatic injury insurance to servicemembers injured outside a combat area between 10 OCT 01 and 1 DEC 05. Sponsor: Sen Craig, Larry E. [ID] (introduced 1/9/07). Cosponsors (1). [Source: <http://thomas.loc.gov> 13 Jan 07 ++]

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