

## **Department of Veterans Affairs (VA)**

Advisory Committee on Outlying Areas and Freely Associated States Meeting Minutes

December 12, 2023

7:30 a.m. - 4:30 p.m.

### **Attending Committee Members:**

1. Kalani Kaneko, Chair, Marshall Islands
2. Fa'alagiga Nina Tua'au-Glaude', Vice-Chair, American Samoa
3. Alex Ortiz, Puerto Rico
4. Patrick Farrell, US Virgin Islands
5. Raul Bandas, Puerto Rico
6. Norvert Yano, Palau
7. Mercedes Libian, Micronesia
8. Swinston Siba, Micronesia
9. Leo Falcalm, Micronesia
10. James Kennedy Benjamin, Northern Mariana Islands
11. Vincent Borja, Guam
12. Tina Rose Muna-Barnes, Guam
13. Alexis Martinez, Puerto Rico

### **Ex-officio Members Present:**

- Basil Ottley, Department of Interior

### **The White House:**

- Gretchen Sierra-Zorita, Director for Puerto Rico and Territories, Office of Intergovernmental Affairs

### **Office of the Under Secretary for Benefits:**

- Michael Frueh, Principal Deputy, Under Secretary for Benefits

### **Other VA Leadership and Staff:**

- Cheryl Rawls, Executive Director, Outreach, Transition, and Economic Development (OTED)
- Bernard Johnson, Designated Federal Officer (DFO)
- Ferdinand Torres-Leon, Alternate DFO
- Katherine Johnson, Alternate DFO
- Jeffrey Moragne, Director, VA Advisory Committee Management Office
- Neal Fisher, Public Affairs Specialist, VBACO
- Zaneta Adams, Deputy Assistant Secretary for Intergovernmental Affairs
- Ronald Sagudan, VA Center for Minority Veterans
- Brianne Ogilvie, Assistant Deputy Under Secretary for Policy & Oversight
- Kaitlin Richards, Assistant Director, Office of Policy & Oversight VBA

- Carol Borden, Ethics Attorney, Office of General Counsel
- Jeffrey London, Executive Director, Medical Disability Examination Office
- Vivian Hutson, Senior Advisor for Pacific Strategy, Office of Public and Intergovernmental Affairs
- Andrea Downs, VBA Front Office

**Also Present:**

- Roger Keen, CATHEXIS
- Jaime Matthews, CATHEXIS
- Andre Glaude, American Samoa
- Chirag Bhojwani, Guam
- David Isaacks, VISN8
- Mary Kay Rutan, VISN8
- Coralys Ruiz, VACHS
- Marc McCabe, Strategic Advisor to Vietnam Veterans of America President

**Virtual Attendees:**

- Honorable Tanya Bradsher, Deputy Secretary of Veterans Affairs
- Honorable Dr. Shereef Elnahal, Under Secretary for Health
- Andrew Szymczak, Program Management Officer, Integrated External Networks
- Joseph Garcia, Executive Director, Education Service
- Beth Murphy, Executive Director, Compensation Service
- Christina Zais, Assistant Director, OTED
- Melissa Cohen, Deputy Executive Director, OTED
- Julian Wright
- Edward Ledford
- Tiffany Glover
- Amy Kirby
- Phill, Guest
- Gina Spilker
- Panangala V.Sidath
- Angela Carlson
- Allison Zmetra
- Enobakhare Yettalevette E
- Tiffany Kaszuba
- Jasmine Rush
- Mokie Porter
- Phillip Waite
- Kathryn Trujillo

**Tuesday, December 12, 2023**

The initial meeting of the Advisory Committee on United States Outlying Areas and Freely Associated States was held in San Juan, Puerto Rico. The session was open to the public, and the meeting information and teleconference number were published in the Federal Register announcement.

### **Opening Remarks**

Mr. Bernard Johnson opened the meeting and thanked everyone for traveling and coming together as committee members to serve our Veterans by being part of this advisory committee. The committee's purpose is to discuss how to care for and serve our Veterans in covered areas, identify ways to improve access to benefits, and provide recommendations to the Secretary regarding the issues and challenges identified. Mr. Johnson introduced the committee Chair, Kalani R. Kaneko from the Marshall Islands, and Vice Chair, Fa'alagiga Nina Tua'au-Glaude' of American Samoa, who led and facilitated the meeting.

Mr. Kaneko welcomed everyone and acknowledged all the special guests and presenters who were in attendance. Mr. Kaneko thanked everyone for all they do to help serve our Veterans and appreciated that the committee was together as a team to give them what they deserve.

### **Committee Introductions**

Each committee member and ex-officio in attendance introduced themselves. 13 of the 15 appointed committee members were in attendance. One of the three ex-officio members was in attendance.

### **Welcoming Remarks from Ms. Cheryl Rawls, Executive Director of OTED**

Ms. Rawls greeted and welcomed everyone. Ms. Rawls expressed excitement for this inaugural advisory meeting. She advised the members to work collectively to share information and knowledge, and she looks forward to hearing about all the great things the committee plans to achieve. Ms. Rawls outlined key parts of the agenda, highlighted upcoming briefings, and introduced Mr. Michael Frueh, the Principal Deputy Under Secretary for Benefits.

### **Remarks from Mr. Michael Frueh, Principal Deputy Under Secretary for Benefits**

Mr. Frueh greeted and welcomed everyone. Mr. Frueh noted how he has been looking forward to the start of this committee and acknowledges there are challenges for Veterans in outlying areas. Mr. Frueh provided an overview of the VBA, its growth and successes, and its purpose and mission. The VBA delivers benefits and helps veterans access benefits; the purpose of the VBA is to take care of our Veterans. Mr. Frueh asked the committee members to talk openly these next few days about their needs and encouraged them to share their needs and challenges and to provide recommendations.

## Questions and Answers:

Committee member Alex Ortiz asked about data and missing data related to Veterans in outlying areas. What is the VBA doing to assist with gathering, analyzing, and sharing data related to the outlying areas and territories? Mr. Frueh explained that VBA depends on source data from DOD. However, VBA is working to expand efforts to obtain data on Veterans, pre-enlistment, connecting, and continuing to provide services and accessibility to benefits throughout their entire military career.

Committee member Tina Muna-Barnes asked about elderly Guam Veterans being able to reach someone at the call center for assistance. Mr. Frueh provided that the Guam service center is open from 7:30 a.m. to 3:45 p.m. In addition, the National call center is open from 10:00 p.m. to 8:00 a.m. Guam Veterans have access to a benefits service line 18 hours a day.

Mr. Frueh introduced the Honorable Tanya Bradsher, Deputy Secretary of Veterans Affairs.

## **VA Senior Leadership Greetings**

Ms. Tanya Bradsher thanked everyone for the opportunity to join and welcomed members and guests. Ms. Bradsher thanked the committee members on behalf of Secretary McDonough and all the Veterans for bringing their invaluable experience and collective expertise together. She appreciates the personal experience and devotion reflected on the committee and praised that the purpose of this committee is Veterans helping Veterans. Ms. Bradsher reminded members of the importance of the advisory committee and the busy schedule for the days ahead. She encouraged committee members to utilize each other's knowledge and ask questions.

Ms. Bradsher reflects on promises that our country and leadership follow about our Veterans and our promise to serve and care for them. Our country has an obligation to serve our Veterans and fight for them as they have made the choice to do so for our country. At the VA, we also make that promise to our Veterans. Ms. Bradsher discussed the outlying areas represented in the meeting, the geographical locations, and the variety of challenges that they may face.

The VA exists to serve Veterans, and Secretary McDonough is asking for insights, recommendations, assessments, and advice from the voice of our Veterans. We, the VA, are looking for the committee to tell us what is needed, what is possible, and what is not possible.

## Questions and Answers:

Committee member Fa'alagiga Nina Tua'au-Glaude' asked about the dependents of Veterans. We have noticed that dependents of Veterans are not being cared for by Health Clinics; they are being sent to local hospitals. If the dependent is not a Veteran, they are not eligible for

care by the VA Healthcare clinic. This is the case anywhere in the United States or an outlying area or territory.

Committee member Kalani Kaneko asked about prescription medications for Veterans. Freely Associated States can no longer send medications to Veterans who need them. Mr. Kaneko stated that when the Patriot Act passed, the sending of medications from VA hospitals to the Freely Associate States was ended. How can the VA change this so that medications can be sent directly to Veterans? Mr. Kaneko, like other Veterans, has medications sent to family members in the United States from the VA Hospital, and family members then send the medication to him through the United States Postal Service (USPS). Ms. Bradsher stated that she is familiar with this issue and will provide more information as a follow-up. Ms. Bradsher also mentioned some existing challenges related to post-pandemic effects and mailing medications across states.

Committee member Fa'alagiga Nina Tua'au-Glaude' commented on her concern about the difficulty Veterans have signing up on the VA.gov website. Ms. Bradsher asked for clarification: is the broadband access causing the site to be slow, or is the actual webpage a challenge? Fa'alagiga Nina Tua'au-Glaude' stated the website makes it hard for Veterans to complete their application. Overall, this is a two-part issue: access challenges to the internet and ease of use of the website.

### **Briefing On Federal Advisory Committee Act (FACA) 101 – Overview and Advisory Committee Management Office (ACMO) Updates**

Mr. Jeffrey Moragne introduced Ms. Gretchen Sierra-Zorita from the White House (Director for Puerto Rico and Territories, Office of Intergovernmental Affairs), who attended as a special guest for this historical advisory meeting. Ms. Sierra-Zorita stated that over the years and in her different roles in government, she has heard about issues related to the VA and Veterans' benefits. She expressed excitement about this opportunity for members from different territories and areas to come together and collectively discuss their issues and challenges. Ms. Sierra-Zorita strongly feels that a group can make more of an impact and have a louder voice.

Mr. Moragne provided an overview of the Federal Advisory Committee Act (FACA) to inform committee members about the Federal statute that governs Federal Advisory Committees. FACA was enacted in 1972 and established to promote transparency and accountability of Federal Advisory Committees. FACA provides oversight and requirements that the committee must adhere to as they move forward.

### **Briefing On FAS Charter Review**

Mr. Benard Johnson introduced Ms. Zaneta Adams from the Office of Intergovernmental Affairs, who attended as a special guest for this advisory committee meeting. Ms. Adams is the Deputy Assistant Secretary for Intergovernmental Affairs. Ms. Adams is a liaison for many different stakeholders, such as state, local, and international governments, as well as the Office of Rural Engagement and the Office of tribal

government. Ms. Adams reminded the committee that the Office of Intergovernmental Affairs works with many states and territories, provides support, listens to issues, and serves as an avenue for issues and challenges to be heard at the highest possible level.

Mr. Johnson provided a brief overview of the FAS Charter. The Charter outlines in-depth information such as the objectives and scope of the committee. It provides detailed descriptions of members' duties, meeting requirements, and an outline of the committee budget. Committee members are required to read and understand the Charter.

Mr. Johnson introduced Ms. Carol Borden, Ethics Attorney, Office of General Counsel.

### **Briefing On Ethics Brief/OGE 450**

Ms. Borden greeted everyone and thanked committee members for completing the Ethics form and training online before the meeting. Ms. Borden and her team provide services for the entire VA. The Secretary of Veterans Affairs is responsible for the Ethics team, and there is an appointed designated ethics official. Ms. Borden outlined the importance of ethics and provided an overview of the ethics laws that apply to the federal advisory committee. Committee members serve on a public-facing committee and are now considered special government employees (SGE). Ms. Borden provided many ethical examples and scenarios to cover the standards, laws, and potential ethical breaches. Ms. Borden emphasized the importance of knowing and understanding the ethical rules and expectations of being an advisory committee member.

Questions and Answers:

Committee member Leo Falcalm asked about the re-submission of the 450 forms. Ms. Borden confirmed that it is an annual requirement.

Committee member Norvert Yano asked about travel expenses. Ms. Borden noted there are specific guidelines about purchases and reimbursements while traveling for committee purposes under the government budget.

### **Briefing On Foreign Medical Program**

Mr. Andrew Szymczak provided an overview of the Foreign Medical Program (FMP), a global program that provides reimbursement for health services, medications, medical equipment for service-connected conditions, and conditions associated with a service-connected condition. Mr. Szymczak discussed the application process, the claim and payment process, details about covered medications, what is needed for medical equipment claims, and tips to complete the requested information thoroughly. A new initiative, Ask VA Portal, has been designed to help Veterans with inquiries related to FMP. The FMP program continues to improve services, access, and transparency to provide better quality of care and benefits for Veterans.

Questions and Answers:

Committee member Fa'alagiga Nina Tua'Au-Glaude' commented that in American Samoa, the hospital is falling apart, and Veterans must schedule and book travel to be able to get care; many times, they are not financially secure but are required to travel to Hawaii for VA care.

Committee member Fa'alagiga Nina Tua'au-Glaude' asked about the status of a project from years ago related to the transition and inputting of digital health records from regional offices into a system of record to be able to search and utilize. Mr. Frueh stated that the project for regional offices is complete. However, there are still records at the National Personal Records Center that continue to be input and scanned.

Committee member Alex Ortiz asked about prescriptions for durable medical equipment or medications; how are these handled if they are in another language? Mr. Szymczak stated that the FMP handles the translation at the point of sale.

Committee member Alex Ortiz asked about travel insurance, and if that is used and for more than the allotted amount, will the VA cover the difference? Mr. Szymczak stated that they would cover the difference.

Committee member Alex Ortiz asked about travel assistance, knowing that the program does not cover travel expenses; what about help or assistance for Veterans who may be in another county and have a medical situation? Is there a service or travel counsel that can help? Mr. Szymczak stated that this is not a service we provide, and we do not have the authority to do that.

Committee member Vincent Borja asked about Guam Veterans referred to Hawaii for medical care; what if they choose to get care in the Philippines instead? Will the program cover that? Mr. Szymczak stated yes, that would be covered if it meets the other service-connected requirements for the program.

Committee member Leo Falcalm asked for clarification about FMP being for service-connected conditions only and other requirements for eligibility.

Committee member Leo Falcalm commented on the travel issues for Veterans and challenges around accommodations; these are a large burden for FAS Veterans. Mr. Szymczak stated that there are statutory limitations around the travel challenges many of us face, and we need to take time to understand and address these concerns.

## **Briefing On Veterans Health Administration (VHA) Orientation/VHA Initiatives and Updates**

Mr. Bernard Johnson introduced the Honorable Dr. Shereef Elnahal, Under Secretary for Health, and welcomed him to the Advisory Committee Meeting. Dr. Elnahal said he appreciated the invitation to attend this meeting. He thanked all the members and special guests for contributing to advancing Veterans Health Administration (VHA) programs in the outlying areas.

Dr. Elnahal provided an overview of the VHA Mission, focusing on the four statutory missions: Care Delivery, Education, Research, and Emergency Response. VHA is the largest integrated health care system in America, with medical facilities and clinics stretching across the states, 9 million Veterans enrolled, and the number of employees exceeding 400,000. The impact of VHA goes beyond medical care and includes programs such as Caregiver Support and Suicide Prevention.

Dr. Elnahal summarized data from outlying areas and freely associated states, focusing on the number of enrolled Veterans and facilities in those areas compared to the United States. VHA knows the challenges and limitations, including statutes and laws, lack of travel coverage or benefits, and FMP program restrictions. Dr. Elnahal encouraged the committee to gather data and information and provide solutions and recommendations to improve our service and care for covered Veterans.

#### Questions and Answers:

Committee member Tina Muna-Barnes asked about expanding health services or establishing new services in Guam or other island areas with similar needs. What can we do or recommend as a committee to help address these needs, and what needs to happen to get approval? Dr. Elnahal summarized discussions with the governor of Guam, where issues were raised, and talked about projects and initiatives for a new hospital in Guam and the expansion of health services.

Committee member Vincent Borja asked about data on the number of Veterans in Guam. Do we have information on the VA population in Guam? Dr. Elnahal said that our responsibility is to maximize the offerings and services to Veterans regardless of where they live or the Veteran population in that area. We are working more with tools to reach Veterans and provide things like community care to reach certain areas.

Committee member Fa'alagiga Nina Tua'au-Glaude' asked about two doctors in American Samoa who are not Veterans. The doctors have worked in the VA clinic for more than 10 years, and Ms. Tua'au-Glaude' asked what can be done to replace these doctors; patients have complained about them and are unhappy with them but have no other options. Dr. Elnahal appreciated being notified of this; he stated he would take this issue to VISN 21 director Ada Clark to see what can be done.

Ex-Officio member Basil Ottley commented on challenges in the health care workforce, hoping to find ways to invest in employees and possibly work together through interagency collaboration to expand the training and retention of healthcare workers. Dr. Elnahal agreed with these thoughts and is interested in discussing options, incentives, and programs that can be utilized.

Committee member Alex Ortiz added to the comments Basil Ottley discussed regarding hiring and recruiting healthcare professionals in Puerto Rico, mainly because of the fiscal oversight management board that continues to tax medical professionals due to the amount of money they earn. Is VHA doing anything to help address this? It is an

issue here in Puerto Rico. Dr. Elnahal is familiar with this issue and has brought it up in certain forums. It may be an item that we need statutory relief to help solve. Dr. Elnahal did hear directly about this when he visited San Juan. Another item to look at is maximizing training opportunities and working to keep graduates local when they graduate.

### **Briefing On Medical Disability Examination Office (MDEO)**

Mr. Jeffrey London, Executive Director of the Medical Disability Examination Office, introduced himself and greeted the members. Mr. London provided an overview of the Medical Disability Examination Office; he covered details of the C&P exam process, including scheduling, timeline, claims, and expectations.

Mr. London shared the expectations and goals of the MDEO as well as initiatives to continue improving services for Veterans. The office strives to engage Veterans early in the process, providing translation services, traveling providers, telehealth, multiple vendors, and certified examiners.

#### Questions and Answers:

Committee member Fa'alagiga Nina Tua'au-Glaude' commented that American Samoa has its own language; Veterans here are reading at no more than a 9th-grade level. Our Veterans need help reading and comprehending the letters and information the VA sends regarding disability exams.

Committee member Patrick Farrell asked to clarify what Mr. London mentioned earlier about reimbursement for C&P exams when travel is needed. Mr. London stated that the reimbursement is for the mileage traveled, not the travel expense.

### **Briefing On Education Benefits**

Mr. Joseph Garcia, Executive Director of Education Service, provided an overview of the Education benefits available to Veterans. The GI Bill is about to celebrate its 80th anniversary, and over 27 million Veterans and their families have utilized it. Mr. Garcia outlined the history and improvements of the GI Bill since it started.

The mission of Education Service is focused on three areas: to deliver education benefits, to create informed consumers, and to protect the integrity of the GI Bill. Mr. Garcia discussed advancements to programs for the Veterans over time, such as the modernization of the GI Bill and providing online tools to see information and track benefits. Mr. Garcia and Education Service continue to support and expand outreach programs on college campuses, utilizing technology and social media to reach and serve students.

#### Questions and Answers:

Committee member Alex Ortiz asked about efforts to use a Veteran success coordinator

on campus in Puerto Rico. Mr. Ortiz mentioned that many Veterans do not know how to use their education benefits. Mr. Garcia suggested that a virtual forum could be scheduled in Puerto Rico to help with outreach for Veterans.

Committee member Alex Ortiz asked about overseas housing allowances and the VHA rate; these have not changed since 2016. How is this determined? Is it statutory? Mr. Garcia stated that it is legislative and based on a locality code.

Special guest Gretchen Sierra-Zorita asked if Mr. Garcia had traveled to all the territories, and she mentioned that often, the picture becomes clearer after coming onsite. She referred to a pilot program USAID plans to conduct with higher education institutions. She believes that coming to the territories to see firsthand what the needs of the students are could be impactful. Mr. Garcia stated this is a good point and welcomes the opportunity to incorporate more travel to territories.

### **Briefing On Compensation Service**

Ms. Beth Murphy, Executive Director of Compensation Service, greeted everyone and thanked the committee for inviting her to speak. Ms. Murphy shared her appreciation for the members' hard work and commitment to being part of the effort to elevate and improve benefits for Veterans. Ms. Murphy described how Compensation Service works to support and administer disability benefits. The program provides oversight and field operations; this includes policy management, compliance, training, and quality aspects while field operations are on the ground processing claims, gathering evidence, and making decisions.

Ms. Murphy reviewed the compensation service's mission, vision, and objectives. The program is dedicated to many important goals, including collaboration with other agencies, expansion of training and site visits, innovative and new training initiatives, and continual quality process improvements. Compensation Service is committed to the support and service they give Veterans and Veterans' families.

#### **Questions and Answers:**

Committee member Fa'alagiga Nina Tua'au-Glaude' asked if there are any plans to hire additional employees for claims processing. Ms. Murphy stated that they are performing a targeted hiring campaign, and seeing the program expand and grow is exciting.

Committee member Patrick Farrell asked about the cancellation process for C&P appointments; often, the Veteran must travel for this appointment. When flights are canceled or weather conditions cause them to miss the appointment, this shows as a 'no-show,' and Veterans are concerned about this affecting them negatively. Ms. Murphy states that in most cases, providers are flexible and understanding about situations and will reschedule. There is a good-cause requirement, and that generally helps. There is a piece of legislation currently moving forward that states we cannot deny claims due to a no-show.

Committee member Patrick Farrell asked a follow-up question about the MyHealthVet website to cancel an appointment; he noted there is no option to add a note or reschedule at that moment. Ms. Murphy asked to take this back to share and discuss with VHA counterparts for more information.

### **Briefing On Transition Assistance**

Ms. Christina Zais, Assistant Director, Outreach, Transition, and Economic Development provided an overview of the Transition Assistance Program (TAP). The program aims to provide Service members with benefits and assistance to ease the transition from the military to civilian life. Ms. Zais highlighted that the success of this initiative is dependent on support and connection, collaboration with many partners and other agencies, facilitating a smooth transition, and timeliness of the access and outreach for the Veterans and families.

The TAP program consists of integrated initiatives that contribute to the program goal: counseling, online training modules, engagement events, global resources, and benefits advisors, to name just a few. Ms. Zais shared insight on TAP continuing to collaborate and create personalized ways to connect with and serve our Veterans and their families before, during, and after the transition to civilian life.

#### **Questions and Answers:**

Special guest Gretchen Sierra-Zorita asked if they know who is utilizing the programs, if there are reports or statistics regarding access, and whether any part of the program is mandatory. Ms. Zais stated that a VA Benefits and Services course is mandatory for all transitioning Service members. There is a requirement that 365 days before transition, Service members are expected to complete pre-separation counseling.

Committee member Alex Ortiz asked about spouses, dependents, or medically retired Veterans being discharged. Do they have access to these programs, and if so, are these available in Spanish or other languages? Ms. Zais stated that all the programs are available to families and caregivers. All online learning is open to spouses and families; anyone can access this. Veterans and their families are encouraged to utilize this benefit. If Veterans in the outlying areas do not know about it, please help spread the word.

### **Open Discussion**

Advisory Committee members held an open discussion period where initial thoughts on briefings and topics covered were shared among the group.

### **Day Closeout / Updates / Reminders**

Mr. Kaneko provided an overview of the agenda for Day 2, including a scheduled tour of the San Juan Medical Center and a visit to the San Juan regional office.

## **Adjournment**

Mr. Kaneko acknowledged the participants' call for a motion to adjourn.

## **Meeting Adjourned**

## **Department of Veterans Affairs (VA)**

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**Also Present:**

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- Mary Kay Rutan, VISN8
- Ima Molina-Vionty, VACHS
- Isabel Bonds, VACHS
- Carlos Escobar, VACHS
- Iris Hernandez, VACHS
- Axel Roman, VACHS
- Dr. Maria Reyes, VACHS
- Dr. Mardarme Cruz, VACHS
- Dr. Irma Molina, VACHS
- Jaime Marrero, VACHS
- Coralys Ruiz, VACHS
- Alex Villacis, VACHS
- Rodolfo Barrios, VACHS

**Virtual Attendees:**

- Scott Bell, Office of Survivors Assistance
- Sandra Flint, Director, Pacific District Office
- Amy Kirby
- Angela Carlson
- Panangala V. Sidath
- Allison Zmetra
- Kathryn Trujillo

**Wednesday, December 13, 2023**

The initial meeting of the Advisory Committee on United States Outlying Areas and Freely Associated States was held in San Juan, Puerto Rico. The session was open to the public, and the meeting information and teleconference number were published in the Federal Register announcement. Tours of the San Juan Medical Center and Veterans Benefits Administration (VBA) regional office were closed to the public.

**Opening Remarks**

The committee chair, Mr. Kalani Kaneko, welcomed everyone and called the meeting to order. Committee co-chair Fa'alagiga Nina Tua'au-Glaude' completed the roll call and acknowledged that 15 of the 15 appointed committee members were in attendance.

Mr. Kaneko introduced Ms. Kaitlin Richards, Assistant Director of the Office of Policy &

Oversight.

## **Briefing On PACT ACT 101**

Ms. Kaitlin Richards greeted everyone and thanked committee members for the warm welcome. Ms. Richards provided an overview of the PACT Act, a historic piece of legislation signed by President Biden in August of 2022. Ms. Richards highlighted the expansion of benefits and ways the PACT has impacted Veterans and their families. Ms. Richards summarized the titles of the PACT Act, which details more requirements behind the ACT, eligibility, workforce, research, and process for defining service-connected conditions. The increase in services and benefits that Veterans receive because of the PACT Act includes additional service-connected conditions, the ability to screen for toxic exposure, and expanded healthcare eligibility. Ms. Richards emphasized the importance of spreading awareness about the PACT Act to Veterans and their loved ones to help those entitled to gain access to benefits.

### Questions and Answers:

Committee member Alex Ortiz asked about the state of the GAO Study, under section 508, which relates to the committee since that is the study of Veterans of territories and the United States. Is this study complete? It was expected to be complete within a year of its being enacted. Ms. Richards stated that she does not have this information but will take this question back and follow up.

Committee member Fa'alagiga Nina Tua'au-Glaude' commented on the newly added conditions for Vietnam Veterans. She stressed the importance of reopening or re-filing a claim if it was previously denied.

Special Guest Carlos Escobar asked about the percentage of disability and condition ratings. If a Veteran realizes they may qualify for a PACT condition, can they be downgraded when applying? Ms. Richards stated that less than 1% of cases are decreased and clarified that when a claim is submitted, they only look at the current application and condition listed there, not the history or other conditions.

Committee member Vincent Borja asked about applying for survivor benefits. What does the spouse need to provide? Ms. Richards states they can submit the application online and must provide a marriage and death certificate.

Committee member Alex Martinez commented about the reduced benefits; due process is required (30 days). He recommended working with VSO for assistance and guidance. Committee member Mapu Jamias asked for clarification on Title IV exposure information. Ms. Richards and Ms. Brianna Ogilvie outlined the unique parts of the PACT Act and the benefits it provides related to toxic exposure risk activity and exam requirements that may be necessary.

## **Committee Discussion**

Mr. Kaneko opened the committee discussion portion of the agenda with high-level thoughts and questions to the group, including what the next steps are, how the committee can move forward based on what we have learned, and the responsibilities, roles, and standards that they must follow as the advisory committee.

Mr. Moragne provided advice on the organizational structure and plan for the creation of sub-committees, calendar planning for when and how to meet as subcommittees, how many subcommittees, structure within the subcommittee (identify a chairman), and set the foundation to begin documenting recommendations to include in the report.

Committee member Tina Muna-Barnes motioned to have the 2024 parent committee (in-person) meeting take place in Guam. Mr. Kaneko suggested that the committee take recommendations and gather all of them, but for opening it up for committee vote. The VA is ultimately responsible for the logistics and planning of the parent committee meeting. Mr. Kaneko decided that the committee would return to this discussion at a later point in time.

### **Briefing On Overview of Survivor Benefits**

Mr. Scott Bell, Office of Survivors Assistance, introduced himself and greeted the committee members. Mr. Bell provided an overview of the many benefits available to surviving family members of deceased Veterans. Mr. Bell outlined that there are multiple programs under which the benefits and services align; these include the Veterans Health Administration (VHA), Veterans Benefits Administration (VBA), and National Cemetery Administration (NCA).

Mr. Scott detailed some of the benefits available, including burial and memorial benefits, bereavement and support counseling, dependency and indemnity compensation, survivors' pension, and education assistance. Additional services relate to employment, life insurance, and home loan benefits. Mr. Scott invited members to contact the office with questions and provided contact information.

#### Questions and Answers:

Committee member James Kennedy asked for clarification on the parental Dependency and Indemnity Compensation. Does it matter whether the Veteran was single or married? Mr. Scott stated that it does not matter; however, this particular benefit is income-driven, and some eligibility requirements would need to be completed for parents to receive.

Committee member Raul Bandas asked about the Dependency and Indemnity Compensation benefit and the Survivor pension. Can a surviving spouse receive both? Mr. Scott stated that a spouse cannot be dually eligible for both benefits.

Committee member Raul Bandas asked for more clarification regarding the 10-year, 100% disability timeline that was mentioned. Mr. Scott stated that the 10-year rule is

related to the DIC benefit, where the requirement is 10 years at 100% disabled, and the cause of death does not have to be service-connected. The PACT Act is where it ties back to service-connect cause of death.

Committee member Alex Ortiz asked about the DEA Education benefit; if a dependent child uses the DEA, does the Veteran then lose their compensation benefit on that dependent? Mr. Scott stated that he believes the status cutoff is based on age but would like to take that back to get more clarity and information.

Committee member Alex Ortiz asked another question about the DEA rate: does this rate change or adjust if the student attends school online? Mr. Scott said that for the DEA benefit, there is no rate adjustment or reduction for online courses/colleges.

### **Briefing On VA Caribbean Healthcare System**

Ms. Coralys Ruiz introduced the hospital director and other hospital representatives. They provided an overview of the healthcare system, Veteran population, demographics, and detailed geographic areas served in Puerto Rico and the U.S. Virgin Islands. In addition, they reviewed accomplishments, challenges, and additional opportunities to improve the care of Veterans in Puerto Rico and surrounding islands.

The VA Caribbean Healthcare System highlighted its academic programs, research studies, and successful post-grad and residency programs. They shared a vision to continue improving care for Veterans and outlined specific challenges and requests for action for the FAS committee to incorporate into recommendations for Congress.

Questions and Answers:

Special guest Gretchen Sierra-Zorita commented on the brief and information shared here today. The collaboration and hard work done here at VA Caribbean Healthcare is an excellent example of how working collectively as a committee and as a group can make a difference.

Committee member Alex Ortiz also commented and praised the brief; Alex highlighted the extraordinary work done by the research teams and the amount and type of data being captured and shared.

### **Tour – VA Health Care System**

Closed session.

### **Briefing On the Role of the District and Regional Offices**

Ms. Sandra Flint, Director of the Pacific District Office, introduced herself and stated the privilege of attending and providing committee members with information about the Pacific District and Regional Offices. Ms. Flint summarized the role of the district office,

highlighted responsibilities, and goals to deliver benefits, coordinate with other business lines and field offices, and provide quality services to Veterans.

Ms. Flint shared the background of the districts and the coverage of the two regional offices, along with their outreach efforts, program successes, and challenges that many areas face. Ms. Flint emphasized the goal of improvement and monitoring progress.

#### Questions and Answers:

Committee member Kalani Kaneko asked about the division of the Pacific District into the two Regional Offices and the areas covered under each. Ms. Flint stated the boundaries and regions outlined are not fixed; when a need or emergency arises, healthcare and treatment can be received across the islands and areas.

Committee member Kalani Kaneko gave a follow-up comment regarding outreach data presented in the Philippines, Palau, and other areas. The Marshall Islands needs more outreach, and outreach should be about going out and finding Veterans, not a VA representative flying in once a year, staying at the hotel, and giving a briefing. We need to improve the outreach. Ms. Flint agreed with the statement; it is part of her team's charge to improve and reach Veterans, to serve them better.

Committee member Kalani Kaneko asked for clarification and explanation on the brief's mention of serving Veterans and dependents. Ms. Flint states that in many cases, families and dependents don't know what is available to them; we work to help them understand and gain access to the allowances, education benefits, and spouse or widow benefits available.

Committee member Mapu Jamias asked for the name of the VBA Representative for Samoa. Samoa's outlying islands and independent Samoa need to reach more Veterans. There are many in these remote locations, and we want to help serve them. Ms. Flint provided the name of the Representative for Samoa, Stacey Bonnett.

Committee member Alex Ortiz asked about Veteran Readiness and Employment (VR&E) data for the Pacific areas, how many Veterans are being served, and what percentage of Veterans have completed the VR&E program. Ms. Flint did not have the data on VR&E but will follow up with that. Ms. Flint spoke about the focus and mission to achieve positive outcomes for the VR&E program, and their key measurement of success is Veteran employment.

Committee member Norbert Yano commented on challenges for Palau specifically: we lack support from VSO, issues with reaching call centers and the toll-free numbers, and we need more connection, communication, access to resources, and reliable assistance. Ms. Flint appreciated these comments and agreed they are aware of many of these concerns and have had conversations regarding how to implement improvements for Palau.

Committee member Mercedes Libian commented on the regional office locations and

their associated service areas. Do the offices know that the regional lines 'are not set in stone' and that they can cross and service other islands or areas in the Pacific? From personal experience, Ms. Libian spoke to VSO's inconsistent direction and guidance regarding VA healthcare and where to receive specific Veterans' services.

Committee member Tina Muna-Barnes commented on Guam, and the outreach they receive is from Hawaii, where logistically, the Philippines are closer, so we want to reinforce that geographical challenges exist.

Committee member Leo Falcalm asked for clarification on the Legal Administrative Specialist (LAS) role and how they work with a Veteran. Ms. Flint explained that the LAS's job is to connect with Veterans, provide general benefits counseling, assist with the claims process, and assist Veterans. LAS are specialists on the rules around VA benefits and services, primarily non-medical benefits.

Committee member Leo Falcalm asked about the Compact agreement of the Free Association related to the FAS. Has the VA heard of or know anything about what is contained in the draft legislation that is out there, or have any insight as to what may be coming if this legislation is passed? Ms. Flint stated that there is no access to any information in the field in advance of a bill passing. Mr. Falcalm reiterated the concerns about geographical / travel challenges, the need for more attention, and VA presence on the ground in the Freely Associated States and surrounding areas.

## **Tour – VBA Regional Office**

Closed session.

## **Committee Discussion**

Mr. Kaneko opened the committee discussion by providing an overview of the goal for this discussion. Mr. Kaneko encouraged all committee members to provide input and thoughts on creating subcommittees, timelines, and meeting schedules.

The committee members discussed and agreed on the need for 3 or 4 subcommittees, based on geographical locations, with an administrative committee to oversee and ensure groups conduct meetings, collaborate, and draft recommendations to include in the report. The members agreed that the next parent meeting should be scheduled between 9 and 12 months from now.

Committee members contributed different points of view regarding the challenges that are impacting all their geographical areas. One item discussed throughout was data and being able to get and use data to identify gaps and provide information as to where Veterans are not being reached or who cannot access certain benefits. In addition, the members pointed out that the goal is to continue to be the voice, meet the Veterans where they are so they can be heard, and for them to work collectively toward the success of this advisory committee.

### **Day Closeout / Updates / Reminders**

Mr. Kaneko provided an overview of the agenda for Day 3.

### **Adjournment**

Mr. Kaneko acknowledged the participants called for a motion to adjourn.

### **Meeting Adjourned**

## **Department of Veterans Affairs (VA)**

Advisory Committee on Outlying Areas and Freely Associated States Meeting Minutes

December 14, 2023

7:30 a.m. – 12:00 p.m.

### **Attending Committee Members:**

1. Kalani Kaneko, Chair, Marshall Islands
2. Fa'alagiga Nina Tua'au-Glaude', Vice-Chair, American Samoa
3. Alex Ortiz, Puerto Rico
4. Mapu Jamias, American Samoa
5. Patrick Farrell, US Virgin Islands
6. Raul Bandas, Puerto Rico
7. Norvert Yano, Palau
8. Mercedes Libian, Micronesia
9. Swinston Siba, Micronesia
10. Leo Falcalm, Micronesia
11. James Kennedy Benjamin, Northern Mariana Islands
12. Vincent Borja, Guam
13. Tina Rose Muna-Barnes, Guam
14. Alexis Martinez, Puerto Rico

### **Ex-officio Members Present:**

- Basil Ottley, Department of Interior

### **The White House:**

- Gretchen Sierra-Zorita, Director for Puerto Rico and Territories, Office of Intergovernmental Affairs

### **Other VA Leadership and Staff:**

- Cheryl Rawls, Executive Director, Outreach, Transition, Economic Development (OTED)
- Bernard Johnson, Designated Federal Officer (DFO)
- Ferdinand Torres-Leon, Alternate DFO
- Katherine Johnson, Alternate DFO
- Jeffrey Moragne, Director, VA Advisory Committee Management Office
- Zaneta Adams, Deputy Assistant Secretary for Intergovernmental Affairs
- Ronald Sagudan, VA Center for Minority Veterans
- Kaitlin Richards, Assistant Director, Office of Policy & Oversight
- Vivian Hutson, Senior Advisor for Pacific Strategy

### **Also Present:**

- Roger Keen, CATHEXIS
- Jaime Matthews, CATHEXIS

- Andre Glaude, American Samoa
- Chirag Bhojwani, Guam
- David Isaacks, VISN8
- Coralys Ruiz, VACHS
- Mary Kay Rutan, VISN8

#### **Attending Virtually:**

- Glenn Powers, Deputy Under Secretary for Field Programs
- Jerry Sowders
- Gina Spilker
- Amy Kirby
- Chris, Guest
- Corina Vallesta
- Stephen Amaguin
- Corina Vallesta

#### **Thursday, December 14, 2023**

The initial meeting of the Advisory Committee on United States Outlying Areas and Freely Associated States was held in San Juan, Puerto Rico. The session was open to the public, and the meeting information and teleconference number were published in the Federal Register announcement.

#### **Opening Remarks**

The committee chair, Mr. Kalani Kaneko, welcomed everyone and called the meeting to order. Mr. Kaneko introduced Ms. Vivian Hutson, Senior Advisor for Pacific Strategy.

#### **Briefing On Challenges and Opportunities in Outlying Areas**

Ms. Vivian Hutson, Senior Advisor for Pacific Strategy, Department of Veterans Affairs, introduced herself and stated how honored she is to be part of this Advisory Committee meeting. Ms. Hutson shared her observations from the first two days of the meeting: common themes exist, the areas and territories are underserved, and many challenges are similar. Ms. Hutson emphasized the importance of this committee in identifying and recommending changes for Veterans across the outlying areas.

Ms. Zaneta Adams, Deputy Assistant Secretary of Intergovernmental Affairs, added that Intergovernmental Affairs' role is to connect and recommend; we are here to work with all of you to elevate and assist in getting issues raised and seen at higher levels. Ms. Hutson provided an overview of the VA Pacific Strategy. The focus on collaboration across the Veterans Benefits Administration (VBA), Veterans Health Administration (VHA), and National Cemetery Administration (NCA) is to support Veterans in the Pacific region. A key initiative is to build interagency relationships, increase partnerships

with federal, state, and private entities, and continue outreach with onsite visits directly to the region and outlying areas.

#### Questions and Answers:

Committee member Fa'alagiga Nina Tua'au-Glaude' commented on the issue of Freely Associated States (FAS) Veterans not being able to receive medications in the mail, and due to this, Veterans are committing suicide and dying.

Committee member Alex Ortiz asked about the PACT Act; under Title IV, it states that the PACT Act will conduct a survey within one year to locate Veterans. Ms. Hutson stated she would take it back to get more information. Ms. Hutson mentioned that the PACT Act dashboard shows what VA has been tracking since implementation, location data, and the number of applications received.

Committee member Mercedes Libian commented that the brief was insightful and answered many questions; the need for legislative changes is more apparent. A follow-up question was asked about the negotiations regarding the Compacts: what must be done to enact the negotiated changes? Ms. Hutson stated the first step is a legislative change; then, the VA works to develop the code of federal regulations to define how and what will be provided.

Committee member Leo Falcalm commented on the Foreign Medical Program (FMP) usage being low in FAS from the brief. Leo Falcalm wants to clarify that this usage is low, but that is because of high out-of-pocket costs. A follow-up question about COFA legislation in front of Congress currently mentions funding for travel. Would that be part of FMP, or is it separate? Ms. Hutson clarified that FMP only pays for Service-Connected Conditions and does not pay for wellness visits. FMP is a separate benefit from the VA Healthcare provided to Veterans. There is also beneficiary travel, which requires eligibility and specific requirements.

#### **Briefing On NCA Initiatives and Updates**

Mr. Glenn Powers, Deputy Under Secretary for Field Programs, National Cemetery Administration (NCA), introduced himself and shared how proud they are to preserve the legacy of Veterans. Mr. Powers provided an overview of the Mission and Priorities of the NCA, highlighting how they honor Veterans with a final resting place and lasting tribute to commemorate their service and sacrifice to our nation. Mr. Powers summarized burial and memorial benefits available to Veterans and their families. The continued work of the NCA is to improve and serve more Veterans through increasing access; this means access to burial (national, state, or tribal veteran cemetery) for Veterans within 75 miles of their homes.

#### Questions and Answers:

Committee member Alex Ortiz asked a question about a couple of recent cases where Puerto Rico had Veterans whose remains had not been claimed; therefore, the National

Cemetery would not receive them. This seems to be a statutory issue at the state level. Are you aware of this, or what can be done to alleviate this? Mr. Powers stated that the issue is that someone needs to bring the internment to NCA for them to bury them, and state and territorial laws govern this in many cases. An IG report was done a few years ago regarding unclaimed Veteran remains; this is a known issue we are working on and have even reported to Congress.

Committee member Norbert Yano asked about the Philippines burial that was mentioned in the brief: how long do you have to live in the Philippines to be able to be buried in Clark Cemetery? Mr. Powers will take this back and provide information in a follow-up.

Committee member Patrick Farrell asked about the grant-funded program; in the last few years, the grant program has not allocated any money to new cemeteries. Is this still the case, or will the grant funding be expanding? Mr. Powers stated that the priority with grant funding is first expanding existing grant-funded cemeteries to keep them open. After that, with the remaining money, assessments are completed to prioritize where the funds should go.

Committee member Tina Muna-Barnes asked about Guam. It has one cemetery, and it is running out of space; there is land behind the current cemetery. What can we do to start conversations with NCA about land transactions to be able to expand? Mr. Powers states they know this, and a pre-application has been submitted. Next year, that application will likely move into the funding phase.

## **Public Comments**

Ms. Katherine Johnson, Alternate Designated Federal Officer, opened the meeting for public comment.

Francis A. Glaude' from American Samoa, a retired Veteran, asked what legislation needs to be changed to fulfill President Lincoln's promise "to care for those who have served in our nation's military and for their families, caregivers, and survivors." What law needs to be changed to have the VA provide services, to include dependents, to be able to have access to the VA Healthcare system? Also, regarding the transportation requirement, it is important to consider options for providing air service to outlying areas to transport patients to healthcare facilities. Maybe this requires us to communicate and collaborate with the military mobility command to establish a route that could provide multiple benefits, pilot training, and medical training; this would help save Veterans' lives because now Veterans are dying waiting for air transportation from the islands.

Stephen Amaguin (online guest) from Guam, said I appreciate the VA opening a new clinic; what is the possibility of building a new hospital to benefit Veterans here in Guam that would also serve surrounding areas, such as Palau? I am a Veteran and very satisfied with the services I receive from the VA. I will also reach out to my local leaders regarding this. Can the VA provide more outreach, let our Veterans know these benefits

are not automatic, and provide more education about water contamination? We need community outreach in Guam and a new hospital for our Veteran population.

Corina Vallesta (online guest) from Guam, asked what grants are available for Guam territories that we can apply for. Is there a way the VA can increase services in Guam, and is there funding available for Guam to subsidize the underserved that we have here?

Coralys Ruiz from Puerto Rico said more things like this need to happen, where we come together as islanders and as a united front to share our stories and struggles about what is happening in the territories. Let's continue to work together. We are citizens, and all our needs are not being taken care of; we are contributing to the nation in many ways, starting in the government as federal employees and in the military. I want to encourage other islanders to get involved and participate in these conversations so we can move forward.

Gretchen Sierra-Zorita stated this is a historic meeting, and it would be great if everyone here could take this story back to their Veterans. For the first time in history, we all came together to represent them collectively with their interests in mind. I encourage you all to tell them we were here today.

Martin McCabe (email) –

“I want to thank you for this meeting.

We would like to discuss several issues during our meeting, which I will summarize herein. We first addressed the situation in Puerto Rico and the underserving of veterans' issues in both VHA and VBA. On our recent trip, we met with the local leaderships and the staffs of both entities and found them to be open, honest, and most of all, committed to doing the best job possible for veterans in Puerto Rico. The underlying challenges that create the service deficiencies within the department appear to be created by policy decisions outside of HVAC's domain of influence. It appears that the federal tax structure applicable to federal employees puts VA in Puerto Rico at a distinct disadvantage to the private sector, particularly in the field of healthcare.

You indicated that you were unaware of this unique disparity and agreed to champion potential solutions into the House Ways & Means Committee budgetary structure. Our Government Affairs staff are currently developing a strong position to advocate for Congressional action to alleviate or offset the huge disadvantage that VA has attracting and retaining staff in Puerto Rico, especially healthcare staff. I have also discussed this issue with VA Secretary McDonough, and we have his support as well.

The second issue we addressed was the Program of Comprehensive Assistance for Family Caregivers. We requested that immediate action be taken to fix the high denial rates among the Caregiver applicants which average over 70%, a clear indication that the PCAFC admission standards are unreasonable.

In addition, denial rates amongst the VISNs have significant inconsistencies, demonstrating a lack of consistent application of VA's current program participation standards. If VA doesn't know its own standards for program participation, how can veterans and their caregivers? VA must cease and desist its Caregiver Legacy Assessments until the regulatory requirements have been changed, according to VA Secretary McDonough's final rule of July 30, 2020. This issue threatens to become a potential powder keg as the program expands to cover veterans of all eras on October 1, 2022. VA must do a better job in outreach to veterans regarding benefits and services offered to aging veterans through VA Geriatrics and Extended Care programs."

Ms. Katherine Johnson provided the public with the email address where additional submissions can be sent (vaadvisorycmte@va.gov).

The committee chair, Mr. Kalani Kaneko, thanked everyone who contributed for their participation.

### **Committee Discussion**

Mr. Kaneko opened the Committee Discussion and summarized the discussion from Day 2, where committee members agreed on four subcommittees: Caribbean, Pacific Territories, FAS, and the administrative committee.

Committee members placed a motion to approve the four subcommittees. The committee approved the motion.

Mr. Kaneko said that each subcommittee needs to elect its chairperson and establish its meeting schedule.

Mr. Kaneko opened the discussion on calendar review, schedule, and location for the next parent committee (in-person) meeting.

The committee members shared thoughts and discussed possible timelines for the completion of the draft, meeting details, and the requirements outlined in the Charter. The Charter requires that a Designated Federal Officer or Alternate Designated Federal Officer must be present for every committee or subcommittee meeting. The Advisory Committee's recommendation report is due to Congress in June 2025.

Committee members motioned that a first draft of the report is due September 1, 2024, feedback on the draft due October 1, 2024, and the next parent committee (in person) meeting will be scheduled for December 2024. The committee approved this motion. The committee members provided suggestions and thoughts on the location for the December 2024 meeting and agreed on three potential meeting locations: 1. Guam. 2. Hawaii. 3. CNMI (Northern Mariana Islands). Committee members motioned for the three locations and approved this motion.

### **Day Closeout / Updates / Reminders**

Mr. Johnson said that he appreciated everyone's time and participation and that being the Advisory Committee Designated Federal Officer is an honor.

Ms. Sierra-Zorita shared her closing thoughts, thanked everyone for being part of such an important committee, and said she could support and help however possible.

Mr. Moragne provided administrative reminders: meeting minutes for this Committee meeting are being drafted and will be distributed, members will receive a sample template of a committee recommendation report, and the presentations and briefs will be uploaded to the Advisory Committee webpage, along with the committee photo.

The State Director for Puerto Rico congratulated the committee members on their appointment, expressed support for the committee's important work, said that he was grateful to host this event, and welcomed everyone back to Puerto Rico in the future.

Mr. Kaneko provided closing remarks and summarized that the success of this committee relies on the collaboration and work of all of them together.

### **Adjournment**

Mr. Kaneko acknowledged the participants' call for a motion to adjourn.

### **Meeting Adjourned**

/s/  
Kalani Kaneko  
Committee Chair