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NATIONAL
HEADQUARTERS
4647 Forbes Boulevard
Lanham, Maryland
20706-4380
TELEPHONE: 301-459-9600
FAX: 301-459-7924
E-MAIL: amvets@amvets.org

STATEMENT FOR THE RECORD

OF

**DIANE M. ZUMATTO
AMVETS NATIONAL LEGISLATIVE DIRECTOR**

FOR THE

SENATE COMMITTEE ON VETERANS' AFFAIRS

U.S. SENATE

***ONE HUNDRED FOURTEENTH CONGRESS
FIRST SESSION***

CONCERNING:

LEGISLATIVE HEARING ON:

S 469; S 901; S 1082; S 1085; S 1117;

HR 91

&

VARIOUS DRAFT LEGISLATION

WEDNESDAY, 24 JUNE 2015

Distinguished members of the Senate Veterans' Affairs Committee, it is my pleasure, on behalf of AMVETS, to offer this 'Statement for the Record' concerning the following pending legislation:

S. 469, the Women Veterans and Families Health Services Act of 2015- As we're all aware, IEDs, which are generally detonated on the ground, often cause severe trauma to the sexual organs and genitourinary system. These debilitating injuries can have devastating impacts – not only to urinary and sexual function, but also on fertility. If the issue of infertility is not adequately addressed for the young men and women in uniform, it will be adding insult to injury. Thanks to the horrific wounds received in battle on behalf of our country, many servicemembers have entirely lost their reproductive capabilities or their ability to reproduce has been severely compromised.

While genitourinary organ injuries (urotrauma) do not comprise the highest percentage of battlefield injuries, they have become increasingly more common and are no less physically and psychologically devastating. Unfortunately, neither the more clinical, care-delivery aspects of research, treatment and rehabilitation of urotrauma-type injuries, nor the policy aspect of these injuries, have kept pace with the more common battlefield wounds such as amputations, or the neuropsychological wounds of war including post-traumatic stress disorder (PTSD) and traumatic brain injury.

AMVETS suggests that the VA take a comprehensive view of the urotrauma issue by seeking ways of:

- improving the prevention of these injuries;
- improving battlefield medical procedures;
- improving the reconstruction process; and
- improving the overall management of both the functional and fertility issues resulting from urotrauma

AMVETS fully supports legislation that seeks to improve VA health care options for both male and female military/veterans to include fertility counseling and treatment.

AMVETS supports increased research, to be conducted jointly by DoD and VA, with the intent of improving VA's ability to meet the long-term reproductive health care needs of veterans who have incurred service-connected urotrauma or other line of duty injuries that affect a veterans' ability to reproduce. AMVETS feels strongly that these types of injuries are not merely health issues; they are quality of life issue as well.

AMVETS supports much of this comprehensive legislation which would specifically:

- furnish fertility treatment and counseling, including through the use of assisted reproductive technology, to a spouse, partner, or gestational surrogate of a

severely wounded, ill, or injured member of the Armed Forces who has an infertility condition incurred or aggravated while serving on active duty in the Armed Forces;

- allow the member to be treated with donated gametes and pay or reimburse the reasonable costs of procuring donor gametes, if the member is unable to provide their own gametes;
- establish procedures for gamete retrieval from a member of the Armed Forces;
- give members of the Armed Forces on active duty the opportunity to cryopreserve and store their gametes prior to deployment to a combat zone at no cost to the member. AMVETS has concerns with this provision due to the myriad of ethical issues and fiscal concerns;
- direct DOD and VA to share best practices and facilitate fertility treatment and counseling referrals to eligible individuals;
- include fertility counseling and treatment within authorized VA medical services;
- authorize VA to pay the adoption expenses (for up to three adoptions);
- direct VA to report annually to Congress on the counseling and treatment provided under this Act; and (2) prescribe regulations on the furnishing of such counseling, treatment, and adoption assistance;
- direct VA to facilitate research conducted collaboratively by DOD and HHS in order to improve VA's ability to meet the long-term reproductive health care needs of veterans;
- require VA to enhance the capabilities of the VA women veterans contact center to: (1) respond to requests for assistance with accessing VA health care and benefits, and (2) refer such veterans to federal or community resources to obtain assistance not furnished by VA;
- amend the Caregivers and Veterans Omnibus Health Services Act of 2010 regarding a pilot program of group retreat reintegration and readjustment counseling for women veterans recently separated from service to: (1) increase the number of counseling locations, and (2) extend the program; and
- establish VA programs to provide assistance to qualified veterans to obtain child care so that such veterans can receive: (1) regular mental health care services, intensive mental health care services, or other intensive health care services; and (2) readjustment counseling and related mental health services.

S 901, the Toxic Exposure Research Act of 2015 – this issue is at the top of the AMVETS priorities list once again this year. Recognition of the negative health effects caused by exposure to toxic substances, while serving in the military, has made extremely slow progress over the years, yet it may potentially impact millions of American veterans and their families.

The newly formed Toxic Wounds Task Force, led by AMVETS, is a coalition of veteran and health advocacy organizations united in seeking effective ***preventions, diagnoses,***

treatments and policy solutions related to any exposure, suffered by current or former military personnel, to toxic chemicals during their military service.

Our agreed upon definition of a Toxic Wound is any adverse health condition, chronic or terminal, suffered by military personnel resulting from, or associated with, exposure to toxic substances or environmental hazards during their military service, the effects of which may not emerge until months or years after initial exposure.

Many of us have waited a life time for recognition of, and treatment for, our exposures, especially those of us stationed at Ft. McClellan and those who fought in the Persian Gulf War. Historically this issue has been dealt with on a piecemeal basis, rather than a comprehensive one, therefore AMVETS applauds your efforts to tackle this tough, yet sensitive issue with a more holistic approach.

With this in mind, AMVETS whole heartedly support this legislation which would, among other things:

- establish a National Center for the Research on the Diagnosis and Treatment of Health Conditions of the Descendants of Individuals Exposed to Toxic Substances During Service in the Armed Forces;
- establish an Advisory Board for the National Center responsible for advising the National Center, determining health conditions that result from toxic exposure and to study and evaluate cases of exposure;
- authorize the Secretary of Defense to declassify documents related to incidents in which at least 100 members of the Armed Forces were exposed to a toxic substance that resulted in at least one case of a disability caused by exposure, except when declassification would threaten national security; and
- create a National Outreach Campaign on Potential Long-Term Health Effects of Exposure to Toxic Substances by Members of the Armed Forces and their Descendants.

Last year, at the AMVETS 69th annual convention, our members approved two separate resolutions in support of legislation which addresses the critical issue of military toxic exposure.

S. 1082, the Department of Veterans Affairs Accountability Act of 2015 – this issue continues to be among our highest priorities and AMVETS fully supports this legislation which would in part:

- authorize the VA to remove or demote a VA employee based on performance or misconduct;
- also authorize the removal of such individuals from the civil service and/or the ability to demote such individuals through a reduction in grade or annual pay rate;

- give an employee the right to an appeal before the Merit Systems Protection Board within seven days of removal or demotion. An administrative judge shall have to make a final decision within 45 days of such appeal or the original decision becomes final;
- protect a VA employee from removal or demotion without the approval of the Special Counsel if the individual seeks corrective action from the Office of Special Counsel based on an alleged prohibited personnel practice;
- provide for the appointment of an individual to a permanent position within the competitive service or as a career appointee within the Senior Executive Service shall become final after an 18-month probationary period, which the Secretary may extend. Final appointment to a permanent hire shall be made by the employee's supervisor; and
- require the Government Accountability Office to study the amount of time spent by VA employees carrying out labor organizing activities and the amount of Department space used for such activities.

S. 1085, the Military and Veteran Caregivers Services Improvement Act of 2015 – AMVETS has been actively advocating for this legislation which would in part:

- expand eligibility for the VA's family caregiver program to include members of the Armed Forces or veterans who are seriously injured or who became ill on active duty prior to September 11, 2001 (currently, limited to service after September 11, 2001);
- expand much needed services to caregivers of veterans under such program to include child care services, financial planning services, and legal services;
- terminate the support program for caregivers of covered veterans on October 1, 2020, except that any caregiver activities carried out on September 30, 2020, shall be continued on and after October 1, 2020;
- authorize the transfer of post 9/11 education assistance benefits to family members by veterans who are retired for a physical disability or who are seriously injured veterans in need of family caregiver services, without regard to length-of-service requirements;
- authorize the VA Secretary to pay special compensation on a monthly basis to seriously injured or ill veterans in need of personal care services and to their caregivers;
- authorize flexible work schedules or telework for federal employees who are caregivers of veterans.
- amend the Public Health Service Act to designate a veteran participating in the program of comprehensive assistance for family caregivers as an adult with a special need for purposes of the lifespan respite care program; and
- establish, in the executive branch, an interagency working group to review and report on policies relating to the caregivers of veterans and members of the Armed Forces; and

S. 1117, the Ensuring Veteran Safety Through Accountability Act of 2015 – AMVETS fully supports this short and sweet legislation which provides a mechanism for the removal of any VA Senior Executive Service employee or medical professional for unacceptable performance or misconduct.

Under the current, antiquated and morbidly dysfunctional civil service system, it's nearly impossible to dismiss or do more than slap the wrists of incompetent, ineffective and wasteful Senior Executive employees and medical professionals. This situation is no doubt largely responsible for the on-going backlog, as well as the problems of delayed benefits and inconsistent care experienced by many veterans.

AMVETS believes that no matter what ideas and policies the Secretary of the VA wants to implement, without the ability to remove deadweight executives, their hands are tied. Veterans are tired of platitudes and broken promises; the only way to break this cycle of ineptitude and restore our veterans' faith in the 'system' is to eradicate the problem at the root – the Senior Executive level.

AMVETS fully supports any legislation which eliminates redundancy and inefficiencies within the VA or improves the care and services our veterans have earned through their service to this nation.

HR 91, the Veteran's I.D. Card Act – AMVETS supports this legislation which calls for a your efforts to provide a Veterans I.D. Card in order to:

- Provide proof of honorable military service;
- Minimize the potential of identity theft through the potential loss or theft of a form DD-214;
- Provide employers looking to hire veterans a standard way to verify any employee's military service; and
- Provide military veterans the ability to take part in the goods, services or promotional opportunities that are offered to those who are able to provide proof of military service.

AMVETS is especially supportive of this cost-neutral legislation because it will not only provide a much needed improvement over the current proof of military service document, the DD-214, but it will be carried out in a fiscally responsible way which will have minimal impact on the Veterans Administration which finds itself mired in the midst of massive claims backlogs and other issues.

Draft Legislation, the Jason Simcakoski Memorial Opioid Safety Act – AMVETS supports this important legislation which would:

- provide VA with some much needed tools to address the problem of overprescribing/over medicating practices;

- expand the availability of complementary and integrative, both clinical and non-clinical, in an effort to provide safer and more effective pain management services to our nation’s veterans;
- require stronger opioid prescribing guidelines and education for VA providers including stricter standards against prescribing dangerous combinations of opioids with other drugs and for prescribing opioids to patients struggling with mental health issues;
- increase coordination and communication throughout the VA with medical facilities, providers, patients and their families surrounding pain management, alternative treatments for chronic pain, and appropriate opioid therapy; and
- Holding the VA system accountable for appropriate care and quality standards through consistent internal audits as well as GAO reviews and reports to Congress.

Draft Legislation, the Biological Implant Tracking & Veteran Safety Act of 2015 –

AMVETS fully supports this legislation which would require the VA to adopt and implement a standard identification protocol for use in the tracking and management of biological implants. This legislation would help to ensure that biological implants such as, tendons, bones, ligaments, skin, eyes, or whole organs, used within the VA could be more easily and appropriately tracked from all the way from the donor to the recipient.

This critical capability to “track and trace” implants should help increase patient safety in case of product recalls (if necessary), assist with inventory management and accountability, and improve efficiencies through the implementation of a standard identification protocol.

Just as importantly, this legislation puts safeguards in place stipulating the requirements that vendors must meet in order to provide VA with both human and non-human biological implants.

This completes my statement at this time and I thank you again for the opportunity to offer our comments on pending legislation. I will be happy to answer any questions the committee may have.



Diane M. Zumatto
AMVETS National Legislative Director



Diane M. Zumatto of Spotsylvania, VA joined AMVETS as their National Legislative Director in August 2011. Zumatto a native New Yorker and the daughter of immigrant parents decided to follow in her family's footsteps by joining the military. Ms. Zumatto is a former Women's Army Corps/U.S. Army member who was stationed in Germany and Ft. Bragg, NC, was married to a CW4 aviator in the Washington Army National Guard, and is the mother of four adult children, two of whom joined the military.

Ms. Zumatto has been an author of the *Independent Budget* (IB) since 2011. The IB, which is published annually, is a comprehensive budget & policy document created by veterans for veterans. Because the IB covers all the issues important to veterans, including: veteran/survivor benefits; judicial review; medical care; construction programs; education, employment and training; and National Cemetery Administration, it is widely anticipated and utilized by the White House, VA, Congress, as well as, other Military/Veteran Service Organizations.

Ms. Zumatto regularly provides both oral and written testimony for various congressional committees and subcommittees, including the House/Senate Veterans Affairs Committees. Ms. Zumatto is also responsible for establishing and pursuing the annual legislative priorities for AMVETS, developing legislative briefing/policy papers, and is a quarterly contributor to '*American Veteran*' magazine. Since coming on board with AMVETS, Ms. Zumatto has focused on toxic wounds/Gulf War Illness, veteran employment and transition, military sexual trauma, veteran discrimination and memorial affairs issues.

Zumatto, the only female Legislative Director in the veteran's community, has more than 20 years of experience working with a variety of non-profits in increasingly more challenging positions, including: the American Museum of Natural History; the National Federation of Independent Business; the Tacoma-Pierce County Board of Realtors; The Washington State Association of Fire Chiefs; Saint Martin's College; the James Monroe Museum; the Friends of the Wilderness Battlefield and The Enlisted Association of the National Guard of the United States. Diane's non-profit experience is extremely well-rounded as she has variously served in

both staff and volunteer positions including as a board member and consultant. Ms. Zumatto received a B.A. in Historic Preservation from the University of Mary Washington, in 2005.

AMVETS, National Legislative Director

4647Forbes Blvd, Lanham, MD 20706

301-683-4016 / dzumatto@amvets.org