

**TESTIMONY  
OF THE  
NATIONAL GUARD ASSOCIATION OF THE UNITED STATES**

**Senate Committee on Veterans' Affairs**

**House Committee on Veterans' Affairs**

**Joint Hearing on Legislative Presentations**

**March 3, 2016**

Dear Chairman Isakson and Ranking Member Blumenthal, Chairman Miller and Ranking Member Brown and other distinguished members of the Senate and House Committees:

On behalf of the almost 45,000 members of the National Guard Association of the United States and the nearly 500,000 soldiers and airmen of the National Guard, I deeply appreciate this opportunity to share with you our legislative priorities. We also thank you for the tireless oversight you have provided to ensure accountability and improve our nation's services to veterans and their families. But I think you agree that much more needs to be done.

For the last few years, NGAUS' number one veterans' priority has been securing veterans status for our members who have never been called under Title 10, but who have still served this country with great honor. We are deeply grateful to all of you, but especially want to recognize Congressman Walz for his tireless leadership in the House on behalf of these Guard members. And we are also so very thankful to Senator Heller and Senator Boozman, who for the first time in this long fight ensured the passing of an amendment

in the Senate granting this special status. Not a day goes by without one of our members calling to express feelings of disappointment about not being counted as a veteran. They don't understand why Congress cannot grant them the simple permission by law to call themselves veterans. The majority of citizens probably are appalled to learn that family members and neighbors who have served in the Guard, sometimes for decades, do not have veterans status. Even members of the Active Duty force have told us: It is time for these Guardsmen and women to join their brothers and sisters as veterans of the armed services.

NGAUS strongly supports the House language, which conveys this veterans status privilege under Title 38, not as a non-codified footnote, but as law. We ask that during what will be an historic conference for us, you decide that veterans status belongs in the veterans' title of the US Code. This is the closest Congress has come to passing this legislation, and our members are watching closely what your Committees will do.

NGAUS also thanks you for your work to ensure the passage of the Veterans Access, Choice and Accountability Act of 2014. However, we know more work needs to be done to make it a program that gives veterans even more options for faster and convenient care. Our members strongly support **S. 1463**, Senator Moran's bill to amend the Choice Act. This bill will modify the distance requirement and expand medical care availability for veterans through agreements with non-Department of Veterans Affairs entities.

Because the National Guard is located in every community in the United States, access to

care within these communities can deeply alleviate the challenges of long drives, over-scheduling and canceled appointments.

**S. 717**, the Community Provider Readiness Recognition Act of 2015 sponsored by Senator Donnelly, is another bill that addresses the challenges facing National Guard veterans. Making sure knowledgeable non-Department mental health care providers can care for veterans and members of the Armed Forces will allow privacy and services that our veterans might not seek out under formal VA care. This bill is not about “certifying” non-VA mental health care providers, but “designating” providers whose knowledge and concern for military veterans will open up treatment to a community who needs our help.

NGAUS strongly support **S. 2120**, Senator Shaheen’s Veterans Justice Outreach Act that would give the Department of Veterans Affairs the authority to engage veterans and courts prior to judicial action. This bill would allow the Department to work with local law enforcement, courts, attorney and legal assistance organizations to identify common challenges in reintegrating veterans. It would help veterans suffering from mental illness or substance abuse to enter treatment as an alternative to incarceration.

NGAUS thanks Senator Moran and Senate Ranking Member Blumenthal for their leadership on **S.901** the Toxic Exposure Research Act of 2015. This would establish a national center for research within the Department of Veterans Affairs to study diagnosis

and treatment of the descendants of veterans exposed to toxic substances during service. Our membership appreciates the hearings that have been held and are hopeful this legislation will become law.

NGAUS, again, thanks Congressman Walz for introducing **H.R. 1331**, the Quicker Veterans Benefits Delivery Act of 2015. This amends Title 38 to improve treatment of medical evidence provided by non-VA department medical professionals in support of claims. Current law authorizes the Department of Veterans Affairs to accept a medical examination report administered by a private physician without requiring confirmation by a Veterans Health Administration physician if the report is sufficiently complete. By defining "sufficiently complete," many National Guard veterans who might have received treatment under both military and private medical care providers, or who have had their paperwork lost in DoD/VA record sharing, might have a better chance at getting their claims approved. We appreciate the House Committee's action on this bill and look to the Senate Committee to markup similar language.

NGAUS supports **H.R. 353**, the Veterans' Access to Hearing Health Act of 2015. More than half a million members of the National Guard who have deployed operationally since 9/11 have suffered hearing loss injuries requiring treatment from the VA. By allowing the use of hearing-aid specialists through the fee-for-service network would help alleviate the VA audiology backlogs and deliver services more quickly to veterans.

NGAUS endorses the majority of Senator Merkley's bill, **S.2279**, which would increase the VA's efficiency in the recruitment and hiring of health care workers undergoing separation from the Armed Forces. Harnessing this well-trained medical talent makes good sense.

However, NGAUS does not fully support the sweeping language of Section 4 that directs the Secretary to grant "full practice authority" to advanced practice nurses, physician assistants, and other health providers, regardless of state law. It is important that the VA is respectful of the medical standards of each state, especially if they are higher than federal standards. For example, NGAUS believes that veterans should always have a trained licensed anesthesia physician present during surgical operations. The risks and complications associated with the administration of anesthesia during surgeries should not be reduced when serving an aging and injured veteran population. VA Medical Centers should not offer services that are sub-standard.

And thank you to Senator Brown for introducing **S. 2049**, a bill to establish in the Department of Veterans Affairs a continuing medical education program for non-Department medical professionals to increase knowledge and recognition of medical conditions common to veterans and their families. Expanding the knowledge of private medical health care providers will allow better treatment for our nation's veterans and their families. NGAUS supports legislation that opens veterans care up to our nation's best medical providers in the private sector, so that they may receive state of the art care.

Recently, the Commission on the Future of the Army recommended the increased use of the National Guard sections 12304(a) and 12304(b) of Title 10. Since 2014, the number of members of the National Guard called to active duty under this authority has increased four times. Section 12304 permits the President to involuntarily order active duty reserve component units, when necessary, to augment active forces for any named operational mission. These operational missions, usually shorter in duration than combat tours, are still active duty service.

The issue is that members of the Guard and Reserve called to federal service under this authority do not receive the same benefits afforded the members of the active service, even though they serve side by side on these assignments. NGAUS strongly recommends that Sections 12304a and 12304b be added to the Post-9/11 GI Bill under Section 3301, Title 38, and we look forward to working with you on this important legislation.

In closing, NGAUS asks for your help for the National Guard and Reserve on the creation of a bill that can affect any member of the National Guard or Reserve. As you are all aware, the National Guard is called to federal active duty in a number of different statuses and under different authorities. This has created numerous issues where well-meaning benefit bills and laws end up excluding Guardsmen and women. NGAUS deeply appreciates the concern the House and Senate Veterans Affairs Committees have taken to make sure coverage is inclusive of all veterans: Active, Guard and Reserve. We are always available to provide you information that will help you in decision making.

Thank you again, Chairman Isakson and Ranking Member Blumenthal, Chairman Miller and Ranking Member Brown for allowing NGAUS to testify today, and for your interest and commitment to the members of the National Guard.