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**SASC Marks up and Approves NDAA**

The Senate Armed Services, Personnel Subcommittee and the Senate Committee (in closed session) approved the FY2020 National Defense Authorization Act (NDAA-S.1215). The subcommittee added 54 amendments. The FRA submitted a written statement listing issues of importance to FRA members, to the subcommittee a week before the hearing. A copy of the statement is available [on the website](#) under FRA Advocacy. Since the SASC approved the bill in a closed session, an actual text of the bill was not available at press time. According to staff and press accounts the provisions in the markup include:

- Cutting military medical staff billets;
- Increasing military end strength by 7,700 (Navy 5,000 & Marines 100);
- Increasing active duty pay (3.1%), which keeps pace with civilian pay increases;
- Providing \$40 million in impact aid funding for schools with large military populations;
- Expanding active duty parental leave benefits;
- Beefing up oversight of privatized military housing;
- Providing military justice provisions aimed at better prosecuting sexual assault;
- Increasing military construction spending for military housing and day care centers; and
- Increasing employment opportunities for military spouses.

The FRA opposes the proposed drastic cuts in military medical staff. The Defense Department's FY2020 budget calls for the elimination of about 18,000 military medical positions from the current 130,000. FRA is concerned that such drastic cuts could impact access and quality of care for retirees, active duty members and their families. These proposed cuts could also impact combat casualty care capabilities. FRA is also disappointed that there are apparently no provisions addressing

concurrent receipt, SBP/DIC offset repeal, and allowing a widow to retain the final month's pay of a military retiree for the month in which the member was alive for at least one day, just to name a few.

The bill now goes to the Senate floor for further consideration and a vote for passage. The FRA is working to get floor amendments filed, debated and approved. The House Armed Services Committee will begin its markup of the NDAA in June.

Once both chambers of Congress approve their legislation a conference committee will be appointed to resolve the differences between the two bills. This final version will then be voted on by both chambers of Congress and if approved, will be sent to the President to be signed into law or vetoed.

Members are urged to use the [FRA Action Center](#) located on the FRA website to ask their legislators to delay and closely review the proposed cuts of nearly 18,000 military medical billets.

### **House Approves Veteran's Bills**

The House passed several bipartisan bills that support veterans' transition to civilian life, improve veterans' economic resources and expand veterans' access to mental health services. The passed legislation includes:

- The Vet Center Edibility Act (H.R.1812), sponsored by Rep. Mike Levin (Calif.) to expand the eligibility to receive counseling from VA Vet Centers for members of the of the National Guard and Reserves or Coast Guard who served during emergency situations in the wake of a national emergency, major disaster, civil disorder or drug interdiction operation.
- The Support for Suicide Prevention Coordinators Act sponsored by Rep. Anthony Brindisi (N.Y.), requires the Comptroller General to conduct an assessment of the responsibilities, workload, training, and vacancy rates of VA suicide prevention coordinators.
- The Navy SEAL Chief Petty Officer William "Bill" Mulder (Ret.) Transition Improvement Act (H.R.2326) sponsored by Rep. Mike Levin (Calif.) to improve the Transition Assistance Program (TAP) for service members returning to civilian life.
- The Veterans' Education, Transition, and Opportunity Prioritization Plan Act (H.R.2045) sponsored by Rep. Mike Levin (Calif.) to prioritize veterans' employment, transition, housing and education benefits at the VA.

- The Veterans' Compensation Cost-of-Living Adjustment Act (H.R.1200) sponsored by Rep. Elaine Luria (Va.) provides COLA increase for FY2020 for various VA benefits.
- The Veterans Care Quality Transparency Act (H.R.2372), sponsored by Rep. Lauren Underwood (Ill.), to direct the Comptroller General to conduct an assessment of all memoranda of understanding and memoranda of agreement between VA Under Secretary of Health and non-VA entities relating to suicide prevention and mental health services.
- The FIGHT Veterans Suicide Act (H.R.2340), sponsored by Rep. Max Rose (N.Y.) to direct the VA to provide notice to Congress of any suicide or attempted suicide of a veteran in a Va. facility.
- The Whole Veteran Act (H.R.2359), sponsored by Rep. Connor Lamb (Pa.) to direct the VA to submit to Congress a report on the VA advancing of whole health transformation.
- H.R.1947, sponsored by Rep. Phil Roe (Tenn.) to improve payments to flight schools under the Post 911 GI Bill.

These proposals now go to the Senate for further consideration.

### **Allow Active Duty to Sue Military for Medical Malpractice**

Rep. Jackie Speier (Calif.), Chair of the House Armed Services, Military Personnel Subcommittee, has introduced the Sergeant First Class Richard Stayskal Military Medical Accountability Act (H.R.2422), which would allow military service members to sue the Department of Defense for instances of medical malpractice unrelated to their military duties. Currently, the Feres Doctrine prevents service members from having their day in court when malpractice by military health care providers unconnected to combat, results in severe injury or even death.

The Feres Doctrine was established in 1950 from *Feres v. United States*, 340 U.S. 135 (1950), in which the Supreme Court of the United States held that the military is not liable under the Federal Tort Claims Act for injuries to members of the armed forces sustained while on active duty resulting from the negligence of others in the armed forces.

The practical effect is that the *Feres doctrine* effectively bars service members from collecting damages from the United States Government for personal injuries experienced in the performance of their duties. It also bars families of service members from filing Wrongful Death actions when a service member is killed or injured. This exclusion does not extend to killed or injured family members, so a spouse or child may still sue the United States for tort claims.

By creating an exemption to the Federal Tort Claims Act to allow service members to sue the military for medical malpractice, the bill would give service members the same right as the fellow citizens they serve and protect. SFC Stayskal developed terminal lung cancer after being misdiagnosed in a military health facility.

"The Feres Doctrine is a travesty," said Rep. Speier, "It denies service members who put their lives on the line for this country the same access to the justice system enjoyed by service member's spouses, other federal employees, and even prisoners. Creating an exemption for medical malpractice is long overdue. I'm thrilled to have a bipartisan group of colleagues join me (co-sponsors) in addressing this injustice for our service members and their families, who bear the burden of service as well."

Members can use the [FRA Action Center](#) on the website to weigh in on this issue.

### **Memorial Day Observances and the Last Rolling Thunder Event**

The FRA's National President Robert Washington and National Vice President Donna Jansky will represent the association during Memorial Day ceremonies at Arlington National Cemetery and lay a wreath at the Tomb of the Unknowns on Monday, May 27, in honor of the men and women who have died in service to their nation. On Saturday and Sunday (May 25 and 26) shipmates and members of the FRA NHQ team will staff an information booth at Rolling Thunder, the annual motorcycle tribute in the nation's capital to show the country and the world that POWs and MIAs from America's recent conflicts will never be forgotten. This will be the last Rolling Thunder event, which was formed to raise awareness for POWs from the Vietnam conflict, but now raises awareness of POW/MIA from all of America's recent wars and conflicts. The reasons for ending the event are primarily that costs have soared and the lack of new corporate sponsors.

Shipmates and all Americans are reminded, on Memorial Day and every day that "freedom is not free." In observance of Memorial Day, the FRA National Headquarters will be closed on Monday, May 27.