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MEMORANDUM

TO: National Officers
Supervisory National Service Officers
Department Commanders and Adjutants
National Legislative Interim Committee
Department Benefit Protection Team Leaders
DAVA National Adjutant

FROM: Joy J. Ilem, National Legislative Director

SUBJ: **115th CONGRESS FIRST SESSION LEGISLATIVE ROUND UP**

DATE: January 12, 2018

The 115th Congress wrapped up its first session with the passage of numerous bills that benefit injured and ill veterans.

Attached is a list of Public Laws that were enacted during the first session of the 115th Congress that include provisions directly related to DAV Resolutions. Passage of these bills comes in large part as a result of DAV's grassroots efforts and support over the last year. It starts with choosing delegates to National Convention and adopting DAV Resolutions, to actively working as legislative advocates by contacting your elected officials, and finally urging passage of legislation to empower veterans to lead high-quality lives with respect and dignity.

Just a reminder, DAV's Mid-Winter Conference will be held in Washington, D.C., February 25-28, 2018. National Commander Delphine Metcalf-Foster will present the DAV's legislative agenda to a joint session of the House and Senate Veterans' Affairs Committees on Tuesday, February 27, at 2:00 p.m. Room confirmation is pending. I encourage our Department Benefit Protection Team Leaders to coordinate with your Department leadership to schedule meetings with your elected officials and/or their staff during our Mid-Winter Conference. Please ask team members not traveling to Mid-Winter to contact the local offices of their Representatives and Senators and reinforce the message DAV members will be conveying in Washington.

Thank you for your dedication and commitment to passage of DAV's Critical Legislative Goals. We hope that these results will encourage you to continue your efforts during the remainder of the 115th Congress and beyond.



JOY J. ILEM
National Legislative Director

JJI:lmb
Attachment

P.L. 115-26, a bill to amend the Veterans Access, Choice and Accountability Act of 2014 to modify the termination date for the Veterans Choice Program, and for other purposes

The Veterans Access, Choice and Accountability Act of 2014 established the Veterans Choice Program, a temporary authority allowing certain veteran to receive necessary medical care and services from non-VA providers. This law eliminates the three-year sunset date of the Veterans Choice Program, allows VA to be the primary payer for care provided through the Choice program, and share medical information with community health care providers treating a veteran patient.

P.L. 115-31, Consolidated Appropriations Act, 2017

This appropriations bill provided funding for the following VA programs and services:

- Veterans Treatment Courts (Resolution No. 105);
- Programs to assist homeless veterans and veterans at risk of homelessness (Resolution No. 239);
- Funding to implement the Jason Simcakoski Memorial and Promise Act (title IX of P.L. 114–198, as amended), which DAV supports based on Resolution No. 116, calling for humane, consistent pain management programs and Resolution No. 128, calling for comprehensive health care options, including alternative therapies.

P.L. 115-41, Department of Veterans Affairs Accountability and Whistleblower Protection Act

Congress and the Administration have sought ways to ensure that VA employees are held accountable for improper actions or poor performance without violating their right to due process protections culminating in enactment of P.L. 115-41. The act also makes it possible to more quickly hire certain medical professionals. DAV recognizes this bill as an important step forward for VA and the veterans it serves to improve the work environment for the many compassionate and dedicated employees providing care to our nation's ill and injured veterans.

DAV Resolution 221 supports establishing meaningful accountability measures with due process rights for VA employees.

P.L. 115-46, VA Choice and Quality Employment Act

As first introduced, DAV was strongly opposed to this emergency spending bill, which proposed cuts in veterans benefits—specifically eliminating eligibility for older veterans' to receive individual unemployability benefits and a COLA round down—to fund higher

than expected costs for the VA Choice program. More than 26,000 DAV supporters contacted Congress through the Commander's Action Network to express opposition to these unacceptable proposed cuts in benefits. The House bill with these proposed "pay fors" ultimately failed on the House floor.

DAV and other VSOs participated in negotiations on a new bill stripped of the unacceptable provisions, adding language to help the recruitment and retention of VA health professionals, and authorizing 27 pending leases for major medical facilities. These additional provisions allowed us to support the bill based on Resolution 107, calling for modernization of VA health care infrastructure, Resolution 112, urging timely access to quality VA health care and medical services, and Resolution 228, supporting effective recruitment, retention and development of the VA health care system workforce.

P.L. 115-48, The New Forever GI Bill (formally known as, The Harry W. Colmery Veterans Educational Assistance Act of 2017)

This law improves provisions in the existing G.I. Bill and provides more flexibility for using educational benefits. The measure contains a number of provisions that specifically impact disabled veterans and their families, including:

- Increases monthly Dependents Educational Assistance (DEA) payments by about 40 percent effective October 1, 2018 (note: effective August 1, 2018, DEA decreases from 45 to 36 months to be consistent with other VA educational programs);
- Eliminates the 15-year limit for using the G.I. Bill, allowing for the use of the educational benefits for life, for those who were discharged after January 1, 2013;
- Grants full G.I. Bill benefits to Purple Heart Recipients, regardless of total time in service effective August 1, 2018;
- Provides G.I. Bill eligibility for reservists undergoing medical care for active duty injuries effective August 1, 2018;
- Restores used G.I. bill benefits to enrolled students whose school permanently closes after January 1, 2015, effective November 14, 2017; and
- Allows veterans who are National Guard members and Reservists and receiving Vocational Rehabilitation and Employment (VR&E) benefits, to "pause" their eligibility so their time under the VR&E program is not negatively affected while called up for active duty. This provision takes effect immediately.

P.L. 115-55, Veterans Appeals Improvement and Modernization Act

This sweeping overhaul of the veterans benefits appeals process was enacted on August 23, 2017, with DAV's strongest support based on DAV Resolution No. 212, calling for an improved and modernized claims and appeals process for reviewing veterans and their family members' claims for benefits.

DAV worked with VA, other veterans service organizations, and the Board of Veterans' Appeals (Board) to simplify and improve the benefits appeals process, resulting in P.L. 115-55. This act created three options for a claimant to pick after his or her claim's initial adjudication: a higher level of review; a supplemental claim (best for claims with new evidence); or a notice of disagreement that elects for the reconsideration to go straight to the Board onto a docket with a hearing before the Board or a docket without a hearing. In November 2017, the VA initiated the Rapid Appeals Modernization Program (RAMP), a program to allow legacy appeals (oldest pending appeals) consideration under two of the new options. DAV is working closely with the Department on RAMP and the final implementation phase set for February 2019.

P.L. 115-62, Department of Veterans Affairs Expiring Authorities Act of 2017

On September 29, 2017 P.L. 115-62, the Department of Veterans Affairs Expiring Authorities Act of 2017, was enacted into law. This bill extends a number of current authorities in veterans programs covering health care, benefits, homelessness, and other matters. The provisions discussed below are supported by resolutions approved by DAV's membership at our last national convention.

Based on several resolutions, DAV strongly supports this law which extends, by two years, authority for VA to provide:

- nursing home care to veterans with service-connected disabilities (Resolution No. 062);
- assistance and support services for caregivers (Resolution No. 009);
- continuation of a pilot program for child care for certain veterans seeking health care services (Resolution No. 239);
- women veterans counseling in retreat settings pilot program (Resolution No. 225);
- VA reimbursement to veterans for beneficiary travel to vet centers in the same manner as if they received services within VA health care facilities (one additional year) (Resolution No. 240);
- a pilot program to provide neurobehavioral therapy and services to veterans with traumatic brain injuries (extended only by three months, pending the submission of a final report to Congress due December 2017) (Resolution No. 238);
- rehabilitation and vocational benefits to active duty service members with severe injuries (one year) (Resolution No. 251); and
- immediate rehabilitative needs of service members while their probable medical discharges are pending (Resolution No. 252).

The Act extends, by one year, many existing provisions to assist homeless veterans, including:

- Veterans' Employment and Training Service (VETS) program administered by the Department of Labor;
- grants for child care for certain veterans participating in homeless programs;

- authority for referral and counseling services for certain “at risk” veterans; and
- supportive services for very low income families in permanent housing to preempt homelessness (Resolution No. 239).

It extends, by two years:

- “special needs” grants to homeless provider grantees who work with populations who require additional attention such as hospice services or intensive mental health care; and
- authority for VA to continue to provide comprehensive community services to homeless veterans with serious mental illness.

Finally, the law authorizes appropriations for two additional years for adaptive sports programs for disabled veterans and service members. It also extends authority for specially adapted housing grant programs.

P.L. 115-75, Veterans' Compensation Cost-of-Living Adjustment Act of 2017

On November 2, 2017, President Trump signed P.L. 115-75, which provides a cost-of-living adjustment (COLA) increase of 2 percent, effective December 1, 2017, for veterans disability compensation and dependency and indemnity compensation (DIC) for survivors and certain other benefits. This increase matches the COLA provided to Social Security recipients.

This COLA benefits injured and ill veterans, their families and survivors by helping to maintain the value of VA benefits against inflation. Without annual COLAs, many disabled veterans, who sacrificed their own health and family life for the good of our nation, may not be able to maintain the quality of life they deserve. DAV Resolution No. 028 calls for a realistic COLA increase.