

COMMANDER'S ACTION NETWORK (CAN) ALERTS

JANUARY 21, 2020

Support the following bills:

S. 1003, the VET OPP Act to Reform VA Employment Programs [Take Action](#)

S. 2966, the Rural Veterans Travel Enhancement Act of 2019 [Take Action](#)

THANK YOU!

MARTY PENNOCK & GENE MURPHY

BENEFIT PROTECTION TEAM LEADERS (BPTL)

DAV DEPARTMENT OF SOUTH DAKOTA



OPERATION:
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PROMISE

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UPDATE

COMMANDER'S ACTION NETWORK

Sign up for the DAV CAN (Commander's Action Network) today to help protect the earned benefits of ill and injured veterans and their families. By becoming an advocate, you can help inform lawmakers about the important issues and challenges veterans face every day. You will receive alerts and updates on key legislative issues directly impacting and affecting the veteran community, and through DAV CAN you can share your views and directly voice your concerns with lawmakers on Capitol Hill. Your personal involvement is critical, and increases the effectiveness of our advocacy mission in order to fulfil our promises to the men and women who served. Go to <https://www.dav.org/learn-more/legislation/join-action-network-take-action/> for more information.

You can also stay up to date on current legislative priorities by getting involved with DAV's Benefits Protection Team and lend your voice to the growing local grassroots network in your area. Go to <https://www.dav.org/dav-benefits-protection-team/>

VA General Counsel Opinion regarding Blue Water Navy claims.

Question: Who is eligible to file a claim as a “survivor” under the effective date provision of the Blue Water Navy Vietnam Veterans Act of 2019 (“the BWN Act”), Pub. L. 116-23, to be codified at 38 U.S.C. 1116A(c)?

Answer: As used in 38 U.S.C. 1116A(c), the term “survivors” refers to those relatives of veterans who are eligible for dependency and indemnity compensation (DIC) and/or accrued benefits under title 38, United States Code.

Question: Does the BWN Act authorize the Department of Veterans Affairs (VA) to pay estates, as if they were eligible payees under the Final Stipulation and Order in *Nehmer v. United States Veterans Admin.*, No. CV-86-6160 (N.D. Cal. 1991) (“the Nehmer stipulation”)?

Answer: The BWN Act does not authorize VA to pay benefits to estates of claimants. The BWN Act did not adopt or extend the Nehmer court rulings authorizing payments to estates of certain benefits payable under the Nehmer stipulation. No other provisions of title 38, United States Code, authorize VA to pay benefits under 38 U.S.C. 1116A to estates of claimants.

Question: Are veterans or their survivors who were granted disability compensation or survivor benefits under *Procopio v. Wilkie*, 913 F.3d 1371 (Fed. Cir. 2019), potentially eligible for earlier effective dates under the Nehmer stipulation or under the BWN Act?

Answer: The Nehmer stipulation operates to void a final decision on a veteran’s or survivor’s benefits claim only when the Secretary of Veterans Affairs establishes a new presumption of service connection pursuant to the Agent Orange Act of 1991, Pub. L. 102-4, codified at 38 U.S.C. 1116(b). The Procopio decision does not establish a new presumption pursuant to the process described in section 1116(b) and accordingly does not provide authority for VA to void final decisions on benefits claims. A veteran or survivor who is granted benefits under the Procopio rule and whose claim for the same condition was previously denied on or after September 25, 1985, may be entitled to a retroactive award if he or she submits a claim for such award in accordance with the BWN Act.



(.././dav/)

S. 1003, VET OPP Act to Reform VA Employment Programs

Senator Marco Rubio (FL) introduced S. 1003, the VET OPP Act. This bill would establish the Veterans Economic Opportunity and Transition Administration within the Department of Veterans Affairs (VA) to be overseen by an Under Secretary for Veterans Economic Opportunity and Transition.

Currently, the Veterans Benefits Administration (VBA) oversees programs such as Vocational Rehabilitation, the Forever GI Bill, Home Loans, and the Transition Assistance Program (TAP) under its Office of Economic Opportunity (EO). Because VBA is responsible for a large portfolio of compensation programs, EO programs suffer from a lack of oversight, leadership, and attention. The VET OPP Act would address this issue by realigning transition, education, and employment programs at VA under a newly established Veterans Economic Opportunity and Transition Administration. This new administration would be accountable to an appointed undersecretary and would be created using existing resources.

DAV supports this legislation in concert with DAV Resolution No. 390, which calls for the establishment of an Economic Opportunity Administration within the VA. Please use the prepared electronic letter or draft your own to urge your Senators to support and cosponsor S. 1003, the VET OPP Act. Thank you for your efforts and support of the Commander's Action Network.

Compose Message(s)

Message 1 - John Thune, Mike...

Recipients ▾

U.S. Senate

* Message Subject:

Cosponsor and Support S. 1003

Dear *[Recipients]*,

* Your Message:

DAV Supported Legislation Pending in Congress

As your constituent, I write to urge you to cosponsor S. 1003, the VET OPP Act, which would establish the Veterans Economic Opportunity and Transition Administration within the Department of Veterans Affairs to be overseen by an Under Secretary for Veterans Economic Opportunity and Transition.

Currently, the Veterans Benefits Administration (VBA) oversees programs such as Vocational Rehabilitation, the Forever GI Bill, Home Loans, and the Transition Assistance Program (TAP) under its Office of Economic Opportunity (EO). Because VBA is responsible for a large portfolio of compensation programs, EO programs suffer from a lack of oversight, leadership, and attention. The VET OPP Act would address this issue by realigning transition, education, and employment programs at VA under a newly established Veterans Economic Opportunity and Transition Administration. This new administration would be accountable to an appointed undersecretary and would be created using existing resources.

I ask that you support this important bill and become a cosponsor. Please advise me of your intentions regarding this bill.



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S. 2966, the Rural Veterans Travel Enhancement Act of 2019

DAV Supported
Legislation Pending in
Congress

A bipartisan group of Senators has introduced the Rural Veterans Travel Enhancement Act of 2019. This important bill would expand beneficiary travel to certain veterans receiving care in Vet Centers and for vocational rehabilitation, and reauthorize the Department of Veterans Affairs (VA) grant program to transport highly rural veterans to VA medical centers.

In 2019, DAV volunteer drivers spent over 1.2 million hours transporting veterans to their VA medical appointments. These volunteers logged nearly 20.5 million miles and provided more than 615,000 rides to veterans to VA health care facilities. Since our national transportation program began in 1987, nearly 19 million veterans have been transported over 751 million miles. To support this critical service, this bill would require VA to develop, within the next year, a national protocol to reduce delays in conducting volunteer drivers' physicals.

The bill would also require the Government Accountability Office to study VA's transportation program to ensure it is cost effective and working effectively in conjunction with other transportation programs such as the DAV transportation network.

DAV derives the authority to support this bill from DAV Resolution No. 330, which calls on VA to operate an effective and efficient transportation program for service-connected veterans and simplify travel benefits.

Please use the prepared letter or write your own to contact your Senators to ask them to cosponsor this important legislation to ensure veterans can access medically necessary care.

Thank you for your support of the Commander's Action Network.

* Your Message:

I write as your constituent to ask you to cosponsor S. 2966, the Rural Veterans Travel Enhancement Act of 2019. This important bipartisan bill will ensure veterans-especially those living in highly rural areas-can access medically necessary care and services at the Department of Veterans Affairs (VA).

The bill would also require the Government Accountability Office to study VA's transportation program to ensure it is cost effective and working effectively in conjunction with other transportation program such as the DAV transportation network.

This bill would also reauthorize VA's grant program to transport highly rural veterans to VA medical centers, and expand beneficiary travel benefits to certain veterans in vocational rehabilitation, counseling, medical examinations, treatment and care.

Please let me know your intent to cosponsor this bill and support moving it towards enactment.

Thank you for your support of the nation's veterans.

[Compose Message\(s\)](#)

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DAV's Legislative Priorities

To help educate legislators, candidates and agencies, we have outlined below a range of issues facing veterans that need to be addressed.

If you have any questions for DAV's legislative team, please contact us at (202) 554-3501 or LegislativePublic@davmail.org (<mailto:LegislativePublic@davmail.org>).

Agent Orange in Thailand (<https://www.dav.org/wp-content/uploads/Agent-Orange-in-Thailand-2020.pdf>)

Congress must enact H.R. 2201 and S.1381.

Agent Orange Presumptive Diseases (<https://www.dav.org/wp-content/uploads/Agent-Orange-Presumptive-Diseases-2020.pdf>)

Congress must enact legislation to add the presumptive diseases that the National Academy of Medicine has scientifically associated to Agent Orange exposure.

Burn Pit Exposure (<https://www.dav.org/wp-content/uploads/Burn-Pit-Exposure-2020.pdf>)

Congress should enact legislation to concede burn pit exposure for veterans currently eligible to join the VA Airborne Hazards and Open Burn Pit Registry.

Comprehensive Caregiver Support (<https://www.dav.org/wp-content/uploads/Comprehensive-Caregiver-Support-2020.pdf>)

Congress must hold VA accountable to fully and faithfully implement the improvements and expansion of PCAFC mandated by the MISSION Act to all severely injured veterans.

Eliminate Longevity Military Retired Pay and VA Compensation Offsets (<https://www.dav.org/wp-content/uploads/Eliminate-Longevity-Military-Retired-Pay-and-VA-Comp-Offsets.pdf>)

DAV urges Congress to enact legislation to repeal the inequitable offset between rightfully earned longevity military retired pay and VA disability compensation for all veterans.

Expand and Strengthen Service Member Transition, Employment, and Economic Opportunities for Veterans (<https://www.dav.org/wp-content/uploads/Expand-and-Strengthen-Service-Member-Transition-Employment-and-Economic-Opportunities-for-Veterans-2020.pdf>)

Congress must provide the resources necessary to meet the VR&E counselor-to-client ratio of 1:125 to allow for better one-on-one counseling.

Licensure and Certification of Active Duty Military Personnel (<https://www.dav.org/wp-content/uploads/Licensure-and-Certification-of-Active-Duty-Military-Personnel-2020.pdf>)

Congress should continue strong oversight of DOD's programs to better assist members of the armed forces in obtaining professional licensure and certification credentials.

Long-Term Health Effects of Anti-Malarial Medications (<https://www.dav.org/wp-content/uploads/Long-Term-Health-Effects-of-Anti-Malarial-Medications-2020.pdf>)

Based on the outcomes of the study, Congress must establish presumptive service connection for any diseases or disorders found to be associated with the use of antimalarials to include mefloquine.

Maintaining VA's Critical Infrastructure (<https://www.dav.org/wp-content/uploads/Maintaining-VAs-Critical-Infrastructure-2020.pdf>)

Congress must enact legislation to overcome the CBO policy shift on VA leases.

PFAS Contaminated Water on Military Bases
(<https://www.dav.org/wp-content/uploads/PFAS-Contaminated-Water-on-Military-Bases-2020.pdf>)

Congress must establish and maintain a registry for eligible individuals who may have been exposed to PFAS to ascertain and monitor the health effects of the exposure of members of the Armed Forces.

Rebalancing Long-Term Support and Services
(<https://www.dav.org/wp-content/uploads/Rebalancing-Long-Term-Supports-and-Services-2020.pdf>)

VA should make a sustained commitment to request and allocate sufficient resources for successful LTSS rebalancing, and to adopt appropriate incentives to motivate the rebalancing of VA LTSS.

Strengthening Veterans Health Care
(<https://www.dav.org/wp-content/uploads/Strengthening-Veterans-Health-Care-2020.pdf>)

VA must remain the primary provider and coordinator of care for veterans who rely upon it to efficiently and effectively support veterans care.

Suicide Prevention (<https://www.dav.org/wp-content/uploads/Suicide-Prevention-2020.pdf>)

Congress must ensure VA has the resources it needs to effectively implement mental health and suicide prevention programs, and deploy prevention resources, including VA's use of predictive analytics, to identify and treat those most at risk.

Total Disability Based on Individual Unemployability
(<https://www.dav.org/wp-content/uploads/Total-Disability-Based-on-Individual-Unemployability-2020.pdf>)

Congress must act to ensure that TDIU remains available for all veterans regardless of age or receipt of any other earned federal benefits.

Toxic Exposures at Fort McClellan
(<https://www.dav.org/wp-content/uploads/Toxic-Exposures-at-Fort-McClellan-2020.pdf>)

Congress must immediately enact legislation to authorize scientific studies of the environmental and toxic exposures at Fort McClellan and to establish a registry specific to those service members who served on Fort McClellan.

VA Health Information Technology
(<https://www.dav.org/wp-content/uploads/VA-Health-IT-2020.pdf>)

VA and Congress must ensure the new EHR brings industry best practices to improve administrative capabilities while not diminishing VA's current and future clinical capabilities.

VA Mental Health Care (<https://www.dav.org/wp-content/uploads/VA-Mental-Health-Care-2020.pdf>)

VA must provide timely access for wartime veterans seeking primary mental health care and specialized readjustment services, emphasizing early intervention and routine screening for all post-deployed veterans as a critical building block to an effective suicide prevention effort.

Women Veterans (<https://www.dav.org/wp-content/uploads/Women-Veterans-2020.pdf>)

We urge Congress to enact legislation that is in line with the 45 key recommendations made in DAV's most recent women veterans report, *Women Veterans: The Journey Ahead* to ensure all federal programs are meeting the needs of women veterans, and equal in effectiveness and health outcomes when compared to the services provided to male veterans.

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