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FROM: Joy J. Ilem, National Legislative Director

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

DATE: January 9, 2019

The 115th Congress wrapped up its second and final session, and adjourned on January 3, 2019.

Attached is a list of Public Laws enacted during calendar year 2018, along with relevant provisions that are directly related to DAV Resolutions. Due in large part to DAV's Benefits Protection Team Leaders and strong grassroots efforts throughout the year, we saw the passage of 16 Public Laws containing numerous provisions that will help to improve the lives of our nations ill and injured veterans, their families, caregivers and survivors.

Your dedication and advocacy efforts helped DAV achieve some of our key legislative priorities including—substantive health care reforms, expansion of comprehensive caregiver benefits to veterans of all service eras, improved services for women veterans and a 2.8 percent cost-of-living adjustment. We also saw the passage of legislation authorizing 100 percent service-disabled veterans space-available travel aboard military aircraft and expansion of commissary privileges to service connected veterans and their caregivers—two long-standing DAV resolutions.

Thank you for your continued support of DAV's Legislative Program. We hope that these results will inspire and encourage you to continue your advocacy efforts during the 116th Congress and beyond.



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## LEGISLATIVE ROUND-UP: 115TH CONGRESS, 2ND SESSION

### **Public Law 115- 91, National Defense Authorization Act for Fiscal Year 2018**

While primarily directed at the Department of Defense (DOD), this law contains provisions directing the Department of Veterans Affairs (VA) to extend the Department's authority to use licensed and duly recognized physicians to perform compensation examinations at any location as long as the examination is within the scope of the authorized duties stipulated under the contract. It is intended to alleviate obstacles in areas where physicians are not licensed within a particular jurisdiction. In addition, the law authorizes counseling for transitioning service members to include a family caregiver and providing information on VA caregiver services and supports including the VA comprehensive caregiver support program.

#### **Resolution No. 009**

Support legislation to improve and provide comprehensive services for caregivers of severely wounded, injured and ill veterans from all eras

#### **Resolution No. 212**

Support meaningful reform in the Veterans Benefits Administration's disability claims process

### **Public Law 115-96, Third Continuing Appropriations for Fiscal Year 2018, Missile Defense, Health Provisions, Other Matters and Budgetary Effects**

Provided \$2.1 billion to the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014

#### **Resolution No. 112**

Support sufficient, timely and predictable funding for all VA programs, benefits and services

### **Public Law 115-105, Jobs for Our Heroes Act**

This law exempts active-duty members or reservists of the armed forces from certain tests required to obtain a state commercial driver's license if they have qualifying military experience. The bill also expands the types of VA providers, such as physician assistants, chiropractors, and certain nurses, who could qualify to conduct the necessary medical examinations to certify that veterans meet the physical standards required to operate commercial motor vehicles.

#### **Resolution No. 248**

Support licensure and certification of active duty service personnel

## **Public Law 115- 130, Quicker Veterans Benefits Delivery Act**

To improve the use of private medical evidence, this law requires VA to submit several reports to Congress regarding the use of private medical evidence in lieu of a VA-provided examination for purposes of establishing eligibility for disability compensation or pension, as well as progress on the Acceptable Clinical Evidence initiative.

### **Resolution No. 216**

Support legislation that requires the VA to consider private medical evidence supplied by licensed private health care providers

## **Public Law 115-141, Consolidated Appropriations Act, 2018**

This appropriations act provides funding for: the Veterans Treatment Court program; employment services for homeless veterans; rural care and rural care coordination between VA and rural care entities; annual and advance appropriations for VA, and an assortment of provisions to improve VA health care, benefits, and veterans' transition and employment services.

Certain provisions require VA to:

- Ensure sufficient amounts for acquisition of prosthetics designed specifically for female veterans
- Ensure sufficient amounts for prosthetic research for female veterans
- Authorize VA to provide assisted reproductive technology and adoption fees for veterans with service-connected conditions that prevent procreation
- Remove time limitations on VA's coverage of cryopreservation and storage of embryos

### **Resolution No. 040**

Support enhanced medical services and benefits for women veterans

### **Resolution No. 105**

Support establishment of nationwide Veterans Treatment Courts for justice-involved veterans

### **Resolution No. 124**

Support a more liberal view of Other than Honorable Discharge for the purpose of eligibility for VA benefits and health care services

### **Resolution No. 128**

Support the provision of comprehensive VA health care services to enrolled veterans

### **Resolution No. 163**

Support sufficient, timely and predictable funding for all VA programs, benefits and services

**Resolution No. 230**

Support sufficient resources for the VA to improve health care services for veterans living in rural or remote areas

**Resolution No. 239**

Support sustained sufficient funding to improve services for homeless veterans

**Resolution No. 248**

Support licensure and certification of active-duty service personnel

**Resolution No. 252**

Support strengthening the VA Vocational Rehabilitation and Employment Service

**Resolution No. 284**

Improve the care provided to veterans with service-connected disabilities affecting the ability to procreate through assisted reproductive technology

**Public Law 115-159, State Veterans Home Adult Day Health Care Improvement Act of 2017**

To provide more access to adult day care, the law directs VA to enter into an agreement or a contract with each State Veterans Home to pay for up to eight hours a day of medically supervised adult day health care for a veteran for whom the home is not receiving VA nursing home care payments. The veteran must have a clinical need for such care either specifically for a service-connected disability, or if the veteran is service-connected 70 percent or higher.

**Resolution No. 062**

Support State Veteran Home program

**Resolution No. 085**

Enhance long-term services and supports to service-connected disabled veterans

**Public Law 115-177, to authorize the Secretary of Veterans Affairs to furnish assistance for adaptations of residences of veterans in rehabilitation programs**

The Vocational Rehabilitation and Employment (VR&E) program provides assistance modifying veterans' homes to ensure their safety and achieve the goal of maximum independent living through VR&E's independent living track. This law authorizes VA's Specially Adaptive Housing program to assist in acquiring home adaptation of veterans in the VR&E program.

**Resolution No. 252**

Support strengthening the VA Vocational Rehabilitation and Employment Service

## **Public Law 115-182, the VA MISSION Act of 2018**

This comprehensive reform bill will:

- Expand eligibility of VA's comprehensive caregiver support program to severely injured veterans of all eras;
- Establish a community care program designed to improve access to and coordination of private care for veterans in the VA health care system;
- Authorize limited walk-in care in the community;
- Improves VA facility service lines and underserved facilities;
- Allow for peer specialists within patient aligned care teams in certain VA facilities;
- Set standards for opioid prescribing practices by private providers for services paid for by VA;
- Modernize VA's capital assets and infrastructure;
- Improve the recruitment and retention of VA providers to fill vacancies; and makes other improvements.

### **Resolution No. 009**

Support legislation to improve and provide comprehensive services for caregivers of severely wounded, injured and ill veterans from all eras

### **Resolution No. 107**

Support enhancement of medical services through modernization of the VA health care infrastructure

### **Resolution No. 128**

Support the provision of comprehensive VA health care services to enrolled veterans

### **Resolution No. 173**

Strengthen, reform and sustain the VA health care system

### **Resolution No. 228**

Support effective recruitment, retention and development of the VA health care system workforce

### **Resolution No. 230**

Support sufficient resources for the VA to improve health care services for veterans living in rural or remote areas

### **Resolution No. 245**

Support program improvement and enhanced resources for VA mental health programs

## **Public Law 115-232, the John S. McCain National Defense Authorization Act of 2019**

Although the NDAA is primarily a legislative vehicle for the DOD, it contains several provisions that pertain to service disabled veterans and their families, including several that address DAV policy priorities, such as:

- **Space-available travel on DOD aircraft for veterans with service-connected disabilities rated as permanent and total.** Veterans who are service-connected permanent and total are eligible to fly on military aircraft, space permitting (section 624).
- **Extension of morale, welfare, and recreation privileges to certain veterans and their caregivers.** Beginning in January 2020, service-connected disabled veterans and their caregivers will be eligible to use base commissary stores and Morale, Welfare and Recreation facilities (section 621)
- **Improvements to the Transition Assistance Program (TAP).** TAP prepares transitioning service members for civilian life. This provision includes mandatory instruction on preparation for civilian employment, VA benefits, and transition assistance. It also allows for transitioning service members to elect two days of specific training of their choice (section 552)
- **Study on availability of long-term care options for veterans from VA.** The study will focus on long-term care options from the VA for veterans with combat related disabilities (section 738)
- **New remedies for escalating rates of military sexual trauma.** Requires development of an oversight plan for harassment prevention and response (section 543); Requires superintendents of each service academy to develop a resource guide for victims of sexual assault (section 545); improves crime reporting (section 546); and requires a report on adverse actions taken against service members identified as victims (section 547); pilot program for on treatment of members of armed services for post-traumatic stress disorder (PTSD) related to military sexual trauma Intensive outpatient services of a short duration which included treatment of conditions that may be associated with PTSD such as substance use disorder (SUD), depression, and other related disorders and must be carried out through partner organizations that provide evidence-based treatment for PTSD, traumatic brain injury, SUD and depression; that provide care to active duty dependents; provide care under TRICARE. (section 702)

### **Resolution No. 019**

Support enhanced medical services and benefits for women veterans

**Resolution No. 085**

Enhance long-term care services and supports to service-connected disabled veterans

**Resolution No. 270**

Extend commissary and exchange privileges to service-connected disabled veterans and their dependents

**Resolution No. 274**

Extend space-available air travel aboard military aircraft to 100% service-connected disabled veterans

**Resolution No. 282**

Support enhanced treatment for military sexual trauma; also see recommendations about sexual trauma in DAV's 2018 Report, [\*Women Veterans: The Journey Ahead\*](#)

**Resolution No. 304**

Monitor activities of the mandatory Transition GPS program

**Public Law 115-238, Veterans Providing Healthcare Transition Improvement Act**

Extends VA policy for time off for medical care or rehabilitation services to service connected veterans serving in Title 38 health care positions (doctors, nurses, etc)

**Resolution No. 311**

Protect veterans from employment discrimination when receiving health care for service-connected condition

**Public Law 115-240, Veterans Treatment Court Improvement Act of 2018**

The law requires the VA to hire at least 50 Veterans Justice Outreach Specialists under the Veterans Justice Outreach Program. Each of these specialists must serve as part of a justice team in a veterans' treatment court or other veteran-focused court.

A specialist hired under this bill must be placed at a VA medical center that:

- Complies with VA guidelines for specialist placement;
- Works within a local criminal justice system with justice-involved veterans;
- Maintains an affiliation with one or more veterans treatment courts or other veteran-focused courts; and
- Provides specialists or establishes a VA-approved plan to provide specialists to serve as part of a justice team.

The VA is also required to prioritize the placement of these specialists at medical centers that have an affiliation with a court that was established after this bill's enactment or is not fully staffed with specialists.

Finally, the Government Accountability Office shall report to Congress on the effectiveness of the Veterans Justice Outreach Program.

**Resolution No. 271**

Support the continued growth of veterans treatment courts for justice-involved veterans

**Public Law 115-244, Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019**

- Funds programs, benefits and services provided by VA
- Authorizes VA to provide health care to veterans who participated in nuclear cleanup activities in Palomares and Enewetak Atoll in the Marshall Islands
- Requires VA to research the prevalence of cholangiocarcinoma in Vietnam veterans
- Contains \$10 million to improve women's access to gender-specific care and improve privacy and environment of care standards
- Includes \$17 million to fully resource the intimate partner violence program
- Maintains breast cancer screening policy through 2024
- Authorizes VA to carry out and expand child care pilot program
- Include \$1.1 billion for modernizing VA electronic health record

**Resolution No. 019**

Support enhanced medical services and benefits for women veterans

**Resolution No. 112**

Support sufficient, timely and predictable funding for all VA programs, benefits and services

**Resolution No. 125**

Strengthen, reform and sustain the VA health care system

**Resolution No. 173**

Support legislation for VA to provide child care services/assistance to veterans attending VA health care VA benefits programs, VA educational programs, VA employment services, VA homeless programs and VA rehabilitative programs. Also see recommendations in DAV's 2018 Report, [\*Women Veterans: The Journey Ahead\*](#)

**Resolution No. 288**

Support sufficient funding for VA Prosthetics and Sensory Aids Service and timely delivery of prosthetic items

**Resolution No. 291**

Support sustained and sufficient funding to improve services for homeless veterans

## **Public Law 115-251, Department of Veterans Affairs Expiring Authorities Act of 2018**

This law contains important provisions for veterans consistent with DAV health care policy goals including:

- Extension of requirement to provide nursing home care to certain veterans with service-connected disabilities
- Extension of authority for pilot program on assistance for child care for certain veterans receiving health care
- Extension of authority for pilot program on counseling in retreat settings for women veterans newly separated from service
- Extension of temporary expansion of payments and allowances for beneficiary travel in connection with veterans receiving care from vet centers

This measure also provides permanent authority for specially adapted housing assistance for certain veterans with disabilities that cause difficulty with walking and requires VA to provide rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses. It also supports an extension of the specially adapted housing assistive technology grant program.

Furthermore, it extends important authorities within the homeless veterans' program including rehabilitation programs, child care, referral and counseling programs for "at-risk" veterans; programs for seriously mentally ill and homeless veterans; supportive services for low-income families in permanent housing and grants for homeless veterans with special needs.

Finally, the law supports the monthly allowance for the VA Office of Sports Programs and Special Events.

### **Resolution No. 019**

Support enhanced medical services and benefits for women veterans

### **Resolution No. 065**

Support legislation to create a rehabilitative special events office within VHA

### **Resolution No. 085**

Enhance long-term services and supports to service-connected disabled veterans

### **Resolution No. 119**

Adequately fund and sustain the successful readjustment counseling service of the VA and its highly effective Vet Center Program

### **Resolution No. 173**

Support legislation for VA to provide child care services/assistance to veterans attending VA health care, VA benefits programs, VA educational programs, VA employment services, VA homeless programs and VA rehabilitative programs

**Resolution No. 285**

Provide easy and equitable access to VA transportation benefits and services

**Resolution 291**

Support sustained and sufficient funding to improve services for homeless veterans

**Public Law 115-258, Veterans' Compensation Cost-of-Living Adjustment Act of 2018**

Public Law 115-258 provides a cost-of-living adjustment (COLA) increase of 2.8 percent, effective December 1, 2018, for veterans disability compensation and dependency and indemnity compensation (DIC) for survivors and certain other benefits.

VA compensation and DIC benefits are retrospectively paid on the first of each month, for the previous month. The 2.8 percent COLA increase, effective December 1, 2018, was included in the January 1, 2019 payments. This increase matches the COLA provided to Social Security recipients.

**Resolution No. 031**

Support legislation to provide for realistic cost-of-living allowances

**Public Law 115-271 Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act or the SUPPORT for Patients and Communities Act**

This comprehensive law includes provisions to improve prevention, outreach and services to individuals misusing or abusing opioid medication.

Section 8051 of the law encourages VA to appoint and train women veterans with expertise in certain areas as peer support counselors under the Suicide Preventive Services program.

**Resolution No. 019**

Support enhanced medical services and benefits for women veterans; Also see recommendations about expanding use of peer specialists in DAV's 2018 Report, [\*Women Veterans: The Journey Ahead\*](#)

**Public Law (number not assigned as of 1/8/19) Veterans Benefits and Transition Act of 2018**

This law includes provisions affecting veterans' educational benefits, memorial affairs, civil relief for service members and spouses, a study of community-based transitional assistance programs, provisions to improve VA administration, and authorizations for VA medical center construction projects in Canandaigua, NY; North Chicago; Oklahoma City; and Louisville, KY, in addition to other matters.

**Resolution No. 125**

Strengthen, reform and sustain the VA health care system

***Update on Blue Water Navy Vietnam Veterans Act of 2018, formerly H.R. 299***

Despite concerted efforts to enact the Blue Water Navy Vietnam Veterans Act, Congress failed to pass this legislation, which would have restored the presumption of exposure to Agent Orange for all Navy veterans who served in the waters offshore Vietnam, commonly called "Blue Water Navy Veterans," and make it easier for thousands of them to receive VA health care and benefits. Although the legislation was approved 382 to 0 by the House of Representatives in June 2018, it was subsequently blocked from further consideration by a handful of Senators, and expired with the close of the 115<sup>th</sup> Congress. We expect this legislation to be reintroduced and it remains a high priority for DAV.