



DISABLED AMERICAN VETERANS

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LEGISLATIVE BULLETIN

April 2011

Department of Veterans Affairs Fiscal Year 2012 Budget

The Administration's budget request for fiscal year (FY) 2012 includes some modest funding increases for Department of Veterans Affairs (VA) health care and benefits programs. For both mandatory funding (compensation, pension, death and education benefits) and discretionary funding the Administration has recommended about \$132 billion dollars. The House Budget Committee has recommended \$128 billion for the VA for FY 2012, about \$4 billion below the Administration's request.

The Administration's FY 2012 budget proposal includes a request for \$52.541 billion in advance appropriations for VA health care accounts in FY 2013. The Administration also assumes \$3.3 billion in collections. This is an increase of \$1.9 billion over the Administration's FY 2012 request for VA health care funding. The House Budget Committee proposal requests \$52.500 billion for advance appropriations, \$41 billion less than the Administration. Of concern to DAV is the fact that we believe the Administration's request should be considered a floor, which can be raised if warranted, while the House proposal treat it as a ceiling, the maximum VA should receive in FY 2013.

Department of Veterans Affairs Fiscal Year 2011 Budget

The battle over the FY 2011 budget has now ended. On April 14, 2011, Congress passed a long-term appropriations bill to fund the government until the next fiscal year begins on October 1. While many programs have been cut, VA has been mostly untouched. Total discretionary funding requested by the Administration was \$60.321 billion dollars. Under the bill, VA would receive \$60.075. Most of the cuts are in information technology, construction programs and general administration.

Pending Legislation

H.R. 803, the Equity for Injured Veterans Act of 2011, was introduced on February 18, 2011, by Representative Bob Filner (D-CA). This bill would extend the period of eligibility for training and rehabilitation through the Department of Veterans Affairs (VA) for veterans with service-connected disabilities until the end of the 15-year period after the veteran's discharge from active duty.

H.R. 810, the Fair Access to Veterans Benefits Act of 2011, was introduced by Representative Filner on February 18, 2011. This bill would extend the 120-day limit for the filing of an appeal to the Court of Veterans Appeals after a final decision of the Board of Veterans' Appeals upon a showing of good cause for such time as justice may require. It would also consider as good cause the inability of a person to file within the 120-day period due to a service-connected disability.

H.R. 813, introduced by Representative Filner on February 18, 2011, would amend title 38, United States Code, to reduce the period of time for which a veteran must be totally disabled before the veteran's survivors are eligible for the benefits provided by the Secretary for survivors of certain veterans rated totally disabled at the time of death.

H.R. 1092, the Military Retirees Health Care Protection Act, was introduced by Representative Walter B. Jones (R-NC) on March 15, 2011. This bill expresses the sense of Congress that: (1) the Department of Defense (DOD) and the nation have a committed health benefits obligation to retired military personnel that exceeds the obligation of corporate employers to civilian employees; and (2) DOD has many additional options to constrain the growth of health care spending in ways that do not disadvantage beneficiaries, and should pursue such options rather than seeking large fee increases for beneficiaries. It would also prohibit an increase in a premium, deductible, copayment, or other charge prescribed by the Secretary of Defense for medical and dental health care coverage for military personnel; and after September 30, 2011, in the dollar amount of a cost-sharing requirement under the DOD pharmacy benefits program. It would also prohibit charges for DOD inpatient care from exceeding \$535 per day; and, beginning on October 1, 2011, an increase in premiums under TRICARE for certain members of the Selected Reserve and Retired Reserve.

H.R. 1133, the Helping Our Homeless Veterans Act of 2011, was introduced by Representative Filner on March 16, 2011. This bill would authorize the Secretary of Veterans Affairs to enter into agreements with state or local government agencies, tribal organizations, and nonprofit organizations to collaborate in the provision of case management services to expand and improve the provision of supported housing services and related outreach to veterans, including veterans in rural areas or underserved veterans who live in metropolitan areas or on Indian lands. It outlines support services to be provided, including the maintenance of referral networks for homeless veterans. It would also include within case management services personal health and development assistance and housing assistance for veterans.

H.R. 1178, the Disabled Veterans Commissary and Exchange Store Benefits Act, was introduced by Representative Jeff Fortenberry (R-NE). It would permit a veteran with any compensable service-connected disability (and the veteran's dependents) to use commissary and exchange stores on the same basis as a member of the Armed Forces entitled to retired or retainer pay.

S. 423, introduced by Senator Richard Burr (R-NC), on March 1, 2011, would amend title 38, United States Code, to provide authority for retroactive effective date for awards of disability compensation in connection with claim applications that are fully developed at submittal.

S. 490, introduced by Senator Daniel K. Akaka (D-HI), on March 3, 2011, would amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program. It would make such provision inapplicable before January 1, 2014, to a child who is eligible to enroll in an employer-sponsored health care plan.

S. 536, introduced by Senator Jim Webb (D-VA), on March 9, 2011, would amend title 38, United States Code, to provide that utilization of survivors' and dependents' educational assistance shall not be subject to the 48-month limitation on the aggregate amount of assistance utilizable under multiple veterans and related educational assistance programs.

S. 658, the Support for Survivors Act, was introduced by Senator Amy Klobuchar (D-MN). This bill directs the Secretary of Defense to identify the most appropriate and effective means for the

preservation by the Department of Defense (DOD) of documentary evidence of incidents of sexual assault or harassment in which a member of the Armed Forces is the victim (covered incidents), which shall be a single means to be used by all the military departments. It requires the means identified to be in electronic form and to include the full protection of the victim's privacy and lifetime access to such evidence. This bill would also direct the Secretaries of Defense and Veterans Affairs to establish a joint task force to determine whether to establish a documentary evidence form, report, or document in lieu of forms, reports, and documents currently generated by DOD.

Hearings

The national legislative staff has testified at numerous hearings over the last couple of months.

On March 2, 2011, before the Senate Veterans' Affairs Committee on behalf of *The Independent Budget* concerning the fiscal year (FY) 2012 budget in the area of veterans' benefits.

On March 3, 2011, before the House Veterans' Affairs Subcommittee on Economic Opportunity concerning the FY 2012 budget in the area of the Department of Labor's Veterans Employment and Training Service.

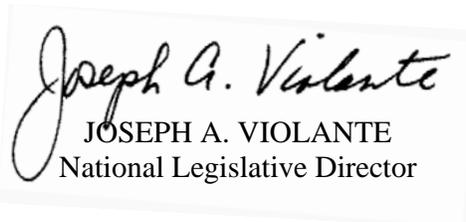
On March 11, 2011, before the House Veterans' Affairs Subcommittee on Health concerning the implementation plan for the caregiver assistance program.

On March 17, 2011, before the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs regarding the FY 2012 budget in the area of veterans' benefits.

On March 31, 2011, before the House Veterans' Affairs Subcommittee on Economic Opportunity concerning the FY 2012 budget in the area of the Vocational Rehabilitation and Employment Service.

Conclusion

To ensure the successful enactment of veterans' legislation, our DAV and Auxiliary members must be active members of DAV's grassroots – DAV Commander's Action Network (CAN) — and we all must do our part to let our elected officials know about our support for legislation that helps to build better lives for our nation's service-disabled veterans, their families and survivors. Thank you for your continued support.



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