



# DISABLED AMERICAN VETERANS

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## LEGISLATIVE BULLETIN

June 2011

### Department of Veterans Affairs Fiscal Year 2012 Budget

As I reported in the April Legislative Bulletin, the Administration’s budget request for fiscal year (FY) 2012 included only modest funding increases for Department of Veterans Affairs (VA) health care and benefits programs. For both mandatory funding (compensation, pension, insurance and education benefits) and discretionary funding (primarily health care) the Administration recommended about \$132 billion. The House Budget Committee subsequently recommended \$128 billion in its budget resolution, about \$4 billion less than requested.

The Administration’s FY 2012 budget proposal also included a request for \$52.5 billion in advance appropriations for VA health care accounts for FY 2013. The Administration has assumed \$3.3 billion in first- and third-party collections from veterans and their private insurers.

On June 14, 2011, after consideration of a series of floor amendments most of which were rejected, the full House of Representatives overwhelmingly voted to approve the funding levels as recommended by the Appropriations Committee.

#### **Current status:**

Fiscal year 2012 Administration budget request	\$130.2 billion
House-passed funding level	\$129.7 billion
In comparison to:	
Fiscal year 2011 enacted level –	+\$7.9 billion
Fiscal year 2012 budget request –	-\$475.7 million
Fiscal year 2013 advance [medical] budget request	\$52.5 billion
Fiscal year 2013 House-passed advance appropriation	\$52.5 billion

In summary, the Appropriations Committee recommended and now the full House has passed a total of \$129.7 billion in new budget authority for all VA programs (mandatory and discretionary) in fiscal year 2012, an increase of \$7.9 billion, or 6.4 percent above the fiscal year 2011 enacted level but \$475.7 million below the Administration’s budget request. In addition, the House agreed to advance appropriations of \$52.5 billion, to be provided for fiscal year 2013 in VA Medical Care accounts, matching the President’s request for the advance appropriations year.

The bill now moves to the Senate for further consideration. The Senate has yet to act on the FY 2012 VA budget request, either at the Budget Committee or Appropriations Committee level. While VA’s appropriation has been slightly cut (in information technology, general administration and medical and prosthetic research), we are grateful to the House for strongly supporting all VA programs at this time of fiscal and monetary uncertainty. We will keep you updated on VA’s budget as events warrant.

## **Government Accountability Office Report on Advance Appropriations**

On June 14, 2011, GAO released its report on the VA budget, which was required by Public Law 111-81, the advance appropriations law authored by Congressman Filner. The GAO report confirms several of our concerns about gimmicks in the budget, including:

- \$1.1 billion carryover from this year (FY 2011);
- \$2.5 billion in “operational improvements;” and
- The so-called “contingency fund.”

The GAO report also uncovered another \$2.5 billion that the Office of Management and Budget cut from the VA for FY 2012 and FY 2013 for needed equipment and maintenance.

DAV will request that both House and Senate Veterans’ Affairs and Appropriations Committees will hold hearings to ensure that we have an honest and transparent VA budget.

### **Pending Legislation**

**H.R. 2052**, the Fort McClellan Health Registry Act, introduced by Representative Paul Tonko (D-NY), directs the VA to establish and maintain a registry of veterans who served at Fort McClellan, Alabama, due to potential exposure to a toxic substance or environmental hazard.

**S. 411**, the Helping Our Homeless Veterans Act of 2011, introduced by Senator Amy Klobuchar (D-MN) would authorize VA to enter into agreements with States and nonprofit organizations to collaborate in case management services for veterans’ supported housing programs.

**S.696**, introduced by Senator Jon Tester (D-MT), would require VA to treat Vet Centers as VA health care facilities for purposes of payments of beneficiary travel reimbursements to veterans visiting Vet Centers.

**S.894**, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2011, introduced by Senator Patty Murray (D-WA), would authorize a COLA increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of disabled veterans.

**S.914**, introduced by Senator Mark Begich (D-AK), would authorize waiver of the collection of copayments for VA telehealth and telemedicine visits.

**S.951**, the Hiring Heroes Act of 2011, introduced by Senator Murray, an omnibus act on veterans employment would:

- Expand the authority of the VA Secretary to make payments to employers that provide on-the-job training to veterans.
- Entitle certain service-connected veterans who have exhausted their rights to unemployment benefits to participation in an additional VA rehabilitation program

and would require the VA Secretary to follow-up on the employment status of veterans who participate in VA rehabilitation.

- Require participation by eligible service members in the Transitional Assistance Program (TAP), and provision of pre-separation counseling to members who anticipate discharge, including assessment of equivalencies between military skills and civilian employment requirements.
- Instruct the Secretary of Labor to follow-up on employment status of members who complete their TAP participation.
- Authorize up to three specialized grants for veterans' employment.
- Liberalize appointments of veterans to the federal civil service if otherwise qualified, without regard to civil service examination, and would require federal agencies to provide employment assistance to separating members.
- Direct the Secretary of Labor to carry out an outreach program to provide employment assistance to certain veterans receiving unemployment compensation.
- Authorize a pilot program to assess the feasibility of providing work experience to certain members of the Armed Forces who are on terminal leave.
- Require a VA demonstration project on credentialing and licensing of veterans.
- Extend several existing authorities and require a series of reports.

**S.957**, the Veterans' Traumatic Brain Injury Rehabilitative Services' Improvements Act of 2011, introduced by Senator John Boozman (R-AR), would improve rehabilitative services for veterans with traumatic brain injury.

**S.1017**, the Disabled Veteran Caregiver Housing Assistance Act of 2011, introduced by Senator Bernard Sanders (I-VT), would increase assistance for disabled veterans who are temporarily residing in housing owned by a family member.

**S.1060**, the Honoring All Veterans Act of 2011, introduced by Senator Richard Blumenthal (D-CT), would improve education, employment, independent living services, and health care for veterans, improve assistance for homeless veterans, and improve the administration of the VA.

**S. 1104**, the Veteran Transition Assistance Program Audit Act of 2011, introduced by Senator Robert P. Casey, Jr. (D-PA), would require regular audits of, and improvements to, the TAP Program.

**S. 1127**, introduced by Senator Kent Conrad (D-ND), would establish centers of excellence for rural health research, education, and clinical activities and provide statutory recognition to VA's existing Rural Health Resource Centers.

### **Hearings**

On May 3, 2011, DAV testified before the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs, concerning seven benefits-related bills.

On May 13, 2011, DAV testified before the House Veterans' Affairs Subcommittee on Health regarding the Federal Recovery Coordinator Program.

On June 8, 2011, DAV testified before the Senate Veterans' Affairs Committee on 34 bills under consideration, most of which are summarized above.

On June 13, 2011, DAV testified before the House Veterans' Affairs Subcommittee on Health regarding a recently released GAO report 11-530—*Actions Needed to Prevent Sexual Assaults and Other Safety Incidents*.

### **Sexual Assaults in VA Facilities**

The DAV finds very disturbing a GAO report that cites 284 cases of alleged, attempted or confirmed sex assaults on patients and employees at VA medical centers between January 2007 and last July. “It is fundamental that our VA hospitals offer a safe environment as well as top-flight medical care,” said DAV National Commander Wallace E. Tyson. “This is very disturbing news, and we urge the VA to put into place the report’s recommendations at all medical centers, clinics and other facilities.”

The GAO report examined sexual assaults at VA medical centers and found that many times the victims’ reports are mishandled or inappropriately acted upon based on decisions by local physicians and administrators.

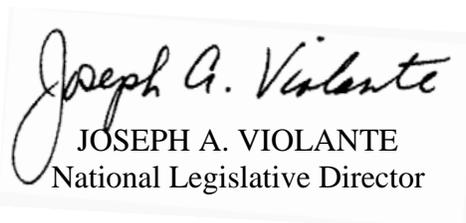
The DAV strongly recommends the creation of a task force to ensure the VA adopts a culture of safety and promptly develops a uniform policy for the reporting of all sexual assaults. “Mandatory reporting is absolutely necessary. There must be a strict requirement set immediately that all allegations of sexual assaults be reported to an independent body of oversight,” Commander Tyson said in a press release. “These reports can no longer be allowed to be dealt with solely at the local level.”

“This is not a gender-specific issue – this is an issue for every veteran, family member and caregiver. Every person who enters a VA facility must know the government is doing everything possible to keep them safe. VA needs to be a place of care, not of fear.”

### **Conclusion**

To ensure the successful enactment of the legislation that we support, our DAV and Auxiliary members must become active members of DAV’s grassroots – DAV Commander’s Action Network (CAN) — and all of us must do our part to let our elected officials know about our support for legislation that builds better lives for our nation’s service-disabled veterans, their families and their survivors. Please make a pledge to redouble your efforts to communicate our concerns to your elected officials. This is a key to our success.

See you at the DAV National Convention in New Orleans August 6-9, 2011.



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National Legislative Director

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