National Convention
Benefits Protection Team Seminar
Friday, August 2, 2019

Joy J. Ilem
National Legislative Director
National Legislative Department Staff

Joy J. Ilem, National Legislative Director
Adrian M. Atizado, Deputy National Legislative Director
Shane L. Liermann, Assistant National Legislative Director
Jeremy M. Villanueva, Associate National Legislative Director
Peter Dickinson, Senior Executive Advisor

• Lisa Bogle, Senior Legislative Support Specialist
• Jeannette King, Legislative Support Specialist
Update on Critical Policy Goals 116th Congress

• Implementation of VA Mission Act
• Expansion of Caregiver Benefits
• VA Budget FY 2020
• Blue Water Navy Claims Update
• Burn Pits—Concession of Exposure
• Improving Survivors’ Benefits
• Women Veterans

Handouts from today’s Seminar will be available on-line
Interim Legislative Committee
2018-2019

• Al Labelle, Chairman (WI)
• Jim Procunier (NC)
• Glenn Hohman (AZ)
• Gregg Dunham (TX)
2018-2019
Outstanding Performance in Advocacy (OPA) Awards

- Department BPTLs are eligible to participate
- Department/BPTL compete within 5 divisions—
- Awards based on performance of legislative activities
- Advocacy period—July 1, 2018 to June 30, 2019
- Awards presented at DAV Mid-Winter Conference 2020
Criteria for Selection of OPA Awards:

• The number of **Local Veterans Assistance Program (LVAP) hours** reported on legislative efforts
• Efforts to increase active **DAV Commander’s Action Network (DAV CAN)** members signed up in your state;
• The total number of **emails** sent to Congress on action alerts from the DAV CAN advocacy website
Criteria for Selection of OPA Awards (cont.)

• A department **website** containing legislative/advocacy information such as alerts and DAV CAN links;
• A department **newsletter** (monthly, quarterly or semi-annually) that includes relevant legislative/advocacy information;
• Use of **social media** on legislative issues, such as Facebook, Twitter, LinkedIn and YouTube
Criteria for Selection of OPA Awards (cont.)

• Attendance of department BPTL at the DAV **Mid-Winter** Conference;
• Scheduled **meetings** with **elected officials** in **DC** during the DAV Mid-Winter Conference;
• Scheduled meeting(s) at congressional **district offices** anytime during the year; and
• Department **BPTL-led seminar** on legislative issues presented at a district, department or chapter meeting/function or community event (to include educating and/or training chapter level BPTLs).
Criteria for Selection of OPA Awards (cont.)

• Department submission of **resolutions** for consideration at national convention—related to **federal/national issues**

• Participation on a DAV convention committee
<table>
<thead>
<tr>
<th>Year</th>
<th>Number of departments submitted resolutions</th>
<th>Number of resolutions submitted</th>
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<tr>
<td>2017</td>
<td>12</td>
<td>208</td>
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<tr>
<td>2018</td>
<td>26</td>
<td>249</td>
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<tr>
<td>2019</td>
<td>33</td>
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Next Steps:

• Memo to departments/BPTLs outlining the OPA Award
• Advocacy Award Forms sent to departments
• Complete and submit form to BPTAwards@dav.org.
• **BPTL Advocacy Report Form** must be received by **September 2, 2019** for award consideration
• Department BPTL Advocacy Award winners will be authorized travel to attend DAV 2020 Mid-Winter conference
DAV Service and Legislative Seminar
Saturday August 3, 2019
Gatlin B-C (Level One)

❖ Please arrive by 1:45 PM

Forum Speakers:

• Rep. Mark Takano, House Veterans’ Affairs Committee Chairman

• Dr. Paul Lawrence, Undersecretary for Benefits

• Larry Connell, Veterans Health Administration Chief of Staff
Thank You!
Implementation of the VA MISSION Act

Peter Dickinson
Senior Executive Advisor
Background of VA MISSION Act

- Replaced Expiring Veterans Choice Act
- Bipartisan, Bicameral Congressional Support
- Supported by Coalition of 38 VSOs & MSOs
- Signed on June 6, 2018: Public Law 115-182
- Took Effect on June 6, 2019
Overview of VA MISSION Act

1. Veterans Community Care Program (VCCP)
2. Expands VA’s Capacity to Deliver Health Care
3. Asset and Infrastructure Review (AIR)
4. Extends VA Caregiver Program to All Eras
Caregiver Extension

- Two Phase Expansion
- October 1, 2019 To Vietnam, Korean & WWII
  BUT, VA Seems Unlikely to Meet Timeline
Asset and Infrastructure Review (AIR)

- Market Assessments
- Stakeholder Input
- AIR Acceleration Act
Expand VA Capacity to Provide Direct Care

- 45,000 Vacancies
- New Recruitment Tools
- Expanded Treatment Space
- Telehealth Across State Lines
Veterans Community Care Program (VCCP)

- Sunsets Choice, Consolidates Community Care
- Creates Integrated Networks of VA and Community Providers for Seamless Access
- VA is Primary Provider & Coordinator of Care
- New Eligibility Rules
- New Urgent Care Benefit
New Eligibility Criteria

• Service Not Available at VA Facilities
• State Lacks Full-Service VA Medical Facility
• 40-Mile Legacy / Grandfathered Choice
• “Best Medical Interest” Determination
• Medical Service Line Below Quality Standard
• VA Cannot Meet New Access Standards
New Access Standards

• Wait Times
  ➢ Primary & Mental Health Care > 20 Days
  ➢ All Specialty Care > 28 Days

• Travel Times
  ➢ Primary & Mental Health Care > 30 Minutes
  ➢ All Specialty Care > 60 Minutes
New Urgent Care Benefit

• Non-Emergency, Urgent, Walk-in Care
  ➢ *Do Not Need Prior VA Authorization – BUT Provider Must Be in VCCP Network*
New Urgent Care Benefit

• Copayments Will Be Charged by VA

- PG1 thru PG5: 1 to 3 Visits = None 4+ Visits = $30/per
- PG6 if related: 1 to 3 Visits = None 4+ Visits = $30/per
- PG6 not related: All Visits = $30/per
- PG7 & PG8: All Visits = $30/per
Critical Implementation Questions -- **UPDATE**

- Has VA Accurately Estimated the **Cost** & Will VA Request & Congress Approve **Full Funding**?
- Will VA **IT Systems** Be Ready & Capable of Running Seamless Integrated Networks?
- Will VCCP **Eligibility** Be Clear to Veterans & VA?
- Will **Community Providers** Have Sufficient **Capacity & Expertise** to Care for Veterans?
Keys to Long Term Success -- UPDATE

- True Consultation with Veterans & VSOs
- Fully Fund Community & VA Care Programs
- Care Coordination with the Community
- Community Care Must Meet All VA Standards
- VA Must Maintain Full Continuum of Care
DAV MISSION Act Health Care Survey
Implementation of the VA MISSION Act

Peter Dickinson
pdickinson@dav.org
(202) 314-5232
UPDATE: VA Caregiver Support

Adrian Atizado
Deputy National Legislative Director
Agenda

DAV Resolution No. 017

1. Calls for congressional oversight of expansion (MISSION Act)

2. Improve caregiver support services
Oversight of Expansion

MISSION Act requires:

1. IT system in place prior to expansion
2. By October 1, 2018, VA Secretary implement IT system
3. By October 1, 2019, VA Secretary certify to Congress IT system works
4. Begin expansion to pre-9/11 veterans and caregivers in two-phases
Oversight of Expansion
(IT program)

Joint Subcommittees on Health and Technology and Modernization
Oversight Hearing: MISSION Critical: Caring for Our Heroes:

Date: 05.22.19
Time: 10:00 AM
Location: House Visitors Center, Room 210
Oversight of Expansion
(IT program: Phase 3 ≈ Expansion)

BROWNLEY: --Thank you, thank you. I just want to make sure that, do we know when the program's going to start? So, you created a budget. You created some money for expansion. *When's the program going to start, the expanded program, let me say?*

VA WITNESS: *We do not have a definite date, yet.* We are waiting for the determination on when the IT system will be fully operational.

BANKS: . . . I understand you plan to release the new CARMA system in three phases, phase 1 in October, phase 2 in January, 2020, and then, *phase 3 at a date that has not yet been determined.*
Oversight of Expansion
(IT program)

July 16, 2019 —

Regrettably, VA has no target for completion of Phase Three – but we understand that it could be as late as the third quarter of 2020.
Oversight of Expansion

MISSION Act requires:

1. IT system in place prior to expansion

2. By October 1, 2018, VA Secretary implement IT system

3. By October 1, 2019, VA Secretary certify to Congress IT system works

4. Begin expansion to pre-9/11 veterans and caregivers in two-phases

≈ July 1, 2020 to September 30, 2020
Oversight of Expansion
(MISSION Act)

CALL TO ACTION
Agenda

DAV Resolution No. 017

1. Calls for congressional oversight of expansion (MISSION Act)
2. Improve caregiver support program
Improve Caregiver Program

Wide spread media reports of inconsistently applying eligibility criteria

Inconsistencies verified by VA Inspector General in August 2018 report

• April 2017 suspension of all revocation initiated by VA

➢ Internal Review finished June 2017: better discharge letter; description of roles and responsibilities; released program SOP.
Improve Caregiver Program

- Nov. 2018 public comment requested on MISSION Act improvement and expansion of VA Caregiver Program
  - DAV provided comments
- Dec. 2018 (2nd) moratorium on discharges and reductions
  - Internal Review results pending
Improve Caregiver Program

• S. 1648, the Supporting Veteran Caregivers Act of 2019

➤ Sens. Casey, Tester, and Murray

➤ Reevaluate all family caregivers who were removed from the program

➤ Reinstate or reverse improper discharge or reduction
Improve Caregiver Program

• S. 2216, TEAM Veteran Caregivers Act
  - Sens. Peters, Blackburn
  - Requires a standard and explanatory decision notification letter
  - Requires a 90 day extension of benefits when being discharged from the program
  - Requires VA to identify and recognize *all* primary caregivers
UPDATE: VA Budget

Adrian Atizado
Deputy National Legislative Director
Everything’s just fine...
FY 2020 Federal Discretionary Budget

$1.3 trillion
FY 2020 Federal Budget
Top Departments

Source: OMB, Deltek
## VA Budget: Medical Care

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<td><strong>$70.0</strong></td>
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<td>$3.9</td>
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<td><strong>Total, Medical Care Budget Authority</strong> <em>(including Medical Collections)</em></td>
<td><strong>$76.0</strong></td>
<td><strong>$84.1</strong></td>
<td><strong>$88.1</strong></td>
<td><strong>$84.3</strong></td>
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## VA Budget: VBA, BVA, IT, Construction

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<td><em>(EHR Modernization)</em></td>
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<td><strong>Construction Programs</strong></td>
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## VA Budget

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<td>Total Discretionary Budget Authority</td>
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<td>$96.8</td>
<td>$103.3</td>
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Federal Budget Agreement

May 21, 2019 / 2:48 PM
U.S. budget negotiations advance but no deal yet

August 8, 2019
Budget Deal Was Rare Moment of Compromise in Washington
Federal Budget impact on VA Budget

“Any new budget agreement must allow for sufficient resources to fully and faithfully implement the VA MISSION Act of 2018 and the Blue Water Navy Vietnam Veterans Act of 2019”
Blue Water Navy
Vietnam Veterans

Shane Liermann
Assistant National Legislative Director
Update August 2019

Where We Started—Critical Policy

What has Happened?—HR 299 Became Law

Where We Are Now—VA Stays All Cases
PROCOPIO v. WILKIE
January 29, 2019

The U.S. Court of Appeals for the Federal Circuit held that service in the Republic of Vietnam includes the territorial waters within 12 nautical miles of the baseline.
Blue Water Navy Critical Policy Goal

Congress should enact legislation to protect and codify *Procopio v. Wilkie*, to ensure Blue Water Navy Vietnam veterans receive all of the benefits earned through their service.
HR 299 Blue Water Navy Vietnam Veterans Act 2019
HR 299, Blue Water Navy Vietnam Veterans

- House Passed in May
- Senate Passed in June
President signed HR 299 into law June 25, 2019
THANK YOU!
Public Law 116-23

Will establish 12 nautical miles FROM the line created by specific grid coordinates

Some locations over 90 nautical miles
Public Law 116-23

Law will be effective January 1, 2020

Earliest possible effective date will be September 25, 1985
VA Stays All Blue Water Navy Cases
Secretary Stays All Cases

July 1, 2019, VA Secretary Wilkie issued a stay on ALL Blue Water Navy Cases including all Procopio cases and those that fall under HR 299.
We do **NOT** agree with the VA’s decision to stay all of these cases.
July 24th DAV and 8 other VSOs addressed the Secretary's Stay!
We Need Your Help!!

Call to Action!
Call To Action!!

If the opportunity arises, discuss with Congress

Be Ready for Upcoming Action (CAN)

File Claims Now!
UPDATE
Blue Water Navy
Vietnam Veterans

THANK YOU!
Concession of Exposure to Burn Pits

Shane Liermann
Assistant National Legislative Director
Update August 2019

- Where We Started—Current Claims Process
- DAV Unique Idea—Critical Policy Goal
- Where We Are Now—Forthcoming Actions
Current Claims Process
Currently, the VA does not provide presumption of service connection for diseases related to burn pit exposure.

Nor do existing statutes concede exposure to toxins from burn pits.
In April 2019, the National Academy of Medicine started a comprehensive study of long-term health effects due to burn pit exposure.

The study is expected in 2021. This may lead to presumptives.
Direct Service Connection

(1) Medical evidence of a current disability;
(2) Evidence of exposure to toxins;
(3) Evidence of a link between the claimed disability and the burn pit exposure.
Claims for Burn Pits Issues
June 2007 through November 2018

- 11,581 Claims with 2,318 granted (20%)
  - Of the 9,263 denied
    - 44% were denied for no diagnosis
    - 54% were denied for no link to service
Current Situation

- No presumptives for burn pit exposure
- 80% of direct service connection claims for burn pit exposures have been denied.
Current Legislation

- VA Airborne Hazards and Open Burn Pit Registry & Research
- OATH Act--HR 2617—S 1680
- NDAA 2020
- Burn Pits Accountability Act
- HR 663—S191
Current Legislation

- Service Connection (Presumptive)
  - H.R.4086
  - Introduced July 26, 2019
  - No text yet!
Burn Pit Exposure Critical Policy Goal
Congress should enact legislation to concede burn pit exposure for all veterans eligible to join the VA Airborne Hazards and Open Burn Pit Registry, and should include the same chemicals and toxins noted in VA’s M21-1 Manual.
Congress should concede burn pit exposure.

- Apply to all exposed to burn pits to include veterans currently eligible to join the Burn Pit Registry.

- Eliminate the need to prove each veteran’s exposure to burn pits.
Congress should concede burn pit exposure.

A concession of burn pit exposure will not establish presumptive service connection; however, it will concede what toxins/chemicals a veteran was exposed to.
Direct Service Connection

(1) Medical evidence of a current disability;
(2) Evidence of exposure to toxins;
(3) Evidence of a link between the claimed disability and the burn pit exposure.
Current Goal Status
Coalition of VSO Support

Worked with Senate Office to establish language

Bi-partisan Bicameral Approach
We Need Your Help!!
Possibly September Introduction

DAV CAN

Conversations in your District
Concession of Exposure to Burn Pits

Thank You!
Survivors’ Benefits

Jeremy Villanueva
Associate National Legislative Director
Survivors, especially caregivers, are losing significant income once the veteran passes away.

Surviving spouses cannot remarry prior to the age of 57 for fear of losing their benefits.

Survivors and dependents of severely disabled veterans only has a 10-year period to utilize and complete a program of education through Chapter 35.
There is still a law that offsets DOD Survivor Benefit Program (SBP) payments against VA DIC benefits.

Veterans who have been rated 100% disabled, still have to wait 10 years before their loved ones are eligible for DIC.
Increase DIC Amount

- DIC is a monthly benefit paid to eligible survivors/dependents
- Monetary value is less than 50% of what a veteran who is 100% receives
  - From $3,227 → $1,283
- Equating to the loss of approximately $24,000 a year
- Congress should index DIC benefits to 55% of a 100% disabled veterans compensation
Legislation

• S. 1047, the “Dependency Indemnity Compensation Improvement Act”
  • Sen. Jon Tester (MT)
  • 3 co-sponsors
  • Increases DIC amount to 55% of someone whose disability is rated as total

• H.R. 3221, the “Dependency Indemnity Compensation Improvement Act”
  • Rep. Jahana Hayes (CT)
  • 8 co-sponsors
Lowering DIC Remarriage Age

• Current law allows a surviving spouse to remarry at the age of 57 or older.
• For Federal employee survivors, the age is 55.
• 57 is an arbitrary age and causes an unnecessary burden.
• Congress should lower the remarriage age requirement.

CALL YOUR REPRESENTATIVES
Delimiting Date for Chapter 35

- Currently, a spouse or dependent eligible for Ch. 35 benefits has 10 years from eligibility to apply for programs
- Indifferent to caregivers, family obligations, & extenuating circumstances
- Congress should remove the 10-year delimiting date for spouses and surviving spouse to use their educational benefits provided under chapter 35, United States Code
SBP/DIC Offset

• Today, a veteran who is eligible for both DIC and SBP would have their SBP payments reduced by the amount of DIC they receive
• SBP is not a “gratuitous” benefit
  • SBP is an insurance paid for by the retiree
• DIC and SBP are distinct and unique benefits
• Congress should repeal this offset as there is no duplication of benefits
Legislation

- HR 553, the “Military Surviving Spouses Equity Act”
  - 371 co-sponsors
- S. 622, the “Military Widow’s Tax Elimination Act of 2019”
  - Sen. Doug Jones (AL)
  - 75 co-sponsors
  - Passed in House
Reduce the 10-Year Rule for DIC

• A veteran would have to be rated 100% for 10 years for DIC eligibility
• This time frame is non-negotiable
  • Spouses who gave up their careers
  • Dependent children
  • Caregivers
• Congress should pass legislation that reduces the 10-year rule
What Can You Do?

1. Contact your representatives
2. Visit district offices
3. Write Letters
4. Visit DC
5. Op Eds
6. Contact Media
7. SIGN PEOPLE UP TO DAV CAN!
Thank You!

Jeremy Villanueva
Associate National Legislative Director
jvillanueva@dav.org
Critical Policy Goal: Improving Healthcare and Benefits for Women Veterans
Women Veterans: The Journey Ahead

DAV Released new report on September 12, 2018 on Capitol Hill

Critical Policy Issues:

• Equitable access to comprehensive health care services and benefits
• Gender-tailored care and programs
• Environment of care issues—safety, privacy, culture
• Barriers to care for women veterans
• Recognition of contributions in military service
Women Veterans Issues: A Major Focus in the 116th Congress

Hearings

• February 28, 2019: Female Veterans’ Access to VA Services
• May 2, 2019: Cultural Barriers Affecting Women’s Access to Health Care
• June 20, 2019: Ensuring Access to Disability Benefits for Veterans Survivors of Military Sexual Trauma
• May 22, 2019: Senate Veterans’ Affairs Legislative Hearing (S.318/ S. 514)
• July 10, 2019: Economic Well-Being of Women Veterans
116th Congress
Congressional Women Veterans Task Force

• Established by HVAC Chairman Mark Takano
• Chaired by Representative Julia Brownley, Chair HVAC Subcommittee on Health
• Task-Force Kick-off Roundtable held in May
• Monthly Women Veterans Task Force Meetings
Women Veterans Bills 116th Congress

HEALTH CARE

• **S. 514** Deborah Sampson Act, a comprehensive women veterans bill to improve healthcare and benefits for women veterans
• **H.R. 2681** Report to Congress on the availability of prosthetic items for women veterans
• **H.R. 2982** Women Veterans Health Care Accountability Act
• **H.R. 3036** Breaking Barriers for Women Veterans Act
• **H.R. 3224** Increased access to VA medical care for women veterans
Women Veterans Bills 116th Congress (cont.)

HOMELESS
• S. 91 Creating a Reliable Environment for Veterans’ Dependents Act of 2019
• H.R. 95 Homeless Veteran Families Act
• H.R. 2924 Housing for Women Veterans Act
• H.R. 3189 Improving Legal Services for Female Veterans Act

CHILD CARE/NEWBORN
• S. 318/H.R. 2752 Authorizing VA to furnish medically necessary transportation for newborn children to certain women veterans
• H.R. 840 Veterans’ Access to Child Care Act
• H.R. 1924 Vet Center Childcare Parity Act
• H.R. 2645 Improve newborn child care authorized by VA
Women Veterans Bills 116th Congress (cont.)

MILITARY SEXUAL TRAUMA (MST)

• **H.R. 713** Beneficiary travel for veterans seeking care for MST in specialized VA outpatient or residential programs.

• **H.R. 1092** Expansion of VA health care and benefits for military sexual trauma

TRANSITION

• **H.R. 2941** Servicewomen’s Health Transition Training Act of 2019

• **H.R. 2942** Authorize Women’s Health Transition Training pilot program

MISCELLANEOUS

• **H.R. 2798** Building Supportive Networks for Women Veterans Act

• **H.R. 2972** Improve VA communications relating to services available for women veterans
Women Veterans Seminar
Monday August 5, 2019 2:00PM/ Gatlin D

VA Guest Speakers:

• Jacquelyn Hayes-Byrd, Director, Center for Women Veterans

• Lynda C. Davis, Ph.D., Chief Veterans Experience Officer

• Lisa K. Kearney, Ph.D., Acting Deputy Director, Office of Suicide Prevention
Seminar Wrap-Up

- Progress made on all of DAV’s Critical Policy Goals
- Congressional August Recess
- Year End—Legislative Wrap-Up
- Election Season 2020
- Do’s & Don’ts
  - Get Involved; Be Informed; Stay Active
- Thanks For Your Support!!!
National Legislative Department—Washington D.C.

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