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# LEGISLATIVE BULLETIN

October 2013

## **Recent Government Shutdown**

On October 9, 2013, Secretary Eric Shinseki of the Department of Veterans Affairs (VA) testified before the House Veterans' Affairs Committee to report on VA's status during the ongoing partial government shutdown. The Secretary indicated, as we have been reporting, that VA's financial resources for both discretionary and mandatory programs will be exhausted by the end of October. As you know, because of advance appropriations, VA health care was fully funded for this year in the fiscal year (FY) 2013 appropriation. Thus, VA health care has been largely unaffected by other disruptions occurring in VA. At this writing, signs point to a potential solution of the political and policy disagreements that led to the shutdown on October 1.

Presenting a unified front, DAV and a nonpartisan coalition of 32 other organizations representing veterans and members of the military demanded an end to the government shutdown during a rally attended by several hundred supporters and journalists October 15 at the National World War II Memorial in Washington, D.C.

"Our elected officials must understand that posturing and playing politics with veterans is unacceptable," said Garry Augustine, Executive Director of DAV's Washington Headquarters.

On October 17, 2013, President Obama signed into law a temporary budget agreement that ends the partial government shutdown that disrupted, delayed and suspended critical services and benefits for the men and women who have served in uniform. Had this budget stalemate continued for another week or two, it would have been devastating to millions of veterans, their families and survivors, as benefit checks for disability compensation, pension and dependency and indemnity compensation would have been cut off due to a lack of appropriations. The measure restores veterans' access to VA facilities, including DAV National Service Offices, many of which set up shop at alternative locations during the shutdown.

## **Subcommittee on Disability Assistance and Memorial Affairs Hosts VSO Discussion on the Government Shutdown**

On October 4, 2013, staff of the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs hosted an informal roundtable discussion with DAV and other veterans service organizations to discuss the government shutdown and the its impact on our local services.

DAV informed those in attendance that the early days of the shutdown have left local VA Regional Offices in a state of confusion because of conflicting information being disseminated within VA. Specifically, reports of veterans being able to access certain VA Regional Offices,

but not others, and exactly what VA Regional Office divisions would remain functional and who would or would not be furloughed during the shutdown remained unclear.

DAV assured the Subcommittee staff and those in attendance that DAV's solid contingency plan is fully in place to ensure our services and assistance to disabled veterans and their families who are not able to access VA Regional Offices during the shutdown will continue with as little interruption as possible. DAV National Service Officers, along with Chapter and Department Service Officers, will be setting up offices in alternate locations, including our Mobile Service Offices, and all locations will be made available through social media outlets and the DAV website.

### **Congressional Roundtable held Concerning Appeals**

On October 1, 2013, DAV was represented at a Congressional roundtable sponsored by the Chairman of the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs. In attendance were Chairman Jon Runyan, Ranking Member Dina Titus, and full Committee Chairman Jeff Miller.

The roundtable examined the VA appeals process, the backlog of appeals, and ways to make it more efficient. Other veterans service organizations were in attendance, as well as VA officials from the Board of Veterans' Appeals, the Veterans Benefits Administration, and the Court of Appeals for Veterans Claims. Some private attorneys were also present.

DAV is keeping a watchful eye to ensure that none of the suggestions that emerged during this discussion will diminish the rights of veterans to prosecute their appeals.

### **Department of Veterans Affairs Leased Clinics in Jeopardy**

As reported to you in the June 2013 bulletin, the VA is planning to open 38 new community-based outpatient clinics, including 15 facilities in California, Connecticut, Florida, Georgia, Hawaii, Kansas, Louisiana (2 sites), Massachusetts, New Jersey, New Mexico, Puerto Rico, Texas (2 sites), and South Carolina, and additional facilities in 22 states and territories by 2017. These clinics will be operated in commercially leased space, but will be staffed by VA employees. This arrangement has worked very well in hundreds of existing VA clinics, nationwide.

In evaluating the 15 leases VA proposed to Congress in its budget for Fiscal Year (FY) 2013, the Congressional Budget Office (CBO) concluded these facilities were, in effect, long-term capital commitments of the federal government and, as such, needed to be funded in full, in the first year, for a full 20 years. Existing law only requires the first year to be funded to justify authorization, with subsequent years' funding to be managed through the annual budget and appropriations process. This new CBO interpretation effectively halted all VA leases proposed, because VA could not identify dollar offsets in the amount CBO determined were needed (between \$1.2 and \$1.5 billion). As a result the leases were withdrawn from further congressional consideration and are now in limbo.

These developments become a denial of vital services to injured, wounded and ill veterans, and bring additional costs to VA in caring for them.

Please contact your elected officials and ask that Congress change CBO's unfair and inequitable policy to get these leases back on track. VA is managing almost 900 existing community-based outpatient clinics approved by Congress in prior years without this new obstacle, and nearly all of them operate in leased space.

Please use the DAV Commander's Action Network (DAV CAN) to contact Congress today.

### **Website Updates and Alerts**

Since our last bulletin in June 2013, DAV's legislative staff has been keeping members informed of Congressional actions and important legislation through alerts and updates on our website.

On July 23, an [alert](#) was posted concerning H.R. 2726, the Long-Term Care Veterans Choice Act, to enhance and improve VA's existing Medical Foster Home program.

On September 19, an [alert](#) was posted concerning S. 893, a bill that would affect cost-of-living adjustments in VA compensation and pension benefit payments, effective on December 1, 2013, for the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation (DIC) for the survivors of certain disabled veterans.

On September 26, an alert was posted calling on you to write to your elected officials to avoid a government shutdown.

On September 30, an [alert](#) was posted concerning S. 851, the Caregivers Expansion and Improvement Act of 2013, a bill that would extend VA's Caregiver Program to all seriously injured veterans incurred or aggravated in the line of duty, regardless of era of military service.

On October 2, an [alert](#) was posted concerning a bill that would continue funding for veterans benefits and services during any federal government shutdown.

On October 4, an alert was posted encouraging you to tell your story of how a prolonged government shutdown would affect you and your family.

On October 9, an information [alert](#) was posted detailing DAV's efforts to continue to serve veterans during the shutdown and expressing outrage at elected officials' continued inability to come to an agreement.

On October 10, an alert was posted linking DAV members to a letter written by National Commander Joseph W. Johnston to the President, Speaker of the House, and Senate Majority Leader, expressing his outrage over the government shutdown, and calling on elected officials to end the shutdown and ensure that veterans' benefits are not caught up in any future partisan political maneuvering. Linked to this alert was a request that veterans "Tell Your Story" to members of Congress and the President about what the government shutdown means to them and their family.

If you have not done so already, please click on these alerts and join your voice to ours in sharing your opinions with your elected officials. Also, please share these alerts with others.

### **Pending Legislation**

**H.R. 1957**, the Volunteer Veterans for Cemetery Service Act, authorizes the Secretary of Veterans Affairs (VA) or the Secretary of the military department concerned to accept voluntary services performed by a veteran or veterans organization at a national cemetery, including the veteran's sharing with visitors of the story of the veteran's military service. DAV has no official position on this legislation.

**H.R. 2086**, the Pay As You Rate Act, directs the Secretary of Veterans Affairs (VA), prior to adjudicating a claim which requires decisions with respect to two or more disabilities, to make interim payments based on any disability for which the Secretary has already made a decision. It requires the Secretary, upon claim adjudication, to pay the benefits awarded less the amount of the interim payments. DAV supports this legislation in accordance with Resolution No. 177.

**H.R. 2726**, the Long-Term Care Veterans Choice Act, authorizes the Secretary of Veterans Affairs (VA) to transfer an eligible veteran who requests a transfer to a non-VA nursing home to a medical foster home that meets VA standards, pursuant to a contract or agreement between the VA and the foster home. It requires a veteran so transferred to agree, as a transfer condition, to accept home health services furnished by the VA. DAV supports this legislation in accordance with Resolution No. 198.

**S. 893**, the Veterans' Compensation Cost-of-Living Adjustment Act of 2013, directs the Secretary of Veterans Affairs (VA) to increase, as of December 1, 2013, the rates of veterans' disability compensation, additional compensation for dependents, the clothing allowance for certain disabled veterans, and dependency and indemnity compensation for surviving spouses and children. It also requires each such increase to be the same percentage as the increase in benefits provided under title II (Old Age, Survivors and Disability Insurance) of the Social Security Act, on the same effective date. DAV supports this legislation in accordance with Resolution No. 173.

**S. 1295** requires the Secretary of Veterans Affairs, during and as part of any electronic process for the filing of applications for benefits provided through the VA to notify each claimant or claimant representative that application services may be available from veterans service organizations (VSOs) and provide the claimant with a list of such VSOs. DAV supports this legislation in accordance with Resolution No. 177.

### **Hearings**

On June 28, 2013, DAV testified before the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs on 10 bills.

On July 9, 2013, DAV testified before the House Veterans' Affairs Subcommittee on Health concerning five bills.

On July 19, 2013, DAV testified before the House Veterans' Affairs Subcommittee on Health concerning military sexual trauma.

On September 11, 2013, DAV testified before the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs concerning the fully developed claims process.

All DAV testimony can be read in full on our website, at:  
<http://www.dav.org/voters/Testimony.aspx>.

### **Legislative Webinar to be Held**

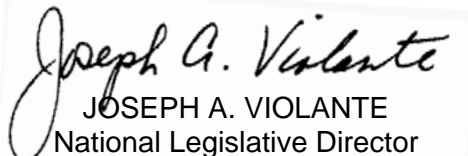
**SAVE THE DATE:** On November 13, 2013, at 1:00 pm (Eastern time) members of DAV's Legislative staff will be hosting an online webinar titled, "Grassroots Advocacy through the DAV Commander's Action Network (DAV CAN): Understanding and Utilizing DAV's Legislative Alerts." We hope you will be able to join us and other members for this insightful discussion on elevating your involvement in DAV's grassroots efforts. Further details will be provided in the future.

### **Conclusion**

To ensure enactment of the legislation we support, our DAV and Auxiliary members must become active members of DAV's grassroots Commander's Action Network (DAV CAN). All of us must do our part to let our elected officials know about our support for legislation that helps empower wounded, ill and injured veterans to lead high-quality lives with respect and dignity. Early in 2013 DAV expanded the DAV CAN to include all of our members who have provided DAV their email addresses in the past. In stimulating this activity, we hope to dramatically increase participation in the DAV CAN by grassroots members to help support DAV's case to Congress on issues important to DAV and to you.

Please make a pledge to redouble your efforts to communicate our issues to your elected officials through the DAV CAN and in your own personal efforts at home, in your chapter or your unit, and in your community. Your efforts and actions, including attendance at our National Convention and Mid-Winter Conference, are keys to our success as an organization of advocacy. To join DAV CAN now, please click [here](#).

Thank you for again for your continuing support for DAV's programs of service to America's wounded, injured and ill heroes.



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