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MEMORANDUM

TO: National Officers
Supervisory National Service Officers
Department Commanders and Adjutants
National Legislative Interim Committee
Department Benefit Protection Team Leaders
DAVA National Adjutant

FROM: Joy J. Ilem, National Legislative Director

SUBJ: **116th CONGRESS FIRST SESSION LEGISLATIVE ROUND UP**

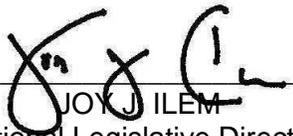
DATE: January 24, 2020

The 116th Congress wrapped up its first session in December 2019 with the passage of several important bills that benefit our nation's injured and ill veterans.

Attached is a list of Public Laws that were enacted during the first session of the 116th Congress that include provisions included in DAV resolutions. Passage of these bills comes in large part as a result of DAV's grassroots efforts and support over the last year. It starts with choosing delegates to National Convention and adopting DAV Resolutions, to actively working as legislative advocates by contacting your federally elected officials, and finally urging passage of legislation to ensure we keep the promises made to the men and women who served. We also included an update on several pending key veterans' issues.

Just a reminder, DAV's Mid-Winter Conference will be held in Washington, D.C., February 23-26, 2020. National Commander Stephen Whitehead will present the DAV's legislative agenda to a joint session of the House and Senate Veterans' Affairs Committees on Tuesday, February 25, at 2:00 p.m. in the Dirksen Senate Office Building, room SD-G-50. I encourage our Department Benefit Protection Team Leaders to coordinate with your department leadership to schedule meetings with your elected officials and/or their staff during our Mid-Winter Conference. Please ask team members not traveling to Mid-Winter to contact the local offices of their Representatives and Senators and reinforce the message DAV members will be conveying in Washington.

Thank you for your dedication and commitment to passage of DAV's legislative goals. We hope that these results will encourage you to continue your efforts during the remainder of the 116th Congress and beyond.



JOY J. ILEM
National Legislative Director

JJI:Imb
Attachment



DAV's 2019 Legislative Round-Up First Session, 116th Congress

Since 1920, DAV has been a leader in the development and strengthening of federal programs, benefits, health care and transition services for the men and women who served, their families and survivors. Our advocacy efforts are guided by DAV members through the adoption of legislative and policy resolutions at our national convention. With more than 1 million members, DAV influences federal laws approved by Congress and federal regulations and policies of the Department of Veterans Affairs and other federal agencies affecting ill and injured veterans.

This is an overview of the actions and activities taken by DAV's national legislative team in the first session of the 116th Congress. For ease of use, the index below is separated by topic into two categories on the key issues and topics that DAV has advocated to advance in 2019.

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Legislation Signed into Law in 2019

The 116th Congress wrapped up its first session in December 2019 with the passage of several important bills that benefit our nation's injured and ill veterans.

Below are the issues that DAV advocated for and legislation was enacted into law in 2019. Passage of these bills comes in large part as a result of DAV's grassroots efforts and support over the last year. In 2019, a record number of resolutions were submitted by DAV departments (346) and adopted by delegates attending the 98th DAV Convention in Orlando, Florida. Additionally, DAV testified at 25 Congressional hearings and provided five formal presentations on critical veterans issues throughout the year. Legislative staff participated in 140 VSO coalition activities and 208 Capitol Hill and Executive Branch meetings. We disseminated 45 alerts through our DAV Commander's Action Network (DAV CAN) and conducted 15 educational training sessions for Benefits Protection Team Leaders

Blue Water Navy Vietnam Veterans

In 1997, the VA misinterpreted the existing statute and excluded Blue Water Navy veterans from being considered exposed to Agent Orange while serving in the waters offshore. For many years, DAV was highly involved in this issue and was instrumental in advocating and advancing legislation to provide justice to long suffering Blue Water Navy Vietnam veterans consistent with the resolution adopted at the 97th DAV National Convention in Reno:

Resolution No. 033

Support legislation that service in the waters offshore Vietnam establishes a presumption of exposure to Agent Orange

Prior to the end of the 115th Congress, in December 2018, DAV attended a roundtable meeting to discuss Blue Water Navy legislation to be introduced in the 116th Congress. In January 2019, DAV released an Action Alert through DAV CAN to support H.R. 299, the Blue Water Navy Vietnam Veterans Act of 2019. Over 3,400 emails were sent to members of the House of Representatives.

At a Congressional Staff event on Capitol Hill in January, before hundreds of attendees, DAV explained the history of Blue Water Navy and Agent Orange while advocating for legislation such as H.R. 299.

Justice for Blue Water Navy Vietnam veterans was a DAV 2019 Critical Policy Goal, advocated for at our Mid-Winter Conference and was included in the National Commander's testimony before the joint session of the Senate and House Veterans' Affairs Committees. To see the testimony, [click here](#).



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In March, DAV organized a coalition of VSOs to send a jointly signed letter to the VA Secretary ([click here](#)). On May 1, 2019, DAV Deputy National Legislative Director for Benefits Shane Liermann testified on Blue Water Navy Vietnam veterans before the House of Representatives Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs (DAMA). To view the testimony, [click here](#).

In May, DAV and a coalition of VSOs sent a jointly signed letter to the House Veterans' Affairs Committee Chair Mark Takano and Ranking Member Dr. Phil Roe ([click here](#)), calling for enactment of H.R. 299. Prior to the vote in the House of Representatives, DAV spoke at the House Veterans' Affairs Committee's press conference.

The legislative team, in coordination with DAV's communications team started releasing legislative video updates on key issues. In May and June, Blue Water Navy legislative update videos were published throughout DAV's social media channels to engage our members and the public at large. To view them, [click here](#).

Success was achieved in June when the Blue Water Navy Vietnam Veterans Act was approved by the House of Representatives and the Senate. The president signed the Blue Water Navy Vietnam Veterans Act of 2019 into law on June 25, 2019. **Public Law 116-23** provides several provisions to include:

- Recognizes Agent Orange exposure for the men and women who served off the shore of Vietnam. This law creates a specific area with grid coordinates, of exposure from shore to at least 12 nautical miles.
- The effective date of the law is January 1, 2020, and in some cases the earliest effective date of a claim for a presumptive disease can be as early as September 25, 1985.
- Expands the earliest date of conceded Agent Orange exposure on the Korean DMZ. It is now September 1, 1967, to August 31, 1971.
- Allows presumptive spina bifida for children of veterans stationed in Thailand and exposed to Agent Orange.

Fiscal Year 2020-2021 Budget Recommendations

In the midst of monumental reform efforts to modernize the VA, Congress passed the VA MISSION Act of 2018, which will require significantly more resources than have been provided through regular appropriations and is the main driver of increasing medical care appropriation needs of the VA for fiscal years (FY) 2020 and 2021. DAV has continued to advocate for sufficient and adequate funding of the VA consistent with the resolution adopted at the 98th DAV National Convention in Orlando:



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Resolution No. 065

Support sufficient, timely and predictable funding for all Department of Veterans Affairs programs, benefits and services

In February 2019, DAV testified before the Senate Veterans' Affairs Committee in respect to the President's Fiscal Year (FY) 2020 Budget Request for the Department of Veterans Affairs advocating for sufficient funding. To view the testimony, [click here](#). DAV testified before the House Appropriations Subcommittee on Military Construction, Veterans Affairs and Related Agencies, in April and again outlined our key budgetary recommendations. To view the testimony, [click here](#).

DAV informed Congress of our budgetary concerns in an April hearing before the full House Veterans' Affairs Committee. To see the testimony, [click here](#).

In testimony before the Senate Appropriations Subcommittee on Military Construction, Veterans Affairs and Related Agencies, DAV once again outlined our FY 2020-2021 budget recommendations to fully fund the VA. To see the testimony, [click here](#).

The House Veterans' Affairs Subcommittee on Economic Opportunity requested DAV to appear before it in April 2019. To see the testimony, [click here](#). DAV also provided several budget briefings to Senate and House Veterans' Affairs Committee staff between February and April, as well as holding several meetings with key legislators throughout the year.

On December 20, 2019, the president signed into law, the Further Consolidated Appropriations Act, which became **Public Law 116-94**. This will provide VA a boost in its total discretionary appropriations of \$8 billion dollars, or 9.1 percent, over the previous year. However, all of that increase will be used by VA to implement \$8.9 billion in new requirements under the VA MISSION Act of 2018.

In addition, \$1.4 billion in mandatory funding was provided for FY 2020 claims submitted under the Blue Water Navy Vietnam Veteran Act. An additional \$125 million was provided for personnel, IT and associated costs to implement the Blue Water Navy Vietnam Veteran Act of 2019. The bill also contains numerous provisions addressing several DAV national resolutions, such as:

- Dedicated funds for gender-specific care and for ensuring the privacy, dignity and security of women by improving the environment of care in VA medical facilities.
- Ordering the VA to announce its plans to add four conditions to the list of Agent Orange presumptive diseases within 30 days.
- Dedicated funds to improve and expand VA mental health and suicide prevention programs.
- Expansion of Vocational Rehabilitation staffing levels to reach the ratio not to exceed 125 veterans to one full-time counselor.



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Cost-of-Living Adjustment

A cost-of-living adjustment (COLA) is not an automatic consideration each year and requires VSOs and Congress to aggressively fight for it year in and year out. DAV advocated for legislation to provide a COLA consistent with the resolution adopted at the 98th DAV National Convention in Orlando:

Resolution No. 038

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

In April, DAV released an action alert through DAV CAN in support of H.R. 1200, the COLA Act of 2019. This resulted in over 5,500 emails sent to members of the House of Representatives.

At a legislative hearing before the DAMA Subcommittee in May, DAV Deputy National Legislative Director for Benefits Shane Liermann testified in support of H.R. 1200. To view the testimony, [click here](#). H.R. 1200 passed the House later in May.

DAV also advocated for S. 2072, the COLA Act of 2019, introduced in July in the Senate. DAV released an action alert, which resulted in nearly 11,000 emails to Senators. In September, the Senate passed H.R. 1200 and it was signed into law on September 26th and became **Public Law 116-58**.

The law provides a COLA increase of 1.6 percent, effective December 1, 2019, for veterans' disability compensation and dependency and indemnity compensation (DIC) for survivors and certain other benefits. As veterans' COLA is tied directly to the Social Security, this matched the COLA provided to Social Security recipients. To view the VA compensation rates for 2020, [click here](#).

Mental Health and Suicide Prevention

The challenge of preventing veteran suicide emerged as a major issue in 2019. DAV focused on strengthening VA's mental health care programs to serve as the core of a new public health model for suicide prevention to include an increase in mental health professionals consistent with the one of the resolutions adopted at the 98th DAV National Convention in Orlando:

Resolution No. 089

Support effective recruitment, retention and development of the Department of Veterans Affairs health care system workforce



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In April, DAV National Legislative Director Joy Ilem testified at a Congressional hearing on suicide prevention ([click here](#)), and at a legislative hearing concerning several pieces of legislation on mental health care and VA's suicide prevention efforts ([click here](#)).

DAV participated in a House roundtable in September, and Deputy National Legislative Director Adrian Atizado testified on suicide prevention legislation in November ([click here](#)) and worked closely with the House Veterans' Affairs Committees to strengthen and pass H.R. 3495, the Improve Well-Being for Veterans Act, through the House Veterans' Affairs Committee. We look forward to it passing the House in the second session of the 116th Congress.

While several pieces of mental health and suicide prevention legislation are still pending, we are pleased to report that H.R. 2333, Support for Suicide Prevention Coordinators Act passed the House in May, passed the Senate in December, and was signed into law, **Public Law 116-96**, by the president on December 20, 2019. This requires the Government Accountability Office (GAO) to report on the responsibilities, workload, training, and vacancy rates of Suicide Prevention Coordinators at the VA.

Survivor Benefit Plan/Dependency Indemnity Compensation Offset

The long-standing issue of unfair Survivor Benefit Plan/Dependency Indemnity Compensation (SBP/DIC) offsets has been an issue DAV has spent years fighting to correct. DAV sought to eliminate the SBP/DIC offset consistent with the resolution adopted at the 98th DAV National Convention in Orlando:

Resolution No. 010

Support legislation to remove the prohibition against concurrent receipt of survivor benefit plan payments and dependency and indemnity compensation

Improving and enhancing survivor benefits was a 2019 Critical Policy Goal, advocated for at our Mid-Winter Conference and was included in the National Commander's testimony before the joint session of the Senate and House Veterans' Affairs Committees. To see the testimony, [click here](#).

In March, DAV released an action alert through DAV CAN in support of H.R. 553, the Military Surviving Spouses Equity Act. This resulted in over 4,600 emails sent to members of the House of Representatives.

Assistant National Legislative Director Jeremy Villanueva was engaged in VSO coalition meetings and activities in April concerning the offset. A SBP/DIC offset legislative update video was posted throughout DAV's social media channels to engage our members and the public at large. To view, [click here](#).



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Legislative provisions from H.R. 553, to eliminate the SBP/DIC offset by January 2023, were included in the National Defense Authorization Act for Fiscal Year 2020, signed by the president on December 20, 2019, and became **Public Law 116-92**. This will remove the offset incrementally by one-third in January 2021, a second third in January 2022, and the final third in January 2023, thereby allowing surviving spouses to receive both the purchased SBP annuities and their earned DIC benefits.

Pending for the Second Session of the 116th Congress

Throughout the first session of the 116th Congress, DAV continued to advocate and advance several key issues important to service-disabled veterans and their families. The issues discussed below are still active and pending before the 116th Congress. Rest assured, these issues will remain a focus of DAV's legislative team in the second session of the 116th Congress.

Agent Orange Presumptive Diseases

For over three years, the VA has not made a decision on the three potential Agent Orange presumptive diseases, hypothyroidism, bladder cancer, and Parkinson's-like symptoms, as elevated by the National Academy of Medicine's "Veterans and Agent Orange" 2014 update, published in 2016. Nor has the Department made a decision on adding hypertension as a presumptive disease after the December 2018 National Academy of Medicine report noted there is sufficient evidence of a relationship between hypertension and Agent Orange.

DAV advocated for VA action and legislation to address these pending presumptive diseases with the resolution adopted at the 98th DAV National Convention in Orlando:

Resolution No. 109

Support legislation that recognizes presumptive service connection for hypertension, bladder cancer, hypothyroidism, and Parkinson-like tremors as related to exposure to Agent Orange and herbicides

In May, DAV released an action alert through DAV CAN in support of H.R. 2200, the Keeping Our Promises Act. This resulted in over 3,200 emails to members of the House of Representatives.

In September at a DAV organized Capitol Hill press conference with other VSOs, House Veterans' Affairs Committee Chairman Mark Takano, Senate Veterans' Affairs Committee Ranking Member Jon Tester, where Agent Orange and the presumptives were discussed.



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Deputy National Legislative Director for Benefits Shane Liermann testified on the presumptive diseases before a Senate Veterans Affairs hearing in September. To see the testimony, [click here](#).

In November, DAV led a coalition of VSOs in a joint letter to the Secretary urging the VA to add the four presumptive diseases. To view the letter, [click here](#).

The Further Consolidated Appropriations Act, 2020, passed by the House and Senate in December, signed into law by the president and became **Public Law 116-94**, included a provision ordering the VA to announce its plans to add the four conditions to the list of Agent Orange presumptive diseases within 30 days.

Burn Pits

Another longstanding priority for DAV, ensuring veterans exposed to burn pits receive health care and benefits related to toxic exposures, had a major breakthrough in 2019. Significant progress was made during the first session in accordance with the resolution adopted at the 98th DAV National Convention in Orlando:

Resolution No. 049

Support legislation to provide for service connection for disabling conditions resulting from toxic and environmental exposures

At a Congressional staff event on Capitol Hill in January, before hundreds of attendees, DAV explained the concept of Concession of Exposure for Burns Pits as a path forward.

Establishing benefits based on burn pit exposure was a Critical Policy Goal, advocated for at our Mid-Winter Conference and was included in the National Commander's testimony before the joint session of the Senate and House Veterans' Affairs Committees. To see the testimony, [click here](#).

Deputy National Legislative Director Shane Liermann testified on the Concession of Exposure to Burn Pits before a Senate Veterans' Affairs Committee hearing in September. To see the testimony, [click here](#).

Based on an original idea developed by DAV, the Veterans Burn Pits Exposure Recognition Act, S. 2950, was drafted and introduced in the Senate in November. DAV released an action alert through DAV CAN in support of S. 2950. This resulted in over 4,500 emails to Senators.

We look forward to burn pit exposure being a focal point of the Senate and House Veterans' Affairs Committees for the second session of the 116th Congress.



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MISSION Act Implementation

The VA MISSION Act was passed into law in 2018. One of the most comprehensive and consequential pieces of veterans' legislation ever passed by Congress, this historic law contains a number of policy priorities that DAV has been advocating for years. Most notably, the VA MISSION Act reforms the VA health care system and expands the VA's Caregiver Support program. Though enactment of the VA MISSION Act was the culmination of more than four years of debate over the future of the VA health care system, it also marks the beginning of a far more complex and critical phase: implementation.

If VA and Congress implement this law fully, faithfully, and effectively, veterans' health care will enter a new era marked by expanded timely access to high quality care for all enrolled veterans. However, if implementation deviates from the clear and widespread consensus reached by all key stakeholders, the VA health care system could enter a period of decline with devastating consequences for veterans who rely on VA for their care, and perhaps even threaten the viability of the VA health care system itself. Given the stakes involved in getting this right, DAV remains vigilant to ensure that veterans and their families do not suffer from improper implementation.

VA published its proposed rules and regulations specific to VA access standards as required by the MISSION Act. DAV provided formal comments in the Federal Register in March. To see the comments, [click here](#).

The VA Urgent Care Benefit is a new benefit provided to veterans as part of the MISSION Act. DAV provided formal comments in the Federal Register in response to the proposed rules. To see the comments, [click here](#).

In April, DAV Deputy National Legislative Director Adrian Atizado testified before the Senate Veterans' Affairs Committee on VA's implementation of the MISSION Act. To view his testimony, [click here](#).

The VA MISSION Act expanded the eligibility to the Program of Comprehensive Assistance for Family Caregivers (PCAFC) to family caregivers of veterans severely injured before September 11, 2001. The law required that before the two-phase expansion occurs, a new information technology system must be established and implemented by October 1, 2018, and its capabilities be certified to Congress by October 1, 2019.

VA failed to meet the October 1, 2018, IT deployment date and subsequently terminated its IT program efforts to initiate a new IT project in March 2019—the Caregiver Record Management Application (CARMA) system. VA testified at a congressional hearing in May 2019 that CARMA must undergo three major revisions in order to be ready for certification to Congress. VA estimates the third revision will be completed in the



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summer of 2020 and the certification to occur immediately thereafter to begin accepting first-phase applications for PCAFC from family caregivers of veterans severely injured before September 11, 2001.

In September, Deputy National Legislative Director Adrian Atizado testified before the House Veterans' Affairs Subcommittee on Health, specific to the Veterans Community Care Program. To view his testimony, [click here](#).

Women Veterans

Enacting comprehensive legislation to address gaps and inequities in women veterans health services remains a critical policy goal and legislative priority for DAV. As an organization DAV has been at the forefront on this issue and significant progress in achieving our objectives was made during the first session of the 116th Congress in accord with the resolution adopted at the 98th DAV National Convention in Orlando:

Resolution No. 020

Support enhanced medical services and benefits for women veterans

A comprehensive bill to improve services for women veterans—the Deborah Sampson Act (S. 514) was introduced on February 14, 2019. DAV National Legislative Director Joy Ilem testified in support of the bill at a Senate Veterans' Affairs legislative hearing on May 22, 2019. To read, [click here](#).

On May 2, 2019, DAV National Legislative Director Joy Ilem testified at a House Veterans' Affairs Subcommittee on Health oversight hearing on *Cultural Barriers Impacting Women Veterans' Access to Health Care*. DAV highlighted the recommendations made in our 2018 report, *Women Veterans: The Journey Ahead*, and called on Congress to address longstanding cultural barriers impacting women veterans' access to the high quality comprehensive gender-sensitive health care they need and deserve. To view the hearing, [click here](#).

On July 10, 2019, DAV National Legislative Director Joy Ilem provided testimony for a House Veterans' Affairs Subcommittee on Economic Opportunity oversight hearing on the economic well-being of women veterans. DAV recommended more research into the gender differences and factors affecting a successful transition from military service for women and suggested that VA programs and services should be reviewed and adjusted to address their unique transition needs as well as tracking outcomes in gainful employment. You can read DAV's testimony by [clicking here](#).

On September 11, 2019, DAV National Legislative Director Joy Ilem testified at a legislative hearing before the House Veterans' Affairs Subcommittee on Health on 17 women veterans bills that were introduced during the first session of 116th Congress.



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You can read DAV's testimony [here](#). This collection of bills resulted in the introduction of an omnibus bill—the Deborah Sampson Act (H.R. 3224), which incorporates many recommendations from DAV's 2018 report—*Women Veterans: The Journey Ahead*.

The Deborah Sampson Act (H.R. 3224) would:

- Establish an Office of Women's Health
- Establish a comprehensive policy to end harassment and sexual assault at VA facilities
- Ensure additional funding for primary and emergency care providers in women veterans' health care mini-residency program
- Establish a women veteran training module for non-VA health care providers in VA's community care network
- Ensure women veterans' primary care is available during regular VA business hours and require a study on the potential need for extended care hours
- Require the VA to assess the availability of gender-specific prosthetic items for women veterans
- Require adherence to women's health environment of care standards
- Require reporting on retrofitting VA facilities to address barriers to care for women veterans and deficiencies in care environments
- Improve communications about women veterans' services
- Permanently authorize PTSD counseling for women veterans in retreat settings
- Expand eligibility for military sexual trauma counseling to members to the Reserve and National Guard
- Provide extended newborn care coverage

On November 12, 2019, H.R. 3224 passed the House of Representatives 399-11, moving it one step closer to becoming law. The Senate will need to pass S. 514 and differences between the two bills will need to be reconciled. DAV will be advocating for passage of this historic legislation this year.

DAV was also invited to participate in a series of roundtable discussions on issues impacting women veterans in 2019 chaired by Representative Julia Brownley (CA), lead for the newly established Committee on Veterans' Affairs Women Veterans Task Force. Issues discussed included: military sexual trauma, homelessness, transition challenges, and reproductive health benefits and services.