

LEGISLATIVE DIVISION UPDATE

VETERAN-RELATED LEGISLATIVE ACTIONS

Congressional Updates

The House of Representatives was in recess this past week, and will return to work in our nation's capital on Tuesday, July 5. In addition, the House will recess for the week of July 18 through July 24. The Senate was originally scheduled to be in recess during the week of July 4 through July 10. However, Senate Majority Leader Harry Reid (NV) announced on Thursday that the Senate would stay in session to continue work on budget and debt ceiling legislation. Both chambers will recess for the summer work period, August 8 through September 5 (Labor Day), returning on September 6.

Senate Subpanel Completes Markup of MilCon/VA Spending Bill for FY '12

On June 28, the Senate Appropriations Subcommittee on Military Construction, the Department of Veterans Affairs (VA), and Related Agencies approved a draft appropriations measure to fund those programs under its jurisdiction for fiscal year (FY) 2012. The bill is scheduled for consideration by the full Appropriations Committee on June 30th.

The measure would fund military construction projects at \$13.7 billion, \$1.05 billion less than the President's budget request and \$2.87 below the FY 2011 enacted level. These reductions are mainly due to completion of the Base Realignment and Closure (BRAC) 2005 construction phase. A total of \$11.1 billion would go to military construction projects worldwide, including operational, training, and research facilities, readiness centers, barracks, schools, hospitals, and clinics. Family housing construction and privatization projects would receive \$1.69 billion, a slight reduction from the current year's funding amounts of \$125 million.

Discretionary funding for FY '12 VA programs would total \$58.6 billion, \$182 million under the President's request. Most of the Senate subcommittee draft funding follows the President's budget recommendations, including his request for \$53.1 billion in advance appropriations for FY 2013. One of the major exceptions is the medical and prosthetic research account, which the subcommittee would fund at \$581 million, \$72 million above the President's request and \$50 million more than the House-passed measure, H.R. 2055, would assign. Some specific areas of interest to The American Legion include:

- \$4.9 billion for health care and support services to homeless veterans;
- \$3 billion to meet the health care needs of veterans who served in Iraq and Afghanistan. The VA estimates that the number OIF/OEF veterans in its health care system will reach over 536,000 in 2012, a 105 percent increase since 2008;
- \$270 million for programs to meet the unique needs of women veterans;
- \$250 million for rural health care; and,
- \$112 million for the VA's Inspector General's office, an increase of \$3 million over the President's request.

Senate Panel Passes Comp COLA, Other Veterans' Bills

On June 29 the Senate Veterans' Affairs Committee held a mark-up hearing to decide on a number of bills which affect this country's veterans.

One of the more significant measures was **S. 894**, the annual cost-of-living adjustment (COLA) for veterans and survivors, which passed by a voice vote. This bill would institute a COLA for veterans who receive disability compensation and for survivors who receive dependency and indemnity compensation (DIC) payments. This COLA would be effective for FY 2012, beginning December 1, 2011. The COLA would be tied to the same COLA given to Social Security benefits recipients.

Because of the economic downturn, these recipients have received no COLA for the past two years. A report issued earlier this month by the Medicare and Social Security Trustees projected that Social Security recipients would receive a 0.7 percent cost-of-living increase in 2012. The House passed a companion measure, **H.R. 1407**, on May 23 by a voice vote.

Also approved by the committee was **S. 277**, the "Caring for Camp Lejeune Veterans Act of 2011," which passed by a voice vote. This measure would provide hospital care, medical services, and nursing home care for any illness acquired by veterans and family members who were stationed at Camp Lejeune, North Carolina, while the water there was contaminated by volatile organic compounds, including known human carcinogens and probable human carcinogens.

Another measure passed was **S. 572**. This bill would repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other

than rates of basic pay, and for other purposes. The bill passed the committee by an 8-7 recorded vote.

Next, the committee gave voice vote approval to **S. 745**. This measure would protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits. Makes the amount payable for programs of education at nonpublic institutions of higher education pursued by individuals enrolled in VA's post-9/11 educational assistance program during the period beginning on August 1, 2011, and ending on December 31, 2014, the lesser of: a) the established charges for that program; b) the established charges payable under a VA maximum payments table published on October 27, 2010; or, c) the amount for the previous academic year, increased by the authorized annual percentage increase. This measure is a companion to **H.R. 1383**, a similar bill which passed the House on May 23 by a vote of 389-0.

The Senate panel also passed **S. 914**, the "Veterans Benefits Improvement Act of 2011." This omnibus bill includes provisions related to health, homeless veterans, housing, compensation, burial and construction. For example, the bill takes another stab at preventing military and veterans' funerals from being disrupted by protesters by expanding the zone, in terms of both time and space, when disruption or disturbance is illegal. This effort resulted from a Supreme Court ruling that held funeral protests are constitutionally protected, even if they are offensive to the family of the deceased.

One provision of the bill would authorize VA to provide an extra year of disability compensation for veterans who submit a fully developed claim rather than a claim that needs more work. Extra pay would result from backdating the effective day to one year before it was submitted.

Health care provisions include waiving co-payments for veterans using telehealth and telemedicine programs, prohibiting VA from preventing the use of service dogs at any VA or VA-funded facility, and expanding chiropractic services so there are at least two locations in every region offering the treatment.

Part of the bill is aimed at punishing businesses who falsely claim they are veteran-owned in order to get government contracts. A small business found to have misrepresented itself would be barred for no less than five years from contracting with VA, and debarment action must happen within 90 days if the misrepresentation was deliberate.

On housing, S. 914 would over extend protections under the Servicemembers' Civil Relief Act against foreclosure or seizure of property. It would extend these protections to 12 months after leaving active duty, three months longer than now provided.

Finally, the committee passed by a voice vote **S. 951**, the "Hiring Heroes Act of 2011." The bill would fine-tune current programs, order that military transition assistance programs (TAP) be mandatory for everyone leaving service, and require follow-up after service members leave the military to see if they have landed jobs or need more help.

One of the key features of the bill is follow-up. For people receiving transition help in the military, or from VA or the Labor Department after getting out of the military, the bill requires follow-up six months to a year afterward. For those who do not have jobs – especially disabled veterans who have used vocational rehabilitation programs – S. 951 would allow them to attend the TAP sessions again for another shot at earning a marketable skill.

Other provisions of S. 951 would:

- Amend the Wounded Warriors Act to extend until January 1, 2015, the authority of the Secretary of Veterans Affairs (VA) to provide the same rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses as are provided to veterans.
- Expand VA authority to make payments to employers to provide on-job training to veterans to include veterans who have not been rehabilitated to the point of employability.
- Entitle certain veterans with service-connected disabilities who have exhausted their rights to unemployment benefits to participation in an additional VA rehabilitation program. It would also limit the duration of such a program to 24 months, and make the 12-year period of eligibility for a VA rehabilitation program inapplicable under such an additional program.
- Direct VA to award grants to up to three nonprofit organizations under a collaborative veterans' training, mentoring, and placement program for eligible veterans seeking employment.
- Require participants in the TAP to receive individualized assessments of civilian positions for which they may be qualified based on a joint DOD, VA, and Department of Labor study of the equivalencies between military skills and civilian employment requirements.
- Authorize the appointment of an honorably discharged member of the uniformed services to a position in the civil service, without regard to specified civil service examination, certification, and appointment provisions, if otherwise qualified.

- 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 the credentialing and licensing of veterans.

These measures now go to the full Senate for further consideration.

LEGISLATIVE FOCUS FOR THE WEEK:

Update on Flag Amendment Bills

Senator Orrin Hatch's (UT) office continues to solicit additional cosponsors for **Senate Joint Resolution 19**, a proposed constitutional amendment to protect the American flag from physical desecration. Its text states simply: *"The Congress shall have power to prohibit the physical desecration of the flag of the United States."* Since last week, two additional cosponsors have been added, namely Sens. Johnny Isakson (GA) and Marco Rubio (FL). The cosponsor total for the Senate legislation now stands at eighteen.

To date, **H.J. Res. 13** – the House companion to the Senate measure – has accumulated 51 cosponsors. Please contact your representatives' and senators' offices, and ask them to become cosponsors of the flag amendment in their respective chambers. If they are already cosponsors, be sure to thank them for their support.

QUESTION OF THE WEEK: "My representative said category 7 & 8 veterans and advanced appropriations are still in jeopardy; this is opposite of what the Legion has assured me. Please set the record straight."

There is still a great deal of propaganda and "scare tactics" being thrown at this country's voters, as Congress continues trying to bring the federal government's spending into some semblance of control. Earlier this year, the House leadership brought out its blueprint for accomplishing this. Entitled **"The Path to Prosperity"** and authored by House Budget Committee chairman Paul Ryan (WI), the plan paints broad outlines to achieve some budget sanity over the next decade.

One of the unusual highlights of the Ryan plan is that it **increases** America's funding for services and benefits earned by veterans. Of the \$6.2 trillion in spending reductions included in the Ryan budget, not a single dollar comes from veterans programs or services. Under the House-passed budget, spending for veterans will increase from \$128.3 billion in

FY2012 to \$164.4 billion in FY2021, providing \$155 million more than the President has requested. This is the only area of discretionary spending in the House-passed budget to see significant growth across the budget window.

The House-passed budget resolution, **House Concurrent Resolution (H. Con. Res.) 34**, passed by the House authorizes \$52.5 billion in advance appropriations for FY 2013, a record level of funding for veterans' health programs. The House recently passed **H.R. 2055**, an appropriations bill providing that full amount.

Veterans' health programs are not the programs referred to on page 37 of "***The Path to Prosperity***," because these advance appropriations are specifically authorized in law, namely the Veterans Health Care Budget Reform and Transparency Act of 2009.

There are no savings from veterans programs assumed in the \$6.2 trillion in spending reductions under *The Path to Prosperity* and no proposals for changing how appropriations for those programs are handled.

There is no truth to the much-publicized myth/rumor that the House-passed budget seeks to end enrollment of Priority Group 7 and 8 veterans in veterans' health programs.

The House budget resolution provides full funding – including authorization for advance appropriations – for the Veterans Health Administration (VHA). This will allow VA to provide medical care for a record number of veterans and eligible dependents. The budget proposes no restrictions on any priority groups' access to VHA and it assumes no savings from changes to veterans' benefits or programs.

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