



## August District Work Period Resource Guide

Dear Colleague:

Before we head home for the August district work period, I wanted to share some of our achievements on behalf of our nation's veterans. The last year and a half we've doubled down on our bipartisan efforts to transform the Department of Veterans Affairs (VA). We all hear from veterans who want to know Congress and the administration are fighting for them and, while there is still work ahead, the progress made to reform VA has been remarkable. I want to thank you for your endless commitment to these incredible men and women.

We've had over two dozen veterans bills signed into law by President Trump this Congress. As of July 26, the House had passed over 80 veterans bills. Congress has delivered many of the reforms we promised veterans, and we have done so in bicameral, bipartisan way. Now, VA begins the strenuous work of implementing these major reforms, and Congress has a Constitutional duty to oversee implementation. It's something we will monitor through constant communication with the department, formal hearings, including via the new Subcommittee on Technology Modernization, and other oversight tools.

Something President Trump mentions often is accountability. The VA Accountability and Whistleblower Protection Act of 2017 was signed into law last year, and will pave the way for true accountability at VA. This law protects our brave whistleblowers and gives the secretary the tools he needs to hold poor-performing VA employees accountable. My committee is focused on ensuring this law is properly implemented and recently held an oversight hearing around the one year anniversary of the bill being signed into law.

As members of Congress, we have a duty to ensure our veterans receive the benefits and support they deserve. VA's current process for reviewing disability claims is broken. There's absolutely no reason a veteran should wait for months or years on end to hear back on their disability appeals claim. Any man or woman who is injured in service to our great country deserves access to every benefit they're entitled to – and they deserve for that access to be timely. There is progress being made to address the backlog of appeals claims, and I recently held an oversight hearing to check in on the department's progress toward implementing the Veterans Appeals Improvement and Modernization Act of 2017, legislation signed by President Trump that will speed up the appeals process once successfully operational.

We've also made great strides toward reforming VA health care. In June, the VA MISSION Act was signed into law. This was a big win for our veterans. The legislation is made up of five key components: 1) it streamlines VA's seven community care programs into one cohesive program, removing the arbitrary eligibility criteria developed under the VA Choice Program; 2) it funds the Choice Program for one year while VA implements the new program created under the VA MISSION Act; 3) it expands VA's Caregiver Program to veterans of all eras and their caregivers; 4) it includes a number of provisions that would strengthen VA's internal capacity to provide timely, quality care at VA facilities by improving and expanding VA's ability to train, recruit and retain the very best providers; and 5) it creates a non-partisan process for reviewing the department's assets to ensure veterans are receiving the care they need where they need it.

One final thing I'd like to mention, and one of my proudest achievements as chairman, is the House's passage of the Blue Water Navy Vietnam Veterans Act of 2018. Currently, Blue Water Navy veterans do not receive the presumption of exposure to Agent Orange as VA's policy limits the presumption to those who set foot in Vietnam or served in the inland waterways. This legislation extends the presumption of exposure to Agent Orange to Blue Water Navy veterans, and it passed the House for the first time last month on a 382-0 vote. This is another huge accomplishment for our nation's heroes.

It's an honor to work with you and I am proud of our bipartisan efforts on behalf of our nation's veterans. We still have much work ahead of us as we strive to bring needed reform to the VA, which is why I'm grateful for the Senate's swift confirmation of Robert Wilkie as the new Secretary of VA. I believe, working together with President Trump and Secretary Wilkie, we will achieve many more great things for veterans before this Congress comes to a close. Please do not hesitate to reach out if I can ever be of assistance to you or your constituents.

Sincerely,



## **Delivering for Veterans**

### **Ensuring Veterans Have Access to Timely, Quality Care (VA MISSION Act)**

- Passed legislation to ensure the Choice Program had sound funding while Congress worked to reform the Department of Veterans Affairs (VA's) community care programs.
- The VA MISSION Act consolidates the Choice Program and VA's other community care accounts into one veteran-centric program that ensures veterans receive timely, convenient access to care.
- The bill, the VA MISSION Act, was signed into law on June 6, 2018. It is supported by the White House, bipartisan members of the House and Senate, and more than three dozen Veterans Service Organizations.
- The law also expands VA's Caregiver Program to veterans of all eras.

### **Bringing Accountability to the Department of Veterans Affairs**

- Supported the Department of Veterans Affairs Accountability and Whistleblower Protection Act.
- The new law (PL 115-41) created a streamlined and efficient process to remove, demote or suspend any VA employee for poor performance or misconduct.
- The law ensures due process with a clear, timely process for appealing disciplinary actions; expands protections for whistleblowers; and bars VA from removing an employee who has an open whistleblower complaint/case with the Office of Special Counsel.

### **Expanding and Preserving GI Bill Benefits**

- Supported the Harry G. Colmery Veterans Educational Assistance Act, which was signed into law on August 16, 2017 (PL 115-48).
- The legislation removes time restrictions to use the GI Bill, enabling future recipients to use their GI Bill benefits their entire lives, earning the bill the nickname "The Forever GI Bill".
- The Forever GI Bill increases GI Bill funding for Reservists and Guardsmen, dependents, surviving spouses and surviving dependents; provides 100% eligibility to Post-9/11 Purple Heart recipients; restores eligibility for servicemembers whose school closes in the middle of a semester; and creates a pilot program to use the GI Bill for certain high technology courses.

### **Modernizing the Appeals Process for Disability Claims**

- The Veterans Appeals Improvement and Modernization Act of 2017, which was signed into law on August 23, 2017, was developed in response to VA data that showed nearly half a million veterans were still waiting for a decision from VA on their disability claims appeals.
- The bill would create three "lanes" to process veterans' appeals in a more timely manner.

### **Conducting a Strategic Review of VA's Assets (VA MISSION Act)**

- The VA MISSION Act created an unbiased, non-partisan panel to examine Veterans Health Administration assets, as the bipartisan Commission on Care recommended.
- The review will allow VA to strategically align assets with current veteran demographics and needs, ensuring resources are devoted to areas where veterans are underserved.
- This review will pave the way for greater and smarter investments in VA to ensure veterans are served by the department for generations to come.

## **The VA MISSION Act**

### **Community Care Improvement**

- Consolidates 7 duplicative programs into 1 cohesive program
- Removes the current 30-day, 40-mile barriers in the Choice Program to expand veteran choice and access to timely, quality care
- Returns all VA healthcare funding to the discretionary budget
  - **Note:** the Choice Program is currently funded through a mandatory account

### **Choice Funding Shortfall**

- Prevented expiration of the Choice Program and a potential renewed access crisis in early June, when VA predicted the Choice account would be depleted
  - **Note:** The Choice Program is authorized to continue until all funding is utilized; the Program will sunset when the account runs out of funding
- Allows for a one-year funding bridge to the implementation of a consolidated, improved community care program, ensuring veterans have continuity of care while the new program is implemented

### **Asset and Infrastructure Review (AIR)**

- Creates a fair and transparent process for a comprehensive audit of VA's assets that is insulated from politics
- Transforms VA from a reliance on outdated and inefficient facilities to a more modern infrastructure based on current and future medical models
- Recommended by bipartisan Commission on Care and the only foreseeable path to long-term VA systemic reform and efficient utilization of resources

### **Caregiver Expansion**

- Creates equity between seriously injured pre-9/11 and post-9/11 veterans by allowing pre-9/11 caregivers to receive a monthly stipend and other support (including CHAMPVA health care coverage if needed)
- Top priority for veterans service organizations

### **Capacity Enhancement**

- Contains numerous provisions that would expand VA's internal capacity to care for veterans in VA medical facilities by improving recruitment and retention programs

## Looking Ahead

### **VA MISSION Act Implementation**

#### Implementation of the Care in Community program

While we have given VA a year to implement, it will require a focused effort on their part – and stringent oversight on our part, to make sure we get this right.

VA will be required to update committees on the progress in: promulgating regulations; establishing access standards; consulting with federal and other healthcare entities to establish measurable quality standards; creating and executing training programs; and establishing, modifying, or terminating contracts, agreements, MOUs, and other arrangements as they relate to community care.

Additionally, the Choice program must continue to function effectively for the interim period. VA is currently soliciting for network administrators in four regions. Any transition must be transparent to veterans and not negatively affect a veteran's ability to access care. Additionally, community providers must be paid for care and services required, this is not the time to alienate willing providers who cannot continue to partner with the VA simply because they are not being paid.

#### Implementation of the Asset and Infrastructure Review (AIR)

Much like the Care in the Community implementation, AIR will require a significant amount of preparatory work on the part of the VA as well as the committee. The committee will continue to review VA's construction prioritization processes, and will be closely watching the development of the various market assessments. The Secretary's recommendations for action and the Commission's work will be highly dependent upon robust and, most importantly, accurate data, not just from within VA but also from around the communities that depend upon and support VA.

#### Expansion of the Caregiver Program

The committee remains concerned about the department's ability to effectively manage a full expansion of the Caregiver Program in its current form. In addition to closely monitoring the implementation of the Information Technology system, once that system is in place the committee will be utilizing the data to conduct oversight and as necessary look to improve the management, care coordination and support services that make up the program.

#### Implementation of Initiatives to improve VA Internal Capacity

The committee will continue its oversight of programs that enhance the ability of VA to recruit and retain quality providers. The provision of care in rural areas and in communities that are underserved, either due to under resourcing by VA or by a dearth of medical providers, will remain an oversight priority for the committee.

## **Oversight**

Exposing the issues within VA is a critical part to wholesale reform. As such, the House Committee on Veterans' Affairs will continue stringent oversight and conduct thorough investigations. If you'd like to share an issue in your district with the committee, please don't hesitate to contact the Oversight and Investigations Subcommittee at 202-225-3527. If a constituent reaches out to report an issue, you can have them email the committee [here](#).

## **Accountability**

On February 28, 2017, Chairman Phil Roe, M.D. introduced the VA Accountability First Act of 2017. The House passed this legislation on March 16, 2017. On May 11, 2017, following bipartisan and bicameral negotiations between Chairman Roe, Ranking Member Walz, Senators Rubio, Isakson and Tester, the Senate introduced the "Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017." On June 23, 2017, President Trump signed the bill into law.

The bill provides the VA Secretary increased flexibility to remove, demote, or suspend any VA employee, including Senior Executive Service employees, for performance or misconduct. It also provides improved protections for whistleblowers; allows the Secretary to reduce an employee's federal pension if they are convicted of a felony that influenced their job at VA; recoup a bonus provided to an employee who engaged in misconduct or poor performance prior to receiving the bonus; and allows the Secretary to recoup any relocation expenses that were authorized for a VA employee only through the employee's ill-gotten means, such as fraud, waste or malfeasance. Prior to passage of this bill, a study completed by the U.S. Government Accountability Office found that, on average, it takes six months to a year to remove a permanent civil servant in the Federal Government, though it often takes longer.

Since passage, the committee has continuously worked with the administration to ensure proper implementation of the law, and the committee conducted an oversight hearing on July 17, 2018 to monitor VA's progress.

## **Technology Modernization**

On February 7, 2017, the committee held a hearing entitled, "Assessing the VA IT Landscape: Progress and Challenges" laying the groundwork for a decision from VA whether to replace or modernize its VistA electronic health record (EHR) platform.

On June 1, 2017, VA announced its decision to select the Cerner EHR, the system currently being implemented by the Department of Defense (DoD), on a noncompetitive basis. A series of delays and reevaluations ensued, until the Cerner contract was awarded on May 17, 2018.

The EHR Modernization is one of the largest IT projects in the federal government's history, estimated at \$15.8 billion over 10 years. The committee has been following VA's preparations and DoD's progress closely over the past year and signaled the seriousness of its oversight activities with H.R. 4245, the Veterans' Electronic Health Record Modernization Oversight Act,

which passed the House on May 21, 2018. On July 12, 2018 at a full committee business meeting, the committee officially adopted Chairman Roe's idea to create a new Subcommittee on Technology Modernization to conduct oversight of VA's major technology projects, mainly the EHR Modernization Program.

The EHR Modernization is risky and challenging but poses unprecedented opportunities to achieve a seamless, lifetime health record and streamline VA's complicated, inefficient IT operations.

## **Appeals Reform**

Unfortunately, VA's current appeals process is broken. In the last few years, the volume of outstanding appeals at VA has risen significantly. In January 2015, there were approximately 375,000 pending appeals at VA. This number increased to approximately 471,000 as of March 1, 2018—a 20% increase in little more than three years. Currently, as of June 30, 2018, there are 453,554 appeals pending. Furthermore, veterans currently wait on average three years for their appeal to be resolved at the regional office level. Veterans who file an appeal with the Board frequently wait an additional five years for a final decision.

On August 23, 2017, President Trump signed the Veterans Appeals Improvement and Modernization Act of 2017 into law. The new law gives veterans more options to choose how to have their appeal processed. Specifically, once the new process is implemented, veterans may pick from the following:

- Immediately transfer jurisdiction of the appeal to the Board of Veterans' Appeals;
- Keep the appeal at the regional office and waive the ability to have a hearing and the ability to submit additional evidence; or,
- Keep the appeal at the regional office and submit additional evidence and have a hearing.

Although the law is scheduled to go into effect in February 2019, veterans who currently have a pending appeal may take advantage of the new law by participating in the Rapid Appeals Modernization Program (RAMP). Under RAMP, the veteran may choose to waive a hearing and the ability to submit additional evidence, or submit additional evidence and have a hearing. VA's goal is for these veterans to receive a decision on their appeal within 120 days. The Board of Veterans' Appeals also recently implemented an expedited process, and will begin handling RAMP appeals in October 2018. For more information, click [here](#).

## **Blue Water Navy Vietnam Veterans**

In 1991, Congress passed the Agent Orange Act (P.L. 102-4), which established the presumption of service-connection for certain diseases associated with exposure to herbicides for veterans who served in the Republic of Vietnam between January 9, 1962, and May 7, 1975. The establishment of this presumption simplifies the disability claims process for veterans who may have developed conditions linked with exposure to toxic chemicals. This presumption is

significant because it may be difficult for such veterans to prove that they were actually exposed to herbicides.

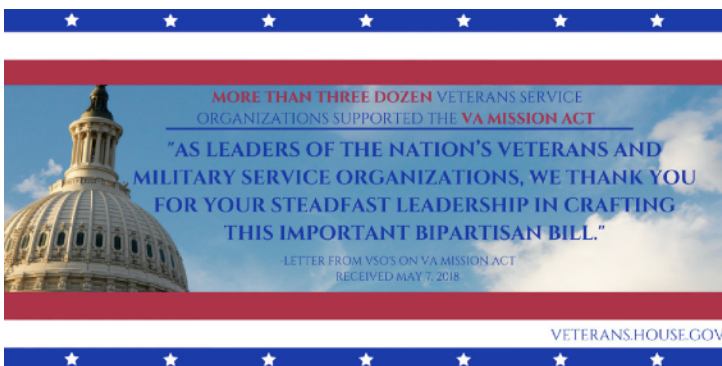
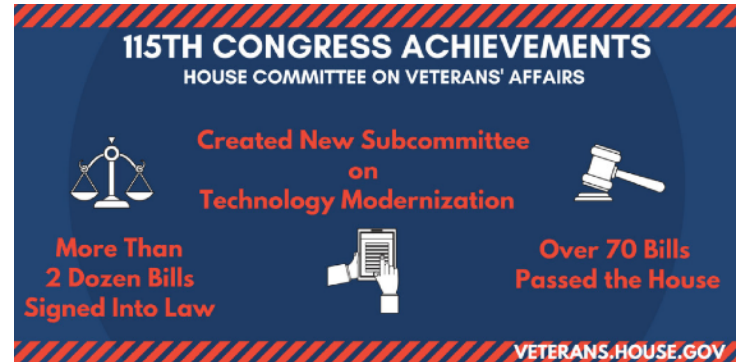
VA's current guidelines do not extend the presumption of entitlement to service connection based on exposure to Agent Orange to Blue Water Navy (BWN) veterans, who served offshore during the Vietnam era. Instead, VA limits the presumption to veterans who actually set foot on land in the Republic of Vietnam or who served in the country's inland waterways. H.R. 299, as amended, would correct this inequity by extending the presumption of service connection for certain conditions linked to contact with herbicides to BWN veterans who served off the shore of Vietnam between January 9, 1962, and May 7, 1975.

On May 8, 2018, the Veterans' Affairs Committee ordered H.R. 299, as amended, favorably reported to the House of Representatives by voice vote. This bill has 330 cosponsors, and the 115<sup>th</sup> Congress marks the first time the committee has been able to report this bill to the full House for consideration. The bill overwhelmingly passed the House on June 26, 2018 on a 382-0 vote.



## Graphics

**Note:** You can download graphics [here](#).



## Tweet Sheet

### Commitment to Veterans:

Our commitment to veterans has led to passage of dozens of bipartisan bills. You can find more information here: <https://go.usa.gov/xUmrX>

This Congress, more than two dozen veterans bills have been signed into law. Thank you, @POTUS!

Every piece of legislation we pass brings us one step closer to ensuring our nation's veterans receive the benefits and care they deserve. GRAPHIC

I'm proud of the bipartisan work we've done on behalf of our nation's veterans. GRAPHIC

Gold Star Spouses have already given so much for our country; the last thing they need is to worry about expensive cancellation fees after their love one's death. That's why I support the Gold Star Spouses Leasing Relief Act.

Military families should not have the added worry of penalties for television services should they be given orders to relocate or deploy. H.R. 2409, which I supported, addresses this: <https://go.usa.gov/xUmY8>

### VA MISSION Act:

The #VAMMISSION Act will transform the @DeptVetAffairs health care system and is supported by more than three dozen veterans service organizations.

The #VAMMISSIONAct keeps the promises we've made to the men and women who have served. Read what advocates are saying here: <https://go.usa.gov/xQmKX>

The #VAMMISSIONAct will put the department back on track to fulfilling President Lincoln's promise to care for the men and women who have borne the battle.

Thank you, @POTUS for signing the #VAMMISSIONAct!

### Improving VA + Holding Employees Accountable:

Strong oversight will be necessary as @DeptVetAffairs works to implement the major reforms that have been signed into law.

ICYMI: @HouseVetAffairs held a hearing to examine implementation of the VA Accountability and Whistleblower Protection Act of 2017. Watch it here: <https://go.usa.gov/xUmr4>

The creation of a new administration at @DeptVetAffairs would prioritize VA programs that help create economic opportunities for veterans. That's why I support creating a Fourth Administration at VA.

### Expanding benefits:

For the first time ever, the #BlueWater Navy Vietnam Veterans Act passed the House. Read more: <https://go.usa.gov/xUmrA>

Servicemembers deserve a seamless transition from service to civilian life. That's why I support improving transition programs for our nation's heroes: <https://go.usa.gov/xUmrt>

Are you waiting on a decision on your appeal? See if you're eligible to participate in @DeptVetAffairs' RAMP program: <https://go.usa.gov/xQm83>