

## National Legislative Division Weekly

### CONGRESS

The House Veterans' Affairs Committee (HVAC) held three hearings this week. Two of the hearings were on Wednesday and covered pending legislation, one held by the Subcommittee on Economic Opportunity and one held by the Subcommittee on Health. The third hearing was a full committee hearing titled "Building a Better VA: Addressing Healthcare Workforce Recruitment and Retention Challenges."

The House and Senate Armed Services Committees have continued to hold hearings in preparation for the FY23 National Defense Authorization Act. Everyone else is waiting for the White House to send the FY23 budget request, which is extremely late at this point. (Of course, the FY22 budget was only signed into law last Friday.) OMB announced Friday that the President's Budget will be released on March 28.

### FIVE TAKEAWAYS FROM ZELENSKY'S VIRTUAL ADDRESS TO CONGRESS

Ukrainian President Volodymyr Zelensky brought a moment of enormous drama to Washington Wednesday, when he gave a virtual address to Congress. The Ukrainian president, dressed in his trademark military-green T-shirt, pleaded for help as his nation tries to fend off the Russian forces who invaded three weeks ago. His speech was relatively brief, lasting around 15 minutes, but carried hefty emotional force. Lawmakers gave him a standing ovation at its beginning and at its conclusion. Here are the major takeaways:

#### **Zelensky sticks with no-fly zone — but did he move the needle in Washington?**

The Ukrainian president is not budging from his demands for the imposition of a no-fly zone. It's an uncomfortable request, not just for President Biden but for American lawmakers in general. Sympathy for the plight of Ukraine is widespread, but so too is wariness about getting sucked into a wider conflict. Such an outcome would seem almost unavoidable if a no-fly zone were imposed since, by its nature, it would require U.S. warplanes to be willing to shoot down their Russian counterparts. Zelensky, with his life and his country on the line, doesn't see it that way.

"Is this a lot to ask for, to create a no-fly zone over Ukraine to save people? Is this too much to ask for?" he demanded. There seems little chance of him changing Biden's mind, or the consensus on Capitol Hill, on that particular issue.

Zelensky did suggest a slightly less emphatic option — the provision of warplanes and air defenses. Those ideas are the most likely to be at the center of American political debate in the days to come. The mere fact of the Ukrainian's president address may have moved the needle in another way though. Biden was expected to announce another huge tranche of military aid — valued at around \$800 million — just hours after Zelensky finished speaking.

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### **Bringing the conflict home to the American public**

Zelensky has done everything to try to bring the scale of the crisis home to Western lawmakers, and the citizens who elect them. On Tuesday, he spoke to the Canadian Parliament, addressing that nation's prime minister, Justin Trudeau, as simply "Justin" and asking lawmakers to imagine attacks on Toronto or Vancouver. Last week, addressing the British Parliament, Zelensky invoked William Shakespeare and Winston Churchill. Before Congress he reached for a litany of American references, from the attack on Pearl Harbor to Martin Luther King Jr.'s famous "I Have a Dream" speech.

"In your history, you have pages that would enable you to understand Ukrainians," Zelensky said. If the U.S. is to maintain sanctions, keep funneling aid and perhaps get even more deeply involved in Ukraine, the American public needs to stay engaged and be willing to pay a price of its own. Zelensky's remarks were as much a plea to the American people as to American politicians.

### **An opening for Republicans**

Republicans have become more critical of the Biden administration of late. Senate Minority Leader Mitch McConnell (R-Ky.) said on Tuesday that the U.S. president had been guilty of "hesitancy and weakness." Sen. James Risch (R-Idaho) complained that aid to Ukraine had been "too little, too late, too slow."

The administration counters that it is wary of "escalatory" measures that might embroil the U.S. and its allies in a direct war with Russia — something which Biden has said would amount to "World War III." Even as Zelensky paid tribute to Biden's "sincere commitment" to defending his nation, and to democracy more generally, the Ukrainian president said enough to give an opening to the president's more hawkish critics.

Zelensky's push for warplanes was especially powerful and pointed, coming in the wake of an awkward episode in which the White House rebuffed Poland's offer to send MiG-29 jets to Ukraine via a U.S. military base in Germany. Referring to such planes, Zelensky said, "You know they exist. You have them, but they are on earth, not in the Ukrainian sky." Zelensky also argued that the U.S. needed to show global leadership by supplying more aid. That suggestion carried the implication that the U.S. would be seen as abdicating its role if it declined more direct assistance.

### **A new international proposal but little on NATO**

One of the surprises in the speech was Zelensky's call for a new international body. He suggested it should be called "U24" or "United for Peace" and would, in theory, act to stop conflicts immediately. Whatever the desirability of such an idea, there is no real chance of it being created amid the current crisis, when there is plenty of other international activity going on. Biden is headed to Brussels next week for an extraordinary meeting of NATO members. He will also meet European Union leaders while overseas.

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But Zelensky's proposal may have had another purpose: It distracted from any new scrutiny on the central issue of whether Ukraine could join NATO in the medium-term. The question is sure to be a pivotal one to the ongoing negotiations between Ukraine and Russia — and the idea of Ukrainian membership of NATO is abhorrent to Russian President Vladimir Putin. Zelensky offered a rhetorical concession on this point on Tuesday when he suggested Ukrainians had to accept that “we cannot enter” the alliance in the short term.

On Wednesday, British Prime Minister Boris Johnson acknowledged that “the reality of the situation” is that Ukraine will not be a member of NATO “anytime soon.” Zelensky said nothing germane on the topic during his congressional address.

### **Powerful video stuns lawmakers**

Zelensky, a former comic actor and TV star, has gained the upper hand over his Russian adversaries in one area ever since the crisis began: communications. He has pressed his nation's case in formal addresses like Wednesday's and also with frequent tweets and social media videos. While his Wednesday speech was itself impressive, the most emotive moment came when Zelensky paused to show a video. The short film juxtaposed images of a happier, more relaxed Ukraine with scenes of appalling suffering, many of them involving child victims.

## VA ELECTRONIC HEALTH RECORD (EHR) MODERNIZATION

The Department of Veterans Affairs (VA) Inspector General (IG) released three reports on Thursday related to the implementation of the new Cerner EHR at the Mann-Grandstaff VA Medical Center. The reports focused on medication management deficiencies, the faulty ticket process for resolving problems identified by clinical staff, and care coordination deficiencies after the new system went live. The OIG found that the VA does not have a timeline for mitigating the large number of unresolved deficiencies. In fact, the assistant IG for healthcare, John Daigh, concluded that ongoing deployment of the EHR without resolution of these deficiencies could pose risks to patient safety.

House and Senate Democratic leadership of the Veterans Affairs Committees released a statement indicating the reports echo what they have heard from VA staff at the medical center. HVAC chair Rep. Takano (D-CA) has scheduled a roundtable to gather input from VA staff directly.

The VA says it has already resolved many of the issues cited in the reports. For example, they say data was transferred correctly into the Cerner system, but in a different format. This may have confused some employees. Deputy VA Secretary Remy responded to the reports with a statement that the number and nature of patient safety reports will fluctuate over time, and each will be investigated and resolved.

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### PROXY VOTING & REMOTE HEARINGS

The House Rules Committee held a hearing Thursday morning to consider whether proxy voting and remote hearings should continue as the pandemic wanes. Committee chair Rep. McGovern (D-MA) noted that the House and its committees have continued to be productive.

However, committee ranking member Rep. Cole (R-OK) expressed concern that proxy voting means Members are not gathered together anymore. He said this prevents them from building relationships with each other and with staff, and has increased partisanship animosity. He added that the process of proxy voting has resulted in votes staying open for long periods of time, leading to legislative inefficiency. Technological glitches also occur during remote hearings, with low bandwidth preventing people from being heard. He pointed out that does not happen when people are physically present at a hearing. It is time, he said, for Congress to return to Washington to conduct the nation's business. McGovern pointed out that at least one Member participating in the hearing has COVID and can only participate because of rules allowing him to join remotely.

The lack of in-person gatherings has been identified as one reason for many of the inter-Party fractures in the Democratic Caucus, as well. Cole addressed the charge that remote operations has caused the polarization in Congress by saying, "give me a break." He added that there are a lot of other reasons in place.

When first instituted, proxy voting and remote hearings were intended to be temporary measures in reaction to the pandemic. GOP Members initially strongly opposed the measure, and tried to get the Supreme Court to overturn the measures. Since then, proxy voting has become popular on both sides of the aisle, especially on Fridays.

Several women Members pointed out that proxy voting allows people to attend family events and take care of children while still performing their jobs. One suggested allowing each Member to vote by proxy a few times a year, rather than for every vote.

### UPCOMING HEARINGS

- On Wednesday, March 23, the Senate Veterans' Affairs Committee (SVAC) will hold a hearing titled, Hearings to examine improving the VA's Program of Comprehensive Assistance for Family Caregivers."
- On Tuesday, March 29, the HVAC Subcommittee on Disability and Memorial Affairs (DAMA) will hold a legislative hearing. TAL will testify and provide input on the pending legislation.
- On Wednesday, March 30, the HVAC Subcommittee on Oversight and Investigations will hold a legislative hearing. TAL will testify and provide input on the pending legislation.

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## MEETINGS

- Legislative Division Staff continue preparing testimony for two upcoming HVAC hearings.
- On Monday, March 14, NLD Staff participated in a VSO conference call to discuss GI Bill oversight with VFW, Student Veterans of America, and MOAA.
- On Monday, March 14, NLD Staff participated in VSO weekly meeting to discuss the passage of the Honoring Our Pact Act and the upcoming negotiations.
- On Tuesday, March 15, NLD Staff attended an event hosted by the Center for Strategic and International Studies (CSIS) titled, “Aiding Ukraine: How the U.S. Can Give Ukrainians the Means to Fight.” The event featured remarks from Rep. McCaul (R-TX), Ranking Member on the House Foreign Affairs Committee. More information and video can be found [here](#).
- On Tuesday, March 15, NLD Staff met with NLC membership and the office of Rep. Steel (R-CA) to discuss a California post office naming bill.
- On Tuesday, March 15, NLD Staff met with staff from the office of Rep. Banks (R-IN) to discuss the Congressman’s HVAC priorities.
- On Tuesday, March 15, NLD Staff participated in TEAM Coalition monthly meeting to discuss comprehensive toxic exposure legislation.
- On Wednesday, March 16, NLD Staff attended a Center for Strategic and International Studies (CSIS) event titled, “NATO On The Line: The Views of Four Former SACEURs.” During the event, Four Former Supreme Allied Commanders of Europe—General Philip M. Breedlove, General James L. Jones, General Joseph W. Ralston, and General Wesley K. Clark—discussed the implications of the Russian invasion of Ukraine. More information and video can be found [here](#).
- On Wednesday, March 16, NLD Staff met with Sen. Hirono (D-HI) staff to discuss the Honoring Our Pact Act.
- On Wednesday, March 16, NLD Staff attended a hearing for the Senate Armed Services Committee (SASC) Subcommittee on Personnel hearing on the health effects of exposure to airborne hazards, including toxic fumes from burn pits.
- On Wednesday, March 16, NLD Staff attended the HVAC Subcommittee of Economic Opportunity legislative hearing.
- On Wednesday, March 16, NLD Staff met with staff from the office of Rep. Nehl’s (R-TX) to discuss the Congressman’s HVAC priorities.
- On Wednesday, March 16, NLD Staff met with staff from the office of Rep. Mann (R-KS) to discuss the Congressman’s HVAC priorities.
- On Wednesday, March 16, NLD Staff monitored an HVAC Subcommittee on Health legislative hearing.
- On Thursday, March 17, NLD Staff attended a House Armed Services Committee (HASC) hearing titled, “National Security Challenges and U.S. Military Activities in the Greater Middle East and Africa.” A video and written testimony can be found [here](#).
- On Thursday, March 17, NLD Staff met with the office of Ranking Member Moran (R-KS) and other VSOs to discuss comprehensive toxic exposure legislation.
- On Thursday, March 17, NLD Staff met with HVAC Economic Opportunity staff to discuss competing GI Bill oversight bills.

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- On Thursday, March 17, NLD Staff attended a monthly GI Bill stakeholder call to discuss the legislative impacts of VA's new 85-15 rule for participating schools.
- On Thursday, March 17, NLD Staff met with the Victory media group to discuss potential content for future issues focused on employment and education advocacy.
- On Thursday, March 17, NLD Staff attended the inaugural Ruck the Reserve hosted by the Global War on Terrorism Memorial Foundation. This event marked the historic passage of the GWOT Memorial Location Act with attendees that included legislators, VSO supporters, and Gold Star families.
- On Thursday, March 17, NLD Staff met with Sen. Sinema's (D-AZ) staff to discuss the Honoring Our Pact Act.
- On Thursday, March 17, NLD Staff met with staff from the office of Rep. Ellzey (R-TX) to discuss the Congressman's HVAC priorities.
- On Thursday, March 17, NLD staff monitored an HVAC Full Committee hearing on VA recruitment and retention efforts.
- On Friday, March 18, NLD Staff met with Sen. Blumenthal (D-CT) staff to discuss the Honoring Our Pact Act.
- On Friday, March 18, NLD staff met with HASC staff to discuss aligning DOD contracting with VA "Vets First" procurement authorities.

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