

## National Legislative Division Weekly

### CONGRESS

The House and Senate have left town for a two-week break. Before leaving, the House passed [HR 1 – the Lower Energy Costs Act](#), which provides funding for the exploration, development, importation, and exportation of energy resources. It is unlikely to see action in the Senate. However, Sen. Carper (D-DE) and Sen. Manchin (D-WV) are among Democrats looking to work with Republicans on reforming the permitting process in this area.



*President Biden and Speaker McCarthy (R-CA).*

In the first 100 days of this Congress, little action has occurred on raising the debt ceiling. The Treasury Department estimates the country will not have to default on any payments until sometime in August. Of course, this raises the specter of the month-long August recess being shortened if lawmakers have still not done anything.

This week, House Speaker McCarthy (R-CA) called upon President Biden to negotiate on ways to decrease federal spending in exchange for the debt ceiling increase. On Thursday, he told

reporters he will move forward on legislation to raise the debt ceiling along with GOP policy proposals. Republican lawmakers have loudly promised that Medicare and Social Security will remain untouched, as the Administration, led by the President, just as loudly reminded the American public of GOP proposals to do the opposite.

In the long run, it is highly unlikely that Congress will pass a clean debt ceiling increase. The only question is just what policies will be attached to it.

Before leaving for the break, the Senate passed, by unanimous consent, legislation to ensure veterans and military retirees receive the same cost of living increase as Social Security recipients next year. **The American Legion supports this legislation through Resolution Resolution No. 187: *Department of Veterans Affairs Disability Compensation*.** The House needs to also approve the legislation, which passes Congress routinely each year.

### LEGION CALLS FOR FINING FIRMS THAT CHARGE VETERANS FOR CLAIMS WORK

It's time to reinstate penalties for groups that charge veterans excessive fees for benefits claims consultations, American Legion Legislative Director Lawrence Montreuil testified to Congress on March 29.

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During his testimony before the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs, Montreuil expressed the Legion's support for H.R. 1139, the Governing Unaccredited Representatives Defrauding (GUARD) VA Benefits Act. The bipartisan legislation would reinstate criminal penalties for those who charge veterans unauthorized fees relating to disability claims for benefits.

"Many of these fees, in our opinion, are excessive," he said, noting that the costs can be \$4,000 to \$8,000, while The American Legion and other veterans service organizations perform the same service for no charge.

In the past two years, American Legion service officers have successfully secured nearly \$31 billion in claims benefits for veterans.

Subcommittee Ranking Member Rep. Chris Pappas, D-N.H., is a co-sponsor of the legislation. "It's alarming because the more third parties that have a hand in veterans' claims, the greater potential for fraud and abuse there is, which I'm sure you'll agree, we must prevent," he said. "To provide veterans with competent and qualified help and protect them from individuals who may be targeting their benefits, VA has long operated on an accreditation and fees program to provide oversight of those who assist with claims preparation."

Pappas also noted that under current law, VA is the only organization that can charge individuals for the service. In 2006, Congress stripped away the penalty but kept the law intact. Pappas says his bill will reinstate the penalty.

The testimony was a key part of the subcommittee hearing that also included discussions regarding disability benefits, survivor benefits and outreach.

Montreuil testified just before the Senate voted to repeal the 1991 and 2002 Authorizations for the Use of Military Force, or AUMFs. The bill now goes to the House.

"Decisions over war and peace are among the most important decisions deliberated in the halls of Congress, and many of the bills that we are discussing today are the end result of the decision to go to war 20 years ago," he said. "From caring for Gold Star families who lost their loved ones to streamlining claims and appeals process for millions of veterans exposed to burn pits are the direct results of decisions of war and peace.

"Although wars end, our moral obligation to uphold our promise to those who we send into harm's way, and ensure they receive the care and benefits they rightfully deserve has no expiration date."

Click [here](#) to read Lawrence's entire submitted testimony. Watch an archived stream of the hearing [here](#).

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### LEGION TESTIFIES ON PENDING VETERAN HEALTHCARE LEGISLATION



*Tiffany Ellett, Director of VA&R, testifies before the House Veterans' Affairs Subcommittee on Health.*

Tiffany Ellett, Director of the American Legion Veterans Affairs & Rehabilitation Division, presented testimony before the Subcommittee on Health Committee on Veterans' Affairs Wednesday, March 29, on American Legion-supported pending legislation.

"I sit before you today as a disabled veteran, a VA patient and a veteran advocate," said Ellett, an Army veteran. "It is through this lens that I am able to see what our members see, to feel the frustrations and aggravation they exude when discussing obtaining an appointment, navigating the system and receiving appropriate care."

"The American Legion supports VA as they continue to evolve, we also call upon Congress to pass legislation such as these, to allow for and encourage VA's evolution towards health equity for veterans."

In her testimony on behalf of The American Legion, Ellett addressed three pieces of pending legislation supported by The American Legion.

**H.R. 41 – VA Same-Day Scheduling Act of 2023.** This bill will ensure that a veteran enrolled in VA healthcare is able to schedule an appointment the same day they call a VA medical facility. Ellett said while the VA has made changes to appointment scheduling through its website, healthcare facilities and updated internet applications, veterans still face difficulties scheduling an appointment. By phone, many veterans successfully obtain an appointment while others may go weeks without a follow-up. She shared that the Dorn VA in Columbia, S.C., has a pilot program where scheduling is in a single sign-on interface. "In this one screen, the scheduler can see all open appointment times and days for not only the VA provider but also for the community care provider to which the veteran was referred. With this type of system, scheduling an appointment takes an average of about seven minutes, which is ideal for simplifying the scheduling needs of a veteran."

Ellett shared she and her veteran wife receive VA care in the Richmond area. Following her oral remarks, she was asked if they both have problems getting access to community care.

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“Yes and no,” she responded. “When we do schedule with our CBOC, it’s immediate. We can call and schedule an appointment; it’s the community care appointments that have the real problem with the same-day scheduling.”

*Through Resolution No. 14: Access to Care, 5 The American Legion supports this legislation.*

**H.R. 808 – Veterans Patient Advocacy Act.** This legislation would ensure that there is at least one patient advocate for every 13,500 veterans enrolled in the VA medical center catchment area. It could also expand support for veterans in rural areas, allowing them more access to advocates through community-based outpatient clinics.

“With the increase of veterans enrolling in VA care, the patient advocates have a heavy workload and at times are not able to assist veterans to the extent needed,” Ellett said. “The American Legion supports the Veteran Patient Advocacy Act and the improvements it will bring through establishing a standard of at least one advocate per 13,500 veterans. We also are encouraged to see an increase in access to patient advocates for veterans in rural communities. The availability of patient advocates is a priority of The American Legion and will continue to be a focal point when speaking with veterans about their representation as a VA patient.”

*Through Resolution No. 75: Department of Veterans Affairs Rural Health Care Program and Resolution No. 377: Support for Veteran Quality of Life, The American Legion supports this legislation.*

**H.R. 542 – Elizabeth Dole Home-and Community-Based Services for Veterans and Caregivers Act of 2023.** This legislation aims to improve caregiver support at VA by establishing a publicly centralized access portal, expanding home-based community services nationwide, and providing greater access to resources and guidance on services supporting caregivers and their families.

“Often caregivers will put their veteran’s health and care above their own, leading them toward poor health and burnout. The American Legion is pleased to see that respite care is addressed in this legislation as it is beneficial to caregivers, their families and the veterans they care for,” Ellett said. “We are also pleased to see consideration given to caregivers in terms of support services and education on possible benefits and agree that successful transitions in care are critical to the overall well-being of both the caregiver and the veteran.”

*Through Resolution No. 20: Home and Community-Based Services and Veteran Choice to Age in Place, Resolution No. 18: Comprehensive Supports for Caregiver Support Program and Resolution No. 24: Caregiver Program, The American Legion supports this legislation.*

Other Legion-supported legislation includes:

**H.R. 1089 – VA Medical Center Transparency Act.** The American Legion believes it is imperative for VA to maintain oversight and implement accountability on all methods of care provided through the VA healthcare system to ensure the needs of the veterans are met in a supportive, safe and accepting environment. Through Resolution No. 16: Department of Veterans Affairs Accountability and Whistleblowers Protections, The American Legion supports this legislation.



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**H.R. 754 – Modernizing Veterans’ Health Care Eligibility Act.** This legislation will establish an advisory commission regarding eligibility for healthcare furnished by the Secretary of Veterans Affairs. Through Resolution No. 74: Amend the Eligibility Requirements and Extend the Eligibility Time Period for Service-Disabled Veterans Insurance, The American Legion strongly supports establishing a bipartisan advisory commission and would welcome the opportunity to work with and on it.

**H.R. 693 – Veterans Affairs Medical Center Absence and Notification Timeline (VACANT) Act.** Under this legislation, the VA would establish and report a timeline for and reasoning behind the movement of a facility director. Through Resolution No. 115: Department of Veterans Affairs Recruitment and Retention, The American Legion supports legislation that addresses the recruitment and retention challenges at VA.

Click [here](#) to read Tiffany’s entire submitted testimony. Watch an archived stream of the hearing [here](#).

### LEGION URGES MAKING VET-TEC PROGRAM PERMANENT



*Matthew Brennan, Employment and Education Policy Analyst, testifies before the House Veterans' Affairs Subcommittee on Economic Opportunity.*

Subcommittee on Economic Opportunity. During the hearing, Ciscomani told American Legion Employment & Education Policy Analyst Matthew Brennan that he appreciated the organization’s support for his bill, how Legionnaires have benefited from the VET-TEC program and what changes may need to be made to it.

“The VET-TEC program has been a huge success for our veterans transitioning out of the military into civilian life,” Brennan said. “Our members have benefited from it because right now, as of note, there is a dire need for employment in these sought-after sectors. We believe that making this program permanent

On March 21, U.S. Reps. Juan Ciscomani and Ro Khanna introduced bipartisan legislation to cover costs for veterans seeking job training in high-tech industries. Their [VET-TEC Authorization Act](#) permanently funds the [Veteran Employment Through Technology Education Courses \(VET-TEC\)](#) program, which is a five-year pilot program under the Department of Veterans’ Affairs.

The legislation has the support of The American Legion, who reiterated that support during a March 30 hearing of the House Committee on Veterans’ Affairs

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and ensuring they go into these jobs that are well-paying is instrumental in ensuring their successful transition out of the service.”

The VET-TEC program, established in 2017, matches veterans and servicemembers within 180 days of transitioning out of the military with a leading training provider to help them develop high-tech skills. Through the program, participants are provided with tuition for a full-time high-tech training program and money for housing during their training.

When the VET-TEC Authorization Act was introduced, it received American Legion support. Via a press release, Executive Director of Government Affairs Chanin Nuntavong said, “The American Legion proudly supports the VET-TEC Authorization Act of 2023. VET-TEC has been a successful program connecting eligible student veterans with training and enabling a quick integration into the labor market. We thank Congressman Ciscomani for his leadership and commitment to make VET-TEC a permanent program for transitioning service members and veterans – and ensuring they have access to the benefits and education necessary to succeed.”

Brennan also provided a written statement to the subcommittee that included:

- Support for **H.R. 291 – the Vaccine Discharge Parity Act**, which will amend Title 38, U.S. Code, to ensure that members of the armed forces granted a general discharge under honorable conditions on the sole basis of refusing to obey a lawful order to receive a vaccine for COVID-19 are eligible for certain educational assistance administered by the Secretary of Veterans’ Affairs.
- Support for **H.R. 645 – the Healthy Foundations for Homeless Veterans Act**, which amends Title 38, U.S. Code, to permanently authorize the use of certain funds to improve flexibility in the provision of assistance to homeless veterans, and for other purposes. “The American Legion urges Congress to prevent more veterans from going without the basic resources they need to transition out of homelessness successfully. The Healthy Foundations for Homeless Veterans Act addresses this issue by permanently authorizing the VA to redirect funds to improve flexibility in the provision of assistance to homeless veterans,” Brennan’s statement read.

Click [here](#) to read Brennan’s entire submitted testimony. Watch an archived stream of the hearing [here](#).

### SENATE PASSES AUMF REPEAL

On Wednesday, the Senate voted, 66-30, to repeal the 1991 and 2002 authorizations for the use of military force (AUMF) against Iraq. **The American Legion supports this legislation and held a [press conference about it two weeks ago](#).** Five of the 23 Senators who originally opposed the 2002 AUMF were there to again vote against it: Sen. Durbin (D-IL), Sen. Murray (D-WA), Sen. Reed (D-RI), Sen. Stabenow (D-MI), and Sen. Wyden (D-OR). The White House supports the repeals, as the Administration depends upon the 2001 AUMF for ongoing operations against global extremist organizations. An effort last week by Sen. Paul (R-KY) to repeal the 2001 AUMF failed.

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### VA EHRM UPDATE

The VA's electronic health record modernization (EHRM) initiative continues to come under attack.

On Wednesday, Senate Veterans Affairs Committee chair Sen. Tester (D-MT) introduced legislation to increase transparency and oversight over the new EHR system. He was joined by Sen. Murray (D-WA) and Sen. Brown (D-OH).

The changes include the development of clear metrics before the system goes live at additional VA facilities, and the provision of additional resources to those facilities. The system would not be deployed at new sites until the existing five sites demonstrate the ability to care for veterans as well as or better than they did using the VistA system.

The legislation contains other oversight requirements, including independent reviews of the contracting process. It also calls for creation of a "plan B" strategy if Oracle Cerner does not agree to new contract terms in the current negotiations.

In his appearance before House appropriators this week, VA Secretary McDonough appeared to be on the same page as the Senators. He confirmed the Department is negotiating with Oracle Cerner, as the initial contract is at the five-year mark out of the total ten years. The Secretary said the way forward "is heavily dependent" upon how those negotiations go. He made clear he wants to see how the negotiations go before agreeing to any further deployments, and left open the possibility of sustaining what they already have while looking for another technology.

### LEGIONNAIRE OF THE WEEK

In an effort to recognize the weekly accomplishments of our Legionnaires, we will spotlight an individual every week. These individuals demonstrate exceptional grassroots activism by meeting with/contacting their Congressional Representative/Senator to advocate for veterans. Efforts like these truly make a difference and give veterans a voice in Congress.

#### Henry Bassman, New Jersey

This week, we are excited to recognize Henry Bassman from the Department of New Jersey for meeting with the office of Rep. Kean (R-NJ) to follow up on The American Legion's legislative priorities after Washington Conference. Specifically, they discussed The American Legion's Citizenship for Service campaign.

Thank you, Mr. Bassman!

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If you have made a grassroots effort and would like to be considered for next week's "Legionnaire of the Week," please fill out the Congressional Contact Report Form [here](#). You can also email me at [kisaacson@legion.org](mailto:kisaacson@legion.org).

### UPCOMING HEARINGS

Congress is out of session next week. There will be no hearings.