

National Legislative Division Weekly

CONGRESS

The Senate Armed Services Committee (SASC) released its FY23 National Defense Authorization Act (NDAA) Monday evening. The rumor mill says the committee hopes to get the bill on the floor in September, although this may be optimistic. Regardless, staff from the SASC and House Armed Services Committee will start preparing for the conference early next week. Most of the conference work is expected to occur in August. The Senate has been known to simply go straight to voting on the conference agreement, without passing its own NDAA in the full Senate.

On Thursday, the Senate confirmed Shereef M. Elnahal to be Under Secretary for Health of the Department of Veterans Affairs (VA) by a 66-23 vote. The vote was put on the calendar Wednesday just hours after Senate Veterans Affairs Committee (SVAC) chair Sen. Tester (D-MT) publicly called on his colleagues to stop blocking the vote. In a hearing on the VA's electronic health record modernization (EHRM) project, Tester expressed frustration the vote had been blocked by someone not even on the SVAC, which had reported out the nomination unanimously. At the end of May, Sen. Scott (R-FL) blocked Tester's effort to confirm Elnahal by unanimous consent, saying he does not trust any of President Biden's choices, which led to an angry exchange on the floor between the two men. VA Secretary McDonough told reporters on Wednesday that he frequently tells Senators how badly the Department needs to fill that position. This will be the first time in five-and-a-half years the Senate has confirmed someone to run the nation's largest integrated health care system.

The House on Wednesday passed its first minibus of six FY23 appropriations bills. The package included the Military Construction & Veterans Affairs (Milcon); Transportation, Housing and Urban Development (THUD); Agriculture & Rural Development; Energy & Water (E&W) Development; Financial Services and General Government (FSSG); and Interior and the Environment spending bills. House Appropriations Committee chair Rep. DeLauro (D-CT) hoped to complete all of the spending bills this month, but that no longer appears possible. At the very least, the Legislative Branch one will probably not be brought up until after the November elections. That would allow lawmakers to try to give themselves their first pay raise in a dozen years.

AMERICAN LEGION TESTIFIES ON GI BILL MODERNIZATION

American Legion Director for Veterans Employment & Education, Joseph Sharpe, testified on Wednesday, July 20 at a House Veterans' Affairs Subcommittee on Economic Opportunity hearing on GI Bill modernization. You can watch the full video [here](#).

National Legislative Division Weekly



American Legion Director of Veterans Employment & Education, Joseph Sharp, testifies at a Congressional hearing on GI Bill modernization.

Mr. Sharpe testified on improving online education opportunities, improving risk-based surveys, and extending GI Bill benefits to all servicemembers whose discharge status is general under honorable conditions. He also talked about how the COVID-19 pandemic has affected veteran education benefits and provided recommendations on how to improve veterans' access to their earned benefits.

HOUSE COMMITTEE ON VETERANS' AFFAIRS ADVANCES 18 BILLS TO SUPPORT VETERANS

On Tuesday, July 19, the House Veterans' Affairs Committee (HVAC) held a full committee markup and advanced 18 bills to strengthen healthcare and benefits for veterans. Below is a full list of the bills passed:

- H.R. 8260 – Faster Payments to Veteran Survivors Act of 2022 **Rep. Pappas (D-NH)**
- H.R. 7846 – Veterans' Compensation Cost of Living Adjustment Act of 2022 **Rep. Luria (D-VA)**
- A.N.S. offered by Rep. Mace to H.R. 7299 – Strengthening VA Cybersecurity (SVAC) Act of 2022 **Rep. Mrvan (D-IN)**
- H.R. 8003 – Restore Veterans Dignity Act of 2022 **Rep. Cherfilus-McCormick (D-FL)**
- H.R. 8215 – VOICE Act of 2022 **Rep. Slotkin (D-MI)**
- H.R. 6647 – RELIEVE Act **Rep. McMorris-Rodgers (R-WA)**
- H.R. 5606 – Return Home to Housing Act **Rep. Williams (D-GA)**
- H.R. 5776 – Serving Our LGBTQ Veterans Act **Rep. Kahele (D-HI)**
- A.N.S. offered by Rep. Brownley (D-CA) to H.R. 6823 – Elizabeth Dole Home and Community Based Service for Veterans and Caregivers Act of 2022 **Rep. Brownley (D-CA)**
- A.N.S. offered by Rep. Brownley (D-CA) to H.R. 3693 – VA CPE Modernization Act **Rep. Brownley (D-CA)**
- A.N.S. offered by Rep. Bost (R-IL) to H.R. 291 – VA COST SAVINGS Enhancements Act **Rep. Bost (R-IL)**
- A.N.S. offered by Rep. Bost (R-IL) to H.R. 5752 – Emergency Relief for Servicemembers Act **Rep. Levin (D-CA)**
- A.N.S. offered by Rep. Levin (D-CA) to H.R. 7939 – Student Veteran Emergency Relief Act of 2022 **Rep. Levin (D-CA)**

National Legislative Division Weekly

- A.N.S. offered by Rep. Nehls (R-TX) to H.R. 7188 – Modernizing Department of Veterans Affairs Disability Benefit Questionnaires Act **Rep. Nehls (R-TX)**
- A.N.S. offered by Rep. Bost (R-IL) to H.R. 7735 – Improving Access to the VA Home Loan Benefit Act of 2022 **Rep. Bost (R-IL)**
- A.N.S. offered by Rep. Trone (D-MD) to H.R. 8313, as amended – House Every Veteran Act **Rep. O’Halleran (D-AZ)**
- A.N.S. offered by Rep. Takano (D-CA) to H.R. 5916 – Wounded Warrior Access Act **Rep. Aguilar (D-CA)**
- A.N.S. offered by Rep. Bost (R-IL) to H.R. 6671, as amended - To amend title 38, United States Code, to ensure that a member of the Armed Forces, granted a general discharge under honorable conditions on the sole basis that such member failed to obey a lawful order to receive a vaccine for COVID-19, is eligible for certain educational assistance administered by the Secretary of Veterans Affairs **Rep. Fitzgerald (R-PA)**

VA ELECTRONIC HEALTH RECORD MODERNIZATION (EHRM) UPDATE

VA officials faced skeptical Senators Wednesday at an SVAC hearing on the EHRM project. A new independent estimate by the Institute for Defense Analyses (IDA) indicates this will cost \$50.8 billion over 28 years, well above the VA’s previous estimates. The IDA estimate does include things the VA has never included, such as expected loss of productivity among health care providers following the new system’s implementation and preparing infrastructure to accept the new system.

Senators made clear their outrage at revelations from the Office of the Inspector General (OIG) that two VA employees provided inaccurate information. It is unclear whether the people involved were actually VA employees or consultants, as VA officials are reluctant to speak about personnel issues in public. During the hearing, EHRM Program Executive Director Dr. Terry Adirim said those people have been identified and held accountable. Apparently, they gave the OIG outdated and inaccurate data on testing among providers being trained on the new EHR system. The data showed passage rates of over 80%; in reality, passage was closer to 44%, and data about failures was simply eliminated.

Senators are also displeased that the VA has not implemented all of the OIG’s recommendations concerning the EHRM project over the past two years. Adirim told the committee that some of the recommendations take longer to implement, and others relate to past events. Tester closed the hearing with a warning to the VA that all OIG recommendations are to be implemented, for the EHRM and everything else. He promised a “come to Jesus meeting” if that does not happen.

In recent months, Cerner, which initially contracted with the VA and DoD, has been purchased by tech giant Oracle. A senior representative from Oracle at the hearing promised that he will be at all future hearings on the topic. He told the committee that the problems identified so far, such as the unknown queue

National Legislative Division Weekly

and pharmacy ordering issues, can be readily fixed. The unknown queue issue has already been addressed, he said, and a pharmacy solution will be available to the VA for testing next month.

UPCOMING HEARINGS

- On Monday, July 25, the House Veterans' Affairs Subcommittee on Economic Opportunity will hold a field hearing titled "Ensuring a Successful Military to Civilian Transition for Servicemembers in Southern Alabama."
- On Wednesday, July 27, the House Veterans' Affairs Subcommittee on Technology Modernization will hold a hearing titled "Protecting Our Veterans: Patient Safety and Electronic Health Record Modernization Program."
- On Wednesday, July 27, the House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation will hold a hearing titled "Enhancing Personnel Resources to Support a Stronger, More Resilient Coast Guard."
- On Wednesday, July 27, the Senate Veterans' Affairs Committee (SVAC) will hold a hearing to examine certain pending nominations.
- On Thursday, July 28, the House Veterans' Affairs Subcommittee on Oversight and Investigations will hold a hearing titled "Progress Made? – Ending Sexual Harassment at the Department of Veterans Affairs."
- On Thursday, July 28, the Senate Aging Committee will hold a hearing to "examine Federal technology for people with disabilities, older Americans, and veterans."
- On Thursday, July 28, the House Oversight and Reform Subcommittee on Environment will hold a hearing titled "Toxic Air: How Leaded Aviation Fuel is Poisoning America's Children."

Lawrence Montreuil, Legislative Director
The American Legion