

National Legislative Division Weekly

CONGRESS

The Senate and House Veterans Affairs Committees concluded their annual series of hearings with a wide range of veterans service organizations (VSOs). Both lawmakers and VSO representatives highlighted the need to pass the Major Richard Star Act, one of the top priorities for The American Legion. This bill would stop the government from offsetting military retirement pay against VA disability pay for combat-injured veterans. There was also support for legislation that would substantially raise the level of Dependency and Indemnity Compensation (DIC) payments for veterans' survivors to meet the levels paid out by other federal agencies. In the face of lawmakers' skepticism over the VA's electronic health record modernization (EHRM) project, several VSOs encouraged ongoing support for implementing the Oracle Cerner product rather than trying to modernize and upgrade VistA, the VA's existing EHR system.

On Wednesday, the House passed four veterans-related bills:

- **HR 502**, by Rep. Banks (R-IN), concerning VA reimbursement of educational expenses;
- **HR 815**, by Rep. McMorris Rodgers (R-WA), the RELIEVE Act, removing the requirement that a veteran must receive care from the VA in the previous 24 months to have emergency care covered if the veteran is within the first 60 days of enrolling in the VA health care system;
- **HR 753**, by Rep. Bost (R-IL), the VA COST SAVINGS Enhancement Act, requiring each medical facility to have an on-site medical waste treatment system; and
- **HR 1226**, by Rep. Aguilar (D-CA), the Wounded Warrior Access Act, related to online ways to submit claims-related records requests.

All of the bills passed either by unanimous roll call votes or by a voice vote.

Rep. Jennifer McClellan (D-VA), who recently won a special election and was sworn into Congress this week, will serve on the House Armed Services Committee. With the departure of Rep. Luria (D-VA) (who lost her re-election bid), McClellan will be the only Virginia Democrat on the committee now.

SENATE COMMITTEE VOTES TO REPEAL IRAQ AUMFS

In a renewed push to reassert Congress' role in deciding when to send troops into combat, the Senate Foreign Relations Committee voted on March 8 to repeal two authorizations for past wars in Iraq.

The committee specifically voted to approve repealing the 1991 and 2002 Authorizations for the Use of Military Force, or AUMFs. The full Senate may consider the measure before members leave for an April recess.

The American Legion has long supported Congress as the authority to declare war.

“Our nation’s founders made clear that declaration of war is the solemn and sole responsibility of the U.S. Congress,” American Legion National Commander Vincent “Jim” Troiola said. “The American Legion has

National Legislative Division Weekly

called for the repeal of outdated Authorization(s) for the Use of Military Forces (AUMF). The American Legion believes that the U.S. deployment of troops to Iraq has extended long past the original intent and purpose of the stated mission.”

Advocating for a strong national defense is part of the premise on which The American Legion was founded in 1919.

“A strong national defense is an original pillar of The American Legion. ‘Forever war’ is not,” Troiola said. “The American Legion calls on Congress to once again follow the text of Article I, Section 8, Clause 11, of the U.S. Constitution.”

A group of bipartisan lawmakers from the Senate and House of Representatives introduced legislation to repeal the two longstanding AUMFs in early February.

"We need to put the Iraq war squarely behind us once and for all, and doing that means we should extinguish the legal authority that initiated the war to begin with," Majority Leader Chuck Schumer said last week.

HOUSE FOREIGN RELATIONS COMMITTEE HOLDS HEARING ON AFGHANISTAN WITHDRAWAL

Original Article: [Veterans deliver emotion, scathing testimony about ‘disastrous’ Afghanistan withdrawal](#) (NBC News)

The House Foreign Affairs Committee, led by Chairman Mike McCaul, R-Texas, heard powerful testimony from Vargas-Andrews and other veterans of the Afghanistan war, who were either serving on the ground during the disastrous evacuation or trying to help Americans and Afghan allies flee the war-torn nation.

An extensive 2022 CENTCOM investigation found that the Abbey Gate attack — carried out by a lone suicide bomber — "was not preventable at the tactical level without degrading the mission to maximize the number of evacuees" and "was not the result of any act of omission or commission by forces on the ground.”

But in a 115-page interim report released last fall, McCaul blamed President Joe Biden's administration for the chaos at the airport, saying it had failed to properly plan for the fallout of the withdrawal.

“What happened in Afghanistan was a systemic breakdown of the federal government at every level — and a stunning, stunning failure of leadership by the Biden administration,” McCaul said in his opening remarks, adding that more than 1,000 American citizens and an estimated 200,000 Afghan allies and partners were left behind.

"This was an abdication of the most basic duties of the United States government to protect Americans and leave no one behind," McCaul continued. "I want every gold and blue star family member and every veteran

National Legislative Division Weekly

out there watching this today to know that I will not rest and this committee will not rest until we determine how this happened, and hold those responsible for it accountable."

The U.S. left behind an estimated 78,000 Afghan allies who had worked for the U.S. government and applied for special visas, according to a report last year from the Association of Wartime Allies, a nonprofit nongovernmental organization.

As they fought to get Americans and allies out of Afghanistan in the scramble, some congressional offices became "mini State departments" and teamed with veterans and nonprofit groups, McCaul said.

"It was often referred to, like, 'Schindler's List' — if you're on the list, you made it out alive. If you weren't, you didn't," McCaul said.

Several GOP-led committees, including the House Armed Services and Oversight panels, are investigating the Biden administration's withdrawal from Afghanistan. But in inviting veterans to testify Wednesday, the Foreign Affairs Committee aimed to draw attention to the human toll of the chaotic withdrawal.

At the start of the hearing, McCaul read aloud the names of the 13 service members killed in the attack and held a moment of silence in their honor.

Others who appeared before the panel Wednesday included Scott Mann, a former Green Beret who served multiple tours in Afghanistan and founded Task Force Pineapple, which helped evacuate roughly 1,000 Afghan allies from the country, and Aiden Gunderson, a former Army combat medic who was deployed twice to Afghanistan and assisted with the evacuation.

Gunderson called the withdrawal "disastrous."

"I want Americans to know the truth: that the Afghanistan withdrawal was an organizational failure at multiple levels," said Gunderson, who described coming upon the Kabul airport tarmac where desperate Afghans, clinging to planes' landing gears, had fallen hundreds of feet to their deaths.

"We came to the middle of the runway where there were blood-saturated, dusty clothing and headscarves smoldered on the ground," he continued. "At this moment, I truly understood that the Afghans were risking everything, even death, to escape the Taliban."

After the deadly attack, Biden argued that he inherited the deal his predecessor, Donald Trump, cut with the Taliban for U.S. forces to leave Afghanistan by May 2021. Biden said it was the right decision to carry out the exit plan and end the two-decade war, saving American lives and billions of dollars a year.

"I stand squarely behind my decision," Biden said in a speech after the attack. "After 20 years, I've learned the hard way that there was never a good time to withdraw U.S. forces."

National Legislative Division Weekly

HOUSE VETERANS' AFFAIRS COMMITTEE HOLDS HEARING ON EHRM

Original Article: [VA expects its legacy EHR to be 'around for a long time' as it troubleshoots replacement.](#)
(Federal News Network)

The Department of Veterans Affairs (VA) is telling Congress a new multibillion-dollar Electronic Health Record is the best way to provide care for its patients — despite a troubled rollout and House lawmakers threatening to pull the plug on the project.

Whether or not the VA is able to get the rollout of its Oracle-Cerner EHR back on track this summer as planned, agency officials told members of the House VA Committee that the VA will need to rely on its legacy EHR, VistA, for another five-to-10 years, if not longer.

“In essence, we are supporting two EHR systems simultaneously, until the Cerner implementation is complete,” Daniel McCune, VA’s executive director of software product management, told the technology modernization subcommittee in a hearing Tuesday. “In the interim, VistA remains our authoritative source of veteran data.”

VA officials told the subcommittee that VistA is not suited for meeting the agency’s long-term health care needs, but McCune said the VA plans to modernize VistA over the coming years to provide “uninterrupted care and continually improve the veteran service.”

McCune said the VA has moved 20 instances of VistA to the cloud this year, and plans to migrate another 54 instances of VistA to the cloud later this year.

McCune estimated that each migration of VistA to the cloud costs the VA about \$70,000.

The VA originally intended to complete the rollout of Oracle-Cerner EHR over 10 years. It first went live in October 2020 in Spokane, Washington.

The EHR is currently running at five VA sites, but its rollout has been delayed several times to address patient safety issues documented by the VA’s inspector general, as well as persistent system outages.

The VA, since October 2022, has been in an “assess and address” period, to address known issues with the EHR, and to determine whether it’s ready to launch at additional sites.

The EHR delays and disruptions have frustrated congressional leaders. Technology Modernization Subcommittee Chairman Matt Rosendale (R-MT) is leading two new bills that would alter the course of VA’s EHR rollout.

National Legislative Division Weekly

One bill would prevent the VA from implementing the Oracle-Cerner EHR at additional facilities, until the system has achieved 99.9% uptime at VA medical facilities currently running on the new system.

Another separate bill would force the VA to completely pull the plug on the Oracle-Cerner EHR.

“The reality is regardless of whether the Oracle-Cerner implementation can be accomplished, and regardless of how we feel about that, the VA will probably continue to rely on VistA for at least another decade,” Rosendale said at Tuesday’s hearing. “And some of the elements of VistA will probably never go away because no replacement even exists.”

While Rosendale is urging the VA to keep modernizing VistA, rather than proceed with the Oracle-Cerner rollout, agency officials say the Vista system is reaching its limits.

McCune said VistA is “an old technology ill-suited for the modern digital age,” and that modernizing the legacy EHR beyond its intended lifespan would require it to be rewritten “almost from scratch, at a great cost and great risk.”

McCune said the VA will need to keep the VistA system running for at least another 5-to-10 years, although the agency may need to keep VistA running longer than that.

McCune said VistA has served the VA well for over 40 years, but said the system doesn’t have capabilities that providers and veterans “expect and deserve from a modern cloud-native EHR,” including mobile and web access, as well as artificial intelligence and machine learning tools.

ADMINISTRATION’S FY24 BUDGET REQUEST

The White House has released President Biden’s FY24 budget request. This is just the starting point for negotiations with Congress. Only some details were released today; additional information, such as detailed tables and appendices, will be released on Monday.

The budget request includes plans to reduce the national deficit by almost \$3 trillion over ten years. The solvency of both Medicare and Social Security would be bolstered by collecting more payroll taxes from those making over \$400,000 per year, and closing loopholes that allow some taxpayers to avoid paying substantial amounts in these areas.

The budget would also increase Medicare payroll rates from 3.8% to 5% on unearned income above \$400,000 per year. The top tax rate would go to 39.6%, up from the 37% set by the previous Administration. A new billionaire tax would apply to 25% of these individual’s income, including appreciated assets.

Sen. Wicker (R-MS) called the President’s priorities “increasingly out of touch with reality.” He charged that a “\$2 trillion tax hike would be a wet blanket for our economy and cost jobs.” Wicker, who is the leading Republican on the Senate Armed Services Committee (SASC), added that the Defense request does

National Legislative Division Weekly

not resource the National Defense Strategy. Wicker has long called for a 5% above inflation annual increase in Defense spending.

Lawmakers declared the Defense request would be too low even before the documents were released. House Armed Services Committee Chairman Rep. Rogers (R-AL) released a statement declaring, “the President’s incredibly misplaced priorities send all the wrong messages to our adversaries.” He took issue with the Administration’s request to increase non-Defense spending at more than twice the rate of Defense spending, calling it “absurd.”

On the other hand, SASC chair Sen. Reed (D-RI) praised the President for “prioritizing the safety and well-being of the American people.”

Secretary of Defense Austin defended the request, announcing it is a “strategy-informed budget,” based on priorities in the 2022 National Defense Strategy. He issued a statement that the request provides necessary resources to address China as the pacing challenge, to address advanced and persistent threats, to accelerate innovation and modernization, and to ensure operational resiliency amidst climate change.

The budget proposal includes a 5.2% pay raise for both military and civilian employees across the government.

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.

Suzette Heller, Ohio



Members of the Department of Ohio with Sen. Vance (R-OH).

This week, we are excited to recognize Suzette Heller from the Department of Ohio for meeting with the offices of Sen. Vance (R-OH), Rep. Balderson (R-OH), and Rep. Wenstrup (R-OH) during Washington Conference to discuss VA healthcare modernization and other legislative priorities of The American Legion.

Thank you, Ms. Heller!

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.

National Legislative Division Weekly

UPCOMING HEARINGS

- On Wednesday, March 15, the Senate Armed Services Committee (SASC) Subcommittee on Personnel will hold a hearing to examine military and civilian personnel programs in the Department of Defense in review of the Department Authorization Request for Fiscal Year 2024 and the Future Years Defense Program.
- On Thursday, March 15, the Senate Veterans' Affairs Committee will hold a hearing to examine the future path of VA's Electronic Health Record Modernization program.