

National Legislative Division Weekly

TELL CONGRESS: DEMAND THE GI BILL FOR RESERVE AND NATIONAL GUARD

From protecting borders and capitals to delivering pandemic aid and supporting local law enforcement, members of our National Guard and Reserve have been challenged over the past two years like never before. Yet despite serving along Active Components, they are denied access to GI Bill benefits. This is due to the outdated notion that National Guard and Reservists should not qualify for "Active-Duty" benefits.

We must discard this misunderstanding of the true nature of citizen service. Our troops that get stretched to the limit serving alongside their active-duty counterparts deserve the same GI Bill eligibility, and it is past time for Congress to provide it to them. The Guard and Reserve GI Bill Parity Act would start to address this benefits disparity by expanding eligibility for the Post-9/11 GI Bill to count every day that a servicemember is paid and in uniform toward benefit eligibility.

TAKE ACTION NOW



Figure 1 National Guardsmen assist with the COVID-19 response and natural disaster relief.

CONGRESS

Both the House and the Senate returned to DC this week. Although some House races remain to be determined, and Georgia will be holding a run-off election for its Senate seat, it can now be said that the Democrats will retain control in the Senate and Republicans will have a slim majority in the House. As of Thursday afternoon, six House seats had yet to be declared, and most of them will probably go to the GOP.

Thursday afternoon, the House voted 418-2 (with 2 Republicans voting "present") to rename the VA Atlanta Regional Office in honor of the late Sen. Isakson (R-GA), who led the Senate Veterans Affairs Committee. Since the Senate unanimously passed this bill last July, it now heads to the President for a signature. This was one of 12 bills passed by the House relating to veterans this week, including:

- **H.R. 5721** – VA Infrastructure Powers Exceptional Research (VIPER) Act (Rep. Takano/Rep. Bost)
- **HR 2250** – Department of Veterans Affairs Information Technology Reform Act of 2021 (Rep. Rosendale)

National Legislative Division Weekly

- **H.R. 7299** – Strengthening VA Cybersecurity Act (SVAC) of 2022 (Rep. Mrvan/Rep. Mace)
- **H.R. 7277** – Improving Oversight of the Veterans Community Care Providers Act of 2022. (Rep. Pappas/Rep. Mann)

The rest of the bills renamed various VA medical facilities after veterans.

TAL SUBMITS A STATEMENT FOR THE RECORD (SFR) FOR A SENATE VETERANS' AFFAIRS COMMITTEE HEARING

On Wednesday, November 16, The American Legion submitted a statement for the record (SFR) for the Senate Veterans' Affairs Committee (SVAC) hearing titled "Hearing to examine the Department of Veterans Affairs implementation of the SFC Heath Robinson Honoring our PACT Act." The American Legion's SFR primarily focused on the Camp Lejeune Justice Act, a provision within the PACT Act that opens the door for certain individuals to file lawsuits and collect damages from the federal government due to their exposure to contaminated water on the Marine Corps base. In the SFR, The American Legion expressed its concerns with predatory law firms that target Camp Lejeune veterans and charge them high contingency fees.

Sen. Sullivan (R-AK) brought this issue up during the hearing and proposed re-submitting Sen. Inhofe's (R-OK) legislation to impose caps on contingency fees. Specifically, the bill would cap filing paperwork at 2% and implement a 10% contingency cap.

TOXIC EXPOSURES

The Department of Veterans Affairs (VA) worked overtime this week to encourage veterans to file claims under the PACT Act, and to warn against falling for scams related to the legislation. In both a special media roundtable and before the Senate Veterans Affairs Committee, VA officials stressed that veterans are not obligated to pay anyone to file a claim for benefits or health care, and that there are free resources through the VA and through veterans organizations to help individual veterans with the process.

The Camp Lejeune Justice Act, which is part of the PACT Act, is raising particular levels of concern. About a billion dollars of television and other advertising has been purchased by law firms encouraging veterans impacted by the contaminated drinking water at Camp Lejeune to file lawsuits to recover damages from the federal government. However, VA witnesses told the Senate committee on Wednesday, those damages could be offset against other benefits veterans are receiving from the VA for their health conditions.

In addition, Sen. Sullivan (R-AK), on Wednesday, expressed outrage at reports that law firms are demanding contingency fees of up to 60% of whatever a veteran might receive in a Camp Lejeune settlement. At the SVAC hearing, he announced he will be re-introducing legislation to cap contingency fees at 2% for paperwork and administrative activities and 10% for lawyers' payments. Sullivan said the Biden Administration had warned, prior to the legislation's passage, that this could happen, and his colleagues caved to the trial lawyers lobbying them to not take action.

National Legislative Division Weekly

Early this week, the Department of Defense (DoD) made clear that the jet fuel leak at the Red Hill Bulk Fuel Storage Facility in Hawaii has not been forgotten. DoD officials are set to meet with state officials in the first of a planned series of roundtable discussions on defueling the depot. Navy Rear Admiral John F. Wade, the commander of Joint Task Force Red Hill, on Wednesday, was nominated for the rank of Vice Admiral. At the SVAC hearing, VA officials assured Senators they are working with DoD to track impacted service members and veterans, and to study the health effects of the contamination.

VA ELECTRONIC HEALTH RECORD (EHR) SYSTEM IMPLEMENTATION

House Veterans Affairs Committee ranking member Rep. Bost (R-IL) sent a letter to VA Secretary McDonough, on Tuesday, asking for answers about allegations that two Ohio veterans may have died due to EHR errors. Ohio Republicans Rep. Carey and Rep. Balderson joined Bost on the letter.

Both deaths involved veterans seen at the Columbus, Ohio, VA medical center. In one case, a veteran admitted to a civilian hospital had an antibiotic prescription filled at the VA medical center. The EHR provided erroneous tracking information, and the veteran never received the medication. In the other case, when a veteran missed an appointment, the information was not entered into the no show/cancellation list by the EHR, and no follow-up was conducted to reach the veteran to reschedule the appointment. Several months later, he returned to VA urgent care with alcohol withdrawal symptoms, was transferred to a civilian hospital, and subsequently died.

The new system went live in Columbus on April 30. However, implementation problems there, and at the handful of other VA sites where it is in use, resulted in the Department delaying further expansion of the system at this time. VA Under Secretary of Health Elnahal has repeatedly told Congress and reporters that he has serious concerns, will hold Oracle/Cerner responsible for resolving those issues, and will not approve further expansion of the system until he is satisfied these issues are fully resolved.

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.

Brian Heyman, California

This week, we are excited to recognize Brian Heyman from the Department of California for meeting with Rep. Roybal-Allard (D-CA) at the Vietnam Veterans Lapel Pin Ceremony she held at the city hall in Commerce, California. Mr. Heyman spoke at length with Congresswoman Roybal-Allard, who is retiring from Congress this year, and thanked her for her 30 years of public service. Rep. Roybal-Allard offered to introduce Mr. Heyman to her replacement, Congressman-elect Robert Garcia.

National Legislative Division Weekly

Thank you, Mr. Heyman!

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.

UPCOMING HEARINGS

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