

## **LEGISLATIVE DIVISION UPDATE**

### Congress

#### GOVERNMENT MAY SHUTDOWN

The big story of the week, of course, is the end of the shutdown after three days, with a new deadline of February 8 before it all repeats. There are some indications of movement, although at least one, if not two, more continuing resolutions will probably be needed before Congress comes to a final budget deal.

A major breakthrough occurred Wednesday evening January 24, when Democratic senators reportedly agreed to remove immigration issues from the discussion of budgetary spending caps. The next day, the White House sent its immigration plan to Congress to guide further negotiations. This, presumably, will give Republican lawmakers a starting place for the larger immigration debate.

It will also clear the decks for lawmakers to reach a deal to lift spending caps under the Budget Control Act (BCA). Most likely, the end result will be a two-year deal raising both defense and domestic spending. Democrats want parity between the two categories; however, while domestic spending will most likely be raised, absolute parity is not guaranteed.

Also on Thursday, the House Appropriations Committee re-introduced the FY18 Defense spending bill. The bill is virtually the same as the bills the House passed on July 27 and September 14 of last year, with \$659.2 billion for the current fiscal year. The House Rules Committee will be considering the measure Monday evening.

### Next year's budget

On Wednesday, OMB Director Mick Mulvaney announced that the Trump Administration's FY19 budget proposal will go to Congress later than expected due to the weekend shutdown. Because both OMB and agency personnel had to spend time on the shutdown, said Mulvaney, the proposal will be released on February 12, a week later than initially expected.

### Discharge upgrades

Veterans with other than honorable (OTH) discharges (also known as "bad paper") do not qualify for Department of Veterans Affairs (VA) benefits and services. However, it is clear that many OTH discharges can be attributed to undiagnosed post-traumatic stress (PTS) or traumatic brain injury (TBI) symptoms. Congress has instructed the Department of Defense (DoD) to create a process through which these discharges can be appealed and, possibly, reversed.

The Services' boards for recharacterizing discharges are clogged, with large backlogs of decisions to be made. In addition, the process for applying to the boards is complex, and can be confusing for a veteran suffering from either condition.

DoD and VA have now entered into a joint effort to help veterans with the discharge recharacterization process. VA has set up a new website that will walk the veteran through a series of questions. Upon completion, the site instructs the veteran on what forms to fill out and where to send it. The site provides hints on how to fill out specific parts of the appropriate form.

Hosted by the VA, the site is located at <https://www.vets.gov/discharge-upgrade-instructions/guidance>.

#### VA Cerner contract

VA Secretary Shulkin has told Congress that he has put the contract with Cerner on hold until the company can prove interoperability with all providers, and not just DoD.

This week, a VA official said that the department has started information technology (IT) infrastructure at all care sites to get ready for implementing Cerner's electronic health record system. VA Office of Information and Technology (VAOIT) Executive in Charge Scott Blackburn told an audience this week that they have started installing new fiber, ports, switches, computers and monitors at VA hospitals and clinics.

Once the contract negotiations are completed, VA plans to start implementing the system in about six months. The new system should be in use across the entire VA health care system by the end of ten years.

#### VA/CMS data sharing

Less than a week after its advisory group talked about doing so, the VA announced formation of a partnership with the Centers for Medicare and Medicaid Services (CMS) to cooperate in fighting waste, fraud and abuse in paying medical claims. The two agencies intend to share data, data analytics tools and best practices for identifying problems.

CMS has been creating and using such tools for a number of years. At last week's meeting of the VA Prevention of Fraud, Waste, and Abuse Advisory Committee, council members questioned VA staff on what they are doing to work with the other agency.

#### Rural broadband

Improving access to the Internet in rural areas will be part of the Administration's infrastructure plan, according to details leaked this week. Rural broadband capacity and availability is an important part of expanding the use of telemedicine into rural areas. Many in the health policy field tout telemedicine as a tool for increasing access to care for

those who live in rural areas. However, its use is limited in instances where the individual cannot access the Internet in the first place.

Next week, a House subcommittee will hold a hearing on the general issue of expanding the availability of broadband in rural areas. Its importance to telemedicine is sure to arise. Twenty bills on this issue will be included in the subcommittee's discussion.

*Update on Flag Amendment Bill*

The American Legion is continuing its efforts to protect the American flag in the 115<sup>th</sup> Congress. As he did in the previous Congress, Rep. Steve Womack (AR) re-introduced a flag protection constitutional amendment, **House Joint Resolution (H.J. Res.) 61**. The measure currently boasts 26 co-sponsors, with the addition this week of Rep. Greg Walden (OR).

On Flag Day, Sen. Steve Daines (MT) introduced a Senate companion measure, **Senate Joint Resolution (S.J. Res.) 46**, in that chamber. The amendment is co-sponsored by Sens. John Cornyn (TX), Johnny Isakson (GA), Mike Crapo (ID), Lindsey Graham (SC), Dean Heller (NV), Chuck Grassley (IA) and Orrin Hatch (UT). You can read Sen. Daines' press release here: <https://www.daines.senate.gov/news/press-releases/on-flag-day-daines-introduces-constitutional-amendment-to-prohibit-flag-burning>

The American Legion issued the following congratulatory response here: <https://www.legion.org/commander/237811/american-legion-national-commander-salutes-senate-bill-flag-day>

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