

## Legislative Division Update

### **TOPIC 1: Medicare Reimbursement for VA Medical Care**

**BACKGROUND:** VA is prohibited from billing Medicare for third-party reimbursements for the treatment of enrolled, Medicare-eligible veterans' nonservice-connected medical conditions. The American Legion recommends Medicare reimbursements to supplement VA annual budget. **ACTION:** The American Legion continues to lobby lawmakers to authorize VA to collect third-party reimbursements from the Centers of Medicare and Medicaid Services (CMS). **POSITION:** The American Legion fully supports Medicare reimbursement for VA and will seek legislation in the 111<sup>th</sup> Congress.

### **TOPIC 2: Budget Reform for VA Medical Care**

**BACKGROUND:** The American Legion, VFW, DAV, AMVETS, Blinded Veterans Association, JWV, Military Order of the Purple Heart, PVA, and VVA have joined forces in support of change VA medical care from *discretionary* to *mandatory* annual appropriations. The goal is to help stabilize VA medical care funding by using a formula based system similar to Social Security and Medicare. The Partnership is placing emphasis on sufficiency, timeliness, and predictability of VA's annual appropriations. **ACTION:** The American Legion continues to lobby lawmakers to effect budget reform for VA Medical Care. **POSITION:** The American Legion will continue to seek legislation for assured funding in the 111<sup>th</sup> Congress and will monitor these bills as they work through Congress.

### **TOPIC 3: Disabled Veterans' Tax in the 111<sup>th</sup> Congress**

**BACKGROUND:** Following passage of this year's Defense Authorization Bill, Chapter 61 military retirees with less than 20 years of military service and military retirees rated 100 percent service-connected disabled due to Individual Unemployability can now qualify for concurrent receipt of their military retirement pay and their VA disability compensation without the dollar for dollar offset for Combat Related Special Compensation. **ACTION:** The American Legion will continue to urge expanding benefits for *all* service-connected disabled military retirees in the 111<sup>th</sup> Congress. **POSITION:** The American Legion supports the full repeal of the Disabled Veterans' Tax in the 111<sup>th</sup> Congress.

### **TOPIC 4: VA Budget for FY 2010**

**BACKGROUND:** National Commander Dave Rehbein addressed a Joint Session of the Veterans' Affairs Committees on September 11 to present the views of The American Legion regarding matters that will come before the 111th Congress. Normally, the annual budget process for Fiscal Year (FY) 2010 would be well underway. However, this year the Administration opted not to develop a budget because there will be a new Administration in January 2009. Therefore, the FY 2010 budget will not begin to be fully developed until the VA budget transition team for the new Administration begins its work after Election Day, November 4. The President's Budget Request is normally submitted to Congress on the first Monday in February. Thus, Commander Rehbein's

testimony opened the VA appropriations process for FY 2010. The American Legion's legislative portfolio supports VA health care funding that is *sufficient, timely and predictable*; ending the ban on Priority 8 enrollment; a seamless transition from DOD to VA, including reserve component service members; long-term care of aging veterans; medical and prosthetics research; construction of state-of-the-art medical facilities; technology for electronic medical records; reduction of the outrageous disability compensation claims backlog; veterans' employment rights, veterans' hiring preference by government and government contractors, and veteran-owned and service disabled veteran-owned small businesses in government procurement programs; job training for veterans with military occupational specialty skills not readily transferable to the private sector; care for homeless veterans; and proper administration of new GI Bill benefits. **ACTION:** The American Legion will present its views to the transition team and Congress to spotlight the needs of this country's veterans and their dependents. **POSITION:** The American Legion funding request for this portfolio includes \$42.8 billion for medical care, including medical and prosthetic research; \$3.3 billion for major and minor construction; \$2.7 billion for information technology and \$2.8 billion for VA general operating expenses.

**TOPIC 5: Flag Amendment**

**BACKGROUND:** The American Legion remains committed to protecting Old Glory from acts of physical desecration and overturning *Texas v. Johnson* (1989).

**POSITION:** The American Legion fully supports a proposed constitutional amendment to prohibit the physical desecration of Old Glory.

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