

VA Policy Implementation: How Did We Get Here?

PRESENTER

Thomas Alphonso
VBA Education Service,
Department of Veterans Affairs



Lots of Different Avenues to “The Rules”

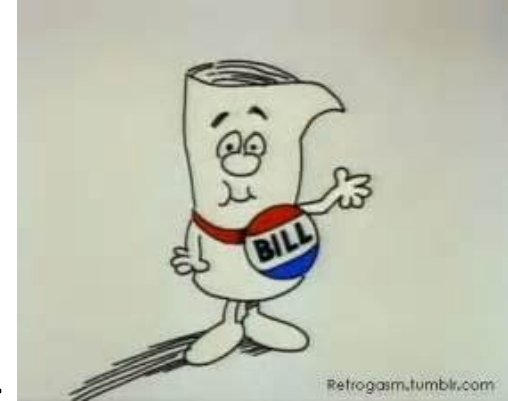
- Three main forms of mandates: Laws, Regulations, Policy
 - All have binding power to tell us (VA and schools) what we must do

- Legal order of precedence:
 - Laws
 - Passed by Congress; signed by the President
 - Courts do not overrule Congress, will overrule VA
 - Regulations
 - Promulgated by the agency with public notice and comment IAW the Administrative Procedures Act
 - Court may overrule VA but courts generally defer to the agency
 - Policy/Manual/SCO Handbook
 - Published without notice and comment; no judicial deference



School House Rocks

- “I’m just a bill. Yes, I’m only a bill. And I’m sitting here on Capitol Hill”
- We all know and love the song
 - Find it on YouTube if you don’t know or need a refresher
- Your basic civics lesson:
 - Senator or Representative proposes a bill
 - Senate or House approves by majority
 - Goes to the other side (Senate or House) and is approved by majority
 - Has to be the same exact language
 - Goes to the President for signature
 - Becomes a law





Congressional Committees

- Just getting proposed is not enough – they must first get out of the committee
 - House has committees and subcommittees
 - House Committee on Veterans Affairs;
 - Subcommittee on Economic Opportunity
 - Senate only have committees
 - Committee on Veterans' Affairs
- Committees are where most of the work happens
- Congressional staffers work on bill language - writing and rewriting through consultation with experts (including agency personnel) and other staffers from other Congressional offices (to gain concurrence and vote)



What influence does VA have on laws?

- Congressional consultation with VA
 - Technical Assist
 - Views and Cost
 - Hearings and Testimony
 - Requests for Information (RFI) – correspondence or meeting
- Annual legislative proposals
 - Agency makes recommendations to the President
 - President selects his priorities and includes them in his annual budget proposal



Regulations and Policies

- Rulemaking
 - A regulation in the CFR (Code of Federal Regulations)
 - Publication in the Federal Register
 - Notice and Comment
 - Takes a very long time (years)

- Policy
 - This includes advisories, manual, SCO handbook, etc.
 - Does not get published in Federal Register
 - Must be publicly available
 - No notice and comment – no judicial deference
 - May be publish and amended relatively easily



QUESTIONS