



LEGISLATIVE DIVISION UPDATE

Week Ending April 2, 2021

Congress

Both chambers of Congress are out of session this week and next in honor of Passover and Easter. The Senate returns on April 12, and the House returns the following day.

Authorization for the Use of Military Force (AUMF) repeal/replace

House Rules and Foreign Affairs met on March 23 to discuss reinforcing Congress' role in deciding when the country should go to war. There is broad partisan agreement that the 2002 AUMF, concerning war with and in Iraq, should be repealed altogether. The 2001 AUMF, passed just days after the 9/11 attacks, is more complicated. It authorizes action against al Qaeda and "associated forces." Over the past 20 years, Presidents have relied upon this to act against terror groups throughout the Middle East and Africa.

Experts told the lawmakers that terms such as "associated forces" and "hostilities" need to be more stringently defined in the next AUMF. In addition, they strongly recommended a sunset provision, requiring Congress to debate and consider the issues every three to five years. Currently, Congress has taken a back seat to the Executive Branch. Several Members opined that Congress is happy not being held responsible for how US military forces are deployed elsewhere, even while they acknowledged this is a large part of their job.

It is easy to say the AUMFs should be repealed and replaced. The hard work comes in crafting the replacement. The last attempt was in the final few months of the Obama Administration, when lawmakers could not come to an agreement on the sunset provision or whether the AUMF should be limited geographically.

Chairman Smith on the NDAA

Congress has passed a National Defense Authorization Act (NDAA) for sixty consecutive years. This is a major legislative feat, and, some years, some Members seem to find the requisite bipartisanship largely in order to not break the streak. Generally, the House Armed Services Committee (HASC) marks up its NDAA for the fiscal year in May or June, although last year the full committee markup slipped to July 1.

HASC chair Rep. Smith (D-WA) spoke at an [online event](#) on Tuesday, March 30 about his expectations for the FY22 NDAA. The sponsoring organization, Meridian, is a Washington, DC-based think tank focused on international collaboration.

Smith said building and strengthening alliances around the world will be an overarching theme for both Congress and President Biden. Strong partnerships are key to deterring adversaries. At the same time, he thinks the effort should involve all of the federal government. Thus, he believes in a strong diplomatic corps to complement the military.

Another big emphasis is how to build systems bigger, quicker, and more effectively. The military needs to get out of legacy systems and modernize. They also need to pay more attention to cybersecurity, which is why he created a new subcommittee focused on that issue. He has also created a task force to look at the military's supply chain.

Increasingly, he said, modern warfare is about having a secure command and control system the enemy cannot shut down. The task forces and subcommittee will be focused on making sure the United States can be more effective in that type of warfare.

At a time of unprecedented partisanship, Smith said Congress needs to find ways to bridge their differences. He said HASC is an example of how to make bipartisanship. "We work together and get things done," he asserted.

Discussion

The moderator noted that many allies around the world wonder whether the US really is "back," as the Biden Administration has pronounced and bring up concerns about deep divisions in the country. Smith said he cannot predict the future. However, for now and the next four years, the US is committed to rebuilding alliances. He said that COVID gives the US an opportunity to show it is "back" with a willingness to share vaccine and to work with the rest of the world.

Smith said the US is in competition with Russia and China on what model of governance is best. Russia and China are both touting the idea of "strong man" governance, rather than representative democracy.

Smith believes the US can definitely compete with both Russia and China on "vaccine diplomacy." He said the Chinese vaccine is not working very well. The US has the opportunity to work with NATO and other alliances to respond to other countries' needs.

Smith does not think the US should get into an arms race with China. Rather than just have a stronger military than that country, he wants to build systems strong enough to deter China from doing what the US does not want them to do. With deterrence, he said, the US does not have to do everything and dominate. An arms race is a losing proposition, he said.

Smith thinks it is time for the US to "get out of Afghanistan." However, May 1 is too soon and unrealistic. Thus, he wants the US to engage with the Taliban to extend that deadline. He said it is "distinctly possible" that the Taliban will again take over once the US is gone. However, "us sticking around is not going to ensure a stable Afghan government," he concluded. He does not think it is the job of the US military to force peace and stability on countries that do not have it.

Upcoming Hearings

- No Upcoming Hearings

Grassroots

The National Legislative Division (NLD) uses VoterVoice as its advocacy platform for connecting American Legion members with members of Congress. There are now 25,025 members and supporters signed up to receive action alerts.

As part of Washington Conference, NLD has launched a VoterVoice Campaign focused at The American Legion Family asking them to share with their Members of Congress The American Legion's Legislative Agenda and the time and date of the Commander's Testimony. Please share the following link with your entire network and encourage everyone to participate!

<https://votervoice.net/AmericanLegion/Campaigns/81356/Respond>

Legislative AARs

- On Monday, March 29, NLD staff participated in a joint VSO conference call to discuss coordinating efforts on a variety of issues concerning the Veterans Benefits Administration.
- On Wednesday, March 31, NLD staff hosted a call with other divisions involved in the Citizenship for Service Working Group to discuss next steps.
- On Wednesday, March 31, NLD staff met with VA&R staff to discuss matters related to the Congressionally-mandated [Asset and Infrastructure Review \(AIR\) Commission](#). The commission is scheduled to begin meetings in 2022 to review VA recommendations for the future of VA healthcare. The AIR commission was a key pillar of the 2018 VA Mission Act. Under the law, VA officials are to develop market assessments to determine whether certain aging VA facilities should be closed entirely, or replaced with new structures.
- On Thursday, April 1, NLD staff had a call with Rep. Derek Kilmer's office to discuss our priorities for the 117th Congress.

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