

National Legislative Division Weekly

CONGRESS



Congress' August recess starts next week. Neither Chamber has passed all its appropriations bills, although the House eked out one (Military Construction/Veterans Affairs) on Thursday. Plans to do a second one (Agriculture/Rural Development/ FDA) were scrapped halfway through the day due to spending level disagreements.

House Speaker McCarthy (R-CA) has started calling on his colleagues to consider passing either an omnibus (containing all the spending bills) or several minibuses, each with several bills. In general, Republicans oppose such large packages, claiming that no one can figure out what is in them.

McCarthy's task is complicated by demands from the House Freedom Caucus (HFC) to lower funding to FY22 levels, below the roughly FY23 levels agreed upon in the Fiscal Responsibility Act (FRA). Those lower spending levels are dead on arrival in the Senate, where appropriators are including emergency funding in their bills to increase spending above the FRA levels. The House appropriations bills also contain a slew of "culture war" policy riders that are unlikely to make it past the Senate and would result in a Presidential veto if they did.

As it is, the White House this week issued a veto threat to the House MilCon/VA appropriations bill. The statement decried the lower funding levels, as well as the "numerous new, partisan policy provisions with devastating consequences." The White House highlighted the provisions harming access to reproductive health care, threatening the health and safety of LGBTQI+ individuals, endangering marriage equality, hindering climate change initiatives, and preventing the Administration from promoting diversity, equity, and inclusion.

In the meantime, the Senate Appropriations Committee managed to pass all 12 appropriations bills in a largely bipartisan manner for the first time since 2018. Committee chair Sen. Murray (D-WA) said it was only possible due to the hard work of her ranking member, Sen. Collins (R-ME), and all the subcommittee chairs and ranking members as well as staff on both sides of the aisle. "This is a really big deal," said Murray, as the markup of the last four bills ended. "There is no reason for chaos or gridlock when it comes to making sure that our government is funded," she added.

Regardless, the Senate will leave town this week without considering any of them.

The country is careening towards a potential government shutdown in October. At the very least, September will be chaotic. If Thursday's MilCon/VA vote is any predictor, things could get rough on Capitol Hill.

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After the bill passed on a Party-line 219-211 vote, Republican lawmakers started yelling at Democrats that they had abandoned veterans. In turn, Democrats accused Republicans of passing “racist” bills. One can only hope the political temperature will cool somewhat as everyone returns home for the six-week recess.

MILITARY NOMINATION AND PROMOTION HOLDS

Senate Democrats took to the floor Wednesday night to list out the names and qualifications of each of the more than 275 service members whose promotions and command opportunities are impacted by Sen. Tuberville’s (R-AL) ongoing hold. The Senator has taken this action in opposition to the Pentagon’s travel and leave reimbursement policy for service members receiving reproductive care, including abortions.

Tuberville has made clear that, if the Pentagon does not drop the policy, he wants each nomination to receive an individual vote. Working around the clock, that would take almost a month due to various Senate procedures. This week, Tuberville told CNN he would agree to shorter debate periods, but that would only be moderately helpful. Democrats have made clear that requiring individual votes on these nominations, which usually pass by unanimous consent, politicizes the military.

On Monday, the nonpartisan group Secure Families Initiative delivered a petition to Tuberville with the signatures of more than 500 active-duty military spouses calling upon him to drop the hold, which started in March. “Senator Tuberville is playing politics with our military,” the document says. It points out that DoD already compensates service members and their families for travel to obtain health care not readily available near where they are stationed. The document concludes by calling upon Tuberville to agree that “service members and military families will not be used as political leverage.”

Other veterans’ groups, including The American Legion, have similarly called to drop these holds, citing the threat to national security and the need to allow service members to continue their careers.

In the meantime, Thursday afternoon the Pentagon announced the nomination of Air Force General David W. Allvin to become the next Air Force Chief of Staff. He joins the next Army Chief of Staff, the next Marine Corps Commandant, and the next Chairman of the Joint Chiefs of Staff in the holding pattern caused by Tuberville.

NDAA UPDATE

As the clock ticked down to the start of the August recess, the Senate spent Thursday on the FY24 National Defense Authorization Act (NDAA). Final passage occurred relatively late in the evening, with 86 Senators voting in favor and 11 against. The Senators voting against the bill were: Sen. Booker (D-NJ); Sen. Braun (R-IN); Sen. Lee (R-UT); Sen. Markey (D-MA); Sen. Merkley (D-OR); Sen. Paul (R-KY); Sen. Sanders (I-VT); Sen. Vance (R-OH); Sen. Warren (D-MA); Sen. Welch (D-VT); and Sen. Wyden (D-OR).

A few amendments were adopted on Thursday, most not directly impacting the Department of Defense (DoD). As the Senate deliberated, the White House released a Statement of Administration Policy (SAP).

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While the Administration expressed opposition or concern over several provisions, they did not threaten to veto the measure. Among the concerns noted was section 714, which would modify DoD's administration of medical malpractice claims by service members. DoD asked for the opportunity to complete the report required by the committee report and to make internal adjustments "to what is a new process."

With only 11 Senators voting in favor, lawmakers refused Sen. Sanders' (I-VT) attempt to reduce the bill's topline by ten percent. An amendment, by Sen. Marshall (R-KS), would have limited the types of flags allowed to be flown over military and federal facilities. This has become a mainstay for House appropriations bills, and was included in their NDAA. The amendment failed on a 50-49 vote, with Sen. Manchin (D-WV) voting with Republicans.

An amendment by Sen. Gillibrand (D-NY) provides ongoing funding for the World Trade Center Health Program. For the first time, DoD employees who worked at the Pentagon and the Flight 93 crash site after the terror attacks will be eligible to benefit from the program. Another amendment, by Sen. Menendez (D-NJ), reauthorized the Firefighter Cancer registry for FY24-FY28 at \$5.5 million per year.

PACT ACT IMPLEMENTATION

The Senate Veterans Affairs Committee met Wednesday afternoon to review the Department of Veterans Affairs' (VA) implementation of the Honoring Our PACT Act. That legislation, which greatly expands veterans' access to care and benefits for health conditions related to toxic exposures during their military service, was signed into law almost a year ago.

Earlier this week, the VA announced the start of a scientific review into links between acute leukemias, chronic leukemias, and multiple myeloma and toxic exposures experienced in the Southwest Asia theater of operations. If a link is proven, the VA will be able to declare a service presumption related to these conditions, eliminating a veteran's need to prove service connection when claiming care and benefits. Since the PACT Act already declared cancers of the head and neck to be presumptive, this research will focus on conditions originating in other parts of the body. These are the first conditions chosen for scientific review under the PACT Act's requirement that the Department more aggressively identify presumptive conditions related to toxic exposures.

Of the more than four million veterans screened for toxic exposures so far, over 40% reveal at least one area of concern. This creates a permanent record of exposure within the Veterans Health Administration (VHA). Going forward, clinicians might use that information to lower the threshold for some cancer screenings or to order laboratory tests to monitor potential health issues. In addition, every veteran reporting a concern is referred to the Veterans Benefits Administration (VBA) to see if they are eligible for more benefits. For example, a Vietnam era veteran's hypertension could now be considered service connected under the PACT Act's increased number of service presumptions.

Under Secretary of Veterans Affairs for Health Dr. Shereef Elnahal said the landmark legislation has already empowered the VA to provide care to more veterans and survivors than ever before. He related the experience of a veteran who now has several conditions, including diabetes, covered by the VA. This

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has not only improved the veteran's health, but having VA coverage has provided the family with much-needed financial relief.

He described the various outreach efforts underway, including the "Summer VetFest". VA employees have been trained in toxic exposure issues and the PACT Act. A wide spectrum of providers has trained to administer the toxic exposure screening. The VA has screened over four million veterans for toxic exposures.

The Veterans Health Administration (VHA) is also increasing its capacity to treat more veterans. Thanks to the law's new hiring authorities, the VHA workforce has grown by 4.9% this fiscal year. They have reduced the time it takes to bring someone on board to fill vacant positions. He boasted that they have outpaced goals in hiring administrative staff, and they are improving scheduling systems. This includes implementing systems that allow veterans to book their own community care appointments.

The VHA is also using PACT Act authorities to expand infrastructure. They have signed several memoranda of understanding (MOUs) with academic medical centers to share clinical space. Elnahal pointed out that, this week, the Centers for Medicare and Medicaid Services (CMS) included VA hospitals in its national star rating system.

Under of Veterans Affairs for Benefits Joshua Jacobs said an increasing number of veterans are pursuing their earned services. Since August 10, 2022, the VA has received more than 772,000 PACT Act claims. Of those, 425,000 have been completed, with an almost 79% approval rate.

Jacobs talked about the same veteran Dr. Elnahal had mentioned. He said the veteran had first applied in 2016 for his conditions due to Agent Orange exposure. However, at that time, the VA could not approve the claims. Today, he has been awarded long overdue benefits, effective the day the bill was signed into law. He pointed out the VA decided to allow all presumptives under the law from the date of enactment, rather than phasing it in over several years.

The Veterans Benefits Administration (VBA) has been aggressively scaling up operations. Over the last 18 months, VBA has grown by 22%, with a workforce of more than 30,000 people. Through the end of June, they completed 1.9 million exams. This is almost 22% more than at the same time last year.

He acknowledged they have had challenges in implementation. He mentioned the need to improve training for claims processing, and the strain faced by processors. The VBA is improving its training, and providing new tools to help the processors. This includes more automated tools to streamline the process. Finally, he encouraged all veterans who think they may qualify under the PACT Act to submit an intent to file in order to preserve the ability for benefits to be backdated to last August.

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

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their Congressional Representative/Senator to advocate for veterans. Efforts like these truly make a difference and give veterans a voice in Congress.

Bryan Heyman, California

This week, we are excited to recognize Brian Heyman from the Department of California for meeting with Congressman Robert Garcia (D-CA-42) during his District Town Hall in Downey. Rep. Garcia mentioned his support for legislation guaranteeing those who serve in the military a pathway to citizenship, which is an American Legion priority. Mr. Downey took the initiative to meet with Rep. Garcia after the Town Hall, introduce himself and request a follow-up meeting over the course of August recess.

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 jkamin@legion.org.

UPCOMING HEARINGS

There will be no hearings as both Chambers of Congress head home for the August recess.