

Pre-NEC Report

James LaCoursiere Jr., Connecticut, Chairman

The National Legislative Commission met on Saturday, August 26, 2023, in the Westin, Grand Ballroom, Sections C&D, 2nd Floor, in Charlotte, North Carolina. Twenty members of the Commission, one member of the NEC Liaison, and one visitor were present, bringing it to a total of twenty-two. The meeting was devoted primarily to a detailed discussion of recent congressional activities involving legislative mandates of The American Legion.

National Legislative Commission Chairman Jim LaCoursiere (CT) offered opening remarks. Julia Mathis, National Legislative Director, along with Legislative staff John Kamin, Matthew Brennan, and Katherine Ryan, provided the commission with a discussion of the 118th Congressional activities as they relate to veterans' issues and concerns.

Five guest speakers presented to the Commission. Co-Founder and CEO of With Honor, Rye Barcott, discussed With Honor's ongoing efforts to increase the number of veterans in Congress in efforts to reduce partisanship. Staffers from the four corners of the Veterans Affairs Congressional Committees conducted a panel discussion examining pressing issues in the veteran's legislative landscape as well as their shared commitment to reduce veteran suicide and destigmatize mental health amongst the veteran community.

The following report provides an abbreviated account of congressional developments since this Commission met in May 2023.

RECENT CONGRESSIONAL DEVELOPMENTS

Since the 2023 Spring NEC, Congress passed and President Joe Biden signed into law the "Fiscal Responsibility Act," an agreement extending the federal debt ceiling until 2025. It also holds 2024 federal spending to 2023 levels, allows a 1% increase in 2025, and redirects unspent COVID-19 relief funds. Notably, the act places stricter guidelines on SNAP and TANF recipients and repurposes funds originally meant for IRS audits of high earners.

The agreement comes after months of on-and-off negotiations between the White House and Congressional leaders. U.S. Department of the Treasury Secretary Janet Yellen warned that, without Congressional action, the U.S. government was likely to default on its debt obligations as soon as June 5, which would cause a potentially catastrophic economic fallout across the country and around the world.

In related news, on July 27th, the FY24 The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act passed the House by a vote of 219-211. This legislation includes a total of \$317.441 billion in funding for the Department of Defense (Military Construction and Family Housing), Department of Veterans Affairs (VA), and

related agencies. Of the total, \$155.701 billion is provided as discretionary funding, and \$161.740 billion is provided for mandatory programs. Of the discretionary total, \$17.474 billion is for Department of Defense military construction projects, nearly \$800 million above the President's Budget Request. The bill also fully funds the Department of Veterans Affairs for Fiscal Year 2024 by appropriating \$137.755 billion in discretionary funding in addition to the \$20.268 billion included in the Fiscal Responsibility Act of 2023 for the Cost of War Toxic Exposures Fund. It also includes a total of \$471.7 million for the four related agencies.

Lastly, Congress continues consideration of the Fiscal Year 2024 National Defense Authorization Act (NDAA). In July 2023, the House of Representatives passed its version of the bill by a margin of 219-210. The Senate version also passed by a wide margin of 86-11, but the full chamber has not yet considered it. The Senate will be in recess for all of August and is not likely to pass the bill until later this year. As Congress returns from recess, both chambers of Congress will begin working to reconcile the differences between the House and Senate versions of the bill.

VETERANS AFFAIRS AND REHABILITATION

In early June, The American Legion participated in a roundtable with Congressional staff, fellow veteran service organizations (VSOs), and various gun control advocacy groups to discuss H.R. 705, *the Veterans 2nd Amendment Protection Act*. Under the Department of Veterans Affairs (VA) interpretation of current law, if the VA appoints a fiduciary to help a veteran (or beneficiary) manage their VA benefits, then VA is required to send their name to the Federal Bureau of Investigation's National Instant Criminal Background Check System (NICS). Hundreds of thousands of veterans and their family members have been denied their constitutional right to bear arms because of this practice. The Veterans 2nd Amendment Protection Act would prohibit VA from sending information on veterans (or beneficiaries) who are assisted by a fiduciary to NICS without a judicial ruling that they are a danger to themselves or others. This would ensure that veterans are afforded the same due process that every other American receives before any action is taken that would deprive them of one of the constitutional rights that they fought to protect.

On June 21, 2023, Veterans Affairs and Rehabilitation Director, Tiffany Ellett, testified at a House Veterans' Affairs Subcommittee on Health hearing to discuss pending legislation. In her testimony, she expressed support for both the VA Zero Suicide Demonstration Act of 2023 and the PFC Joseph P. Dwyer Peer Support Program Act, noting the Legion's efforts on both fronts. She also shared her own experiences losing friends and loved ones to suicide, why it's so critical to stem this tide in the veteran community and beyond, and how The American Legion is working toward that goal.

On July 12, 2023, Veterans Benefits Policy Analyst Joshua Hastings, testified at a House Veterans' Affairs Subcommittee on Oversight and Investigations hearing to discuss pending legislation. Specifically, he urged lawmakers to pass H.R. 4278, *the Restore Department of Veterans Affairs Accountability Act*, which amends the U.S. Code to modify personnel action procedures with respect to employees of the Department of Veterans

Affairs. This legislation clarifies and reinforces critical authorities initially granted in 2017 and introduces a supremacy clause to close the loopholes revealed in recent court rulings and labor union disputes, thereby reinstating the heightened accountability established by the bipartisan *Whistleblower Protection Act of 2017*.

VETERANS EMPLOYMENT AND EDUCATION

Since the spring of 2023, The American Legion has continued to advocate for the reintroduction of the Guard and Reserve GI Bill Parity Act. Due to changes to how the Congressional Budget Office (CBO) calculates the program's costs, this legislation may be significantly more expensive in the 118th session of Congress. This bipartisan legislation would expand eligibility criteria for certain education benefits. Current law defines the term "active duty" as those individuals who are on full-time duty in the active military service of the United States, including full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. While the bill did not pass in the 117th Congress, The American Legion is currently advocating for its reintroduction in the 118th.

On June 14, 2023, Employment & Education Policy Associate Ricardo Gomez testified before the House Veterans Affairs Subcommittee on Economic Opportunity hearing to discuss pending legislation. Gomez voiced The American Legion's support to pass H.R. 491, *The Return Home to Housing Act* which seeks to grant the VA the use of funds to improve flexibility in assisting homeless veterans. In addition, Gomez expressed support for H.R. 3898, *The Transcript Assurance for Our Heroes Act*, which addresses the impact of school closures on veterans, including their access to their academic transcripts in the wake of abrupt school closures.

To ensure the success of future veteran entrepreneurs, The American Legion drafted a coalition letter of support for *the Veterans Entrepreneurship Training Act of 2023*. *The Veteran Entrepreneurship Training Act* seeks to codify the successful Boots to Business program, a training course administered by the Small Business Administration that teaches veterans and their families the fundamentals of business management, including market research, organizational design, and financial planning. Due to the National Legislative Division's endeavors and the tireless efforts of Legionnaires, this pivotal legislation passed the House unanimously by a vote of 411-0. The American Legion is currently working with the Senate Committee on Small Business and Entrepreneurship to secure its passage through the Senate.

NATIONAL SECURITY

The American Legion continues to advocate for legislation to assist Afghans with temporary status to apply for permanent legal residency. In the 118th Congress, we are continuing our advocacy efforts with the Afghan Adjustment Act, which is modeled after bipartisan bills that Congress has passed in the wake of the wars in Vietnam and Iraq. Specifically, Afghan Adjustment Act would expand eligibility for special immigrant visas

to certain Afghan nationals and allow Afghans who have short-term humanitarian parole status to apply for permanent legal status if they submit to additional vetting.

In July, the House of Representatives and Senate passed the Fiscal Year 2024 National Defense Authorization Act (NDAA), which essentially authorizes all Pentagon and National Nuclear Security Administration (NNSA) weapons, salaries, and support, and outlines the U.S. national security strategy for the year ahead. This year's House-passed and Senate-passed version of the bill was more than 1,300 pages long and authorizes more than \$850 billion for spending on defense programs at the Department of Defense, Department of Energy, and other defense-related programs. Among the Legion-supported amendments adopted were ones that:

- Provide for a 5.2 percent pay raise for both military servicemembers and the DOD civilian workforce, and helps lower housing, healthcare, and childcare costs for military families.
- Establish a comprehensive training, advising, and institutional capacity-building program for the military forces of Taiwan.
- Authorize improvements to the quality and oversight of military enlisted barracks, including the replacement of substandard barracks.
- Report annually on service member and military family overdoses and related data, including demographic data, substances involved, number of intentional overdoses, whether or not service members were prescribed naloxone before a non-fatal overdose, previous prescriptions, co-morbid mental health diagnoses, previous overdose history, referral to treatment, participation in treatment, history of positive drug tests, analysis of discernible patterns in overdoses, existing and anticipated response efforts, access to treatment, and available treatment programs.
- Feasibility study on the possibility of certain professional credentials held by service members becoming transferrable post-discharge to civilian life.

Congress is set to return in September to deliberate upon the final version of the FY24 NDAA bill during the Conference Committee. The National Legislative Division is working with Congress to ensure the Legion-supported amendments remain in the final version of the bill that passes Congress and reaches the president's desk.

AMERICANISM

In June 2023, Representative Steve Womack introduced House Joint Resolution (H.J.Res.) 73 as a constitutional amendment to protect the flag. The legislation has now been assigned to the House Judiciary Committee for consideration, where it boasts 7 cosponsors. A Senate companion measure was introduced by Senator Steve Daines on June 14, 2023 (Flag Day) as Senate Joint Resolution (S.J.Res.) 34. The American Legion will continue to seek passage of a constitutional amendment to protect the American flag because it is the right thing to do.

Furthermore, The American Legion is currently working with the office of Rep. Womack on reintroducing the Flag Code Modernization Act, which would amend the United States Flag Code to reflect current, accepted patriotic practices. The American Legion passed Resolution No. 19: Flag Code Amendment in 2016 to codify these patriotic practices.

This concludes The American Legion National Legislative Commission's Report to the National Executive Committee.



James LaCoursiere Jr., Connecticut, Chairman

Date 8/27/2023



Julia Mathis, Virginia, Director

Date 8/27/2023

