

**LEGISLATIVE COMMISSION**  
**James LaCoursiere Jr., Connecticut, Chairman**  
**Julia Mathis, Virginia, Director**

This report covers the activities of the Legislative Commission from Aug. 26, 2022, through Aug. 26, 2023. During this period, the Commission met one time to review the legislative program and to make recommendations to the National Executive Committee. Reports of these meetings are contained in the published proceedings of the National Executive Committee.

**PURPOSE, PERSONNEL AND ORGANIZATION**

The Legislative Commission represents The American Legion before the Congress of the United States on all legislative matters in which The American Legion is officially interested. The commission also assists the National Executive Committee in formulating an appropriate legislative program for each session of Congress. The commission consists of 35 members and five National Executive Committee liaisons.

To further assist the commission in its work, the National Executive Committee created the National Legislative Council in 1975, composed of Legionnaires whose judgment and advice are respected by their members of Congress. There is one council member for each member of Congress. A council chairman heads the council, and is assisted by a vice chairman in each department. The chairman, vice chairmen and general membership of the council are appointed by the national commander upon recommendation by the Departments.

The professional staff of the commission (the Legislative Division) concentrates on implementing the legislative mandates of The American Legion; these mandates are expressed in resolutions adopted at the annual national convention and by the National Executive Committee at each of its regularly scheduled meetings. The Legislative Division is located in Washington, D.C., and consists of the director, a senior legislative associate, two legislative associates, a legislative associate/grassroots coordinator and a legislative coordinator. The director and associates are registered lobbyists and submit semi-annual lobbying reports to Congress; in addition, the Legion submits quarterly reports on legislation which our organization lobbies Congress. Because The American Legion is a federally chartered organization, an annual report is also prepared and submitted to Congress.

**118th Congress, 1<sup>st</sup> Session**

The 1st Session of the 118th Congress began on Jan. 3, 2023. In June, Congress passed, and President Joe Biden signed, the Fiscal Responsibility Act into law, 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 (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.

On July 27, the *FY24 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 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 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 will begin working to reconcile the differences between the House and Senate versions of the bill.

### **VETERANS AFFAIRS AND REHABILITATION**

In October, President Biden signed the *Solid Start Act of 2022*, which permanently authorizes and expands VA's Solid Start Program. The Solid Start Program aims to educate newly separated servicemembers about their benefits, health care and rights by requiring VA to contact veterans three times within the first year of separation.

The American Legion's push to pass the *Major Richard Star Act* continued into the 118<sup>th</sup> Congress, in order to support the over 50,000 medically retired veterans who are denied their full retirement pay and disability compensation. By August recess, the bill had over 326 co-sponsors in the House of Representatives and 70 co-sponsors in the Senate. These numbers exceeded the sponsorships of the previous Congress and can be attributed to a sustained advocacy push from The American Legion, VFW, and other VSOs and MSOs.

On Nov. 16, 2022, the Legislative Division submitted a Statement for the Record (SFR) to the Senate Committee on Veterans' Affairs on implementing the *Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022*. In its SFR, The American Legion focused on implementing Section 804, the *Camp Lejeune Justice Act (CLJA)*. This law provides another means of recourse for veterans and their families by allowing those exposed to toxic water at Camp Lejeune to pursue judicial relief. While the passage of this historic legislation was a watershed moment for the veteran community, bad actors have emerged to take advantage of veterans and their access to new benefits.

The American Legion has long supported the CLJA and was encouraged to see its inclusion in the PACT Act earlier this year. Notwithstanding that support, we are advocating modifying the language to streamline implementation and protect veterans from the actions of unscrupulous actors – and to limit legal fees, eliminate vague, impractical and unrelated offsets, and ensure that no veteran loses access to health-care or disability benefit payments.

On Dec. 7, 2022, the Legislative Division submitted an SFR to the House Committee on Veterans' Affairs to discuss ensuring the effective implantation of the PACT Act. Again, The American Legion focused on the CLJA portion of the PACT Act and ensuring veterans and their families are not charged exorbitant fees when pursuing legal action.

In early March, The American Legion participated in a roundtable with congressional staff, fellow VSOs and unaccredited claims companies to discuss potential legislation to address

the long-standing issue of predatory actors charging veterans to file their claims. This is especially relevant after the passage of the PACT Act, resulting in a significant increase in veterans filing disability claims with VA. The American Legion believes in pursuing legislation to enforce penalties on these unaccredited claims companies. Veterans should never have to pay money to access the benefits they earned, especially when VA-accredited service officers offer their services free of charge.

On March 29, 2023, Legislative Director Lawrence Montreuil testified at a House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs (DAMA) hearing to discuss pending legislation. In his testimony, he discussed the importance of passing H.R. 1139, the *GUARD VA Benefits Act*, which would penalize unaccredited companies for charging veterans to assist them with filing their disability claims. He also voiced The American Legion's support for legislation to expand survivor benefits, decrease the claims backlog and other important issues.

That same day, Veterans Affairs & Rehabilitation Director Tiffany Ellett testified at a House Veterans' Affairs Subcommittee on Health hearing to discuss pending legislation. During the hearing, Ellett used her personal experiences to emphasize the importance of VA care by decreasing wait times and expanding access to care. She also noted the importance of improving VA's Caregiver Program and expanding it to cover care for veterans with amyotrophic lateral sclerosis (ALS).

In early June, The American Legion participated in a roundtable with congressional staff, fellow VSOs and various gun-control advocacy groups to discuss H.R. 705, the *Veterans 2<sup>nd</sup> Amendment Protection Act*. Under the VA interpretation of current law, if VA appoints a fiduciary to help a veteran (or beneficiary) manage their VA benefits, the agency 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 2<sup>nd</sup> 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 every other American receives before any action is taken that would deprive them of one of the constitutional rights they fought to protect.

On June 21, 2023, 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*.

The American Legion remains focused on veterans who suffered from toxic exposure and are not currently covered by the PACT Act. Servicemembers deployed to the Panama Canal between 1958 and 1999 may have been exposed to frequent use of herbicides such as Agent Purple and Agent Orange, with at least 400 veterans who have developed health conditions synonymous with toxic exposure. In August, The American Legion released a letter of support for the *Panama Canal Zone Veterans Act*, which would grant these veterans the same health care and benefits access as those covered under the PACT Act.

### **VETERANS EMPLOYMENT AND EDUCATION**

Since September 2022, The American Legion has testified three times before the House of Representatives on veterans employment and education. The National Legislative Division has broadened American Legion advocacy for veterans employment into six separate areas: improving the transition assistance program, expanding the VA Home Loan program, addressing veteran homelessness, financial protections against predatory lenders, prioritizing veterans in federal contracting and improving the GI Bill.

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 Dec. 14, 2022, Employment & Education Director Joseph Sharpe testified before the House Committee on Veterans' Affairs (HVA) hearing, "Discussion Draft, the VA Housing Loan Forever Act of 2022." In his testimony, Sharpe expressed support for a servicemember or veteran having the authority to transfer their VA Home Loan Guaranty benefit to family members.

On March 30, 2023, Employment & Education Policy Analyst Matthew Brennan testified before the House Veterans' Affairs Subcommittee on Economic Opportunity hearing to discuss pending legislation. Brennan voiced The American Legion's support to pass H.R. 1669, the *VET-TEC Authorization Act of 2023*. Originally established as a five-year pilot program in 2017, the Veteran Employment Through Technology Education Courses (VET-TEC) program has assisted nearly 12,000 veterans seeking careers in high-tech industries. He also offered further support to H.R. 291, the *Vaccine Discharge Parity Act*, which seeks to restore education benefits for servicemembers who received a general discharge under honorable conditions for refusing to receive the COVID-19 vaccine, and H.R. 291, the *Healthy Foundations for Homeless Veterans Act*, which would permanently authorize the use of certain funds to improve flexibility in the provision of assistance to homeless veterans.

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 VA the use of funds to improve flexibility for 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, which 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 efforts 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

In the time period between the 2022 and 2023 national conventions, the Legislative Division's National Security team has focused on legislation to assist Afghans with temporary status to apply for permanent legal residency, and to improve and update the Special Immigrant Visa process for Afghans who served alongside U.S. servicemembers; legislation that would improve naturalization procedures for non-citizens in the Armed Forces and provide protections from deportation for non-citizen veterans; legislation that repeals outdated Authorizations for Use of Military Force (AUMFs); legislation to improve military quality of life for U.S. servicemembers; and the FY2024 National Defense Authorization Act as a vehicle for Legion legislative priorities. Each of the above is addressed in more detail below. Fourteen bill reviews were completed of legislation that falls within the purview of the National Security Commission.

In March, The American Legion held a press conference to advocate for the repeal of the 1991 and 2002 Authorizations for Use of Military Force, or AUMFs. National Security Director Mario Marquez opened the press conference to represent The American Legion's support for this legislation as well as share some personal anecdotes as an Iraq War veteran. He was followed by Sen. Kaine (D-VA) and Sen. Young (R-IN), the respective co-leads in the Senate. Later in the month, the Senate voted to pass the legislation, and it now heads to the House of Representatives, where it has garnered strong bipartisan support. The American Legion is now working with congressional staff to determine the best path forward.

In April, The American Legion co-signed a letter with other veteran and military service organizations demanding the full restoration of the Basic Allowance for Housing (BAH) for active-duty servicemembers, which was reduced to 95% in 2019. This will strengthen the financial security and well-being of active-duty servicemembers and their families, therefore increasing overall force readiness.

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 Congress has passed in the wake of the wars in Vietnam and Iraq. Specifically, the *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, Rep. Takano reintroduced the *Veteran Service Recognition Act*. This legislation would streamline the naturalization process for non-citizen servicemembers and veterans, as well as create pathways for deported veterans to reobtain residency status. In the previous Congress, the *Veteran Service Recognition Act* passed the House of Representatives without a single Republican vote, dooming its chance of passage in the

Senate. In a positive development, this year the bill was introduced with two Republican co-sponsors: Rep. Salazar (R-FL-27) and Delegate Radewagen (R-AS). With the bill obtaining bipartisan status, The American Legion has begun an advocacy campaign to secure more Republican co-sponsors, as well as introduction in the Senate.

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:

- Provides for a 5.2% pay raise for both military servicemembers and the DoD civilian workforce, and helps lower housing, health-care and child-care costs for military families.
- Establishes a comprehensive training, advising and institutional capacity-building program for the military forces of Taiwan.
- Authorizes improvements to the quality and oversight of military enlisted barracks, including the replacement of substandard barracks.
- Report annually on servicemember and military family overdoses and related data, including demographic data, substances involved, number of intentional overdoses, whether or not servicemembers 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 servicemembers becoming transferrable post-discharge to civilian life.

Congress is set to return in September to deliberate on 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 bill's final version that passes Congress and reaches the president's desk.

### **AMERICANISM**

Rep. Steve Womack introduced House Joint Resolution (H.J. Res.) 73 as a constitutional amendment to protect the flag. The legislation was then assigned to the House Judiciary Committee for consideration, which now boasts seven co-sponsors. A Senate companion measure was introduced by Sen. Steve Daines on June 14, 2023 (Flag Day) as Senate Joint Resolution (S.J. Res.) 34.

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.

### **INTERNAL AFFAIRS**

The American Legion has worked with Sen. Maggie Hassan (NH) and Rep. Sheila Jackson Lee (TX-18) to pass legislation requiring VA to establish a "Buddy Check Week" for the purpose of outreach and education concerning peer wellness checks for veterans.

In December 2022, Congress included the Support The Resiliency of Our Nation's Great (STRONG) Veterans Act of 2022 in the FY2022 omnibus package. This bill addresses mental health issues by updating training for VA workforce and Veterans Crisis Line staff, implementing pilot programs to examine Veterans Crisis Line facilitation to increase use among high-risk veterans, conducting studies and research on best practices, and providing outreach to veterans regarding mental health resources. It also includes a provision to designate one week each year as "Buddy Check Week" for outreach and education concerning peer wellness checks for veterans

Since then, the Legislative Division has taken a leading role in these efforts by implementing Buddy Checks with other Legionnaires and veterans. Now, the Department of Veterans Affairs is in the process of implementing its own annual VA Buddy Check Week, after American Legion advocacy. Furthermore, on June 19, 2023, Veterans Affairs & Rehabilitation Director Tiffany Ellett testified to the merits of the Buddy Check Week to an HVAC Health Subcommittee hearing on pending legislation.