

National Legislative Division Weekly

CONGRESS

Tuesday evening, shortly before the State of the Union (SOTU) address, the Senate passed a resolution to reopen the Capitol and Senate office buildings to the public. Access was severely restricted to the Capitol following the January 6 attack, and the entire complex was closed to the public during the pandemic.

On Thursday, the Senate passed, on a 48 to 47 vote, another resolution to end the national emergency concerning COVID-19 declared by the President on March 13, 2020. All of the votes in favor were Republicans. This is unlikely to pass the House at this point, and President Biden has threatened to veto it.

Thursday morning, the House passed the Honoring Our PACT Act on a 256 to 174 vote, with 34 Republicans voting in favor. (More about this topic is included further down.)

Sen. Inhofe (R-OK) will leave the Senate at the end of this calendar year. Inhofe, who is ranking member on the Senate Armed Services Committee, is widely recognized as a politician ready and willing to work to achieve compromises. House Armed Services Committee chair Rep. Smith (D-WA) once called Inhofe “an incredibly decent human being.” The 87-year old senator has been missing votes recently, apparently due to his wife’s poor health. He was re-elected in 2020, and his resignation will spark a special election in his home state.

TOXIC EXPOSURES

President Biden highlighted the need to expand coverage for toxic-exposed veterans in his SOTU address Tuesday night, and for Congress to pass legislation on the topic. Earlier that day, the Department of Veterans Affairs (VA) announced it will issue a proposed rule to add service presumption for nine rare cancers experienced by toxic-exposed veterans. The Department has yet to say when the proposed rule will be published, and the entire rulemaking process takes months or even years to come to fruition.

Adding emphasis to President Biden’s call for legislation on the topic was his emotional reference to suspicions that his own son’s brain cancer was caused by burn pit exposure. Also, Danielle Robinson sat with the First Lady during the speech. Her husband, Heath Robinson, died only days before the speech from cancer caused by his exposure to burn pits during his deployment to Iraq. In his last years, he was a fierce advocate for having the VA provide care and benefits to veterans similarly impacted.

Wednesday morning, a contingent of American Legion members, congressional representatives and activists called for House passage of the Honoring Our PACT Act, a comprehensive piece of legislation on this topic, during a press conference at the Capitol. Legion story [here](#).

Thursday morning, the House passed the Honoring Our PACT Act. It codifies 23 new service presumptions to make it easier for veterans to prove their illnesses are service connected. It also, among other measures, expands the VA’s research in this area, standardizes data collection in both the VA and DoD, and requires more training of all medical providers caring for veterans, both within the VA and in the community.

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AUTHORIZATION FOR THE USE OF MILITARY FORCE (AUMF)

The House Foreign Affairs Committee on Tuesday considered what to do about the 2001 AUMF. Passed just three days after the 9/11 attacks, this AUMF has formed the basis for US military operations against organizations in as many as 20 countries at any given time. The AUMF authorizes operations against Al Qaeda and the Taliban. Since then, Administrations have stretched it to include new organizations defined as successors to Al Qaeda. In recent years, there have been increasing bipartisan calls for Congress to craft a new AUMF to replace both the 2001 and 2002 documents. Only then, proponents argue, can Congress fully conduct its oversight responsibilities in how the US uses its military forces.

Committee chair Rep. Meeks (D-NY) set the tone for the hearing by calling for a new AUMF that more closely specifies target organizations. He would also like to see a sunset clause or periodic reauthorization requirements. Ranking member Rep. McCaul (R-TX) agreed that the country should not be on “auto pilot,” and the authorities need to be updated.

The Administration promised the committee that President Biden does not consider the AUMF to be a “blank check” for operations against any terrorist organization. Witnesses specifically confirmed that it could not be used to cover US action against Russia in response to the Ukraine invasion.

The Administration supports replacing the 2001 AUMF with a “narrow and specific framework.” A new AUMF, witnesses said, should address how it applies to terrorist groups other than those specified, with periodic review of groups and locations. The Administration does not support the use of a sunset clause because of the signal it might send to adversaries. Notably, the Obama Administration, which was the only one to submit possible replacements, did include a sunset clause in its proposal.

FY23 BUDGET & SUPPLEMENTAL SPENDING BILLS

The White House is asking Congress for \$32.5 billion in supplemental spending in response to the Ukrainian invasion and for COVID. That includes \$10 billion in emergency military and humanitarian aid for Ukraine and Eastern European allies and sanctions enforcement, as well as creation of a special federal task force to target Russian oligarchs. The other \$22.5 billion is needed for immediate pandemic response efforts, according to the Administration, as all funding from the American Rescue Plan has been used.

Appropriators are reporting varying levels of progress in negotiating an FY22 omnibus before the March 11 deadline when the continuing resolution (CR) expires. There appears to be a chance that one or two spending bills will not be included, and those parts of the Federal government will need yet another CR.

House Armed Services Committee chair Rep. Smith (D-WA) sees broad bipartisan support for the Ukraine supplemental. However, Thursday morning, he noted that including the COVID spending is likely to make it harder to pass the measure through Congress.

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A CONVERSATION WITH HOUSE ARMED SERVICES COMMITTEE CHAIRMAN ADAM SMITH

House Armed Services Committee chair Rep. Smith (D-WA) spoke at the American Enterprise Institute (AEI) this week. [The event](#) comes as official Washington, DC, eagerly awaits release of the White House's FY23 budget request. Congress is expected to finalize the FY22 budget sometime next week with an omnibus bill.

Rep. Smith said this will be the most impactful budget in a long time, as it will go to define the United States' role in the post-Cold War world. It has become clear that the big powers will not be coming together to solve global problems. Smith sees the US' role as fighting for economic and political freedom. It is clear, he said, Russia and China are trying to make the world safe for dictatorship and repressive regimes. The invasion of Ukraine has "fundamentally altered" what the US defense posture must be. Historically, Smith has opposed simply raising defense spending, arguing that the Pentagon should be operating more efficiently and that it is not sufficient to just buy more "stuff." However, in light of current events, Smith said defense spending will "undoubtedly" have to increase.

AEI Fellow Mackenzie Eaglen said that giving the Department of Defense (DoD) more flexibility in how it spends its money would also help. She said that, for example, not requiring that all Operations and Management (O&M) money be returned to the Treasury at the end of the year could replace some of the higher spending required each year. Both Smith and Eaglen agreed that passing a budget on time and eliminating the use of continuing resolutions would improve the Pentagon's spending power and efficiency.

Smith said that, had Ukraine had a more robust military, Putin would not have tried to invade. It is time now to ensure the other Eastern European countries are secure. "We cannot do this alone," he added. Rather, the country must work cooperatively with the rest of the world. "We will not succeed," he said, if we treat other countries as second-class citizens subservient to the US. This means strengthening NATO and creating a stronger presence in Asia to help deter China with stronger partnerships with Australia, Japan, India, and others.

He called for the US to be more humble as it builds relationships and partnerships around the country. The US cannot roll into a country and tell it how to fix its problems. Rather, the US should listen to the host countries and support them, rather than roll over them. He said this needs to occur everywhere, including Europe and Africa. Smith said it's about building a partnership, rather than using brute strength.

Smith noted that much of the great power competition is already playing out in Africa. China is already operating there in the economic arena. This has to play a role in the US force posture. Meeting the challenge is not just about building more things. Smith said a key to deterrence is ensuring that US systems can be protected and will survive an attack, and that the US can make an opponent's systems vulnerable. It's all about the technology. He pointed out that there were good ways to run things in the 1950s, and the Pentagon adopted them. However, times have changed and the Pentagon has not kept up.

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UPCOMING HEARINGS

- On Tuesday, March 8th, the House and Senate Veterans' Affairs Committees will hold a joint hearing titled, "Joint House and Senate VSO Presentation," where Commander Dillard will be testifying on TAL's legislative agenda.
- On Tuesday, March 8th, the Senate Foreign Relations Committee will hold a hearing titled, "Russia's Invasion of Ukraine: Assessing the US International Response."
- On Wednesday, March 9th, the House Armed Services Committee (HASC) will hold a hearing titled, "National Security Challenges and the US Military Activities in the Indo-Pacific Region."

MEETINGS

- National Legislative Division Staff continues preparations for the upcoming Washington Conference. The schedule of events is [here](#). More about Washington Conference, including the Hill Visit Toolkit, is [here](#).
- On Monday, February 28, NLD Staff participated in VSO monthly meeting to discuss the Honoring Our Pact Act and the upcoming debate period and vote.
- On Tuesday, March 1, NLD Staff participated in a weekly VSO meeting with House Veterans' Affairs Economic Opportunity staff to discuss legislative issues relevant to the subcommittee.
- On Tuesday, March 1, NLD Staff attended the joint Senate and House Veterans' Affairs Committee hearing on the legislation presentation of the Disabled American Veterans (DAV).
- On Wednesday, March 2, NLD Staff accompanied VA&R Director, Katie Purswell, who provided remarks for Chairman Takano's (D-CA) press conference at Capitol Hill to highlight the urgent need to pass the Honoring our PACT Act on the House floor this week. The event also featured remarks from Speaker Pelosi, Members of Congress, advocates Jon Stewart and John Feal, and Veteran Service Organizations.
- On Wednesday, March 2, NLD Staff attended the joint Senate and House Veterans' Affairs Committee hearing on the legislation presentation of the Veterans of Foreign Wars of the United States (VFW) and other Veteran Service Organizations.
- On Wednesday, March 2, NLD Staff attended a House Foreign Relation Committee hearing on "The 2001 AUMF (Authorization for Use of Military Force) and War Powers: The Path Forward." Written testimony is [here](#) and video is [here](#).
- On Wednesday, March 2, NLD Staff attended a House Armed Services Military Personnel Subcommittee hearing on "Assessing the Effectiveness of Suicide Prevention Programs". Written testimony is [here](#) and video is [here](#).
- On Thursday, March 3, NLD Staff met with Sen. Hirono's (D-HI) Veterans Policy Advisor to discuss the S. 2761 – The Every Veteran Counts Act. This legislation would require the U.S. Department of Veterans Affairs (VA) to establish and regularly update a database of the veteran population demographic, which is rapidly changing.
- On Thursday, March 3, NLD Staff met the President of Washington Business Dynamics, a service-disabled veteran-owned small business (SDVOSB), to discuss issues about SDVOSBs being ignored by USAID and the international development community at large.

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- On Thursday, March 3, NLD Staff met with recently elected Rep. Cherfilus-McCormick (D-FL) Veterans Policy Advisor to welcome her to the House Veterans' Affairs Committee (HVAC) and discuss the Veterans Benefits Administration (VBA) and Veterans Benefits Management System (VBMS) issues and legislation.
- On Thursday, March 3, NLD Staff met with Rep. Emmer's (R-MN) Veterans Policy Advisor to discuss toxic exposure legislative strategies.
- On Friday, February 18, NLD staff participated in a meeting with HVAC Majority Staff to discuss proposed rules for filing claims on the new Veteran Affairs Schedule for Rating Disabilities (VASRD) rating (rating schedule) criteria.
- On Friday, March 4, NLD Staff met with Senate Veterans' Affairs Committee (SVAC) Minority Staff to discuss the upcoming hearing that TAL will be testifying at.
- On Friday, March 4, NLD Staff met with VA to discuss an overview of the AIR Commission Market Assessment Recommendations.

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