

National Legislative Division Weekly

CONGRESS

Negotiations are underway for an FY23 omnibus spending bill. Both Democrats and Republicans appear to be proposing a budget of about \$1.65 trillion. They have yet to agree on how to divide that money, with Republicans wanting to spend more on Defense and Democrats, as usual, hoping to put more money into nondefense domestic programs. It is unlikely Congress will meet the December 16 end of the current continuing resolution (CR), though. It remains to be seen how long the next CR will need to be. While a few lawmakers are pushing for pushing the deadline to next year, most are hoping to finish the omnibus this month.

Senate Minority Whip Sen. Thune (R-SD) told *Politico*, on Monday, he gives lawmakers an even chance of completing the omnibus by the end of the year. SAC Ranking Member Sen. Shelby (R-AL) has been speaking with Leahy, but says “serious negotiations” will not occur until after the Georgia run-off election, on December 6, between Sen. Warnock (D-GA) and Republican opponent Herschel Walker.

There is talk in some circles of a full-year CR, which would keep federal funding and authorizations at FY22 levels. Defense Secretary Austin has sent a letter to Congress detailing just how bad this would be for the Department of Defense (DoD). In the letter, he notes that DoD would, among other problems, be unable to implement the new National Defense Strategy (NDS).

It is looking more and more likely that, once again, Congress will be in session at least until Christmas (they could potentially return for a few days after Christmas, as the current Congress runs until the end of the year). *Politico* reports that even many Republican Senators do not want to rely upon a majority-GOP House in 2023 to complete the omnibus.

On Wednesday, Democrats overwhelmingly elected Rep. Jeffries (D-NY) to be the next Minority Leader. He becomes the first Black person to lead either Party in Congress, and the first to be born after World War II, ushering in a “younger generation” of leadership.

Wednesday afternoon, the Senate confirmed Robert Phillip Storch to be Inspector General for the Department of Defense. He becomes the first Senate-confirmed DoD IG in seven years. Only Sen. Braun (R-IN), Sen. Cotton (R-AR), and Sen. Hawley (R-MO) voted against the nominee.

Rep. McEachin (D-VA) died Monday, after winning a fourth term in the House. Virginia will hold a special election at a date to be determined by the Governor. McEachin’s district is heavily Democratic, so this seat is unlikely to flip in the special election.

The House Rules Committee will meet on Monday about several pieces of legislation, including HR 7946, the Veteran Service Recognition Act of 2022. This legislation, primarily sponsored by House Veterans Affairs Committee chair Rep. Takano (D-CA), would have DoD, VA, and the Department of Homeland Security study noncitizen veterans and former members of the Armed Forces who were removed from the US since January 1, 1990. The Departments would also have to improve information collection and tracking

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of these individuals. The legislation also calls on DHS to create a program of citizenship through military service. The bill will likely see action on the House floor sometime next week.

On Thursday, the House passed five veteran-related bills, including the DOULA for VA Act of 2022 (HR 2521), the Mark O'Brien VA Clothing Allowance Improvement Act (HR 4601), and the Long-Term Care Veterans Choice Act (HR 7158).

LEGION-SUPPORTED LEGISLATION CAPPING FEES FOR LAWYERS REPRESENTING CAMP LEJEUNE MARINES INTRODUCED



Senator Sullivan (R-AK) introduces legislation to cap fees for lawyers representing Camp Lejeune marines.

On Nov. 17, U.S. Sen. Dan Sullivan (R-AK) introduced American Legion-supported legislation that would cap the fees trial lawyers can charge in cases representing sick Marines and other individuals impacted by water contamination at Marine Corps Base Camp Lejeune in North Carolina. Less than two weeks later, on Nov. 30, Sullivan made a motion for unanimous consent for his newly introduced bill. S. 5130, the Protect Camp Lejeune Victims Ensnared by Trial-lawyers' Scams (VETS) Act, amends the Camp Lejeune Justice Act and caps legal fees at a maximum of 10% and ensures that attorneys are not paid before a veteran or family member as a result of any award made.

The Camp Lejeune Justice Act became law in August in the larger Honoring our Promise to Address Comprehensive Toxics (PACT) Act.

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“U.S. Marines and their families are being preyed upon by unscrupulous trial lawyers,” said Sullivan, Alaska’s former attorney general and currently a colonel in the U.S. Marine Corps Reserve. “They’re grabbing all the money, and the sick Marines and their families aren’t getting it. (They’re) using sick Marines to get rich. That’s what my bill’s going to change.”

Sullivan, a member of American Legion Post 28 in Anchorage, called for unanimous consent for the legislation and cited specific American Legion support for it. He quoted directly from Resolution 15: Oversight of Camp Lejeune Justice Act, which was passed by The American Legion National Executive Committee during its 2022 Fall Meetings, reading, **“Whereas, predatory law firms charging exorbitant fees have engaged in aggressive marketing campaigns ... The American Legion urges Congress to provide the necessary oversight during the implementation of the Camp Lejeune Justice Act to ensure veterans receive fair consideration of their lawsuits and protections against predatory law firms.”**

In a press release issued prior to Sullivan’s remarks, Chanin Nuntavong – executive director of government affairs for The American Legion – also expressed the organization’s support for the bill. “With the passage of the Camp Lejeune Justice Act, veterans and their families were finally able to pursue legal action against the government for their exposure to toxic contaminated water at Camp Lejeune,” he said. “After decades of waiting, and suffering the realities of life-threatening medical conditions, they were bombarded by advertisements from unscrupulous law firms charging exorbitant fees. We commend Sen. Sullivan for correcting this injustice by introducing legislation that caps legal fees at a reasonable amount to ensure our veterans and their families are not taken advantage of.”

The American Legion submitted congressional testimony to the Senate Veterans Affairs Committee in mid-November during a hearing on PACT Act oversight that called for the capping of legal fees on Camp Lejeune Justice Act cases.

Last month, The American Legion submitted a statement for the record (SFR) to the Senate Veterans’ Affairs Committee (SVAC) on this issue. Click [here](#) to view it.

NATIVE AMERICAN VETERANS

Sen. Tester (D-MT), on Wednesday, held a hearing in the Veterans Affairs Committee focused on Native American veterans. He is particularly upset over the Department of Veterans Affairs’ (VA) delays in implementing a provision to waive copayments for VA health care for these veterans. VA officials assured him the provision will be implemented by the end of this year. The final regulations might also make the provision retroactive. This means that Native American veterans would receive refunds for any copayments made during 2022. The officials said that is not yet a done deal, but they are trying to make it happen.

The next afternoon, VA Secretary McDonough told reporters “we’re working it very, very aggressively,” and he is committed to getting it done before the end of the year. He acknowledged that the VA is late in implementing these regulations. McDonough would not comment on whether the rule would be made retroactive, with veterans receiving rebates.

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Native American witnesses repeatedly emphasized the importance of building more partnerships and collaborations between the VA and the Indian Health Service. This would not only bring care closer to where the veterans live, but also allow for care to be provided in more culturally competent settings.

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

Daniel Burks, Oregon

This week, we are excited to recognize Daniel Burks from the Department of Oregon for meeting with Rep. Cliff Bentz (R-OR) at the Veterans Memorial in Ontario, Oregon. The Congressman held an open forum with local veterans pertaining to a variety of different issues surrounding veterans up to and including the reasoning behind his voting against the PACT Act.

Thank you, Mr. Burks!

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 kisaacson@legion.org.

UPCOMING HEARINGS

- On Monday, December 5, the House Rules Committee will hold a hearing to consider several bills, including H.R. 7946 – the Veteran Service Recognition Act.
- On Tuesday, December 6, the House Veterans' Affairs Subcommittee on Economic Opportunity will hold a hearing titled "Transitional Housing Reform: Examining the Future of the VA Grant and Per Diem Program."
- On Wednesday, December 7, the House Veterans' Affairs Committee will hold a hearing titled "Fulfilling our Pact: Ensuring Effective Implementation of Toxic Exposure Legislation."