

## National Legislative Division Weekly

### PACT ACT PASSES SENATE



The nastier side of DC politics blew up over the weekend as legislation to ensure toxic-exposed veterans receive care and benefits got caught up in a bigger fight. In response, The American Legion’s National Legislative Division relaunched its grassroots campaign to engage Legionnaires across the country, and organized emergency meetings with **18 of the 25 Republican** Senators who flipped their votes last week against cloture for the PACT Act.

Tuesday evening, the Senate finally passed the Honoring Our PACT Act, following days-long pitched advocacy and firewatch by veterans on the Capitol steps and a celebrity fighting with pundits on multiple news programs.

In the end, three amendments failed to gain traction, and the legislation passed with 86 ayes and 11 nays. After all the drama, the bill netted two additional votes in favor than the last time the Senate passed it—Senators Burr (NC) and Thune (SD). President Biden is expected to sign the bill on Wednesday, August 8.

The Senate first passed the PACT Act in June with a bipartisan 84 to 14 vote. At that time, Senator Toomey (PA) made clear his opposition to making money for the Cost of War Fund mandatory. Toomey argued that using mandatory spending for the fund is a “budgetary gimmick” that opens a loophole to allow up to \$400 billion to be spent using discretionary funds elsewhere in the federal budget.

Unfortunately, the Senate version of the bill created a blue slip problem by absolving physicians from the tax implications of having their service contracts fulfilled by the VA in exchange for serving veterans in

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rural areas. This section required that the entire bill go back to the House, rather than head to the President's desk for a signature.

The House fixed the technical glitch and passed the latest version of the bill on a 342-88 vote. The only thing that changed in the "new" version of the bill was removal of the blue slip issue. The mandatory versus discretionary funding of the Cost of War Fund was unchanged.

Last week, the Senate was expected to pass the fixed version of the bill. Veterans groups prepared to celebrate. However, just before the PACT Act vote, Senator Manchin (WV) and Majority Leader Schumer (NY) announced a broader agreement for the reconciliation bill, which is a vehicle designed to evade the need for Republican support. GOP Senators made clear their dismay at the idea of this broader package, which includes climate change provisions and a plan for Medicare to negotiate prices for certain prescription drugs.

Within hours of the Manchin/Schumer deal's announcement, 25 Republicans who had previously voted for the PACT Act refused to allow cloture to be invoked, preventing further work on the legislation. When pressed for a reason, many pointed to the objections made by Toomey, and charged that Democrats had changed the bill since the last time the Senate had voted on it (a false allegation). However, comments made by some GOP Senators indicate they were unwilling to give Democrats another win at that point.

A group of irate veterans immediately set up a fire watch at the Senate steps. Their round-the-clock vigil lasted through two nights of thunderstorms and heavy rain. Chef José Andrés sent food, and VA Secretary McDonough delivered pizza courtesy of President Biden. Comedian Jon Stewart, who has become a major activist on toxic exposures, joined them on Monday. Just before debate started Tuesday afternoon, the group was ushered into the Senate's visitor's gallery.

Before the final vote could occur, Senators were given the opportunity to vote on three Republican amendments to the legislation. Had any of them achieved the required 60 votes, the bill would have had to go back to the House for passage (again); however, the House has left Washington for the August recess.

### ***Senator Paul (KY) Amendment***

Paul wants to pay for the costs of the PACT Act by eliminating all foreign aid (except for what goes to Israel) for ten years. Speaking on the Senate floor, Paul said USAID is "riddled" with problematic spending, and the money would be better spent caring for veterans.

The amendment failed with only seven votes in favor, and 90 against.

### ***Senator Toomey (PA) Amendment***

This amendment would change funding for the Cost of War fund to discretionary. Toomey said making that funding mandatory is a "common DC trick," and would allow for spending on veterans' health care to be "shifted off the books." That "clever little device" could result in up to \$400 billion in additional discretionary spending over the next ten years beyond veterans' issues. Toomey does not agree with his Democratic colleagues that Congress can be trusted not to go on a spending spree.

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As written (both in this version and in the version passed by the Senate in June), the legislation states that funds are to be appropriated for the fund each year and to be considered mandatory once that happens. Thus, Congress must delineate the amount to be spent each year, regardless of the category.

The amendment failed with 47 ayes and 48 nays.

### *Senator Blackburn (TN) Amendment*

This amendment would allow toxic-exposed veterans to more readily access community care. When she introduced the amendment, Blackburn explained, “VA is not capable of implementing the PACT Act as written.” She cited testimony by McDonough that the Department does not have sufficient capacity, and reminded her colleagues that there is already a 168,000 case backlog for claims processing. The PACT Act, she noted, could increase that backlog by more than one million cases.

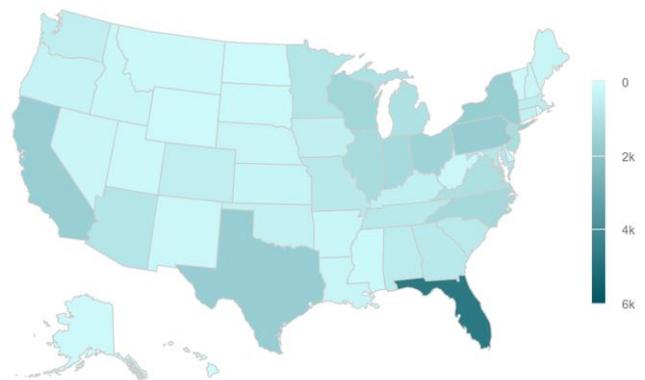
Senate Veterans Affairs Committee chair Senator Tester (MT) replied that the VA is a leader in treating the kinds of diseases and conditions faced by those who have served in the military. In addition, he said, “time and time and time again veterans have told us” they prefer to receive care directly from the VA. Tester asked his colleagues to vote against this amendment as it would be a move toward privatizing the VA.

The amendment failed on a 48-47 vote. It needed 60 votes to be adopted.

## PACT ACT GRASSROOTS ACTIONS

Last week, The American Legion National Headquarters reactivated its grassroots campaign encouraging members to [call on their Senators](#) to pass the SFC Heath Robinson Honoring Our PACT Act. In less than a week, Legionnaires sent over **15,000** messages to their Senators, totaling over **34,000** messages sent to Congress throughout the Campaign.

Jurisdiction	Messages
Florida	4,728
Texas	1,664
Pennsylvania	1,652
New York	1,652
California	1,628



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### DEPARTMENT OF THE WEEK: FLORIDA

Florida Legionnaires flooded the offices of Senator Rubio and Senator Scott with over **4,728** messages to pass the PACT Act. Not only is this the highest number of messages sent by a Department, but also calculates as the highest number of engaged Legionnaires at **4.59%**. Congratulations, and thank you for your advocacy for veterans!

### NLC MEMBER OF THE WEEK: LUTHER HOLSONBACK

Tennessee Legionnaires were especially engaged in the campaign to pass the PACT Act, but their National Legislative Council Vice Chairman stood out for his tenacity: Luther Holsonback sent **18 messages** to his Senators about the PACT Act throughout the duration of the campaign, ranking as the highest amount of activity we are tracking in our voter voice platform.

Congratulations Luther, and way to exceed the standard!

### CONGRESS

Capping a dramatic week, the Senate could be in session throughout the weekend for a vote-a-rama concerning the reconciliation package. Should they pass it, House Speaker Pelosi (CA) could call her Chamber back for a special session next week. Otherwise, Congress is gone for the rest of August.

Representative Walorski (IN) and two of her staff members died Wednesday when their vehicle was hit by a car traveling in the other direction that veered into their lane. The accident occurred in her home state, near Nappanee. During this Congress, Walorski served on the Ethics Committee and the Ways and Means Committee. In the past, she was on the Veterans Affairs Committee.

#### *Legislation for Senate consideration*

Just before the August recess, the Senate Homeland Security and Governmental Affairs Committee reported 30 pieces of legislation for consideration by the full Senate. It is unclear how many of these bills will see further action, given the crowded legislative calendar facing lawmakers upon their return to DC in September.

The long list of bills includes S. 4337, the Military Spouse Employment Act, introduced by Senator Lankford (OK). This would make it easier for federal agencies to hire spouses of service members who are on active duty, disabled, or deceased for remote work.

Another bill, S. 4465, introduced by Senator Peters (MI), would create the Countering Weapons of Mass Destruction and the Office of Health Security within the Department of Homeland Security.

The committee also reported out H.R. 3544, the Computers for Veterans and Students (COVS) Act of 2021. The House passed the bill by voice vote on July 12. Introduced by Representative Spanberger (VA), this

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legislation would require the General Services Administration (GSA) to give surplus computers and related technology to nonprofit refurbishers for distribution to schools, veterans, and other populations in need or to state and local agencies for donation to nonprofit and public entities.

### ***Department of Veterans Affairs (VA) prepares for PACT Act claims***

The VA has created a special page on its website to help veterans gain information and file claims for toxic-exposure disability compensation under the new bill. The page, [VA.gov/PACT](https://www.va.gov/PACT), went live even before President Biden could sign the newly passed legislation into law.

VA Secretary McDonough released a statement immediately after the Senate vote calling veterans exposed to toxic fumes “American heroes.” The Secretary thanked President Biden “who made this day possible by fighting like hell for our nation’s veterans,” and promised the Department will implement the new law “quickly and effectively.”

White House and VA officials have told reporters they hope to speed up some of the timelines contained in the bill. This will largely depend upon the Department’s ability to quickly hire more people to process claims and to actually provide care. Some provisions, such as the five year extension of care upon leaving the military, will go into effect immediately. However, coverage for Vietnam-era veterans dealing with hypertension, possibly from Agent Orange exposure, does not become effective until 2026. The bill does contain provisions to help individuals with deteriorating health conditions or over the age of 80 obtain care sooner. Overall, analysts predict it will take at least four years for most veterans to experience an impact from the PACT Act.

Veterans may either file online at the web address above or call the VA directly at 1-800-MyVA411 to start a claim or ask questions.

## UPCOMING HEARINGS

- No scheduled hearings; House and Senate entering August recess.

Also, happy 232<sup>nd</sup> birthday to the US Coast Guard!

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**The American Legion**