

LEGISLATIVE DIVISION UPDATE

Congress

There are some very quiet indications that House and Senate leaders and appropriators are talking across Party lines and across the Hill to find a way to pass at least a few appropriations bills before the next fiscal year starts on October 1. It would appear that they are coalescing around the idea of having agreements in place to not allow the inclusion of poison pill provisions in order to enable the bills to continue moving forward. In the Senate, those agreements would also involve allowing amendments to be offered without having Senators impose objections that utilize legislative maneuvers to bring things to a standstill.

Early in the week, there were also rumors that the Office of Management and Budget (OMB) might be backing off on its threat to submit repeated recessions packages to claw back some of the spending in the FY18 omnibus bill.

Both the House and the Senate are out next week. When they return, the House Armed Services Committee will mark up its authorization bill. The House Appropriations Committee is scheduled to mark up its first bill, covering military construction and the Department of Veterans Affairs. The subcommittee reported out that bill on a unanimous vote Thursday morning.

Department of Veterans Affairs (VA)

What was supposed to be a productive legislative week for VA issues quickly devolved into chaos surrounding the nomination of White House physician Admiral Ronny Jackson to become VA Secretary. By Thursday morning, dogged by allegations of improper dispensing of narcotics and drunken behavior, Jackson had withdrawn his nomination.

On Monday, the House VA Committee postponed its markup of several pieces of legislation, including the next iteration of community care programs and medical marijuana research requirements. Committee staff indicated that negotiations on all of the legislation is ongoing, and they hope to reschedule for the week of May 7, after Congress returns from its district work period. On Wednesday, House VA Committee chairman Rep. Roe (R-TN) said that the postponement was because they were still looking for a way to pay for the changes, but he remains confident “we will get it done.”

Thursday, just after Jackson withdrew his nomination, the President called upon Congress to quickly send him legislation to reform how the VA provides health care. In response, Roe issued a statement in support of the “compromise legislation” he has crafted with Democrats and with his Senate colleagues to streamline the VA’s community care programs. “I’m confident we can get a good bill to the President,” he said in his statement.

On Wednesday, as Jackson’s nomination was clearly running into problems, the VA issued a statement noting that, under the auspices of Acting Secretary Wilkie, the

Department is moving along smartly on priorities aligned with the White House. The statement also made mention of the fact that unnamed personnel devoted to the status quo had finally left the Department.

Thursday afternoon, the Senate confirmed Paul Lawrence to be Under Secretary for Benefits for the VA.

FY19 National Defense Authorization Act (NDAA)

The subcommittees of the House Armed Services Committee (HASC) held their markups this week. Their sections of the full NDAA included a lot of oversight provisions and requirements, and reforms big and small.

Pilot programs from last year to increase DoD's personnel flexibility were made permanent. While this falls short of major personnel reform, it does enable the Department to bring people with particular skills or education at a higher rank. The Career Intermission Program was also made permanent.

On a smaller scale, DoD will also now be required to have a special field on the DD214 to register the service member's email address. That information is currently captured in the form's comments section.

Subcommittee markups all took place Thursday. Following tradition, they were, for the most part, quick and simple. The full committee will mark up the bill on May 9, in a marathon session starting at 10am and ending whenever they finish (last year it was around midnight; the year before they ended just after 5:30am). Synopsis will be there for the whole thing; follow along on Twitter for details during the day.

DoD already implementing NDAA proposed measures

A provision of the HASC FY19 NDAA released this week requires that military treatment facilities (MTFs) not be realigned or downgraded until after the Services complete the management changes with the Defense Health Agency (DHA) required in the FY18 NDAA. HASC committee staff told reporters that this measure is intended to reassure the Service Surgeons General that they do not have to worry about new reforms coming their way during the reorganization, but also to remind them that Congress is watching. At a Senate appropriations hearing Thursday morning on the Defense Health Program (DHP), all three Surgeons General assured the committee that they are actively working to reorganize with the DHA. Working groups, including senior Pentagon leadership, have been working hard to identify what needs to be done and how.

HASC chairman Rep. Thornberry (R-TX) intends to include reforms to the DoD 4th Estate in the full committee mark to be released in two weeks. The 4th Estate consists of all DoD agencies that do not report directly to a Military Service. Thornberry released the outline of his intended reforms last week. This week, on Tuesday, Deputy Defense Secretary Shanahan told reporters that the Pentagon welcomes Thornberry's interest in this issue, and looks forward to working with him on it.

Update on Flag Amendment Bill

The American Legion is continuing its efforts to protect the American flag in the 115th Congress. As he did in the previous Congress, Rep. Steve Womack (AR) re-introduced a flag protection constitutional amendment, **House Joint Resolution (H.J. Res.) 61**. The measure currently boasts 27 co-sponsors.

On Flag Day, Sen. Steve Daines (MT) introduced a Senate companion measure, **Senate Joint Resolution (S.J. Res.) 46**, in that chamber. The amendment currently has 13 cosponsors. You can read Sen. Daines' press release here: <https://www.daines.senate.gov/news/press-releases/on-flag-day-daines-introduces-constitutional-amendment-to-prohibit-flag-burning>

The American Legion issued the following congratulatory response here: <https://www.legion.org/commander/237811/american-legion-national-commander-salutes-senate-bill-flag-day>

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