

Legislative Division Weekly

GRASSROOTS ACTION UPDATES

This week, we are asking Legionnaires to contact the White House to request support for a Presidential Medal of Freedom for Diane Carlson Evans! The American Legion supports this recognition, and we appreciate all the emails you have sent so far. *Go to the [Action Center](#) to quickly email a letter of support.*

Have you had a recent meeting or phone call with your member of Congress? Report your contact today! Click [here](#) to register your Congressional contact and demonstrate the power of The American Legion advocacy in action.

The American Legion's legislative agenda for the 2nd Session of the 118th Congress. To review our priorities, you can check out our [Advocacy Toolkit](#).

MARK YOUR CALENDAR!

June 26th, 7pm Eastern – Quarterly Legislative Commission Meeting

July 17th, 3pm Eastern – National Legislative Council Training Session

Both meetings will be held online. Link information for the NLC Training Session will be distributed closer to time.

IVF PROVISION IN DEFENSE BILL

This article's original publication can be found [here](#).

Service members and dependents would be able to get fertility treatments such as in vitro fertilization covered by military health care in any circumstance, under an amendment added to the Senate's version of the annual must-pass defense policy bill.

Under the amendment sponsored by Sen. Tammy Duckworth, D-Ill., [Tricare Prime](#) and [Tricare Select](#) would be required to cover a range of fertility treatments, including IVF, regardless of the beneficiary's medical diagnosis, sex, sex characteristics, gender identity, sexual orientation or marital status, according to a summary obtained by Military.com. The measure was added to the bill during a closed-door debate last week.

If passed into law, that would mark a major expansion of benefits for service members and their families. Right now, only service members who are severely ill or injured or those service members' partners can get fertility treatments covered by the military.

"Even before I was wounded, I had made the difficult decision to delay building a family because I knew getting pregnant would impact my ability to be an [Army](#) aviator -- and to advance in the career I loved,"

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Duckworth, a retired Army [National Guard](#) lieutenant colonel who lost both of her legs in a helicopter crash in Iraq, said in a statement last week after her amendment was included in the Senate Armed Services Committee's version of the National Defense Authorization Act, or NDAA.

"Because of the miracle of IVF -- and my access to reproductive health care through the VA -- I'm now a mom to two beautiful girls," she added. "The reality is that members of the uniformed services face unique challenges when trying to start or build a family, and studies show that service members and veterans have higher rates of infertility compared to the general population."

Similar language was included in the House's version of the NDAA through an amendment proposed by Rep. Sara Jacobs, D-Calif., during the House Armed Services Committee's debate about the bill last month, increasing the odds that language expanding access to IVF will be included in the final version of the bill that becomes law. The measures come amid a larger debate in the country about access to IVF after an Alabama court ruled earlier this year that frozen embryos could be considered children. While not outright banning IVF, covering embryos under wrongful death statutes makes the procedure unfeasible.

Democrats, who have made reproductive health-care rights a large part of their 2024 campaign messaging, have argued the Alabama ruling demonstrated that all reproductive care is under threat following the 2022 Supreme Court ruling that allowed states to ban abortion. Republicans have raced to declare their support for IVF after the Alabama ruling, but have often sidestepped questions about how to handle frozen embryos and have argued that Democratic efforts to ensure nationwide rights for IVF and other reproductive care amount to election-season political stunts.

The same day the Senate Armed Services Committee approved Duckworth's amendment behind closed doors, Republicans in a vote on the Senate floor [blocked a separate bill](#) from Duckworth that would enshrine the right to fertility treatments -- including the right to decide how to handle embryos -- in law, as well as expand service members' and veterans' access to the care.

The vote was part of a series Senate Democrats have held in recent weeks highlighting their support for reproductive health care, which included a vote earlier this month on a bill to protect access to contraception and an expected vote next month on a right to abortion. While blocking Duckworth's bill, Republicans instead tried to pass a bill from Sens. Katie Britt, R-Ala., and Ted Cruz, R-Texas, that would discourage states from outlawing IVF by withholding Medicaid funding if they do but would do nothing to address the embryo issue. Democrats objected to passing the GOP bill.

In the military, the Alabama court ruling [also raised concerns about service members' access](#) to IVF. The Pentagon recently expanded its coverage of IVF following a lawsuit that argued the previous policy discriminated against unmarried service members and same-sex couples. As of March, [marital status is no longer a barrier](#). But the benefit is still only available to those with injuries or illnesses that cause infertility. The ailment also has to be a "Category II" or "Category III" illness or injury, defined as serious enough that a service member is unlikely to return to duty and is likely to be medically separated.

In addition to expanding coverage of IVF and other fertility treatments, Duckworth's amendment would require the Pentagon to create a fertility treatment coordination program, according to the summary.

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The vote breakdown on Duckworth's amendment was not immediately available, but the NDAA as a whole advanced out of the Senate Armed Services Committee in a 22-3 vote. "I'm so proud my colleagues joined me to expand access to IVF and help more of our uniformed service members have access to the fertility treatment they need to start the families they've dreamed of," she said in her statement.

The full Senate must still pass its NDAA, and the House and Senate then need to reconcile their respective versions before the bill can become law. While the House version of the NDAA includes an expansion of IVF coverage, it also includes language to [roll back service members' access to abortion](#), injecting uncertainty in what the final negotiated outcome of the bill will be. And though Republican messaging since the Alabama ruling generally has supported IVF, some far-right lawmakers have gone in the opposite direction.

"In a world where alternatives to IVF are plentiful, it is unacceptable that this year's NDAA made the American people liable financially for the expansion of this life-destroying practice," Rep. Matt Rosendale, R-Mont., said in a statement last week, explaining his vote against the House NDAA.

WOMEN TO SIGN UP FOR DRAFT?

This article's original publication can be found [here](#).

Senate Democrats have added language to the annual defense authorization bill to require women to register for the draft, prompting a backlash from Republicans and social conservatives and complicating the chances of moving the bill on the Senate floor before Election Day.

Conservatives led by Sen. Roger Wicker (R-Miss.) are certain to attempt to remove the provision requiring women to register for the draft, which could present a tough vote for Sens. Jon Tester (D-Mont.) and Jacky Rosen (D-Nev.) and other Democrats in tight reelection races. Republican candidate Sam Brown, who is running against Rosen, is already making it an issue in the Nevada Senate race.

Brown, an Army veteran who was severely burned by an improvised explosive device explosion, slammed Rosen in a video for voting to require women to sign up for the draft. "Look at my face. This is the high cost of war," he posted recently on the social platform X. "Amy and I volunteered to serve, and we honor all who serve," he wrote, referring to his wife. "But forcing America's daughters to register for the draft is UNACCEPTABLE. Shame on Jacky Rosen." In the video posted below those comments, Brown pointed to the scarring on his face as evidence of the dangers women would face in combat theaters. "Look at my face. This is the high cost of war and I just found out that Jacky Rosen voted this week to make signing up for the draft mandatory for our daughters. You'll be hearing more from me on this," he said.

Sen. Josh Hawley (R-Mo.) called the provision requiring women to sign up for the draft "insane." He accused the Biden administration of trying to implement a woke agenda at the Pentagon. "There shouldn't be women in the draft. They shouldn't be forced to serve if they don't want to," he said on Fox News. He criticized Democrats for wanting to experiment with the military, saying "normal people are like, 'Leave our daughters alone.'" Hawley led efforts to strip language requiring women to sign up for the draft from the defense authorization bill in 2021 and 2022.

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A group affiliated with former Vice President Mike Pence also weighed in on the issue Wednesday. The group, Advancing American Freedom, wrote a letter to Senate Republican Leader Mitch McConnell (Ky.) and Speaker Mike Johnson (R-La.) declaring that “the notion of the United States of America requiring women to register to fight our wars is simply untenable and must be opposed at all costs.”

Wicker, the top-ranking Republican on the Senate Armed Services Committee, said he’ll try to strip it out of the bill. “I’m opposed to that. I don’t think this is the time to get into a debate on the floor of either house about that. We’re not anywhere near implementing a draft, and to me it’s a distraction when we need to be talking about real issues that are immediate,” he said. “I hope it will fall out, either on the floor or in conference,” he added.

But Senate Armed Services Committee Chair Jack Reed (D-R.I.) defended the proposed policy change, arguing that women can hold many warfighting positions without serving as front-line infantry troops. “Women are doing a remarkable job in our forces today, and if we were in a situation requiring a draft, I think we would need all able-bodied citizens 18 and above,” he said.

“If we go to a draft, that means we’re in a serious, serious situation,” he added. “It’s not like World War II where we need a lot of infantry. We need cyber experts, we need intelligence analysts, linguists, etc. Wait a second, there are a lot of women out there that can do this better than men,” he argued. He said the intense GOP opposition to the proposal “just doesn’t make any sense.”

Senate aides point out the issue cuts across party lines, with some Republicans generally supportive of requiring women to sign up for the Selective Service System, just like men when they turn 18. Senate Republicans are already raising doubts about whether Senate Majority Leader Chuck Schumer (D-N.Y.) will even bring the bill to the floor anytime soon, given the dwindling number of days on the legislative calendar before the election.

“I do hope we get to the floor. It’s very important we have this debate publicly. ... I hear rumblings that the Democratic leader may not bring it to the floor, I hope that can be reversed,” Wicker said. McConnell on Monday urged Schumer to bring the defense bill to the floor “without delay.”

The Republican leader hailed the Senate Armed Services Committee for marking up the defense bill earlier this month but then suggested Democrats may drag out the process of bringing it to the floor. “But shortly after the committee’s action, senior Senate Democrats shattered any expectation that they were ready to start taking the requirements of the national defense seriously,” he said.

Voting to require women to make themselves eligible for the draft could come back to bite Democrats in Republican-leaning or battleground states, such as Montana and Nevada. National Republican Senatorial Committee Chair Steve Daines (R-Mont.) seized on the issue in the last Congress when he backed an amendment in 2022 to remove a provision requiring women to register for the Selective Service System from the National Defense Authorization Act (NDAA).

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“Brave Montana men and women carry out the Treasure State’s rich legacy of service by voluntarily joining our nation’s military. There is no need to force our nation’s daughters to enter the draft,” Daines said at the time. Hawley offered an amendment to strike the women’s draft language from the NDAA in 2021. His action put pressure on Democrats to ultimately remove the issue from the bill without voting on the amendment in December of that year.

He also sponsored an amendment to the defense bill in 2022 to remove language requiring women to register for the Selective Service System, which was co-sponsored by Republican Sens. Ted Cruz (Texas), Tom Cotton (Ark.), Mike Lee (Utah), Marco Rubio (Fla.), Roger Marshall (Kan.), John Boozman (Ark.), James Lankford (Okla.) and Daines.

CAMP LEJEUNE LAWSUIT LEGISLATION

This article’s original publication can be found [here](#).

Frustrated by the slow pace of more than 1,800 lawsuits filed against the government over harm from decades of contaminated drinking water at Marine Corps Base Camp Lejeune, a bipartisan group in Congress is pushing legislation to try to speed things along.

A bill from Rep. Greg Murphy, R-N.C., with 11 co-sponsors as of Thursday, would broaden the terms of a 2022 law that gave victims of the tainted water the right to sue for damages and would allow plaintiffs to request jury trials despite a February decision by four federal judges in North Carolina that they would hear the cases themselves.

And a bill sponsored by Sen. Thom Tillis, R-N.C., that passed the Senate by unanimous consent on June 4 would offer free services to veterans and attorneys who need “guidance and advice on any disability awards, payments, or benefits” in the Camp Lejeune litigation.

As many as a million people, mostly Marines and family members, were exposed to toxic chemicals in drinking water at the base on the North Carolina coast from the 1950s to the mid-1980s, according to the Department of Defense. Since the law was enacted in August 2022, giving victims two years to file claims and lawsuits, at least 232,890 administrative claims have been filed with the Navy and more than 1,800 lawsuits have been filed in federal court in North Carolina, according to the Camp Lejeune Claims Center, an advocacy group for veterans exposed to the contamination.

Together the filings seek trillions of dollars in damages, according to the Justice Department, but the claims center says only 58 settlements totaling \$14.4 million have been made since September, when the DOJ offered payments of between \$100,000 and \$550,000 depending on the health effects reported.

The lawsuits, many of which may be seeking higher payouts than what the government offered, are awaiting decisions by the DOJ and plaintiffs’ attorneys on which cases will be heard first. The lead attorney for plaintiffs in the litigation, Ed Bell of the Bell Legal Group in Georgetown, S.C., said he is hopeful some trials will begin by the end of the year. The lawyers are now selecting 25 bellwether cases,

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with five for each of the “Tier 1 diseases” established in court proceedings so far: kidney cancer, liver cancer, non-Hodgkin lymphoma, leukemia and bladder cancer, he said.

A key piece of the House bill is to allow plaintiffs to request jury trials, after the federal judges ruled that Congress did not clearly delineate that right two years ago when it passed the law allowing those harmed by the contamination to file damage claims with the Navy and then lawsuits in federal court if those claims weren’t resolved within six months.

“We have to have at least an ability for veterans, if they wish, to go in front of a jury and tell their story,” Murphy said in an interview. “I think that’s a hallmark of the American judicial system.” Murphy’s bill would also allow victims to file lawsuits in any of the five states in the jurisdiction of the U.S. Court of Appeals for the 4th Circuit — Maryland, Virginia, West Virginia, North Carolina and South Carolina — rather than just in North Carolina’s federal courts as specified in the 2022 law.

It would also set limits on attorneys fees, as the DOJ recommended when it announced the settlement plan last fall: Fees should not exceed 20 percent for administrative claims and 25 percent for lawsuits filed in court. “As with some of these big bills, sometimes it needs technical corrections,” Murphy said. “This bill helps alleviate some of the heartache that some folks had about attorneys fees, their right to access. I think we’ve been able to work it in a bipartisan manner, and I think it has a good chance of coming through.”

He added that the House bill could be combined with the Senate one. “I’m sure we can work out some agreement where hopefully we can get relief to the veterans,” Murphy said. Bell said passage of the legislation, particularly the House bill, “would change the dynamics” of the litigation process. A partner in Bell’s law firm, Eric Flynn, echoed that assessment. “This is the single most important piece of legislation outside of the passage of the 2022 law itself,” Flynn said. “It would give more money to more veterans faster.”

Both Bell and Flynn argued that the government is purposely slowing the process with numerous motions and challenges to plaintiffs’ claims in hopes of reducing its compensation costs as more and more victims of the contamination, many of whom are elderly, die from serious illnesses. “It seems to me this is a game to them,” Bell said. “They’re trying to find every way they can to interrupt the process and not pay the people. And we have an average of 1.5 to 2 people dying every day in our group. We literally hear about a dozen or so deaths every week.”

He added that most plaintiffs are less concerned about compensation than they are about holding the government accountable. “Most of these Marine families, they want to help others, and they want to have some answer from the government: ‘Why did they do this to us?’” Bell said. “It never has been about the money.” Asked whether he believes the government is stalling, Murphy said, “I think that’s a valid concern. Hence, we wouldn’t be having to do some of these other things to basically force our own government’s hands.”

He continued: “I can’t speak to motivation. All I can do is speak to the reality that for these veterans, it’s been adjudicated to them that they would have the ability to be compensated for their injuries, and I think our government has been very slow to facilitate that compensation.”

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Murphy added that the Defense Department has been downplaying the problems at Camp Lejeune for decades. “This whole thing started because the Navy basically washed its hands of what was going on with the veterans, which in retrospect was a very big missed opportunity that we could have had to admit wrongdoing and move forward. Instead, it had to drag out longer,” he said. “I sure hope those get adjudicated a lot quicker. It’s not right for our veterans. We’re not doing our veterans any justice by delaying things.”

LEGIONNAIRE OF THE WEEK

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.

Philip Kiley, Connecticut

Philip, for your steadfast advocacy of Legion priorities, we are honored to name you Legionnaire of the Week!

Philip recently met with Congressman Joe Courtney in Quinebaug Valley, CT recently. During the annual Veterans Stand Down Fair, Philip chatted with Rep. Courtney and thanked him for his support of federal funding for pipeline training for Veterans. This has local application for veterans in Eastern Connecticut at Electric Boat, a builder of submarines.

Thank you, Philip, for your report and the time you have dedicated to the Legion’s legislative priorities.

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 us at grassroots@legion.org with the details.

GRASSROOTS INFORMATION

Interested in what the Legion is advocating for in Congress on *The Veteran’s Role in Supporting the Military*? Check out our [information paper](#) in the [Legislative Toolkit](#). This is a great starting point for a conversation with your elected officials!

As part of our ongoing Grassroots efforts, LegDiv staff is available to provide **Grassroots Training** tailored to the hosting Department’s needs. If you are interested in hosting a Grassroots training event, please contact grassroots@legion.org or ejohnson@legion.org.

Register for Action Alerts today at <https://www.votervoice.net/AmericanLegion/Register>

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UPCOMING CONGRESSIONAL HEARINGS

As of Friday, June 21st, at 10:00am, the following hearings are scheduled:

June 26, 10:15pm – HVAC Subcommittee on Disability Assistance and Memorial Affairs

June 26, 2:15pm – HVAC Subcommittee on Health

June 27, 10:30am – HVAC Subcommittee on Economic Opportunity

HVAC hearings can be viewed at: [Calendar Home | House Committee on Veterans Affairs](#)

SVAC hearings can be viewed at: [Hearings - U.S. Senate Committee on Veterans' Affairs](#)

HASC hearings can be viewed at: [Hearings – House Armed Services Committee](#)

SASC hearings can be viewed at: [Hearings – U.S. Senate Committee on Armed Services](#)

[View The American Legion Legislative Handbook Here](#)