STATEMENT OF
THE AMERICAN LEGION
BEFORE THE
SENATE COMMITTEE ON VETERANS' AFFAIRS
ON
HONORING OUR PROMISE TO ADDRESS COMPREHENSIVE TOXICS ACT OF 2021

MARCH 29, 2022

Chairman Tester, Ranking Member Moran, and distinguished members of the committee, on behalf of our National Commander, Paul E. Dillard, and our nearly 2 million members, we thank you for the opportunity to comment on the Honoring Our Promise to Address Comprehensive Toxics (PACT) Act of 2021. The American Legion is directed by its membership, who dedicate their time and resources to continued service for veterans, servicemembers, and their families. As a resolution-based organization, The American Legion's positions are guided by more than 100 years of advocacy that originates at the grassroots level of our organization. Every time The American Legion testifies before Congress, the veteran community is given a direct voice in the legislative process.

The men and women of the U.S. Armed Forces confront health challenges of a scope and complexity that few others experience. In addition to the immediate life-threatening realities of the battlefield, many servicemembers have been exposed to slower-acting, and in some cases just as lethal, toxins in the form of atomic radiation, toxic defoliations, and burn pits. These toxic exposures have resulted in service-related illnesses, some of which veterans are unable to seek care for at the Department of Veterans Affairs (VA).

The American Legion has been at the forefront of the fight to ensure that veterans receive the care they have earned for decades. In 1983, Columbia University published a study that served as the scientific foundation upon which presumptive conditions were eventually established for Vietnam War veterans. This study was sponsored by The American Legion and since then, our organization has been heavily invested in the issue of presumptive conditions for veterans who suffered from toxic exposures during their service.

It took decades for VA to provide relief for Vietnam veterans exposed to Agent Orange. Now a new generation of veterans has deployed in support of the Global War on Terror (GWOT) and is coming home with illnesses and conditions caused by toxins. We must break this cycle of providing care that is considered "too little, too late" for our veterans. They cannot wait decades to receive the care they need and rightfully deserve.

In August 2021, the VA announced that asthma, rhinitis, and sinusitis would be the first presumptive conditions for veterans exposed to burn pits and other airborne toxic hazards during the GWOT. Additionally, in March 2022, VA announced its intention to add nine rare respiratory cancers to the list of presumptive conditions for those exposed to toxic chemicals in the Southwest

Asia theater of operations. While the efficiency of VA rulemaking allows for quicker action, legislation is needed to comprehensively address the deadly effects of toxic exposures.

The American Legion National Commander testified before a joint session of the Senate and House Veteran Affairs Committee and urged them to pass legislation that uses a three-prong approach of (1) establishing a concession of exposure to all veterans deployed to identified locations during the Gulf War and the Global War on Terror; (2) establishing a list of presumptive illnesses associated with exposure to burn pits and other toxic hazards where sufficient scientific evidence exists; and (3) by creating a transparent framework for VA to establish additional presumptive illnesses when scientific evidence displays an association between exposure and illness.[1]

The American Legion supports the Honoring Our PACT Act as this legislation meets the criteria outlined in this three-pronged approach and goes even further to support veterans of previous conflicts. Through Resolution No. 118: *Environmental Exposures*, The American Legion supports efforts to expand access to VA healthcare benefits for veterans who have been exposed to toxic hazards while on active duty. We support legislative action that vigorously ensures veterans are properly compensated for disabilities that have a positive association with particular exposures.[2]

This comprehensive legislation ensures that desperately needed care is made available to multiple generations of toxic exposed veterans and Congress must act swiftly to ensure its passage. It is imperative that any final version of this legislation include:

- Expansion of access to VA healthcare by granting Priority Group 6 eligibility to veterans of the Gulf War and GWOT.
- Establishment of a presumptive framework that includes a scientific review board and a formal advisory committee with Veteran Service Organization (VSO) representation.
- A concession of exposure for veterans who were exposed to airborne hazards and toxic substances from burn pits while deployed in support of the Global War on Terror.
- A list of presumptive conditions associated with exposure to airborne hazards and burn pits.
- Expansion of a presumption of service connection for those exposed to Agent Orange and atomic radiation.

CONCLUSION

Despite U.S. troops being withdrawn from South Vietnam in 1973, the VA only recognized presumptive conditions associated with service in 1993.[3] Almost 50 years later, Vietnam veterans are still fighting for the care they rightfully deserve. We cannot repeat these injustices by failing to provide another generation of veterans the care they need.

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[1] Mackenzie Wolf, "Dillard Presses Congress on Legion's Key Legislative Issues," Dillard presses Congress on Legion's key legislative issues (The American Legion, March 8, 2022), https://www.legion.org/washingtonconference/255129/dillard-presses-congress-legion%E2%80%99s-key-legislative-issues.

[2] The American Legion Resolution No. 118 (2016): *Environmental Exposures*

[3] "Secretary Brown Approves Service-Connection for Respiratory Cancers and Multiple Myeloma; Regulations Finalized," *Agent Orange Review,* Vol. 11, No. 1, October 1994.

Chairman Tester, Ranking Member Moran, and distinguished members of the committee, The American Legion thanks you for your leadership on this matter and for allowing us the opportunity to explain the position of our nearly two million members. For additional information regarding this testimony, please contact Mr. Lawrence Montreuil at The American Legion's Legislative Division at (202) 861-2700 or lmontreuil@legion.org.