

STATEMENT FOR THE RECORD
PARALYZED VETERANS OF AMERICA
FOR THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
ON PENDING LEGISLATION
MAY 5, 2021

Chairman Takano, Ranking Member Bost, and members of the Committee, Paralyzed Veterans of America (PVA) would like to thank you for the opportunity to submit our views on pending legislation that is before the Committee. No group of veterans understand the full scope of benefits and care provided by the Department of Veterans (VA) better than PVA members—veterans who have incurred a spinal cord injury or disorder (SCI/D). Several of these bills will help to ensure veterans receive much needed aid and support. PVA provides comment on the following bills included in today's hearing.

H.R. 1273, the Vietnam Veterans Liver Fluke Study Act

PVA supports this bill which directs VA, with the assistance of the Centers for Disease Control, to determine the prevalence of cholangiocarcinoma (bile duct cancer) in Vietnam era veterans. Bile duct cancer is an aggressive disease that attacks the gallbladder, bile ducts, and liver and has been linked to infections by parasitic worms known as liver flukes which are common in Asia. The study would identify the rate of incidence of cholangiocarcinoma in such veterans and U.S. residents.

H.R. 1355, the K2 Veterans Care Act of 2021

As many as 15,000 U.S. servicemembers deployed to Karshi-Khanabad Air Base (K2) in Uzbekistan, an old Soviet military site leased to the U.S. from the Uzbek government between 2001 and 2005 to support military operations into northern Afghanistan following the terrorist attacks of September 11, 2001. Many who served at K2 have now developed serious health issues which are believed to be caused by exposure to multiple cancer-causing toxic chemicals and radiological hazards at this site. PVA supports the K2 Veterans Care Act which establishes a "presumption of service connection" for the veterans who served at K2 and who have since been diagnosed with toxic exposure-related illnesses.

H.R. 1585, the Mark Takai Atomic Veterans Healthcare Parity Act of 2021

Between 1948 and 1958, 43 nuclear weapons were detonated over Enewetak Atoll including "Ivy Mike," the first hydrogen bomb, which was 700 times more powerful than the bomb dropped on Hiroshima, Japan. Between 1977 and 1980, at least 4,000 U.S. servicemembers were detailed to try and "clean" the Atoll's islands of residual radioactive fallout. Despite their efforts, some of them remain uninhabitable to this day. Much of this work by servicemembers was completed without equipment to protect them from the effects of radiation and today many of these veterans are suffering from various types of cancer, respiratory problems, and other conditions. PVA supports this bill which would classify the veterans who participated in the cleanup of Enewetak Atoll as "radiation-exposed veterans." Their cancers and other eligible illnesses would then be presumed to be service-connected disabilities, entitling them to disability compensation and VA health care.

H.R. 2530, the Enewetak Atoll Cleanup Radiation Study Act

PVA supports this legislation which directs VA to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study and provide a report on the level of radiation exposure experienced by members of the Armed Forces who participated in the cleanup of the Enewetak Atoll.

H.R. 1972, the Fair Care for Vietnam Veterans Act of 2021

PVA supports this legislation which would add hypertension and monoclonal gammopathy of undetermined significance to VA's list of conditions associated with Agent Orange exposure. Thousands of Vietnam War veterans have been waiting more than four decades for VA to recognize these conditions which have been linked to Agent Orange exposure. Once this legislation is passed, health care benefits and disability compensation would finally be awarded to these veterans.

H.R. 2127, the TEAM Act

Millions of veterans have been exposed to toxic substances during their military service. These include herbicides, burn pits, and radiation which can lead to serious illnesses like cancer, respiratory diseases, and skin conditions. Currently, VA does not have a presumption of service connection for conditions linked to toxic exposure that could entitle veterans to receive monthly disability compensation. Also, they are not eligible to seek care from VA to treat any illnesses that may result from toxic exposure unless they are otherwise eligible to enroll in the VA health care system. This legislation would make the necessary changes so veterans can access the care and benefits they need to recover from toxic exposure. Thousands of servicemembers and veterans suffering from exposure to hazardous substances are in desperate need care. We urge Congress to pass the TEAM Act as quickly as possible.

H.R. 2268, the Keeping Our Promises Act

PVA supports this legislation which would add conditions to VA's list of presumptive conditions related to Agent Orange exposure. The recommended additions were based on the National Academy of Medicine's biennial Veterans and Agent Orange Committee's evaluation¹ of epidemiologic literature and reflect its judgement of the relative certainty of the association between the illness and exposure to the herbicides used in Vietnam. Additionally, the legislation would give the VA Secretary 120 days to decide whether to add future diseases to the list following a report from the Committee. The bill legislation would also require VA to publish in the Federal Register and inform congressional committees why diseases are or are not being added to the list of presumptive conditions and prohibits using cost as a factor in such decisions.

H.R. 2368, The Conceding Our Veterans' Exposure Now and Necessitating Training (COVENANT) Act

PVA supports this legislation which seeks to classify thirteen diseases as presumptive conditions triggered by airborne hazards generated by burn pits. It would concede exposure to burn pits for veterans stationed in specific countries during and after the Persian Gulf War as well other countries after September 1, 2001. Further, it directs specific education requirements for VA medical providers conducting examinations and establishes eligibility for VA care and benefits to covered veterans.

¹ [Vietnam Veterans and Agent Orange Exposure – New Report | National Academies](#)

One change is recommended to help ensure VA compliance if this bill is passed. As written, it proposes that all veterans claiming a disability under these provisions should also be considered by VA for entitlements under Title 38 USC, Section 1117, which is for presumptive diseases based on service in Southwest Asia. Countries such as Egypt, Somalia, Djibouti, Uzbekistan, and the Philippines are not in Southwest Asia so either the language in this bill or Title 38 USC, Section 1117 needs to be amended so eligible veterans stationed at these locations can benefit from the changes prescribed within.

H.R. 2372, the Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act

Like other bills being examined during this hearing, the Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act seeks to remove the cumbersome, and in many cases impossible, “burden of proof” from the veteran to provide enough evidence to establish a direct service connection between their health condition and burn pit exposure. Unlike the other legislation being considered today, this measure contains helpful language that allows interested parties to petition the VA Secretary to add a disease to the list of presumptive conditions associated with burn pit exposure. Within 90 days of the receipt of such a petition, the Secretary would seek the assistance of the National Academies of Sciences, Engineering, and Medicine to determine if there is a positive association between the exposure to the toxic agent and the occurrence of that disease in humans. The result would be the establishment of a process for veterans and other entities to identify additional hazardous substances and conditions related to burn pit exposure, and the means to ensure such claims are thoroughly examined by a credible agency.

H.R. 2436, the Veterans Burn Pits Exposure Recognition Act of 2021

PVA supports this bill which would remove obstacles for veterans seeking VA compensation and health care for exposure to toxins produced by military burn pits. VA does not provide a presumption of service connection for diseases related to burn pit exposure at this time. Exposed veterans must file for direct service connection. VA has denied nearly 80 percent of these claims since 2007. A recent report² from the National Academies of Sciences, Engineering, and Medicine concluded that the available evidence does not allow a definitive determination to be made about any potential association between airborne hazards in the theater and numerous respiratory health outcomes. The report characterizes existing research as inadequate, and advises that additional research be done, including longitudinal studies that by design take years.

We believe Congress should not wait for more studies to be completed. The Veterans Burn Pits Exposure Recognition Act would concede exposure to burn pits to any veteran who served in the locations recognized by the VA Airborne Hazards and Open Burn Pit Registry.³ It would also concede exposure to specific toxins that are currently accepted by VA in their adjudication manual. If the evidence is not sufficient for VA to grant the claim, the bill requires VA to request a medical opinion to address the association of the veteran’s claimed disease to known toxins.

² [Respiratory Health Effects of Airborne Hazards Exposures in the Southwest Asia Theater of Military Operations | National Academies](#)

³ [VA Airborne Hazards and Open Burn Pit Registry - Public Health](#)

H.R. 2569, the Veterans Agent Orange Exposure Equity Act

PVA supports this bill which would expand the presumption of exposure to Agent Orange for Vietnam War veterans to those who served in certain areas in Cambodia, Thailand, and Laos.

H.R. 2580, the Palomares Veterans Act of 2021

On January 17, 1966, a United States Air Force B-52 bomber and a KC-135 tanker aircraft collided over Palomares, Spain, while attempting inflight refueling. The collision caused four thermonuclear weapons to be released. Two of the weapons released plutonium when they hit the ground, but thankfully there was no nuclear detonation. Approximately 1,600 U.S. Air Force personnel participated in the cleanup effort afterwards and many of them have or are experiencing ailments which they believe are related to this incident. PVA supports the Palomares Veterans Act which would amend current law and establish a presumption of service connection for certain conditions experienced by these veterans. This would provide easier access to the health care and benefits these veterans need, and Dependency and Indemnity Compensation to eligible surviving family members.

H.R. 2607, the FASTER Presumptions Act

PVA supports the Fairly Assessing Service-Related Toxic Exposure Residuals (FASTER) Presumptions Act, which would help veterans seeking VA benefits for conditions caused by toxic exposures during their military service. This legislation would streamline VA's claims process and provide timelines for establishing presumptions for toxic exposures by creating a new review process with a Formal Advisory Committee, an independent Science Review Board, and a Working Group to support faster decisions. It would also improve data collection between VA and the Department of Defense, commission studies related to veterans who served in Southwest Asia, and establish an expert advisory panel for constrictive bronchiolitis. Finally, it requires VA to provide additional training for its staff to improve claims adjudications. A clearly defined process coupled with additional training should help veterans access the care and benefits they need sooner.

Discussion Draft, the Fort McClellan Health Registry Act

Thousands of U.S. Army servicemembers were exposed to radioactive and toxic substances while serving on active duty at Fort McClellan, Alabama. The Army's chemical training school operated there for decades before the base was closed in 1999. This legislation directs VA to create a registry for veterans who served at the base between January 1, 1935, and May 20, 1999. This may help them get coverage for health issues stemming from their exposure to toxins and ease the process to obtain compensation for themselves or their survivors.

Discussion Draft, the PFAS Registry Act of 2021

PVA supports this effort to help track contamination by per- and polyfluoroalkyl substances (PFAS) at military installations. The PFAS Registry Act would create a national database for servicemembers and veterans and allow them to receive updates on recent scientific developments including the effects of PFAS exposure, the availability of possible treatment options, and information on other resources that may be available to address their health concerns. Other provisions establish regular reporting requirements to Congress regarding the PFAS Registry to include recommendations for additional exposures that should be included on it.

PVA would once again like to thank the Committee for the opportunity to submit our views on some of the legislation being considered today. We look forward to working with the Committee on this legislation and would be happy to take any questions for the record.

Information Required by Rule XI 2(g) of the House of Representatives

Pursuant to Rule XI 2(g) of the House of Representatives, the following information is provided regarding federal grants and contracts.

Fiscal Year 2021

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$455,700.

Fiscal Year 2020

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$253,337.

Fiscal Year 2019

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$193,247.

Disclosure of Foreign Payments

Paralyzed Veterans of America is largely supported by donations from the general public. However, in some very rare cases we receive direct donations from foreign nationals. In addition, we receive funding from corporations and foundations which in some cases are U.S. subsidiaries of non-U.S. companies.