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BUSINESS MEETING

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WEDNESDAY, FEBRUARY 2, 2022

United States Senate,
Committee on Veterans' Affairs,
Washington, D.C.

The Committee met, pursuant to notice, at 3:05 p.m., in Room G50, Dirksen Senate Office Building, Hon. Jon Tester, Chairman of the Committee, presiding.

Present: Senators Tester, Murray, Sanders, Brown, Blumenthal, Hirono, Hassan, Moran, Boozman, Rounds, Tillis, Blackburn, and Tuberville.

OPENING STATEMENT OF CHAIRMAN TESTER

Chairman Tester. We will call this meeting to order. Today, on behalf of all burn pit veterans, we are going to consider the Health Care for Burn Pit Veterans Act.

Last year, when this Committee advanced the COST of War Act, it sent a very important message that we were committed with action, not just words, and for the first time ever we are going to act to support toxic-exposed veterans in a comprehensive manner that would recognize their service and their sacrifice. This Committee's action helped mobilize stakeholders inside and outside of government, and it brought key voices to the table in search of solutions.

Shortly after, VA announced a historical overhaul of

1 its approach to toxic exposure, creating a new process for
2 the establishment of presumptive conditions, a process that
3 will improve over time with stakeholder input and that has
4 already added three new conditions to the presumptive list,
5 including rhinitis, asthma, and sinusitis.

6 Today, Ranking Member Moran and I are here to affirm
7 our commitment to comprehensive reform, along with every
8 single member of this Committee. We do so by taking a
9 critical first step that would offer VA health care to every
10 single combat veteran who deployed after September 11th,
11 2001, including the thousands of men and women exposed to
12 burn pits currently without VA care. This bill also
13 includes other critical provisions from the COST of War Act
14 that will improve training on toxic exposure for VA
15 employees, mandates clinical toxic exposure screenings, and
16 bolsters our research on the effects of toxic exposures.

17 Members of this Committee have been tremendous leaders
18 on each of these issues, including Senators Tillis, Hassan,
19 Sullivan, and Manchin, and I want to thank you for your hard
20 work and your passion.

21 Now that I have told you what this bill is, let me tell
22 you what it is not. It is in no shape or form the
23 legislation--it is in no shape or form is the legislation a
24 half-measure or some sort of acknowledgement that we are
25 failing to deliver on toxic exposure reform in a

1 comprehensive manner. That could not be further from the
2 truth. Yes, today represents a critical step, but it is
3 only the first step, and our work is not over. We continue
4 to work closely with the VA to finely tune and codify a
5 transparent and fair process through which new presumptive
6 conditions are determined.

7 I look forward to convening this Committee in the
8 coming weeks to advance that legislation. We should all
9 agree that we cannot shortchange future generations of
10 toxic-exposed veterans like the ones we have in previous
11 generations and we cannot overwhelm VA in a manner that
12 could delay or deny the delivery of care and benefits to
13 veterans already in the system.

14 We will also continue to work closely on legislation to
15 provide long overdue benefits to toxic-exposed veterans
16 suffering from the conditions connected to their service
17 despite the government's ongoing failure to recognize their
18 suffering. This is an issue that I care greatly about, and
19 it is one that I will continue to fight for.

20 For those new to the issue, you should know that it was
21 my legislation that recently established a presumption of
22 service connection of tens of thousands of veterans
23 suffering from bladder cancer, hypothyroidism, and
24 Parkinson's. VA is currently in the final stages of
25 deliberation on a number of new presumptive conditions. In

1 the coming weeks, we are committed to advancing legislation
2 to build upon those efforts.

3 Today, I am grateful that we are seizing an immediate
4 opportunity to deliver care for those in need without
5 delaying our ongoing work to deliver comprehensive solutions
6 for toxic exposed veterans of all generations.

7 Anybody else have a statement they would like to make?
8 Yes, go ahead, Senator Blackburn.

9 OPENING STATEMENT OF SENATOR BLACKBURN

10 Senator Blackburn. Thank you, Mr. Chairman. Our
11 veterans have encountered countless dangers, and I am so
12 grateful that you and Senator Moran have really worked to
13 address this. I thank you for working with me and my team
14 as we have dealt with this issue.

15 A lot of these veterans continue to live with the
16 consequences of burn pit exposure long after they have left
17 active duty, and we see this with our Fort Campbell retirees
18 every single day. The Health Care for Burn Pit Veterans Act
19 will ensure that these veterans receive the care they
20 deserve by expanding eligibility for VA health care,
21 incorporating toxic exposure screening into primary care
22 appointments, and collecting data to find the extent to
23 which this exposure causes various health conditions.

24 In 2020, I introduced the K2 Veterans Toxic Exposure
25 Accountability Act, a bill to address the exposure of

1 members of the Armed Forces to toxic substances at K2 Air
2 Base. The bill, which was included in the 2021 NDAA,
3 created eligibility for K2 veterans to be included in the
4 VA's Burn Pit Registry and enabled depleted uranium medical
5 follow-up programs at DOD and VA.

6 Tennessee is the home to over 430,000 veterans, many of
7 whom will benefit from the Health Care for Burn Pit Veterans
8 Act. This legislation is a necessary step in recognizing
9 these long-term health effects from these dangerous
10 exposures that will give veterans access to much-needed
11 care. Our veterans make sacrifices for this nation, and
12 they deserve the quality of care.

13 I appreciate the negotiations that have taken place
14 over the last few months to address all of our issues.
15 However, we must ensure this legislation is not another
16 false promise to veterans. If VA does not have the capacity
17 to care for our nation's heroes, then veterans must be
18 granted immediate access through community care. We must
19 fight to ensure that the VA is implementing the MISSION Act
20 as Congress intended so that these veterans have immediate
21 care.

22 I look forward to continuing to work with you and the
23 committee members on timely access and quality care.

24 Chairman Tester. Senator Rounds, do you have a
25 comment?

1 OPENING STATEMENT OF SENATOR ROUNDS

2 Senator Rounds. Thank you, Mr. Chairman. I did not
3 realize that Senator Blackburn was going to speak to this.
4 Look, I am one of the sponsors of this. I support it. I
5 think it is a move in the right direction, but I really
6 think what Senator Blackburn just identified is critical.
7 When we did the MISSION Act, we took away the 30-day
8 guarantee that said if a veteran could not get care they
9 could get out and get their own doctor. Right now,
10 community care is not working.

11 And I recognize this is a dollar-and-cent issue, but I
12 think this Committee really needs to take a hard look. And
13 this is not a partisan issue. This is bipartisan in nature.
14 We have got to address the fact that the VA does not have
15 the resources right now or they are being allocated
16 differently. But we have got to get that care back to the
17 veterans, and right now that care is not being delivered in
18 a timely fashion.

19 This is a good step. This is picking it up for men and
20 women that have served our country, but let us make sure
21 that the VA has the resources and that it is allocated
22 appropriately.

23 Thank you, Mr. Chairman.

24 Chairman Tester. I think we are going to vote.
25 Senator Moran has been gracious enough to yield his time on

1 his speech. So seeing that we have a quorum, let us move to
2 the pending agenda item, the Health Care for Burn Pit
3 Veterans Act. No further discussion. We will proceed to a
4 roll call vote. The clerk will call the roll.

5 The Clerk. Mrs. Murray?

6 Senator Murray. Aye.

7 The Clerk. Mr. Sanders?

8 Senator Sanders. Aye.

9 The Clerk. Mr. Brown?

10 Senator Brown. Aye.

11 The Clerk. Mr. Blumenthal?

12 Senator Blumenthal. Aye.

13 The Clerk. Ms. Hirono?

14 Senator Hirono. Aye.

15 The Clerk. Mr. Manchin?

16 Chairman Tester. Aye by proxy.

17 The Clerk. Ms. Sinema?

18 Chairman Tester. Aye by proxy.

19 The Clerk. Ms. Hassan?

20 Senator Hassan. Aye.

21 The Clerk. Mr. Moran?

22 Senator Moran. Aye.

23 The Clerk. Mr. Boozman?

24 Senator Boozman. Aye.

25 The Clerk. Mr. Cassidy?

1 Senator Moran. Aye by proxy.

2 The Clerk. Mr. Rounds?

3 Senator Rounds. Aye.

4 The Clerk. Mr. Tillis?

5 Senator Tillis. Aye.

6 The Clerk. Mr. Sullivan?

7 Senator Moran. Aye by proxy.

8 The Clerk. Mrs. Blackburn?

9 Senator Blackburn. Aye.

10 The Clerk. Mr. Cramer?

11 Senator Moran. Aye by proxy.

12 The Clerk. Mr. Tuberville?

13 Senator Tuberville. Aye.

14 The Clerk. Mr. Chairman?

15 Chairman Tester. Aye.

16 The Clerk. On this vote, the yeas are 18 and 0 nays.

17 Chairman Tester. The bill is passed. I want to thank

18 all the members for being here. Jerry, I mean, Senator

19 Moran and myself will be approaching leadership to try to

20 get this bill to the floor ASAP. Thank you all very much.

21 Are there any further comments on this bill? Senator

22 Moran.

23 OPENING STATEMENT OF SENATOR MORAN

24 Senator Moran. Chairman, thank you for the opportunity

25 to work with you and Republicans and Democrats working

1 together on this bill. I take to heart at least the
2 comments that I heard from Senator Rounds, and I can discern
3 what Senator Blackburn was saying, and I fully agree and
4 look forward to trying to accomplish the goals that were
5 outlined.

6 Chairman Tester. Any other comments?

7 [No audible response.]

8 Chairman Tester. I want to thank my colleagues for
9 being here today. This is an important step in ensuring our
10 post-9/11 veterans have access to the health care services
11 that they need from the VA.

12 I would ask unanimous consent that in preparing the
13 agenda items for reporting the committee staff be authorized
14 to make any required clerical, technical, or conforming
15 changes.

16 If there is no remaining business to come in front of
17 the Committee, we are adjourned.

18 [Whereupon, at 3:16 p.m., the Committee was adjourned.]

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