

# **Honoring Our Promise to Address Comprehensive Toxics Act of 2021 (Honoring Our PACT Act of 2021)**

## **BILL SUMMARY**

### **TITLE I – EXPANSION OF HEALTH CARE ELIGIBILITY FOR TOXIC EXPOSED VETERANS**

Authorizes access to health care for all toxic exposed veterans, inclusive of those exposed to burn pits and airborne hazards. Eligibility is based on participation in a toxic exposure risk activity, which includes activities identified in the Department of Defense’s (DOD) new exposure record keeping system, the Individual Longitudinal Exposure Record (ILER) as well as activities identified by the VA Secretary.

Provides an 18-month implementation period. Requires the Secretary to conduct a resource assessment and submit a report to congress within 180 days of enactment of the bill. *This provision is taken from Rep. Luria’s “COVENANT Act”.*

### **TITLE II – TOXIC EXPOSURE PRESUMPTION PROCESS**

Provides for a new decision-making framework for VA to establish new presumptions for service connection based on toxic exposures. The new decision process includes a Formal Advisory Committee, an Independent Science Review Board, and a Working Group.

- Establishes a *Formal Advisory Committee* made up of nine members, with five appointed by the Secretary and four appointed by Congress. The Committee reviews data on potential toxic exposures and determines whether to commission additional research, advance a nomination to the Science Review Board, or recommend Secretarial action to expand a presumption.
- Establishes an *Independent Science Review Board* with members and terms determined by the Secretary. Members must be selected from the general public from among individuals who are distinguished in the fields of medicine, biological sciences, or health administration. The Board reviews available research and determines (1) likelihood of association, and (2) impact of service. The Board prepares reports and submits to the Working Group, Committee and Congress.
- Codifies the *Toxic Exposure Working Group*, which is comprised of VA employees. The Working Group evaluates the Board’s conclusions and makes recommendations to the Secretary to establish a presumption-of-service connection.

Requires the Secretary to respond to the Working Group’s recommendations within 60 days and determine whether to establish or modify a presumption. The Secretary’s decision, reasoning, and sources for decision must be publicly reported. When establishing a presumption, the Secretary would be required to issue final regulations within 180 days of issuing proposed regulations. *The above provisions are taken from Rep. Trone’s “FASTER Presumptions Act”.*

## **Honoring Our PACT Act of 2021**

Whenever a new presumption of service connection is established, the Secretary would be required to conduct outreach to veterans who previously filed claims and were denied for a condition that falls under the new presumption. For previously denied claims that are approved, the Secretary must provide an effective date as though the presumption was in effect on the date of the previously denied claim.

### **TITLE III – IMPROVING THE ESTABLISHMENT OF SERVICE-CONNECTION FOR TOXIC EXPOSED VETERANS**

Requires the Secretary to consider the ILER of a veteran when adjudicating a toxic exposure claim.

Establishes a concession of exposure for veterans exposed to airborne hazards and burn pits. This concession of exposure to certain substances is for the purposes of establishing a direct service-connection in a disability compensation claim. Eligibility is based on locations and dates of service. *This provision is taken from Rep. Luria’s “COVENANT Act”.*

Requires that VA provide an exam and medical opinion related to toxic exposure claims where the veteran has evidence of a disability and participation in a toxic exposure risk activity. *This provision is taken from Rep. Slotkin’s “Veterans Burn Pits Exposure Recognition Act of 2021”.*

### **TITLE IV – PRESUMPTIONS OF SERVICE-CONNECTION**

Creates a presumption of service connection for 23 conditions which include respiratory conditions and cancers for approximately 3.5 million veterans who were exposed to burn pits and other airborne hazards. *This provision is taken from Rep. Ruiz’s “Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act”, and Rep. Luria’s “COVENANT Act”.*

Creates a presumption of service connection for approximately 490,000 Agent Orange-exposed veterans suffering from hypertension and MGUS. *This provision is taken from Rep. Harder’s “Fair Care for Vietnam Veterans Act of 2021”.*

Also includes a presumption of toxic exposure for the following populations:

- Approximately 6,000 radiation-exposed veterans who were assigned to clean up nuclear testing sites in Enewetak Atoll on the Marshall Islands during the late 1970s. *This provision is taken from Rep. Meng’s “Mark Takai Atomic Veterans Healthcare Parity Act of 2021.”*
- Approximately 1,600 radiation-exposed veterans who responded to the 1966 nuclear accident in Palomares, Spain. *This provision is taken from Rep. Hayes’s “Palomares Veterans Act of 2021”.*
- Agent Orange-exposed veterans who served in Thailand, Laos, and Cambodia. *This provision is taken from Rep. Cartwright’s “Veterans Agent Orange Exposure Equity Act”.*

Makes improvements to the Gulf War Illness presumption process by extending VA’s authority to grant benefits for Gulf War Illness and eliminating the sunset date currently in place for veteran eligibility.

### **TITLE V – RESEARCH MATTERS**

Designates VA as the coordinating authority for all research activities conducted by the federal government on the health consequences of military toxic exposures, and requires VA to develop a Toxic Exposure Research Strategic Plan to ensure that the governments research activities related to military

## **Honoring Our PACT Act of 2021**

toxic exposures are collaborative, transparent, and highly coordinated. VA must provide a report to Congress within one year.

Requires collection of clinical data for use in toxic exposure research. *This provision is taken from Rep. Bost's "Toxic Exposure in the American Military Act".*

Requires three separate studies on veterans who served in Southwest Asia and other locations, covering mortality, toxicology, and epidemiology. *This provision is taken from Rep. Trone's "FASTER Presumptions Act".*

Requires an epidemiological study on the health trends of all Post 9/11 veterans and a study on the incidence of cancers among veterans.

Directs VA to conduct a study on the feasibility of providing CHAMPVA benefits to dependents of veterans for healthcare costs related to toxic exposures experienced on DOD maintained facilities.

### **TITLE VI – IMPROVEMENT OF RESOURCES AND TRAINING REGARDING TOXIC EXPOSED VETERANS**

Requires VA to publish a list of the benefits and healthcare resources available to veterans and survivors related to toxic exposures. *This provision is taken from Rep. Bost's "Toxic Exposure in the American Military Act".*

Directs VA to incorporate a toxic exposure questionnaire during primary care appointments. *This provision is taken from Rep. Bost's "Toxic Exposure in the American Military Act".*

Requires improved standardized training for VA claims processors, as well as health care personnel conducting examinations to assist in the accurate adjudication of toxic exposure claims. *This provision is taken from Rep. Luria's "COVENANT Act" and Rep. Trone's "FASTER Presumptions Act".*

### **TITLE VII – REGISTRIES, RECORDS, AND OTHER MATTERS**

Requires the VA to establish a Fort McClellan Health Registry and provide the option of a health examination and consultation to any veteran who was stationed at Fort McClellan. Also requires the VA to do appropriate outreach to veterans listed in the registry about their options, new research, and the consequences of toxic substance exposure. *This provision is taken from Rep. Tonko's "Fort McClellan Health Registry Act".*

Directs the VA to establish a registry for current or past members of the Armed Forces who may have been exposed to PFAS due to the environmental release of aqueous film-forming foam at a military installation or other DOD location. *This provision is taken from Rep. Pappas's "PFAS Registry Act of 2021".*

Requires DOD to review ILER periodically to determine whether additional exposures should be added, based on geography, occupation, and timeframe of service.

## **Honoring Our PACT Act of 2021**

Requires an independent study on the ILER to assess the quality of location and exposure date and determine whether a member of the Armed Forces can be reasonably assured that any toxic exposure they experienced during service will be reflected in their records.

Requires the Secretary of Defense and the Secretary of Veterans Affairs to allow for service members and veterans to correct their military records as they pertain to toxic exposures.