



MARINE CORPS LEAGUE
National Headquarters

19 May 2021

To: Dennis Tobin, National Commandant, Marine Corps League
From: National MCL Legislative Affairs Committee
Subj.: Pending Congressional Legislation, 2021 – 2022

Sir Commandant:

In accordance with the Marine Corps League's Administrative Procedures, Section 3090(c), this committee submits another of its periodic reports in advance of the Division conferences that will soon meet across the country. Verbiage in "**red**" indicates the committee's opinions.

Overview

Since the 117th Congress convened and got through its business of confirmations of administration officials, as well as other "new" Congressional business, this committee has been watching the introduction of new bills or the reintroduction of bills (left over from the 116th Congress). In this report, we focus on those bills pending before the Senate Committee on Veterans Affairs. Where there is a companion (similar) bill before the House Committee on Veterans Affairs, we've listed that bill in parentheses after the Senate bill number for consistency. But, our attention is focused on the Senate bills because getting veteran-related bills passed in the Senate is going to be more difficult than in the House due to the 50/50 partisan spilt in the Senate.

The Marine Corps League is one of several veteran's organization to highlight their concerns about the effects of exposure to toxic substances on America's military from Vietnam to the present day. We have been pleasantly surprised to learn that both the House and Senate Veterans Affairs Committees had identified toxic exposure as one of their highest priorities; and, it appears that both the House and Senate Veterans Affairs Committees are moving at breakneck speed to move legislation to deal with these long-standing issues. We congratulate these Committees, as well as various Senators and Representatives for their swift action on these bills. We note that these are bipartisan efforts. Every bill has both a Republican and Democratic sponsor.

The Senate Veterans Affairs Committee's 28 April 2021 hearing considered over 20 bills, half of whom are about toxic exposure. The proposed legislation covers items that have been languishing in Congress for several years.

For example, S.437 (H. R. 2436) focuses on burn pits. Another, S.454 (H. R. 1355) would care for veterans who served at the old Karshi-Khanabad Russian airbase in Uzbekistan, which was horribly polluted. the Mark Takai Atomic Veterans Healthcare Parity Act (S.565 / H. R. 1585) is for veterans who cleaned up the Eniwetok Atoll used for atomic testing. A reintroduced bill - S.657 (H. R. 2569) - would add Thailand to the Agent Orange affected areas during the Vietnam War. Another reintroduced bill - S.810 (H. R. 1972) - would add hypertension as a presumptive disease for Vietnam vets. Two bills, S.927 and S.952 (H. R. 2127 / H. R. 2372), attempt to deal with those exposed to burn pits. The League should favor S.952 (H. R. 2372) because they have more definitive time frames on the VA's actions. There are several other bills; and it seems that more are coming out every day. It is unclear which of these bills will be finally approved and



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some of them may eventually get merged into an omnibus bill (**NDAA, perhaps? – to be debated, beginning in July 2021 or a separate “omnibus” bill before Memorial Day**). On 5 May, Ronald Burke, VA secretary for policy and oversight, asked the House committee to delay Congressional action until the VA finishes an internal review of toxic exposure and submits a report to Congress within 180 days. **VA knew these bills were “in the hopper” yet seeks another delay which has been typical VA behavior for decades in the hopes they will “go away”**.

The League is concerned that, while these are great legislative proposals, none of them focus on the years-long effort to get the VA to deal with the health impacts on the multi-generational progeny of the affected veterans of all wars from Vietnam to the present day.

Other Marine Corps League Legislative Issues

Other bills not related to toxic exposure are also important to the Marine Corps League.

Especially, one particularly important bill, S.89. This legislation requires the VA Secretary to secure medical opinions for veterans with service-connected disabilities who die from COVID-19 to determine whether those disabilities were the principal or contributory cause of death. Veterans Service Officers in the field had noticed several incidents of spouses and/or dependents getting denied for Dependency Indemnity Compensation (DIC) because the VA was ascribing the veteran's death strictly to the virus. Other VSOs have been in contact with the National Association of Medical Examiners and the International Association of Coroners and Medical Examiners for assistance in dealing with this issue. They inform us that death certificates have space for noting other contributory causes of death. When this bill is passed, it must include efforts to inform the public, as well as the professionals in the medical examiner/coroners' offices, about the necessity to fully complete a death certificate. The Marine Corps League should categorically endorse this bill.

The Marine Corps League's Legislative Analysis – US Senate:

Listed below is the League's view on each of the proposed bills on the 2021 agenda. If there are any additional bills, we will provide separate comments.

S.89 - Ensuring Survivor Benefits During COVID–19 Act of 2021, introduced by Senator Sinema (D-AZ) This bill requires the Department of Veterans Affairs to get a medical opinion to determine if a service-connected disability was the principal or contributory cause of death in situations where a veteran's death certificate identifies COVID-19 (i.e., coronavirus disease 2019) as the principal or contributory cause of death, the certificate does not clearly identify any of the veteran's service-connected disabilities as the principal or contributory cause of death, and a claim for dependency and indemnity compensation is filed with respect to the veteran. The Marine Corps League should categorically endorse this bill.

S.189 -Veterans' Disability Compensation Automatic COLA Act of 2021, introduced by Senator Thune (R-SD). The Marine Corps League should unconditionally endorse this bill.

S.219 - Aid and Attendance Support Act of 2021, introduced by Senator Cortez Masto (D-NV).



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This bill increases the amount of specified Department of Veterans Affairs benefit payments for veterans (or their survivors) that require aid at home or are in nursing homes. Specifically, the bill increases such benefits by 25% until 60 days after the end of the declared emergency period resulting from COVID-19. The Marine Corps League should entirely endorse this bill.

S.437 - Veterans Burn Pits Exposure Recognition Act of 2021, introduced by Senator Sullivan (R-AK). This bill would amend title 38, United States Code, to concede exposure to airborne hazards and toxins from burn pits under certain circumstances, and for other purposes. The Marine Corps League should unreservedly endorse this bill.

S.444 - AUTO for Veterans Act, this bill introduced by Senator Collins (R-ME). This bill authorizes the Department of Veterans Affairs (VA) to provide (or assist in providing) an eligible veteran or service member with an additional automobile or other conveyance under the VA automobile allowance and adaptive equipment program. Currently, a veteran or service member with a specified service-connected disability or impairment may not receive more than one automobile or other conveyance under the program. The bill authorizes the additional benefit for such veterans and service members if 10 years have passed since the person last received such benefit. The Marine Corps League should unconditionally endorse this bill.

S.454 - K2 Veterans Care Act of 2021, introduced by Senator Blumenthal (D-CT). This bill establishes a presumption of service-connection for certain diseases becoming manifest in a veteran who served on active duty at Karshi-Khanabad (K2) Air Base in Uzbekistan between January 1, 2001, and December 31, 2005. Specifically, there must be a presumption of service-connection for veterans who manifest illnesses that have a positive association with exposure to jet fuel, volatile organic compounds, high levels of particulate matter, depleted uranium, asbestos, or lead-based paint, as determined by the National Academies of Sciences, Engineering, and Medicine (NASEM). Under a presumption of service-connection, specific conditions diagnosed in certain veterans are presumed to have been caused by the circumstances of their military service. Health care benefits and disability compensation may then be awarded.

Veterans who served at K2 Air Base during the specified period are eligible for Department of Veterans Affairs hospital care, medical services, and nursing home care for an illness that has been determined by NASEM to have a positive association with exposure to jet fuel, volatile organic compounds, high levels of particulate matter, depleted uranium, asbestos, or lead-based paint. The Marine Corps League should categorically endorse this bill.

S.458 - Veterans Claim Transparency Act of 2021, introduced by Senator Tester (D-MT). This bill requires the Department of Veterans Affairs (VA) to provide the representative of a veteran with an opportunity to review a proposed determination regarding a claim for compensation or benefits before such determination becomes final. The VA must notify the representative in writing that a proposed determination is ready for review and may not make a final determination until the review period has ended. Under the bill, a representative has up to 48 hours to review the proposed determination. The Marine Corps League should absolutely endorse this bill.



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S.565 - A bill to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of Eniwetok Atoll as radiation-exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs, and for other purposes, introduced by Senator Tina Smith (D-MN). Since this legislation seeks to “cure” an ill first raised at the National Convention in Cincinnati, Ohio in 1987 – where it was reported that easily 1,100 post-World War II veterans were exposed, the Marine Corps League should - without reservation – endorse this bill.

S.657 - A reintroduced bill to modify the presumption of service connection for veterans (**yes, there were Marines in Thailand during the Vietnam War**) who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, and for other purposes, introduced by Senator Boozman (R-AR). The Marine Corps League should unreservedly endorse this bill.

S.731 - A bill to amend title 38, United States Code, to improve the management of information technology projects and investments of the Department of Veterans Affairs, and for other purposes, introduced by Senator Tester (D-MT). The Marine Corps League should categorically endorse this bill.

S.810 - A bill to amend title 38, United States Code, to expand the list of diseases associated with exposure to certain herbicide agents for which there is a presumption of service connection for veterans who served in the Republic of Vietnam to include hypertension, and for other purposes, introduced by Senator Tester (D-MT). Given the number of Leaguers that are Vietnam veterans, the Marine Corps League should emphatically endorse this bill.

S.894 – Hire Veterans Health Heroes Act of 2021; introduced by Senator Mike Braum (R-IN). This bill would identify and refer members of the Armed Forces with a health care occupation who are separating from the Armed Forces for potential employment with the Department of Veterans Affairs. The Marine Corps League should absolutely endorse this bill.

S.927 – TEAM, a bill to improve the provision of health care and other benefits from the Department of Veterans Affairs for veterans who were exposed to toxic substances, and for other purposes, introduced by Senator Thom Tillis (R-NC). The Marine Corps League should entirely endorse this bill.

The Marine Corps League supports the concepts behind this bill but believe it must be viewed in comparison to S.952. It may lend itself to being combined with S.952. We are also interested in similar coverage or inclusion of veterans from Vietnam and the Gulf War, as well as exposures on U.S. bases at home and abroad.

S.952 - The Presumptive Benefits for War Fighters Exposed to Burn Pits and other Toxins Act "Warfighters Act, a bill to amend title 38, United States Code, to provide for a presumption of service connection for certain diseases associated with exposure to toxins, and for other purposes, introduced by Senators Gillibrand (D-NY) and Mark Rubio (R-FL). The Marine Corps League should heartily support this bill. As noted above, we favorably compare it to S.927 because of its strict timetables for action. We also would like to see either a similar bill or an



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expansion of this bill for veterans of Vietnam and the Gulf War, as well as those exposed at U.S. bases at home and abroad.

S.976 - A bill to amend title 38, United States Code, to improve and to expand eligibility for dependency and indemnity compensation paid to certain survivors of certain veterans, and for other purposes, introduced by Senator Tester (D-MT). We are especially appreciative of the section lowering the requirement from ten years to five. The Marine Corps League should endorse this bill.

S.1031 – A bill to require the Comptroller General of the United States to conduct a study on disparities associated with race and ethnicity with respect to certain benefits administered by the Secretary of Veterans Affairs, and for other purposes, introduced by Senator Warnock (D-GA). The Marine Corps League should emphatically endorse this bill.

S.1039 - A bill to amend title 38, United States Code, to improve compensation for disabilities occurring in Persian Gulf War veterans, and for other purposes, introduced by Senator Menendez (D-NJ). The Marine Corps League should unconditionally endorse this bill.

S.1093 – A bill to amend Title 38 U.S, Code to establish in the Department the Veterans Economic Opportunity and Transition Administration, and for other purposes, introduced by Senator Mark Rubio (R-FL). The VA must embrace a corporate culture that measures its vocational rehabilitation programs and educational initiatives by results and measure how they assist veterans in obtaining and sustaining gainful employment at a living wage.

To achieve this worthy goal, the VA should institute “one-stop shopping” by creating a fourth entity, the Veterans Economic Opportunities Administration, to be headed by an Under Secretary, nominated by the President and confirmed by the Senate.

This is logical and will be cost-effective. It will eliminate duplicative programs and it will increase cooperation among and between its various divisions. The VEOA would house, less than one roof, the Vocational Rehabilitation Service, and the Veterans Education Service. It would grant functional control, if not the outright transfer, of VETS - the Veterans Employment and Training Service - from the Department of Labor, as well as newly federalized DVOP (Disabled Veterans Outreach Program) and LVER (Local Veterans Employment Representative) positions, which currently reside in state departments of labor. It will promote Veterans’ Preference; and it will facilitate veterans’ entrepreneurship. The Marine Corps League should endorse this bill.

S.1095 - A bill to amend title 38, United States Code, to provide for the disapproval by the Secretary of Veterans Affairs of courses of education offered by public institutions of higher learning that do not charge veterans the in-State tuition rate for purposes of Survivors’ and Dependents’ Educational Assistance Program, and for other purposes, introduced by Senator Jerry Moran (R-KS). The Marine Corps League should endorse this bill.

S.1096 - A bill to amend title 38, United States Code, to expand eligibility for the Marine Gunnery Sergeant John David Fry Scholarship to include spouses and children of individuals who die from a service-connected disability within 120 days of serving in the Armed Forces, and



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for other purposes, introduced by Senator James Lankford (R-OK). The Marine Corps League should unconditionally endorse this bill.

The Marine Corps League's Legislative Analysis – US House:

H.R. 1273 – the Vietnam Veterans Liver Fluke Study Act, re-introduced by Congressman Lee Zeldin (R-NY-1). The bill requires the Department of Veterans Affairs (VA) to conduct an epidemiological study and report on the prevalence of cholangiocarcinoma (bile duct cancer) in veterans who served in the Vietnam theater of operations during the Vietnam era. The study shall identify the rate of incidence of cholangiocarcinoma in such veterans and in US residents. The bill also requires the VA to track and report on the prevalence of cholangiocarcinoma using the Veterans Affairs Central Cancer Registry. **(this committee chair knows of eleven living Marines afflicted by this disease)**. The Marine Corps League should unequivocally endorse this bill.

Other bills in the House Committee on Veterans Affairs not yet reported out of that committee that deserve the support of the Marine Corps League include:

H.R. 2127 (S.927/S.952) - TEAM Act, introduced by Congressman Mike Bost (R-IL-12). This bill would improve the provision of health care and other benefits from the Department of Veterans Affairs for veterans who were exposed to toxic substances, and for other purposes. The League should support the concepts behind this bill but believes it must be viewed in comparison to H.R. 2372. It may lend itself to being combined with H.R. 2372. We are also interested in similar coverage or inclusion of veterans from Vietnam and the Gulf War, as well as exposures on U.S. bases at home and abroad.

H.R. 2268 - Keeping Our Promises Act, introduced by Congressman Bruce Westerman (R-AR4). This bill would amend title 38, United States Code, to ensure that certain diseases are covered by the presumption of service connection relating to the exposure to herbicides by certain veterans who served in the Republic of Vietnam, and for other purposes.

H.R. 2368 - COVENANT Act, introduced by Congresswoman Elaine Luria (D-VA-2). The bill would amend title 38, United States Code, to establish a presumption of service connection for illnesses associated with exposure to certain airborne hazards, and for other purposes.

H.R. 2372 (S.952/S.927) - Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act, introduced by Congressman Raul Ruiz (D-CA-36). This bill would amend title 38, United States Code, to provide for a presumption of service connection for certain diseases associated with exposure to toxins, and for other purposes. As noted above we favorably compare it to H.R. 2127 because of its strict timetables for action. We also would like to see either a similar bill or an expansion of this bill for veterans of Vietnam and the Gulf War, as well as those exposed at U.S. bases at home and abroad.

H.R. 2436 (S.437) - Veterans Burn Pits Exposure Recognition Act of 2021, introduced by Congresswoman Elissa Slotkin (D-MI-8). This bill would amend title 38, United States Code, to concede exposure to airborne hazards and toxins from burn pits under certain circumstances, and for other purposes.



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H.R. 2580 - Palomares Veterans Act of 2021, introduced Congresswoman Jahana Hayes (D-CT5). This bill would amend title 38, United States Code, to provide for a presumption of service-connected disability for certain veterans who served in Palomares, Spain, and for other purposes. **(This bill would provide relief for several US Air Force veterans exposed during the retrieval of an atomic device in the Mediterranean Sea in 1966).**

H.R. 2607 - FASTER Presumptions Act, introduced by Representative David Trone (D-MD-6). This bill would amend title 38, United States Code, to establish in the Department of Veterans Affairs procedures to determine presumptions of service connection based on toxic exposure, and for other purposes.

On 4 May 2021, the House Committee on Veterans Affairs sent 25 bills to the House floor for consideration, none of which appear in the above breakdown of bills the League should be advocating for, for expedited hearings.

Since a good number of the Senate bills have companion bills in the House, we have shared them where known to this committee in this report. Some of the language differs slightly between the two chambers, differences that will have to be resolved in conference committee, should both versions (Senate and House) both pass their respective chambers.

Congressional focus needs to be drawn to the continuing VA effort to delay passage of any bill benefiting veterans. Each delay means a veteran will pass before benefits can be granted. There is no need for further study, the VA has had adequate time.

Special emphasis should be placed on the toxic substances found at bases here at home. Places like MCAF EI Toro, US Army Base Fort McClellan and MCB Camp Lejeune have been known for years to have been toxic. One of our committee members has personally provided data which shows trichloroethylene is a direct cause of diabetes; and, he is still fighting for benefits. Other toxic substances such as vinyl chloride, benzene and perchloroethylene were dumped into the ground and leached into the well water at MCB Camp Lejeune. Marine, their spouses and children, veterans from other branches and civilians were all affected.

Finally, this committee would like to know – from the National Board of Trustees – what kinds of legislation it would like this committee to particularly focus upon.

For the Committee,
Paul Sutton (PLM 844), Chairperson
Legislative Affairs Committee
Marine Corps League