

# United States Senate

WASHINGTON, DC 20510

April 15, 2024

The Honorable Denis R. McDonough  
Secretary of Veterans Affairs  
810 Vermont Ave NW  
Washington, DC 20420

Dear Secretary McDonough,

We write to request the Department of Veterans Affairs (VA) expedite its VA System for Rating Disabilities (VASRD) regulations for constrictive bronchiolitis and hypertension to improve its implementation of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act.

Toxic-exposed veterans have waited decades to receive the benefits and recognition the PACT Act provides and we appreciate VA's efforts to implement the largest expansion of VA health care and benefits in decades. While more than 720,000 veterans and survivors have received PACT Act benefits, there are too many whose PACT Act claims have been wrongfully denied or underrated. Particularly concerning is insufficient VASRD diagnostic codes used to rate claims for constrictive bronchiolitis, as highlighted in a recent PBS News Hour article entitled "*The VA has vowed to fix how veterans receive disability benefits for this burn pit injury. Critics say it's taking too long.*"

We understand constrictive bronchiolitis is difficult to diagnose without invasive procedures. However, VA's use of pulmonary functions tests — which it uses to measure the severity of other respiratory conditions — does not support sufficient specificity to accurately rate constrictive bronchiolitis claims. VA's regulations also prevent it from combining ratings for constrictive bronchiolitis and other respiratory conditions. This often leads to veterans being denied service-connection for constrictive bronchiolitis because they have been granted a higher disability rating for another respiratory condition. This special rule of denying service connection for one respiratory condition in favor of granting benefits for another ignores the fact that respiratory conditions have diverse impacts on veterans and fails to provide the validation they seek when applying for VA benefits for conditions related to their military service.

We have also heard from veterans who have had their claims for hypertension denied or rated at zero percent because they are managing their hypertension with effective medication. VA's regulations require all hypertension diagnoses to be confirmed by "readings taken two or more times on at least three different days." This is not an issue for veterans who were recently diagnosed with hypertension and can present three blood pressure readings. However, the PACT Act expanded presumptive disability compensation benefits for veterans exposed to Agent Orange who have been diagnosed with hypertension — many of whom have lived with the condition for decades. Requiring veterans to locate blood readings from decades ago, or worse, incentivizing them to go off their medications to prove they still have hypertension is overburdensome and dangerous.

We appreciate your commitment to the successful implementation of the PACT Act and urge VA to address the specific concerns outlined in this letter as quickly as possible. Veterans have waited decades for benefits and recognitions for health conditions related to their toxic exposure. Outdated VA regulations should not deny them earned benefits the PACT Act has provided.

We thank you for your work to improve the lives of those who have worn our nation's uniforms and look forward to continuing to work together to ensure the PACT Act delivers for veterans and survivors.

Sincerely,

  
Jon Tester  
United States Senator

  
Kirsten Gillibrand  
United States Senator

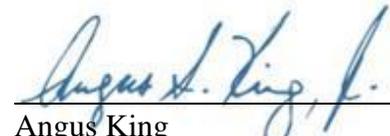
  
Tammy Baldwin  
United States Senator

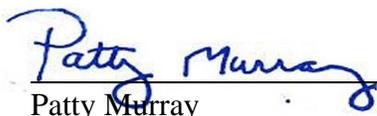
  
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United States Senator

  
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United States Senator

  
Margaret Wood Hassan  
United States Senator

  
Martin Heinrich  
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Angus King  
United States Senator

  
Patty Murray  
United States Senator

  
Gary Peters  
United States Senator



Bernard Sanders  
United States Senator



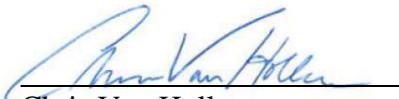
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