

Testimony

Of



Presented by

John Rowan, VVA National President

Before the

Senate Veterans' Affairs Committee

Regarding

Pending Legislation

April 28, 2021

Good afternoon Chairman Tester, Ranking Member Moran, and other members of this distinguished and important committee, Vietnam Veterans of America (VVA) very much appreciates the opportunity to offer our comments concerning several bills affecting veterans that are up for your consideration. Please know that VVA appreciates the efforts of this committee for the fine work you are doing on behalf of our nation's veterans and their families.

I ask that you enter our full statement in the record, and I will briefly summarize the most important points of our statement.

Toxic Exposure and Congress

Last month, I reported that during our annual testimony VVA was not the only 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. You will recall that I was pleasantly surprised to learn that both the House and Senate Veterans Affairs Committees had identified toxic exposure as one of their highest priorities. Now I am glad to report that both the House and Senate Committees are moving at breakneck speed to introduce legislation to deal with these long-standing issues. I must congratulate these Committees, as well as various Senators and Representatives for their swift action on these bills. I am also pleased to note that these are bipartisan efforts. Every bill has both a Republican and Democratic sponsor.

Today's hearing is on over 20 bills half of whom are about toxic exposure. The proposed legislation covers items that have been languishing in Congress for a number of years. For example, S.437 focuses on burn pits. S.454 would care for veterans who served in K2, the old Karshi-Khanabad Russian airbase in Uzbekistan, which was horribly polluted. S.565 the Mark Takai Atomic Veterans Healthcare Parity Act for veterans who cleaned up the Enewetak Atoll used for atomic testing. S.657 would add Thailand to the Agent Orange effected areas during the Vietnam War. S.810 would add hypertension as a presumptive disease for Vietnam vets. Two bills, S.927 and S.952, attempt to deal with those exposed to burn pits. VVA tends to favor S.952 because it has more definitive time frames on the VA's actions. There are several other bills and more seem to be coming out every day. It is unclear which of these bills will be finally approved and some of them may eventually get merged into an omnibus bill.

VVA is concerned that, while these are great legislative proposals, only a few affect Vietnam veterans and our issues and none of them focus on our efforts 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 Legislative Issues

Other bills not related to toxic exposure also caught our eye. 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. Our 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. I 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 informed me 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.

VVA's Legislative Analysis

Following below is VVA's view on each of the proposed bills on today's 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.

VVA heartily endorses this bill.

S.189 -Veterans' Disability Compensation Automatic COLA Act of 2021, introduced by Senator Thune (R-SD).

VVA heartily endorses this bill.

S.219 - Aid and Attendance Support Act of 2021, introduced by Senator Cortez Masto (D-NV). 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 (i.e., coronavirus disease 2019).

VVA heartily endorses 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.

VVA heartily endorses 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.

VVA heartily endorses 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.

VVA heartily endorses 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.

VVA heartily endorses this bill.

S.565 - A bill to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of Enewetak 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).

VVA heartily endorses this bill.

S.657 - A bill to modify the presumption of service connection for veterans 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).

VVA heartily endorses 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).

VVA heartily endorses 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).

VVA heartily endorses 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.

VVA heartily endorses 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).

VVA support 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. Also, we are not very fond of commissions, which tend to drag out the obvious conclusions.

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).

VVA heartily supports 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 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).

VVA heartily endorses this bill. We are especially appreciative of the section lowering the requirement from ten years to five.

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).

VVA heartily 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).

VVA heartily endorses 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.

VVA heartily endorses 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).

VVA heartily endorses 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 for other purposes, introduced by Senator James Lankford (R-OK).

VVA heartily endorses this bill.

Mr. Chairman, again thank you and your colleagues for the opportunity to provide our testimony today, and I look forward to answering questions from the committee.

VIETNAM VETERANS OF AMERICA

Funding Statement

April 28, 2021

The national organization Vietnam Veterans of America (VVA) is a non-profit veterans' membership organization registered as a 501(c) (19) with the Internal Revenue Service. VVA is also appropriately registered with the Secretary of the Senate and the Clerk of the House of Representatives in compliance with the Lobbying Disclosure Act of 1995.

VVA is not currently in receipt of any federal grant or contract, other than the routine allocation of office space and associated resources in VA Regional Offices for outreach and direct services through its Veterans Benefits Program (Service Representatives). This is also true of the previous two fiscal years.

For Further Information, Contact:

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John Rowan

John Rowan was re-elected to a seventh term as National President of Vietnam Veterans of America (VVA) at the organization's 19th National Convention in 2019.

Rowan enlisted in the U.S. Air Force in July, 1965 and attended language school, learning Indonesian and Vietnamese. He served as a linguist in the Air Force's 6988 Security Squadron in Vietnam and with the 6990 Security Squadron at Kadena Air Base in Okinawa, Japan, providing Strategic Air Command (SAC) with intelligence on North Vietnam's surface-to-air missile sites to protect U.S. bombing missions.

Rowan has been active with VVA since the organization's inception in 1978. A founding member and the first president of VVA Chapter 32 in Queens, N.Y. in September 1981, he has served three terms on VVA's board, as Chairman of VVA's Conference of State Council Presidents, and as president of VVA's New York State Council from 1995-2005. Rowan served as a VVA veterans' service representative in New York City before being elected to VVA's highest office in 2005.

Following his honorable discharge from the Air Force, as a Sergeant (E-4), Rowan received a B.A. in Political Science from Queens College and a Master of Science in Urban Affairs from Hunter College both part of City University of N.Y. Rowan retired from the City of New York as a Chief Investigator with the Comptroller's Contractor Procurement Review Unit. He resides in Middle Village, N.Y., with his wife, Mariann.