

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:23-CV-897

IN RE:)
CAMP LEJEUNE WATER LITIGATION)
THIS PLEADING RELATES TO:)
ALL CASES)

**PLAINTIFFS’ LEADERSHIP GROUP’S OPPOSITION TO THE UNITED STATES’
MOTION TO STRIKE THE DEMAND FOR A JURY TRIAL**

For the following reasons, the Plaintiffs’ Leadership Group (PLG) respectfully opposes the government’s Motion to Strike Jury Trial Demand, D.E. 51 (Nov. 20, 2023).

INTRODUCTION

Enacted last year to provide relief to long-suffering victims of Camp Lejeune’s toxic water after decades of deception by government officials, the Camp Lejeune Justice Act (CLJA) expressly recognizes “the right of any party to a trial by jury.” Pub. L. No. 117-168, § 804(d), 136 Stat. 1759, 1802, 1802-04 (2022). The government nevertheless has submitted a motion to strike every plaintiff’s jury demand on the ground that the statute does not authorize jury trials. *See* Memorandum in Support of Motion to Strike Jury Trial Demand, D.E. 51-1 (“Mot.”). The government’s motion misinterprets Supreme Court precedent and would require the Court to effectively excise an entire sentence from the CLJA. It should be denied.

BACKGROUND

Congress enacted the CLJA in 2022 to provide relief to the many servicemembers and others who were exposed to toxic water at Camp Lejeune and as a result developed a wide range of deadly diseases. To do so, the CLJA provides broad eligibility criteria—exposure to water at

Camp Lejeune for at least 30 days between August 1953 and December 1987. *Id.* § 804(b). And it sets out certain substantive and procedural requirements for claims. *See id.*

As relevant here, Section 804(d) addresses the question of which bodies adjudicate CLJA actions. The first sentence vests this Court with “exclusive jurisdiction over any action filed under [the statute]” and provides that this Court “shall be the exclusive venue for such an action.” It thereby confers on this Court sole authority over questions of law (subject to appellate review) and the power to oversee CLJA cases. But the second sentence makes clear that the first sentence does not extend to questions of *fact*. Although the default presumption is that the vesting of jurisdiction in a district court over claims against the United States authorizes only bench trials, Section 804(b) rebuts that presumption by providing that “[n]othing in this subsection shall impair the right of any party to a trial by jury.”

Consistent with that statutory text, this Court has repeatedly recognized that the CLJA authorizes jury trials, *see* Order dated Sept. 15, 2023, D.E. 22 at 2; *Cline v. United States*, 2022 WL 17823926, at *2 (E.D.N.C. Dec. 20, 2022), an understanding echoed by the congressional sponsors of the CLJA, Decl. of John F. Bash (“Bash Decl.”), Ex. A, Statement of Representative Cartwright dated Nov. 1, 2023.¹ Indeed, the Department of Justice itself told Congress during the legislative process that the statute provides for jury trials and unsuccessfully urged legislators to remove that guarantee from the bill. Bash Decl., Ex. B, Department of Justice Technical Assistance to the Senate Committee on Veterans Affairs.²

¹ <https://www.congress.gov/118/crec/2023/11/01/169/180/CREC-2023-11-01-extensions.pdf>.

² <https://www.govinfo.gov/content/pkg/CHRG-117shrg52301/pdf/CHRG-117shrg52301.pdf>.

But having failed in its lobbying effort, the government has now abruptly reversed course, claiming that the statutory language does not mean what it says and moving to strike every plaintiff's jury demand. The PLG opposes that motion.

ARGUMENT

Section 804(d) of the CLJA provides that “[n]othing in this subsection shall impair the right of any party to a trial by jury.” Under the ordinary tools of statutory interpretation, there can be no question that the plain meaning of that sentence is that CLJA plaintiffs have the right to a trial by jury. The text affirms that plaintiffs have “the right”—not merely a hypothetical right—to a jury trial. And because no other statute authorizes trial by jury for CLJA actions, that sentence of Section 804(d) would have no function whatsoever—as the government essentially concedes—if it did not authorize jury trials. That cannot be correct. It is a foundational principle of statutory interpretation, after all, that a court may not render meaningless any statutory word, much less an entire sentence. Congress's intent is therefore clear on the face of the CLJA.

The government, however, asks this Court to depart from the plain meaning of Section 804(d). It claims that, under *Lehman v. Nakshian*, 453 U.S. 156 (1981), the CLJA does not “clearly and unequivocally” grant a right to a jury trial and so does not overcome the presumption that claims against the United States must be tried to the bench. Mot. 2-5. The government misunderstands *Lehman*. *Lehman* held that statutes that only arguably or obliquely suggest a right to jury trials (*e.g.*, statutes authorizing “legal relief” or vesting jurisdiction in district courts rather than the Court of Federal Claims) lack the requisite clarity. But no court has ever held that a statute that *expressly* acknowledges the right to trial by jury fails that standard or that a necessary implication from the statutory text must be ignored. Rather, under *Lehman*, a court must still consult the ordinary tools of statutory interpretation in discerning congressional intent. And

critically, *Lehman* itself relied on the Supreme Court’s earlier precedent in *Galloway v. United States*, 319 U.S. 372 (1943), which found a clear jury-trial right against the government based solely on an inference from a statute’s amendment history, without any express textual reference to jury trials at all. The CLJA is much clearer than that.

This Court should therefore reject the government’s misguided effort to deprive long-suffering Camp Lejeune victims of their statutorily guaranteed right to a jury trial.

A. A Statute Can “Clearly And Unequivocally” Authorize Jury Trials Against The Federal Government By Necessary Implication From Its Plain Text Or Context

The United States enjoys presumptive immunity from suit, and the Supreme Court has held that “a waiver of sovereign immunity must be ‘unequivocally expressed’ in statutory text.” *FAA v. Cooper*, 566 U.S. 284, 290 (2012) (*Cooper*) (citation omitted). Because the submission to jury trials “is one of the terms of [the Government’s] consent to be sued,” it also must be “unequivocally expressed.” *Lehman*, 453 U.S. at 160-61 (internal quotation marks omitted; brackets in original). But the Court has “never required that Congress use magic words” to waive immunity; the only requirement is that Congress’s intent be “clearly discernable from the statutory text in light of traditional interpretive tools.” *Cooper*, 566 U.S. at 291. For that reason, “[t]here is no need for [a court] to resort to the sovereign immunity canon” when, after exhausting the ordinary tools of statutory construction, “there is no ambiguity left for [a court] to construe.” *Richlin Sec. Serv. Co. v. Chertoff*, 553 U.S. 571, 590 (2008). And the canon does not require statutory provisions “to be given a meaning that is implausible.” *United States v. Williams*, 514 U.S. 527, 541 (1995) (Scalia, J. concurring).

The two leading precedents on jury-trial waivers—*Galloway* and *Lehman*—both follow those settled principles in their analysis. Together, they demonstrate that clear inferences from statutory text, structure, or history suffice to authorize jury trials against the government.

1. *Galloway* addressed whether the Seventh Amendment applied to suits against the United States under a World War I-era statute authorizing compensation to injured servicemembers. 319 U.S. at 373 n.1, 388. The Court began by noting that the Seventh Amendment did not by its own force apply to the suits because “under the common law in 1791” there was no right to a jury trial “for persons asserting claims against the sovereign.” *Id.* at 388; *see also, e.g., McElrath v. United States*, 102 U. S. 426, 440 (1880). But the Court concluded that “Congress, in the legislation cited, has made [the Seventh Amendment] applicable” by providing for jury trials against the federal government. *Galloway*, 319 U.S. at 388-89 & n.18.

Critically, that congressional choice was *not* reflected in the actual text of the statute, but rather was a necessary implication from its amendment history. The original version of the statute had been interpreted to authorize jury trials, despite the fact that it “did not explicitly make the[actions] triable by jury.” *Id.* at 389 n.18 (quoting *Law v. United States*, 266 U.S. 494, 496 (1925)) (citing An Act to Amend an Act Entitled “An Act to Authorize the Establishment of a Bureau of War Risk Insurance in the Treasury Department,” ch. 105, § 405, 40 Stat. 398, 410 (Oct. 6, 1917), Bash Decl., Ex. C). But as *Galloway* explained, in 1924, Congress had amended the statute to generally require that “the ‘procedure in such suits shall . . . be the same as that provided for suits’ under the Tucker Act,” which “were tried without a jury.” *Id.* (quoting World War Veterans’ Act, 1924, ch. 320, § 19, 43 Stat. 607, 613 (June 7, 1924), Bash Decl., Ex. D). The following year, however, Congress amended the statute again “with the intention to ‘give the claimant the right to a jury trial.’” *Id.* (quoting H.R. Rep. No. 1518, 68th Cong., 2d Sess. 2, Bash Decl., Ex. E). That

last amendment did not say a word about jury trials. Rather, it merely amended the cross-reference to the Tucker Act to provide that only specified sections would apply to suits under the statute, and those provisions did not include the bar on jury trials contained in Section 2 of the Tucker Act. *See* An Act to Amend the World War Veterans' Act, 1924, ch. 553, § 2, 43 Stat. 1302, 1303 (Mar. 4, 1925), Bash Decl., Ex. F.

That sufficed to infer the United States' unequivocal consent to jury trials. *See Galloway*, 319 U.S. at 389 n.18. As a Fifth Circuit decision cited approvingly by *Galloway* explained, “[t]he conclusion is irresistible . . . that by omitting section 2 of [the Tucker Act]” in the 1925 amendment, “Congress intended to give litigants the right of trial by jury as in ordinary cases.” *Hacker v. United States*, 16 F.2d 702, 704 (5th Cir. 1927) (cited in *Galloway*, 319 U.S. at 389 n.18). *Galloway* thus establishes that no particular declarative formulation—or any express textual indication at all—is necessary to establish the United States' consent to jury trials. Rather, the question in all cases is whether Congress's intent is clear, and that can be discerned from both text and context.

2. *Lehman's* standard for construing a statute to permit jury trials against the United States must be understood in light of its predecessor decision in *Galloway*. *Lehman* held that amendments to the Age Discrimination in Employment Act of 1967 (ADEA) that authorized suit against the federal government for “such legal or equitable relief as will effectuate the purposes of this Act” did not permit jury trials. 453 U.S. at 157-58, 168-69 (quoting Fair Labor Standards Amendments of 1974, Pub. L. No. 93-259, § 28(b)(2), 88 Stat. 55, 75). Relying on *Galloway*, the Court explained that the Seventh Amendment does not by its own force authorize jury trials against the federal government, and so any such right must be granted by statute. *Lehman*, 453 U.S. at 160 (quoting *Galloway*, 319 U.S. at 388-89). *Lehman* further explained that because the United

States enjoys sovereign immunity unless it consents to suit and because Congress may delineate the scope of that consent, any grant of a jury-trial right should be considered one of “the terms of its consent to be sued.” *Id.* (quoting *United States v. Testan*, 424 U.S. 392, 399 (1976)). For that reason, like sovereign-immunity waivers generally, the government’s consent to jury trials must be “unequivocally expressed.” *Id.* at 160-61 (quoting *United States v. Mitchell*, 445 U.S. 535, 538 (1980)).

Lehman went on to illustrate the demarcation point between provisions that are insufficiently clear to establish a jury-trial right against the government and those that pass muster. The Court first pointed to a number of exemplar statutes that do not grant a clear and unequivocal right to a jury trial. *Lehman*, 453 U.S. at 161. The common denominator for all of those statutes was that they either expressly prohibited jury trials, *e.g.*, Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346(b) (1976), or said nothing at all about jury trials, *e.g.*, 28 U.S.C. § 1491 (1976) (Court of Claims jurisdiction). Gleaning from those statutes a default congressional preference for bench trials, the Court held that a statute will not be read to permit jury trials unless “Congress clearly and unequivocally departed from its usual practice in this area.” *Id.* at 161-62.

The Court then explained that an ADEA provision other than the one at issue “*expressly* provide[d] for jury trials” against state and local governments. 453 U.S. at 162 (emphasis in original). Quoting *Galloway*, the Court stated that “Congress accordingly demonstrated that it knew how to provide a statutory right to a jury trial when it wished to do so elsewhere in the very ‘legislation cited.’” *Id.* (quoting *Galloway*, 453 U.S. at 162). The implication of that passage was that *Galloway* itself provides a template for how Congress may authorize jury trials. And given the express jury-trial right in the other ADEA provision, *Lehman* drew the negative inference that Congress had not consented to jury trials in the provision at issue. *Id.* at 162-63, 168.

The remainder of *Lehman*'s analysis further illustrated how, consistent with *Galloway*, statutory context could express Congress's clear intent to authorize jury trials. For example, the Court distinguished *Lorillard v. Pons*, 434 U.S. 575 (1978), which had inferred a jury-trial right from the phrase "legal or equitable relief" in an earlier version of the other ADEA provision, on the ground that the earlier provision had "incorporate[d] the enforcement scheme of the Fair Labor Standards Act," which included the "practice of making jury trials available." *Lehman*, 453 U.S. at 162-63; *see id.* at 166-68. In contrast, the ADEA provision at issue in *Lehman* was patterned after Title VII's federal-employee provisions, under which "there is no right to trial by jury." *Id.* at 162-63; *see id.* at 166-67. There again, *Lehman* made clear that statutory context—not only a particular declarative phrasing—can supply the necessary clarity to discern (or reject) a jury-trial right. *See id.*; *accord Marcella v. Brandywine Hosp.*, 47 F.3d 618 (3d Cir. 1995) (holding that Red Cross was subject to jury trial, despite lack of specific references to jury trials in its charter).

Ultimately, *Lehman* held that the ADEA provision's reference to "legal and equitable relief" was insufficiently clear for three reasons taken together: (i) neither the vesting of jurisdiction "in the district courts rather than the Court of Claims, nor the use of the word 'legal' in that section evinces a Congressional intent" to authorize jury trials; (ii) a negative inference arose from the fact that "Congress expressly provided for jury trials" in the other ADEA provision; and (iii) Congress "patterned [the ADEA's federal-government] section after provisions in another Act under which there is no right to trial by jury." 453 U.S. at 168. That holding rested on a comprehensive analysis of all sources of statutory meaning—consistent with the basic principle that waivers of immunity must be clear after applying the full statutory-construction toolkit. *Cooper*, 566 U.S. at 291. That holistic approach to statutory meaning must be applied to the CLJA's jury-trial provision as well.

B. Congress’s Intent To Authorize Jury Trials Is Clearly Discernible In The Plain Text Of Section 804(d) And From Its Context

Section 804(d) readily satisfies *Lehman*’s “clear[] and unequivocal[]” standard. 453 U.S. at 162. That section expressly acknowledges “the right of any party to a trial by jury.” To have any meaning at all, that section must establish that CLJA plaintiffs have the right to a jury trial. And Section 804(d) is nothing like statutes that *Lehman* deemed insufficiently clear. Indeed, never before has a court held that a statute that expressly refers to trial by jury is insufficient under the *Lehman* standard.

1. The plain text of Section 804(d) expressly affirms the existence of the right to trial by jury. That conclusion follows in part from Congress’s use of the definite article: “Nothing in this subsection shall impair *the* right of any party to a trial by jury.” CLJA § 804(d) (emphasis added). The “use of the definite article” connotes that the noun that follows—here, “right”—is “specifically provided for.” *Nielsen v. Preap*, 139 S. Ct. 954, 965 (2019) (quoting *Work v. United States ex rel. McAlester-Edwards Co.*, 262 U.S. 200, 208 (1923)). The text thus refers to a right that *actually* exists, not merely the abstract possibility that a jury-trial right *might* exist. *See id.* (“[G]rammar and usage establish that ‘the’ is a function word . . . indicat[ing] that a following noun or noun equivalent is definite or has been previously specified by context.”) (quoting MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY 1294 (11th ed. 2005)). If Congress had intended the latter connotation, it would have employed a phrase like “any right to a trial by jury that a party may have” or inserted some contingent modifier into the sentence, such as “possible.” But instead, Congress conveyed unmistakably that “the right” specified in the sentence is an existing one. The government is thus wrong that Section 804(d) “does not address the existence of” a jury-trial right. *Mot.* at 4. It explicitly affirms such a right.

In addition, the structure of the sentence—providing that nothing shall “impair” the right rather than stating that the right “exists” or “is granted”—parallels other prominent rights-conferring laws. Most obviously, key provisions of the Bill of Rights employ the same syntax, which, read mostly literally, presumes that the right being granted already exists and provides that it shall not be violated. *See, e.g.*, U.S. Const., amend. II (“[T]he right of the people to keep and bear arms, shall not be infringed”); U.S. Const., amend. IV (“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.”). The Seventh Amendment jury-trial right itself uses a similar construction: “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.” U.S. Const., amend. VII. Congress drew on this traditional sentence structure in drafting Section 804(d)’s jury-trial provision.

Further, the sentence’s placement in Section 804(d) accords with its basic purpose to ensure jury trials and helps account for its unique phrasing. Section 804(d) is the provision of the CLJA concerned with the question of *who* adjudicates CLJA actions. Its first sentence provides for exclusive jurisdiction and venue in the Eastern District, ensuing that this Court will resolve all legal questions under the CLJA (subject, of course, to appellate review) and can establish a uniform administrative scheme akin to Multi-District Litigation. Its second sentence, however, makes clear that the granting of exclusive jurisdiction in this Court does not authorize the Court to resolve questions of *fact*, despite the default presumption that the vesting of jurisdiction in a district court over claims against the United States should be construed to permit only bench trials. *Lehman*, 453 U.S. at 164-65 & n.13. The proviso-like phrasing of the second sentence (“Nothing in this subsection shall impair”) acknowledges that the grant of a jury-trial right in the second sentence represents a departure from how the first sentence would otherwise be construed.

2. In harmony with Section 804(d)'s plain meaning, the traditional tools of statutory construction confirm that the statute provides for a jury-trial right. In particular, as the government all but concedes, Section 804(d)'s second sentence would have no "function" at all if jury trials are barred. Mot. at 4 n.1 ("[I]t is not immediately clear what function this provision is meant to have, if any."). That is, if anything, an understatement. Were this Court to adopt the government's interpretation of Section 804(d), it would render that entire sentence of the statute nugatory: It would preserve a right to a jury trial that never existed. It is undisputed, after all, that no other provision of federal law provides for a jury-trial right for any subset of CLJA claims. Accordingly, the only right that Section 804(d) could possibly be referring to is a jury-trial right created by the CLJA itself. If the CLJA were construed to require bench trials, therefore, Section 804(d)'s second sentence would be pointless.

This Court should reject that self-negating interpretation. "[O]ne of the most basic interpretive canons" is that "[a] statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant." *Corley v. United States*, 556 U.S. 303, 314 (2009) (quoting *Hibbs v. Winn*, 542 U.S. 88, 101 (2004)). And "just as the court may not rewrite a statute due to a perceived Congressional drafting error, the court most certainly may not ignore the language contained in the statute." *United States v. Childress*, 104 F.3d 47, 52 (4th Cir. 1996), *superseded by statute as stated in U.S. v. Kelly*, 510 F.3d 433, 441 n.8 (4th Cir. 2007). Construing Section 804(d) not to grant a jury-trial right would violate these bedrock principles of statutory construction by leaving the second sentence devoid of meaning—as if the Court were to smear white-out across a line of the U.S. Statutes at Large.

The government speculates that "Congress included a sentence about jury trials in Section 804(d) 'in a more general excess of caution' to alleviate concerns that restricting venue to this

Court might restrict other rights.” Mot. at 4 n.1 (quoting *Cyan, Inc. v. Beaver Cnty. Employees Ret. Fund*, 583 U.S. 416, 435 (2018)). But Section 804(d) is not a general disclaimer about “other rights”; it refers specifically and exclusively to *the* right to a jury trial. The government’s proffered explanation thus makes no sense.³ The government’s position appears essentially to be that Congress was ignorant of whether jury trials might be required for CLJA claims and simply chose to keep the status quo, whatever that might be. But the government cites no precedent construing a statute on the assumption that Congress was unaware of relevant preexisting provisions of federal law—a view that would flout the Supreme Court’s instruction to “assume that Congress is aware of existing law when it passes legislation.” *Miles v. Apex Marine Corp.*, 498 U.S. 19, 32 (1990). And it is deeply implausible that Congress, in enacting a major new cause of action subjecting the U.S. Treasury to substantial liability, decided to express no preference on whether jury trials would be available.

The government also hypothesizes that Congress might have had in mind “a third-party complaint or cross claim.” Mot. at 4 n.1. That conjecture—apparently resting on the view that the government might sue some other party to offset its own liability for Camp Lejeune’s poisoned water—is even less defensible. The CLJA does not itself authorize any cross-claims or third-party claims, *see* CLJA § 804(b), and the United States has not identified any common-law claims that are not time-barred (nor has it pleaded any such claims in any of the pending Camp Lejeune cases).

³ The sort of statutory provision at issue in *Cyan* is different. In that case and the others that the Court cited, Congress enacted a *redundant* clause out of a “general excess of caution.” 583 U.S. at 435. For example, in *Cyan* itself, Congress granted state courts jurisdiction over a certain class of federal securities claims “except as provided” in another section, but that section barred only state-law claims, so there was no overlap. *Id.* at 434. The problem with the government’s interpretation of the CLJA is not that it renders Section 804(b)’s second sentence a belt-and-suspenders provision—redundant but understandable—but that it construes the sentence to refer to a nonexistent right, apparently on the view that Congress does not know what its own statutes say.

That the government must resort to such flights of fancy to sustain its position only underscores the position's basic implausibility.

3. Further, Section 804(d) has no resemblance to the statutes that *Lehman* said fail to meet its standard—and it is far clearer than the *Galloway* statute that *did* meet it. Section 804(d) does not bar jury trials, it is not silent on the issue, and it does not use an inherently ambiguous term like “legal relief.” Rather, it expressly affirms “the right” to a jury trial. As far as the PLG has determined, no statute expressly referring to a jury-trial right in connection with suits against the federal government has ever been held to fail the *Lehman* standard.

Section 804(d) in fact far more clearly establishes a jury-trial right than the statute in *Galloway*. Unlike that statute, which the Supreme Court found to authorize a jury-trial right because of a negative implication from the statute's amendment history, Section 804(d) indicates on its face that CLJA plaintiffs enjoy “the right” to a trial by jury. It does not require the Court to trace back cross-references through multiple versions of the statute to divine congressional intent, as in *Galloway*. It follows *a fortiori* that if congressional intent was clear from the removal of a cross-reference in *Galloway*, it is clear from the express affirmation of a jury-trial right here.

Moreover, as in *Galloway*, the CLJA's legislative provenance also supports a jury-trial right. The CLJA was enacted to “provide[] an alternative remedy to the FTCA” for individuals who were harmed by the water at Camp Lejeune. *Clendening v. United States*, 143 S.Ct. 11, 12 n.2 (2022) (Mem). Congress chose to make some features of the FTCA applicable to the CLJA, either through incorporation by reference (*e.g.*, administrative exhaustion) or through the enactment of a functionally identical provision (*e.g.*, bar on punitive damages). *See* 28 U.S.C. § 2675; CLJA § 804(g); *see also* Plaintiff's Memorandum in Support of Plaintiff's Motion for Partial Summary Judgment, D.E. 42 at 23. But Congress did not incorporate the FTCA's bar on

jury trials. Instead, it used language affirming “the right of any party to a trial by jury,” and it was even told by the Department of Justice that the language would require jury trials, *see* Bash Decl., Ex. B; *see* p. 17, *infra*. Thus, as with the amendments to the statute in *Galloway*, Congress’s language choice in Section 804(d) was almost assuredly deliberate and should be given its intended effect—granting CLJA plaintiffs the right to a jury trial.

C. The Government’s Arguments Lack Merit

The government’s arguments in support of its motion amount to little more than the *ipse dixit* that Section 804(d) does not “clearly and unequivocally” provide for jury trials. The government does not seriously attempt to apply the nuanced standard that the Supreme Court actually established in *Galloway* and *Lehman*, which does not require any particular verbal formulation, nor does it grapple with the more general standard for waivers of sovereign immunity, which require courts to exhaust all of the tools of statutory construction before assessing the statute’s clarity. The few contextual arguments that the government offers only confirm that Congress gave CLJA plaintiffs a right to a jury trial.

1. The primary flaw in the government’s argument is that it construes *Lehman* as instituting a magic-words test: Unless a statute provides that cases “shall be tried by jury” or that a “party may demand a jury trial” or includes a similarly declarative phrase, the statute does not authorize jury trials against the government—no matter how clear it is that Congress intended to provide for jury trials. *E.g.*, Mot. at 5 (citing 28 U.S.C. § 2402). That understanding is demonstrably incorrect. The government’s error first rests on its failure to address the case on which *Lehman*’s rule is based—the Supreme Court’s 1943 decision in *Galloway*, which is not even cited in the government’s brief—and the nuanced analysis of statutory context that the Court conducted in

Lehman itself, which bears scant resemblance to the government’s view that Congress must use specific declarative formulations. *See* pp. 4-8, *supra*.

Moreover, the fact that in hindsight Congress could have worded the CLJA differently is not the relevant question. “Congress need not state its intent in any particular way,” and the Supreme Court “ha[s] never required that Congress use magic words.” *Cooper*, 566 U.S. at 291; Amy Coney Barrett, *Substantive Canons and Faithful Agency*, 90 BOSTON UNIV. L. REV. 109, 166-67 (2010) (“[R]equring Congress to use magic words to accomplish a particular result . . . violates the baseline rule of legislative supremacy.”). Rather, the question under *Lehman* is simply whether “Congress clearly and unequivocally” granted the right to jury trials to CLJA plaintiffs. 453 U.S. at 162.

2. The government also asserts that permitting jury trials for CLJA actions would depart from the history of tort claims against the government under the FTCA, which expressly bars jury trials. Mot. at 5. But the FTCA’s prohibition is actually powerful evidence *against* the government’s position. Despite the fact that both the CLJA and the FTCA authorize relief against the government for tortious conduct and that the CLJA incorporates certain provisions of the FTCA expressly, Congress conspicuously chose *not* to incorporate the FTCA’s bar on jury trials. 28 U.S.C. § 2402. The venerable canon of *expressio unius est exclusio alterius*—and common sense—counsel that Congress’s choice was deliberate.

More broadly, as explained in the PLG’s motion for partial summary judgment regarding legal representatives, CLJA actions are simply not actions under the FTCA. Plaintiff’s Memorandum in Support of Plaintiff’s Motion for Partial Summary Judgment, D.E. 42 at 20-22. Instead, Congress “created a new federal cause of action” in the CLJA. *Id.* (quoting D.E. 22 at 1);

accord Clendening, 143 S.Ct. at 12 n.2 (the CLJA “provides an alternative remedy to the FTCA”).⁴ Thus, the United States’ statutory immunity from jury trials under the FTCA does not apply here.

In fact, Congress had good reasons to depart from that model in designing the CLJA. CLJA plaintiffs consist largely of servicemembers and their families who have developed deadly diseases because the United States exposed them to the worst public drinking water contamination crisis in our Nation’s history. For decades, the government has ruthlessly evaded compensating the plaintiffs for their years of suffering, lost opportunities, and death—first by covering up the contamination and then by invoking a host of technical legal arguments to evade liability under existing law. Given that shameful history, Congress undoubtedly wanted to assure CLJA victims that their claims would be heard by a jury of their peers. As Representative Matt Cartwright put it, “[w]hen we drafted the Act, it was our clear, unambiguous, and unequivocal express intent to provide all those covered by the Act with the right to a trial by jury against the United States of America for the harm they suffered at Camp Lejeune” because “it was critically important that people who had been betrayed and misled by the government for decades would have a right to have their claims decided by a jury of their peers.” Bash Decl., Ex. A at 4.

⁴ CLJA actions also differ markedly from FTCA actions in numerous respects. D.E. 42 at 20-21. And because the FTCA’s waiver of sovereign immunity applies only to government liability “in accordance with the law of the place where the act or omission occurred,” 18 U.S.C. § 1346(b)(1)—*i.e.*, liability under state law—it does not waive immunity from federal causes of action such as the CLJA, *FDIC v. Meyer*, 510 U.S. 471, 479 (1994) (federal constitutional tort was not cognizable under Section 1346(b)(1)). The CLJA instead contains its own waiver of sovereign immunity authorizing “appropriate relief” against the United States if the CLJA’s unique legal standards are met, without stating that any of the requirements of the FTCA must also be satisfied. CLJA § 804(b). And at any rate, even if the CLJA could be construed to implicitly incorporate certain provisions of the FTCA, *but see* D.E. 42 at 22-32, at a bare minimum the language of Section 804(d) dispels the inference that the FTCA’s jury-trial bar is incorporated.

3. Finally, the government claims that “[t]he CLJA was not preceded by significant legislative consideration of, or attention to, the consequences of allowing jury trials in this specific context.” Mot. at 5. But that is strikingly inaccurate. It is true that the CLJA as a whole garnered little attention in the legislative history of the PACT Act in which it is embedded (perhaps because righting a grave historical wrong was uncontroversial). But one provision *did* attract discussion: the jury-trial right.

As the government sheepishly admits in a footnote, Mot. at 6 n.2, during the enactment of the CLJA, the Department of Justice submitted “Technical Assistance” to the Senate Committee on Veterans Affairs urging it to remove the jury-trial provision. That submission explained that the language authorized jury trials:

[W]e worry that [the CLJA], as currently drafted, would result in differing recoveries to similarly situated plaintiffs. Especially if **damages awards are to be decided by a jury, as the statute contemplates**, it is likely that litigation will produce a broad range of remedial outcomes even among plaintiffs who have suffered similar harms. The potential unfairness of those outcomes may undermine the statute’s goal of providing redress for those affected by contamination at Camp Lejeune.

Bash Decl., Ex. B at 61 (emphasis added). Congress obviously disagreed with the Department’s objection—which essentially amounted to a blanket attack on the right to a jury trial in general, since there is always the risk that different juries will yield “a broad range of remedial outcomes” on similar claims. But it is simply not accurate to assert that the jury-trial provision did not receive legislative attention when it was the focus of a key objection by the Department.

Moreover, Congress’s demonstrable awareness that the Department of Justice construed the language to codify a right to a jury trial—and its ensuing decision to retain that language—confirm its intent to authorize jury trials. *Cf. Davis v. Devine*, 736 F.2d 1108, 1113 (6th Cir. 1984) (“[W]hen an agency alerts the Congress of its statutory interpretation of existing legislation, and

the legislature does not alter the tendered interpretation when provided the opportunity to do so, then courts must presume that the agency has correctly discerned the legislative intent.”); *see also Bd. of Ed. of City Sch. Dist. of City of New York v. Harris*, 444 U.S. 130, 149 (1979) (construing statute to reflect agency’s interpretation when Congress did not take up committee witness’s request to change language to nullify agency’s view). And it further undermines the government’s fanciful theory that the provision was designed as a cautionary proviso for imaginary rights, because the Department’s warning to Congress made clear that no preexisting jury-trial right applied.

At any rate, the quantity of “legislative consideration” the jury-trial right received in the Congressional Record is not relevant to the interpretation of the CLJA. As the government itself points out, statutes are not interpreted according to how much legislative discussion they receive; they are interpreted according to their plain meaning. Mot. at 6. The government cites *Lehman*’s statement that Congress granted jury trials in tax-refund cases “[o]nly after much debate.” *Id.* (citing *Lehman*, 453 U.S. at 161 n.8). But the government misunderstands the point of that discussion. The Supreme Court was merely explaining why Congress had historically been reluctant to authorize jury trials, noting the objections raised in the tax-refund context; it was not identifying a relevant consideration for construing statutes going forward. *See Lehman*, 453 U.S. at 161 n.8. Tellingly, in summarizing its reasons for rejecting a right to jury trials in the ADEA provision, *Lehman* did not cite the amount of “legislative consideration” the issue had received. *See id.* at 168-69.

D. Every Party To Have Addressed The Question Has Recognized That The CLJA Authorizes Jury Trials

For the foregoing reasons, the CLJA clearly grants a jury trial right to plaintiffs. But this Court need not take the PLG’s word for it: Every party to have considered the statute immediately

recognized that it authorizes jury trials. Even the Department of Justice itself acknowledged a jury-trial right only a short time ago and changed its position only after failing to convince Congress to remove the provision.

Start with this Court. Judges in this District have recognized a right to a jury trial in issued orders. Shortly after the CLJA's enactment, Judge Dever wrote that the CLJA "created a new federal cause of action" in which Congress "provided for jury trials." *Cline v. United States*, 2022 WL 17823926, at *2 (E.D.N.C. Dec. 20, 2022). And less than three months ago, this Court stated that "[i]n the CLJA, Congress . . . provided for jury trials." Order dated Sept. 15, 2023, D.E. 22 at 2. Although the question was not presented in those orders, they presumably noted the availability of jury trials because it is so clear on the face of the statute.

Until recently, the government held the same position. As explained above, the Department of Justice specifically recognized during the legislative process that the statutory text "permits jury trials that would not be available under the FTCA." Bash Decl., Ex. B at 60. The Department thus (correctly) read the plain text of the CLJA to grant a right to a jury trial. Now, however, having lost before Congress, the government has jettisoned its original view in favor of the countertextual position that the CLJA's affirmation of "the right of any party to a trial by jury" actually means that all CLJA claims must be tried to the bench.

Finally, the Members of Congress who sponsored the CLJA agree with the Department's original assessment. As the government has acknowledged, Representative Cartwright was the principal drafter of the CLJA. United States' Statement of Interest Regarding Attorneys' Fees, D.E. 34 at 10 n.34. After learning of the government's about-face, he expressed nothing short of bafflement. "When writing the Camp Lejeune Justice Act," he stated, "we understood that the only way the veterans, their families and others could get fair and just compensation was through

a jury trial.” Bash Decl., Ex. A at 4. Congress’s “unequivocal expression our intent, from the inception of the bill through final passage and into enactment” was that “the claimants who have suffered so intensely as a result of the toxic water at Camp Lejeune have the right to a trial by jury.” *Id.* Although Congress was “aware of how the Federal Tort Claims Act worked, through a bench trial,” it “specifically rejected that model” and “expressly included a provision in subsection (d) of the Act confirming every plaintiff[’s] right to a jury trial.” *Id.* “The Department of Justice,” Representative Cartwright protested, “is inexplicably reading this provision out of the statute.” *Id.* But “[t]hose who have steadfastly defended our country rate no less than the rights they deserve as American citizens.” *Id.*

The government claims that a post-enactment statement from a Member of Congress “is not a legitimate tool of statutory interpretation,” Mot. at 7, but the Supreme Court has found that sort of statement “relevant to the extent it is persuasive.” *United States v. Woods*, 571 U.S. 31, 48 (2013). Indeed, the government itself has had no qualms about citing post-enactment statements on other issues. United States’ Statement of Interest Regarding Attorneys’ Fees, D.E. 34 at 11 n.4. Here, the *key sponsor* of the CLJA vehemently disagrees with the government’s interpretation of the CLJA only one year after the statute was enacted. Especially given that the statement accords with this Court’s own stated understanding of the statutory text, that is compelling evidence that the CLJA means what it says: A plaintiff has a right to a jury trial.

CONCLUSION

The United States' motion to strike the jury-trial demand should be denied.

December 4, 2023

Respectfully submitted,

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Liaison Counsel for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:23-CV-897

IN RE:)
CAMP LEJEUNE WATER LITIGATION)
THIS PLEADING RELATES TO:)
ALL CASES)

**PLAINTIFFS’ APPENDIX TO PLAINTIFFS’ LEADERSHIP GROUP’S OPPOSITION
TO THE UNITED STATES’ MOTION TO STRIKE THE DEMAND FOR A JURY
TRIAL**

Exhibit 1	Declaration of John F. Bash in Support of Plaintiffs’ Leadership Group’s Opposition to the United States’ Motion to Strike the Demand for a Jury Trial
	Exhibit A to the Declaration of John F. Bash, Remarks of Representative Matt Cartwright dated November 1, 2023.
	Exhibit B to the Declaration of John F. Bash, Hearing on the Department of Veterans Affairs Implementation of the SFC Heath Robinson Honoring Our Pact Act dated November 16, 2022
	Exhibit C to the Declaration of John F. Bash, 40 Stat. 398-411 (1917)
	Exhibit D to the Declaration of John F. Bash, 43 Stat. 607-30 (1924)
	Exhibit E to the Declaration of John F. Bash, H.R. Rep. 1518 (1924)
	Exhibit F to the Declaration of John F. Bash, 43 Stat. 1302-12 (1925)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:23-CV-897

IN RE:)
CAMP LEJEUNE WATER LITIGATION)
THIS PLEADING RELATES TO:)
ALL CASES)

**DECLARATION OF JOHN F. BASH IN SUPPORT OF
PLAINTIFFS' LEADERSHIP GROUP'S OPPOSITION TO THE UNITED STATES'
MOTION TO STRIKE THE DEMAND FOR A JURY TRIAL**

I, John F. Bash, declare as follows:

1. I am an attorney at Quinn Emanuel Urquhart & Sullivan LLP. I am a member of the Plaintiffs' Executive Committee in the above captioned matter, and Co-Chair of the Law and Briefing Subcommittee. I have personal knowledge of all matters stated in this declaration. If called as a witness, I could competently testify to the facts herein.

2. Attached hereto as Exhibit A is a true and correct copy of the remarks of Representative Matt Cartwright dated November 1, 2023.

3. Attached hereto as Exhibit B is a true and correct copy of the Hearing on the Department of Veterans Affairs Implementation of the SFC Heath Robinson Honoring Our Pact Act dated November 16, 2022.

4. Attached hereto as Exhibit C is a true and correct copy of 40 Stat. 398-411 (1917).

5. Attached hereto as Exhibit D is a true and correct copy of 43 Stat. 607-30 (1924).

6. Attached hereto as Exhibit E is a true and correct copy of H.R. Rep. 1518 (1924).

7. Attached hereto as Exhibit F is a true and correct copy of 43 Stat. 1302-12 (1925).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: December 4, 2023

/s/ John F. Bash

John F. Bash

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EXHIBIT A

EXTENSIONS OF REMARKS

HONORING JAMES ED HARRIS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable unsung hero, James Ed Harris.

James Ed Harris is a native Mississippian, born on the Harris family homestead in Grenada, where he lived with his mother, Mary Magdalene Harris and his father, Jimmy Lee Harris, along with his six siblings.

James grew up working in the cotton fields on a local plantation with his mother; who was well known in the community as a seamstress taking the lead during a highly volatile racial south; to give relief while his WW2 Veteran father, Jimmy Lee Harris, also worked outside of the home.

In 1966, James was among many teenager kids who risked their lives for the cause of getting Black Americans registered to vote and integrated into white schools without them all being killed in the process. They were beaten and arrested for trying to register Black Children. These teens were all taken to prison in Parchman, MS. There was a military draft that happened during that time. Although there was not a massive number of Black soldiers, they were the first to get drafted to fight in a foreign land.

The day James was released from that prison was the day he made the conscious decision to protect his family's future. He chose to go and fight for his country in the perilous Vietnam War.

James Ed Harris was awarded with the Purple Heart and Bronze Star Medal citation for extraordinary acts of valor while under direct enemy fire during ground operations against a superior hostile force in the Republic of Vietnam.

Mr. Speaker, I ask my colleagues to join me in recognizing James Ed Harris for his dedication and tenacity to serving his country and the desire to be an example for all.

RECOGNIZING MRS. BERNICE TINSLEY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to recognize Mrs. Bernice Tinsley for her dedication to dedication to St. Thomas United Methodist Church.

At 94 years old, Mrs. Tinsley is the oldest living member at Saint Thomas United Methodist Church in Sylacauga, Alabama.

She has previously served as a Sunday school teacher, choir member, Older Adult

Ministry Chair, and a Vacation Bible School instructor. She is known among friends and fellow church members for her loving spirit and her infectious smile.

Mrs. Tinsley is the loving mother of 3 sons. Mrs. Tinsley's dedicated service to her community is one that every Alabamian should be proud of. Her dedication to the lives of others has truly made a difference and given hope and encouragement to so many people.

Mr. Speaker, please join me in recognizing Mrs. Tinsley and her lifetime of service to the Saint Thomas United Methodist Church.

CELEBRATING THE CAREER OF PORT EVERGLADES ASSOCIATION EXECUTIVE DIRECTOR LORI BAER

HON. JARED MOSKOWITZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. MOSKOWITZ. Mr. Speaker, I rise today to recognize Lori Baer, the Executive Director of the Port Everglades Association and port industry veteran, for her three decades of contributions to the industry.

Lori gained her port experience in the public and private sectors, holding various distinguished roles. At AECOM, a global engineering and consulting firm, she held the positions of Vice President and Ports and Marine Lead for the Americas. She also served as Executive Director of the Port of Palm Beach. Additionally, she has performed in senior management positions at the Port of Miami and the Western Hemisphere-wide American Association of Port Authorities. Lori has dedicated her career to developing an unmatched expertise in the port industry, which has served her communities domestically and internationally.

Mr. Speaker, I ask that you join me in recognizing the Executive Director of the Port Everglades Association, Lori Baer, for her outstanding career and contributions to the ports of the Western Hemisphere and Florida's 23rd Congressional District.

HONORING DONNA BROWN-WYNN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a tenacious and self-motivated leader, Donna Brown-Wynn. Donna Brown-Wynn has shown what can be done through hard work, dedication, and a desire to achieve.

Donna Brown-Wynn was a three-sport athlete—basketball, track and field and softball—

at Vicksburg High. She was the softball team's MVP in 1989 and won state championships in track in several events but excelled the most in basketball.

Brown-Wynn played at Mississippi State and was a four-year starter at point guard. She set an MSU record for 3-pointers in a game that stood for nearly 20 years.

After her playing career, Brown-Wynn went into coaching. She spent two years as an assistant at Mississippi State, then 13 more on the staff at Belmont University in Nashville.

Since 2003, Brown-Wynn has returned to her hometown each summer to host the week-long "Play 2 Wynn" basketball camp.

Brown-Wynn was inducted into the 2022 Vicksburg Warren School District Athletic Hall of Fame.

Mr. Speaker, I ask my colleagues to join me in recognizing Donna Brown-Wynn for her passion and dedication to the Vicksburg Warren School District and Warren County Community.

RECOGNIZING ROBERT "BOB" J. SCULLEY FOR DECADES OF SERVICE AT THE NEW HAMPSHIRE MOTOR TRANSPORTATION AGENCY

HON. CHRIS PAPPAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. PAPPAS. Mr. Speaker, I rise today in recognition of Robert "Bob" J. Sculley's long-standing work for the New Hampshire Motor Transportation Agency (NHMTA), including his 34 years of service as the organization's president, and wish him well as he enters retirement. Bob's dedication to providing Granite Staters with a reliable, efficient, safe, and economical motor transport system through his advocacy before federal, state, and municipal government bodies is nothing but admirable.

Bob's persistent work to uplift the NHMTA began in 1989, when the organization was still in its early stages. Throughout his long tenure, he has helped the organization grow, instituted multiple programs that save members money, and formed ties between the NHMTA and local government agencies such as the NH Department of Safety. Bob's work has helped the economy of the Granite State flourish by creating programs that help small businesses comply with government regulations, thus saving them money and easing administrative burdens.

On behalf of the constituents of New Hampshire's First Congressional District, I want to thank Bob for his decades of service and congratulate him on his well-deserved retirement. Bob's work with NHMTA will continue to benefit Granite Staters for generations to come and I wish him all the best in his future endeavors.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING MS. TERI GEORGE FOR
THREE DECADES OF SERVICE TO
THE U.S. CUSTOMS AND BORDER
PROTECTION

HON. RALPH NORMAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. NORMAN. Mr. Speaker, I rise today to recognize a dedicated public servant, Teri E. George, whose remarkable career with the United States Customs and Border Protection (CBP) exemplifies unwavering commitment and tireless dedication to the protection and security of the Carolinas and our great Nation.

Ms. Teri E. George's career began in 1993 with U.S. Customs. Her decades-long career has been marked by steadfast loyalty to her responsibilities, a deep sense of duty, and an unwavering commitment to the core principles of public service. Her retirement on December 31, 2023, is a milestone that marks thirty years and eleven months of exceptional service to our country.

In 2003, with the formation of the Department of Homeland Security, Ms. George seamlessly transitioned to the Customs and Border Protection agency. Her adaptability and ability to excel in a dynamic and ever-changing environment are a testament to her competence and leadership within the organization.

Ms. George's contributions to CBP have been significant, with the majority of her career spent as the Supervisory Mission Support Specialist for the Area Port of Charlotte. In this vital role, she oversaw crucial functions, including budget management, personnel actions, logistics, and facilities for ports of entry in North Carolina.

Ms. George's work as the Supervisory Mission Support Specialist ensured that the necessary resources and infrastructure were available to facilitate the essential operations of Customs and Border Protection across the Carolinas. Her tireless efforts helped to maintain the efficiency and effectiveness of CBP operations, safeguarding our nation's borders and enhancing our homeland security.

The dedication, expertise, and commitment that Ms. Teri George displayed throughout her career are commendable and deserving of the highest recognition. Her contributions have left an indelible mark on the Department of Homeland Security and the United States Customs and Border Protection, further enhancing our nation's security and prosperity.

As Ms. George embarks on a well-earned retirement, I extend my heartfelt gratitude and best wishes for the next chapter in her life. I want to express deep appreciation on behalf of the whole community for her unwavering commitment to public service and her outstanding contributions to the security of our Nation.

Her legacy will continue to inspire those who follow in her footsteps, and her dedication to public service will remain a shining example to all.

HONORING THE LIFE OF CHIEF
MICHAEL D. LIDDELL

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a tenacious and self-motivated leader, the late Chief Michael D. Liddell. Chief Liddell has shown what can be done through hard work, dedication, and a desire to achieve.

Michael attended Humphreys County High School and obtained his GED in November of 1989. He then attended Coahoma Community College in 1990. After deciding that he wanted to work, he obtained a job at SuperValu Distribution Company in 1991 in Indianola, MS, where he worked until 2003. Michael then attended Mississippi Delta Community College and graduated from the Law Enforcement Training Academy in March of 2005. After graduating, he became employed at the Pelzoni Police Department and served as a police officer until he assumed the position of Chief of Police in 2017.

Michael was a great officer. He took pride in his work and loved what he did. He dedicated many personal hours to protecting and serving his community. He was very passionate about his work. He had a huge heart and would help anyone he could. He served faithfully until he became ill in June 2022.

Of all his accomplishments, nothing meant as much as when Michael dedicated his life to Christ and became a faithful member of Shiloh MB Church Deovelente under the leadership of Pastor Charles Edwards on February 27, 2022.

Mr. Speaker, I ask my colleagues to join me in honoring the life, legacy, and service of the late Chief Michael D. Liddell.

RECOGNIZING DOROTHY TAZIK'S
100TH BIRTHDAY

HON. BRIAN K. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize Dorothy Tazik, a remarkable constituent from my district, and to pay tribute to her on the celebration of her 100th Birthday in September of this year.

Dorothy was born on September 6, 1923, in Wallington, New Jersey, as the third child and only daughter of Mary and John Pollak. From New Jersey, she and her family relocated to Tullytown and later Bristol in Bucks County, Pennsylvania. On October 19, 1946, she married her husband Wendel J. Tazik, an Army Air Corps veteran from World War II who served faithfully in the Pacific Theater. Dorothy and Wendel settled in Levittown, Pennsylvania, where they raised their five daughters, and she embarked on a lifetime of devotion as a wife, mother, homemaker, and grandmother. Dorothy is further blessed with 9 grandchildren and 12 great-grandchildren.

I am personally honored to have arranged for the flag of the United States of America to be flown over the United States Capitol on her 100th Birthday to commemorate this historic

occasion in her life. Moreover, I am deeply honored to have had the opportunity to present this flag to her during her Birthday celebration.

Mr. Speaker, I ask my esteemed colleagues in the U.S. House of Representatives to please join me in extending our heartfelt congratulations, sincere well-wishes, and all of God's Blessings to Dorothy Tazik on the celebration of her 100th Birthday.

HONORING THE WESLEY HOUSE
ASSOCIATION

HON. CORI BUSH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Ms. BUSH. Mr. Speaker, St. Louis and I rise to congratulate the Wesley House Association for 120 years of dedicated community service.

Wesley House is a professional, highly-motivated, and socially conscious organization with a passion for improving the overall quality of life for communities in need. They value creative problem-solving and ambitious fundraising efforts in order to support their far-reaching programs and services. Their after-school programs encourage civic engagement among young people, and their senior outreach programs help ensure that our seniors are respected, secure, and active participants in their communities.

Organizations like Wesley House are incredibly valued and beloved. Their efforts are truly the personification of what it means to be servant leaders who embody selflessness and unyielding altruism. St. Louis honors their service, and may we all commit to paying their efforts forward.

HONORING ROOSEVELT HARRIS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a determined and self-motivated leader, Roosevelt Harris. Roosevelt Harris has shown what can be done through hard work, dedication, and a desire to achieve.

Vicksburg Native Roosevelt Harris opened his third business; his trucking company, R&R Transportation, LLC in 2021. Harris has achieved his goal of becoming an owner/operator just one year after facing a near-death experience with COVID-19. His week-long stay in ICU renewed his resolve and inspired Harris to take action, not only for his own benefit, but to serve as an example for others to realize their potential.

Harris came up with the idea of having his own trucking service in July 2021. He purchased a 24-foot box truck which allows him to travel state-to-state hauling general freight, including furniture and equipment, to different companies.

Before jumping into the trucking industry, Harris also consulted with some of his close friends, Cambridge Williams, Stefon Demby, Jarvis McDaniel and Bobby Clark, who are already in the business.

Harris' box truck doesn't require a CDL, but the resourceful entrepreneur expanded his service capabilities with a built-in cooling system for transporting frozen goods. Harris has plans to grow the company to new heights as time moves on.

Harris has been a business owner in Vicksburg for 13 years, successfully operating Roe's Rims Detailing and YBN clothing. He founded the Boss Talk 21 Podcast and is now owner of R&R Transportation, LLC.

Mr. Speaker, I ask my colleagues to join me in recognizing Roosevelt Harris for his passion and dedication to provide economic development to Vicksburg, Mississippi.

BEIRUT VETERANS PROCLAMATION

HON. CHUCK EDWARDS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. EDWARDS. Mr. Speaker, the United States of America has always been a symbol of peace and freedom and has achieved this stature throughout the world because of the selfless service of our veterans. From those who fought in the Revolutionary War to those serving in harm's way now, our country's armed forces have given up the comforts of home, the company of loved ones, and—for some—even their own lives to secure the blessings of liberty for many in our world.

Today, we honor those who served our country as peacekeepers in Lebanon between 1982 and 1984, with courage, honor and valor.

It has been just over 40 years, on October 23, 1983, since the deadly bombing of the Marine barracks in Beirut, Lebanon, where 241 United States Marines, Navy and Army personnel lost their lives to a deadly terrorist bomb. Many consider that horrific episode to be the beginning of America's war on terror and set the precedent for how our country's military approaches conflict in the Middle East. Almost three dozen more lost their lives as part of this mission.

We will always remember them.

This terrorist attack took the most lives of U.S. military servicemen since the Tet offensive in the Vietnam War and more lives of United States Marines since the Battle of Iwo Jima in World War II.

This act has now faded into the obscurity of textbooks, university lectures and most Americans' memories. The Beirut Veterans of America have a motto: "The First Duty is to Remember," to memorialize those brothers who lost their lives and the families who have endured the last 40 years of sacrifice, separation, anguish and loneliness to keep our world free from the tyranny of bullies, thugs and terrorists.

These men "Came in Peace" and gave the ultimate price of freedom: their lives.

Be it proclaimed that this past October 23 and each one to come is dedicated to honoring and recognizing the memory of these souls who shall never be forgotten.

PERSONAL EXPLANATION

HON. JOHN H. RUTHERFORD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. RUTHERFORD. Mr. Speaker, I was unavailable and I missed the following Roll Call vote. Had I been present, I would have voted AYE on Roll Call No. 542.

HONORING THE LADIES OF ELEGANCE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor an enthusiastic and self-motivated community organization, The Ladies of Elegance. This powerful team is comprised of both veterans of education and community involvement and leadership. They tirelessly served their community; with this year marking their 23-year anniversary.

The Ladies of Elegance organization was founded by Mrs. Helen Coleman, which she still holds as CEO and President. This group was chartered in 2000. It is an organization of a small group of women who are local citizens, some who have moved away but have kept their membership current. Presently, their membership is 20. Their mission since origination was to work with elderly citizens, spend quality time with them and provide mentorship to the youth in the community. Each year, they give scholarships to graduating seniors who are headed to college or trade school. To date, they still firmly believe the elders have shaped them and the children are the seeds of hope for our tomorrow. The Ladies of Elegance remain dedicated to providing them with the support they need to shape them into productive leaders of the future. They are committed to engaging them in activities that build communication and volunteering.

Additionally, this organization supports St. Jude's Hospital, Relay for Life and most of all, they provide assistance to families in the community that are in need. Its signature event is an annual black-tie gala held to honor various community leaders as well as state and national leaders who have worked hard to support the community.

Mr. Speaker, I ask my colleagues to join me in recognizing The Ladies of Elegance for their dedication to support and advocate in their local communities, and their selfless service to Bolivar County, MS.

FIFTH ANNIVERSARY OF PITTSBURGH MASSACRE

HON. JENNIFER A. KIGGANS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mrs. KIGGANS of Virginia. Mr. Speaker, I include in the RECORD remarks submitted at the request of a Virginia Beach constituent, Rabbi Dr. Israel Zoberman of Temple Lev Tikvah, and are a reflection of his views:

Fifth Anniversary of Pittsburgh Massacre

The utterly unsettling 83-minute attack on Shabbat morning. Oct. 27, 2018, at the Tree of Life synagogue in Pittsburgh, resulting in the death of 11 worshipping Jews, has been described as the worst antisemitic crime committed on American soil. The name "Tree of Life" connotes the holy Torah whose lessons, including the Ten Commandments, aim to preserve the divine gift of precious human life, proclaiming that freedom and responsibility are inseparable twins.

A 2020 book, "Bound in the Bond of Life: Pittsburgh Writers Reflect on the Tree of Life Tragedy" (University of Pittsburgh Press), offers the traditional Jewish response, asserting life's primacy facing death and loss. The moving volume of insightful reflections by a wide array of Pittsburgh writers connects to their own lives' experiences.

It is a thoughtful and fitting account honoring the memory of the slain who are rightfully placed in the context of the long historical chain of Jewish martyrdom, culminating in the Holocaust and beyond, with the appellation of "Kedoshai Pittsburgh" (Pittsburgh's Martyrs).

The book's co-editor Beth Kissileff is married to one of the attack's survivors, Rabbi Jonathan Perlman of New Light Congregation. Kissileff, who has taught at the universities of Pittsburgh and Minnesota, raises, "Can one heal after gun violence? Can any of us feel safe again? Did antisemitism really not ever go away?" The above interrelated issues are complex and enshrouded by sectarian politics. Yet, we are not free from tackling them while advocating for remedies helping to prevent similar tragedies in the future.

Co-editor Eric Lidji is director of Pittsburgh's Rauh Jewish History Program & Archives at the Sen. John Heinz History Center. He oversees preserving the massacre's documentation. "In due time, with persistence, I can know just the tiniest bit more . . . so that others can someday make meaning from it all." However, what "meaning" can be derived from such a calamitous occurrence? Recording aids sacred remembrance and provides a therapeutic dimension.

David M. Shribman who wrote the book's Forward is the former executive editor of the Pittsburgh Post-Gazette. His team won the 2019 Pulitzer Prize for covering the carnage. His then-newspaper printed in Hebrew the four letters of the memorial Kaddish prayer. Dor Hadash congregation was inspired to conduct a "Refugee Shabbat," for the gunman's ire was at the refugees and immigrants assisted by HIAS (Hebrew Immigrant Aid Society), who sought entry into the United States. "Just as the Holocaust survivors once warned my generation, those of us who saw what happened at Tree of Life must tell those who come next." The challenge is to retain the bond of remembrance and the attack's lessons over time's natural and forced forgetfulness.

Dr. Laura Zittrain Eisenberg teaches modern Middle East history at Carnegie Mellon University. She is a third-generation family member at Tree of Life. Eisenberg shares the constructive response, "organizing blood drives . . . community service activities at libraries, food pantries, and service organizations . . . under the slogan 'Remember. Repair. Together.'" Can this spirit of both altruism and practicality, turning pain into promise, be sustained over time? The life-changing Pittsburgh "pogrom" reflects Jewish vulnerability in "Golden America." Only Tree of Life remains in the building to be redesigned by famed architect Daniel Libeskind, son of Holocaust survivors, who designed the World Trade Center Memorial site following the Sept. 11, 2001, attacks. The

remodeled building will memorialize the Pittsburgh tragedy and serve as the Holocaust Center of Pittsburgh. Rabbi Dr. Israel Zoberman is founder of Temple Lev Tikvah in Virginia Beach. He is son of Polish Holocaust survivors.

HONORING THE ST. LOUIS ASSOCIATION OF COMMUNITY ORGANIZATIONS

HON. CORI BUSH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Ms. BUSH. Mr. Speaker, St. Louis and I rise to celebrate the 45th anniversary of St. Louis Association of Community Organizations ("SLACO"). For over four decades, SLACO has been an instrumental force in Missouri's First District by fostering unity and strength across our community.

Founded in 1978 by the visionary Father Gerry Kleba, SLACO has evolved into a dynamic coalition of neighborhood associations and community organizations and embodies a spirit of collective action and resilience. SLACO's commitment to enhancing the quality of life in St. Louis through diverse initiatives such as affordable housing production, violence prevention, after-school programming, environmental education, and community organizing has left an indelible mark on our community.

Under the current leadership of Executive Director Kevin McKinney, SLACO has demonstrated its forward-thinking approach to promoting public safety, advancing racial equity, and fostering meaningful change. As a connecting force for neighborhoods across the region, the organization has emerged as a vital catalyst in shaping dialogue and driving impactful societal shifts.

As the Congresswoman for Missouri's First District and on behalf of the entire St. Louis community, it is an honor to celebrate SLACO's 45 years of resilience, unity, and collaboration. May this anniversary serve as a catalyst for further innovation, growth, and meaningful endeavors in the years to come.

HONORING CHIEF JOSEPH WADE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the great Chief of Police of Jackson, Mississippi, Chief Joseph Wade.

Chief Joseph Wade is a native of Terry, MS, and now resides in the City of Jackson. He is a highly motivated and energetic professional with a strong background and experience in law enforcement. In 1995, Joseph Wade graduated from the 23rd recruit class. Since then, he has obtained extensive leadership skills as a Sergeant, Lieutenant, Commander, Deputy Chief, Assistant Chief, Interim Chief, and now Chief of Police.

Chief Wade's resourceful and dedicated law enforcement profession extends to the Patrol Operations Division, Investigations Division, Standards and Training, Administration, and

Chief's office. Highly decorated and accomplished, he is a two-time recipient of the Meritorious Service Award, a two-time recipient of the MS Department of Public Safety's D.U.I. 100 Club, and many other commendations. Being goal-oriented and driven, he has attained over 80 advanced Law Enforcement Training Certifications.

His prized career accomplishment is the implementation of the Youth Citizens' Police Academy, Police Athletic League (PAL), and Explorers' Program. These youth programs service over 200 youth annually in the City of Jackson and have successfully impacted hundreds by using sports and mentoring as tools.

He graduated from Hinds Community College's Criminal Justice Program, FBI Command Collage, and the DEA Commander's Academy. His civic and community affiliations include Prince Hall Freemason / Lynch Lodge No. 2 / Jackson, MS, and the CBTU/CARAT (Coalition of Black Trade Unionist/Community Action & Response against Toxins). Chief Wade is pursuing his bachelor's degree in criminal justice administration, where he has spent the last two quarters on the President's list.

Chief Joseph Wade's objective is to use his police skills, education, and experience to forge working relationships with the community, reduce violent crimes and rebuild the ranks of the Jackson Police Department to improve the quality of life for citizens of Jackson.

Mr. Speaker, I ask my colleagues to join me in recognizing Chief Joseph Wade for his dedication to the City of Jackson.

RECOGNIZING THE RIGHTS OF AMERICANS EXPOSED TO TOXIC WATER AT CAMP LEJEUNE

HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. CARTWRIGHT. Mr. Speaker, I rise today, along with my colleague, Rep. GREGORY MURPHY, to speak on behalf of all those Americans who were exposed to the toxic water at Camp Lejeune, North Carolina. When writing the Camp Lejeune Justice Act, we understood that the only way the veterans, their families and others could get fair and just compensation was through a jury trial. Let there be no ambiguity. Let this be understood to be our unequivocal expression of intent, from the inception of the bill through final passage and into enactment: the claimants who have suffered so intensely as a result of the toxic water at Camp Lejeune have the right to a trial by jury.

We were aware of how the Federal Tort Claims Act worked, through a bench trial, and we specifically rejected that model when we wrote the Act. Indeed, it has always been our intent for the Act to stand separate and apart from the Federal Tort Claims Act in all respects. For these reasons, we expressly included a provision in subsection (d) of the Act confirming every plaintiffs right to a jury trial. The Department of Justice is inexplicably reading this provision out of the statute.

Specifically, the United States Department of Justice has recently filed a Motion in the Camp Lejeune Water Litigation proceeding pending before the United States District Court

for the Eastern District of North Carolina in which the Department asserts that those harmed by the toxic water at Camp Lejeune between 1953 and 1987 are not entitled to a jury trial. This argument is inexplicable.

We fundamentally disagree with the Department's position. When we drafted the Act, it was our clear, unambiguous, and unequivocal express intent to provide all those covered by the Act with the right to a trial by jury against the United States of America for the harm they suffered at Camp Lejeune. We thought it was critically important that people who had been betrayed and misled by the government for decades would have a right to have their claims decided by a jury of their peers.

We want to cite the law as written in "Public Law 177-168 Section 804. Federal Cause of Action Relating to Water at Camp Lejeune, North Carolina subsection (d) Exclusive Jurisdiction and Venue—The United States District Court for the Eastern District of North Carolina shall have exclusive jurisdiction over any action filed under subsection (b), and shall be the exclusive venue for such action. Nothing in this subsection shall impair the right of any party to a trial by jury."

We want to take this opportunity to again restate what we have always intended and what is clearly written in Public Law 177-168. We are dismayed that the Department of Justice has taken this wrongheaded position, which flies in the face of everything Congress intended for those harmed by the toxic water at Camp Lejeune. Those who have steadfastly defended our country rate no less than the rights they deserve as American citizens.

HONORING MRS. EILEEN THRALL

HON. ABIGAIL DAVIS SPANBERGER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Ms. SPANBERGER. Mr. Speaker, I rise to congratulate Mrs. Eileen Thrall on being named Dumfries, Virginia's 2023 Living Legend by Mayor Derrick Wood

For years, Eileen has served as an exemplary member of the Dumfries community through her work as a reporter for Potomac News, where she authored the widely enjoyed Dumfries Community Column. Her column provided insight into the community and highlighted the wonderful facets of the town, sharing with her audience what makes Dumfries so remarkable.

Aside from journalism, Eileen has also dedicated her time to advocating for Dumfries and its residents through her various community and public service positions. She selflessly served on the Prince William County Board of Zoning Appeals for over two decades, working for the betterment of her community.

Eileen serves on the Board of Directors for the Good Shepherd Housing Foundation working to provide housing options to those in need and has been an advocate for good environmental stewardship through her leadership of Friends of Quantico Bay and her involvement with the Friends of Quantico Creek.

Eileen represents seniors within the town of Dumfries, serving as an executive committee member on the Prince William Commission on Aging where she advocates for issues related to aging and caregiving. And as an active

member of the Dumfries United Methodist Church, Eileen has served in various capacities supporting the church and her community.

Eileen's love and dedication for the Town of Dumfries is clear, and the work she does on behalf of her community serves as a pillar of inspiration across Virginia.

Mr. Speaker, I ask my colleagues to join me in celebrating and thanking Mrs. Eileen Thrall, a Living Legend, for her contributions to the community and the Town of Dumfries.

HONORING THE LATE JAMES C.
"SAM/SAMMY" BRADFORD

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the life and service of James C. "Sam/Sammy" Bradford.

Sammy was born on July 11, 1942, in Memphis TN. Mr. Bradford started trying to make a difference early in the NAACP youth chapter. In March of 1961, he became the youngest of the "Tougaloo Nine" to desegregate the Jackson Municipal Library System. It was during that selfless act of service he created the concept "You can recognize what's the right thing to do . . . because the right thing is rarely comfortable, convenient or popular".

Sammy graduated from Douglass High School and began his freshman year in 1960 at the esteemed Tougaloo College in Tougaloo, MS where he studied music. His love for music and beautiful tenor voice is what joined him with the love of his life, his wife, Shirley Ann Faulkens.

In December of 1969, Sammy married Shirley Ann Faulkens. They were married for 53 years and 10 months and had two children together, Ako and Pili.

Mr. Speaker, I ask my colleagues to join me in recognizing the late James C. "Sam/Sammy" Bradford for his dedication, advocacy, and sacrifices to the Civil Rights Movement.

HONORING THE GLOBAL MEDICAL
RESPONSE 2023 STARS OF LIFE
AWARD RECIPIENTS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. BURGESS. Mr. Speaker, I rise to recognize the Global Medical Response Stars of Life award recipients for 2023.

Each year, the American Ambulance Association (AAA) honors a select group of Emergency Medical Services professionals for their commitment to patient care, integrity and compassion through the Stars of Life program. Global Medical Response, a member of the AAA and the world's largest provider of emergent and non-emergent medical transportation and healthcare services, has identified 32 of its frontline heroes for this distinction, representing the best of the best in the air and on the ground.

We will find these heroes all around us in our communities. From a small village outside

Anchorage, AK, where a pilot landed his aircraft with nothing but the community's off-road vehicle headlights for light to the paramedics in Buffalo, NY and Jackson, MS, who showed immense strength in leadership and skill while saving multiple lives during mass casualty incidents to the several brave individuals, who voluntarily went into harm's way to support the communities of Florida and face Hurricane Ian head on and to Temple, TX, where the innocent life of a small child was saved by a paramedic following an accident on a ride-on mower.

There are many stories to share and so much that we can learn from the day-to-day lives of these heroes. We must learn to exhibit integrity in everything we do and everything we say. We must act with compassion and grace in even the most daunting and challenging of situations. We must be vigilant, never wavering in our commitment to doing what is right for the community and answering the call to serve.

So that we will never forget the immense contributions to our communities made by the 2023 Global Medical Response Stars of Life award recipients, I include in the RECORD their names to honor their service and humbly thank them for showing us what it means to truly serve, while providing care to the world at a moment's notice.

Global Medical Response

2023 STARS OF LIFE AWARD RECIPIENTS

Danny Abalama, B200 Instructor Pilot of Anchorage, AK.

Jacob Ambach, Paramedic of Spokane, WA.

Michael Arquette, Operations Supervisor of Buffalo, NY.

Jack Asbury, EMT of Bushnell, FL.

Cindy Betts, Base Medical Manager of Wichita, KS.

Jason Burns, Flight Paramedic of Salida, CO.

Ian Carroll, Flight Nurse of Logan, WV.

Preston Crotwell, Paramedic of Jackson, MS.

Zach Dayton, Firefighter Engineer/EMT of Mesa, AZ.

Victoria England, Flight Nurse of Mather, CA.

Rick Fikes, Paramedic/Field Training Officer of Abilene, TX.

Marlon Flanders, Paramedic of GMR Trinidad and Tobago.

Sean Fuller, Paramedic/Field Training Officer of Clackamas, OR.

Karina Galvez-Martinez, Paramedic of North Las Vegas, NV.

Kelly Hamill, Flight Nurse of Mattoon, IL.

Andy Hardy, Paramedic of Athens, TN.

Fidencio Hernandez, EMT/Field Training Officer of San Jose, CA.

Matthew Kohl, Paramedic of Evansville, IN.

Daniel Lee, Flight Nurse of Klamath Falls, OR.

Jesse Mascarenas, Flight Nurse of Salida, CO.

Stephanie Nocita, Paramedic of Monterey, CA.

Randall Roberson, Advanced EMT of Prestonsburg, KY.

Hiram Sanchez, SOS EMT of Napa, CA.

Dakota Shadwell, Flight Nurse of Mattoon, IL.

Jay Shintaku, Firefighter Paramedic of Tempe, AZ.

Brad Sparks, Flight Nurse of Oceanside, CA.

Rob Spencer, Paramedic/Field Training Officer of Temple, TX.

Michael Taboniar, Paramedic of Lihue, HI.

Bill Weber, Paramedic/Field Training Officer of Lake Havasu City, AZ.

Riley Wolfe, Paramedic of Redlands, CA.

Danny Workman, Flight Paramedic of Concord, CA.

Daniel Yandell, EMT of Vancouver, WA.

RECOGNIZING NEWTOWN BOROUGH
TREASURER PATRICIA OURS

HON. BRIAN K. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize an outstanding constituent from my district, Patricia Ours. Patricia began serving as Bookkeeper for the Borough of Newtown in 1997. Since then, she has worked tirelessly to support the Borough and its citizens as bookkeeper and as treasurer. Now, after more than 26 years of dedicated public service and professional commitment, Patricia is transitioning from her public position. I am proud to recognize and celebrate Patricia as an exceptional administrator who has provided outstanding financial guidance and general stewardship to the benefit of the residents of Newtown. Patricia finishes her government career as the Borough Treasurer, where she is widely respected for her accurate, strategic, and careful financial advice. She is recognized and respected as deeply knowledgeable in all areas of governmental financial management, whether it be budget planning or perceptive awareness of potential impacts to the Borough. She has demonstrated an extraordinary ability to overcome complex challenges, including those innumerable challenges that have arisen because of the COVID-19 pandemic. Patricia's expert guidance and thoughtfully caring leadership have helped the Borough community face challenges and overcome adversity. Her dedicated and diligent work has contributed to keeping our citizens well cared for.

We are incredibly grateful for the positive impact Patricia has had through her long career of public service, and we wish Patricia countless blessings during her new chapter.

HONORING ROBERT GEORGE
CLARK, JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a trailblazer, the Honorable Robert George Clark, Jr. He has shown what can be done through hard work, dedication, and a strong desire for change.

Robert George Clark, Jr. was elected to the Mississippi House of Representatives in 1967. He was the first African American elected to the Mississippi State Legislature since the Reconstruction era and remained in office until 2003.

Clark was born on October 3, 1928 to the Late Mr. Robert and Mrs. Julia Anne Clark of Ebenezer, Mississippi, the youngest of three children. He attended Holmes County Training School in Durant, Mississippi, and later received his B.A. from Jackson State University

in 1952. In 1959, he earned a Master's Degree in Administration and Educational Services from Michigan State University. In 1979, while in the Mississippi State Legislature, Clark served as a teaching fellow at the John F. Kennedy School of Government at Harvard University.

After earning his B.A. degree, Clark worked as a teacher in Holmes County. His first experience in politics was running for and winning an elected board position Holmes County Community Action Program (CAP) in 1966. In 1967, he agreed to run for state legislator on Holmes County's Mississippi Freedom Democratic Party (MFDP) ticket. He won the election and became the first black person elected to the Mississippi House of Representatives since Reconstruction.

Clark's election signaled the emergence of black electoral politics in Mississippi. As late as 1964, only ten black people were registered to vote in Holmes County, though the county was roughly 75 percent African American. By 1967, the black community of Holmes County built one of the strongest and most sophisticated political organizations in the state.

Ten years after he was first elected, Clark became the first black committee chairman in the Mississippi House of Representatives when he was named to head the Education Committee. During his term as chair, the legislature passed the 1982 Education Reform Act and the 1984 Vocational Education Reform Act. The 1982 act significantly reformed Mississippi's educational system, helping to modernize school classrooms and other physical facilities, replace worn-out textbooks and purchased replacement school buses.

In January 1992, Clark was elected as Speaker Pro Tempore, serving in that post until 2000. When he retired from the Mississippi House of Representatives in December 2003, he was the longest-serving member in continuous House service. I stand on the shoulders of men like him as I am encouraged to continue fighting to make Mississippi a better place for all of its citizens.

Mr. Speaker, I ask my colleagues to join me in recognizing the Honorable Robert George Clark, Jr. for his dedication and years of service to the state of Mississippi.

RECOGNIZING THE EXEMPLARY SERVICE OF MR. BARRY CHASTAIN

HON. RALPH NORMAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. NORMAN. Mr. Speaker, I rise today to honor an outstanding citizen, Mr. Barry Chastain, a remarkable individual who has devoted over 38 years to federal service. Currently serving as the Area Port Director for Customs and Border Protection (CBP) in North Carolina, Mr. Chastain's contributions to the Carolinas and our Nation are immeasurable. In his capacity as the Area Port Director, Mr. Chastain shoulders the responsibility of overseeing six international ports of entry in North Carolina, where he manages a workforce of more than 150 dedicated employees. These ports collectively process over 3.5 million passengers and handle over 4 billion dollars in imported goods annually. Under his vigilant leadership, the seamless flow of legiti-

mate trade coexists with stringent security measures to safeguard our national interests. Mr. Chastain serves as the senior CBP representative to all federal, state, and local law enforcement partners in North Carolina. His ability to foster cooperation and collaboration among these agencies is integral to the safety and well-being of our citizens.

Mr. Chastain's illustrious career extends beyond his current role. His previous leadership assignments within the United States Department of Agriculture's Plant Protection and Quarantine Division in North Carolina exemplify his unwavering dedication to protecting our agricultural and biological resources. He also served as the Officer in Charge in South Carolina and Eastern Georgia, where he provided leadership and innovation to shield our natural resources from invasive plant pests and foreign animal diseases.

Mr. Chastain's career within Customs and Border Protection includes various leadership roles, such as serving as the Assistant Area Port Director for Trade Operations and the Assistant Area Port Director for Passenger and Tactical Operations. In these roles, he managed international passenger clearance programs, trade processing, maritime and military clearance operations, and led all CBP enforcement programs for the Area Port of Charlotte.

Mr. Chastain's commitment to national and regional security extends to his involvement in high-profile national projects, including the Democratic National Convention, the G-8 Summit, and numerous FEMA Region IV hurricane response events. His capacity to manage complex and critical tasks on a large scale is a valuable asset to our nation. Moreover, Mr. Chastain has excelled in establishing stakeholder partnerships and currently serves as an Executive Steering Committee Member of the North Carolina Joint Terrorist Task Force (JTTF). His contributions to this task force are crucial to our state's security efforts. Mr. Chastain's outstanding career in federal service, his commitment to national security, and his exemplary leadership in Customs and Border Protection are truly commendable. The Carolinas and our Nation are fortunate to have such a dedicated public servant. We extend our heartfelt appreciation for his remarkable service.

INTRODUCTION OF THE WORDS MATTER FOR THE DISTRICT OF COLUMBIA COURTS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Ms. NORTON. Mr. Speaker, today I introduce the Words Matter for the District of Columbia Courts Act, which would remove the term "retarded" from Title 11 of the District of Columbia Code and replace it with more appropriate and respectful terminology. I am pleased that Representative MARC MOLINARO is the co-lead of this bill.

Removing the term from the law has bipartisan support. In 2010, Congress removed several instances of the term from federal law by passing Rosa's Law (P.L. 111-256). Earlier this year, I joined both Republican and Democratic colleagues in introducing the Words Matter Act, which would remove several more instances of the term from federal law.

The term is used three times in Title 11 of the D.C. Code, and, under the D.C. Home Rule Act, only Congress can amend Title 11 of the D.C. Code.

There was a time when the term was a clinical term, but in more recent years, it has become a slur used against people with intellectual disabilities. Words indisputably matter, and I know our country is better than keeping such language in our law.

I urge my colleagues to support this bill.

RECOGNIZING CVSOA PRESIDENT BRUCE WILBER

HON. MIKE GALLAGHER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. GALLAGHER. Mr. Speaker, today I rise to honor Bruce A. Wilber, who has dedicated his life to serving both his country and his community. Mr. Wilber's journey is one of resilience, dedication, and unwavering commitment to those he serves.

Born in June 1957 on the Menominee Indian Reservation in Keshana, Wisconsin, Mr. Wilber emerged as a beacon of leadership, being the oldest of seven children. His father's legacy as a Korean War veteran instilled in him a profound sense of duty to his country and eventually inspired him to join the military. After answering the call to serve, Bruce Wilber became a motor transport operator stationed in Caserma Ederle, a base in Livorno, Italy.

Upon concluding his military service, Mr. Wilber transitioned to the civilian sector, where he contributed to the logging industry and later served in law enforcement. Unfortunately, his law enforcement career was cut short due to an injury. However, this setback did not deter him. Mr. Wilber's tenacity shone through as he pursued an associate degree in alcohol and other drug abuse (AODA) counseling from the College of Menominee Nation.

His journey took a significant turn as he assumed the role of an AODA counselor at the Maehnowesekiyah Wellness Center, the treatment facility for the Menominee Nation. In this capacity, he was instrumental in establishing and maintaining mental and physical wellness programs for veterans and members of the Menominee Tribe for a decade. At each stop in his career, he continued to serve a greater purpose and those around him.

In August 2016, Mr. Wilber became the Tribal Veterans Service Officer (TVSO) and a County Veterans Service Officer (CVSO) for the Menominee Nation and Menominee County, respectively. He extended his service by joining the Wisconsin County Veterans Service Officers Association (CVSOA), a vital organization that represents all 11 recognized tribes and 72 counties in Wisconsin.

After several years as a CVSO, it is with great pride that we acknowledge Mr. Wilber's election as the first Native American president of the State County Veterans Service Officer Association (CVSOA). I am sure that with his experience and unwavering dedication to the veteran's community, Mr. Wilber will excel in this new role.

Mr. Wilber's dedication also extends to his family, having celebrated 30 years of marriage and having raised seven children. The Wilber family's sacrifices have been profound, including the loss of a son who served with the Marines in Iraq and tragically passing away in an

accident at Camp Lejeune, North Carolina. Mr. Wilber carries the memory of his son in his heart and draws inspiration from his son's legacy to continue being a positive role model for others.

I am proud that my office has been able to work with Bruce in his role as TVSO and CVSO. It is an incredible honor to recognize and celebrate the accomplishments of Bruce as he continues to make a profound impact on the lives of our veterans, the Menominee tribe, Northeast Wisconsin, and our country.

CONGRATULATING HERMIT WOODS WINERY AND EATERY ON BEING NOMINATED TO THE 2023 AMERICA'S TOP SMALL BUSINESS SUMMIT

HON. CHRIS PAPPAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. PAPPAS. Mr. Speaker, I rise today in recognition of Hermit Woods Winery and Eatery, a New Hampshire small business that was recently nominated to the 2023 America's Top Small Business Summit. For 13 years Hermit Woods Winery and Eatery has embodied our state's values of determination and innovation, heightened consumer experiences with high-quality, locally-sourced products. This recent recognition by the U.S. Chamber of Commerce is a testament to Hermit Woods Winery and Eatery's impact on our local economy and involvement in the community. The next generation of New Hampshire business leaders will look to Hermit Woods for inspiration.

Hermit Woods is an industry leader and a trusted community partner. Its model of brewing with the fruits, flowers, and vegetables grown by local farmers and foragers showcases its culinary creativity and commitment to fostering community connections. Each bottle at the Winery is brewed with the spirit of community that defines the work at Hermit Woods. The Granite State is thankful for these small businesses that provide quality products, build relationships between neighbors, and strengthen the economy.

I look forward to seeing all that Hermit Woods accomplishes in the years to come, and I am confident that it will continue to serve as a guide for other business leaders in the state. On behalf of the constituents of New Hampshire's First Congressional District, I applaud Hermit Woods for its commitment to the values of business innovation and community compassion. I wish Hermit Woods continued success in its future endeavors.

RECOGNIZING OKALOOSA STEMM ACADEMY

HON. MATT GAETZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. GAETZ. Mr. Speaker, I rise today to recognize a school from my district, the Okaloosa Science, Technology, Engineering, Mathematics, and Medical (STEMM) Academy, on achieving the remarkable milestone of

being recognized as a National Blue Ribbon School. Okaloosa STEMM Academy is one of only 13 schools from the State of Florida to earn this distinction and one of only 353 nationwide in 2023. This achievement is a testament to the teachers and staff's dedication to student success and their pursuit of excellence.

The Okaloosa STEMM Academy is an innovative middle school that provides a free and public education to sixth through eighth grade students in Okaloosa County with a curriculum focused on academic rigor and excellence. The STEMM Academy was established in 2012 as part of the Okaloosa STEMM Center. The curriculum has been specifically designed to enable students to transition to high school having completed numerous high school courses, including Algebra I Honors, Geometry I Honors, Physical Science Honors, Fundamentals of Web Design, and Earth Space Science Honors. I am proud that Northwest Florida is home to a multi-faceted academy for students interested in pursuing STEMM careers.

I, along with all of Northwest Florida, thank Principal Scheree Martin, the teachers, administration, and staff at Okaloosa STEMM Academy for their hard work and dedication to their students, families, and this community.

On behalf of the United States House of Representatives, I am privileged to recognize Okaloosa STEMM Academy on this incredible achievement.

HONORING RHONDA GIVENS BOLES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a breast cancer hero, Mrs. Rhonda Givens Boles.

Rhonda Boles was born on March 1, 1972, in Clarksdale to Roger Givens and Jamie Sharkey Givens. She has two amazing sons, Preston II—a freshman pre-veterinary medicine major at Mississippi State University, and Matthew Jamison—a junior at Pillow Academy.

Rhonda was a 1990 graduate of Greenwood High School and completed a Bachelor of Science degree at Jackson State University in 1994. She completed her master's degree at Vanderbilt University in Nashville, Tennessee. Obtaining both a Bachelor and Master of Science in nursing before becoming a board-certified family nurse practitioner. She is also a member of Delta Sigma Theta, Incorporated.

Rhonda married Dr. Preston Boles of Greenwood after moving back to Mississippi from Nashville, and they have enjoyed 21 years of marital bliss.

Rhonda has a love for her New Zion Missionary Baptist Church Family and has served in many capacities: as speaker, advocate, and facilitator for health-care discussions during the months of October and February, where she educated the congregants on breast cancer awareness and other health-related topics.

Rhonda was named The Greenwood Commonwealth's 2023 Mother of the Year in May. The title she proudly claimed was being her two sons' biggest cheerleader who did not carry pom-poms and was often heard giving

the quick retort when asked why something had to be done.

Mr. Speaker, I ask my colleagues to join me in recognizing a breast cancer hero, Mrs. Rhonda Givens Boles.

CELEBRATING THE 25TH ANNIVERSARY OF CHARTER SCHOOLS USA AND CEO JONATHAN HAGE

HON. JARED MOSKOWITZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. MOSKOWITZ. Mr. Speaker, I rise today to recognize the 25th Anniversary of Charter Schools USA and its President and CEO, Jonathan Hage.

Mr. Hage worked closely with former governor Jeb Bush in developing charter school legislation in Florida, opening the first charter school in the state. He has diligently worked with legislative representatives on both sides of the aisle to create equitable student learning opportunities. He has provided high-quality educational options for more than 95,000 students in Florida, Louisiana, Georgia, South Carolina, and North Carolina.

Furthermore, Mr. Hage is a veteran who served in the Army Special Forces as a Green Beret. He is committed to supporting the military community through hiring practices that recruit, maintain, and promote veterans from all military branches. Additionally, where permitted by each school's charter agreement, students from military families are given enrollment preference. These commitments helped a Florida school receive the Florida Purple Star School of Distinction, recognizing schools that support the unique needs of military families and provide resources for military-connected students when transitioning to a new school environment.

I am pleased to honor Mr. Jonathan Hage and Charter Schools USA for their continued commitment to student excellence by providing an educational environment that builds strong minds and good hearts to ensure a brighter future for all.

RECOGNIZING MRS. MILDRED MCKINNEY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to recognize Mrs. Mildred McKinney and her dedication to St. Thomas United Methodist Church.

Mildred McKinney was born on December 12, 1945. She is the daughter of the late George and Lillie Oden and is the wife of Mr. Ralph McKinney. Her siblings are the late Carolyn Oden Jackson, the late Rudolph Halcome, and the late Willie Joe Oden.

Mrs. McKinney retired as an administrative secretary from the Sylacauga City School System after 27 years of service.

She is a proud member of the Coosa Valley Medical Center Auxiliary and has contributed over 1900 hours of volunteer service to Coosa Medical Center in Sylacauga.

She has served her church in many various ways. At St. Thomas, she has previously served as past president of the St. Thomas United Methodist women for 9 years, Sunday School Teacher, Sunday school superintendent, Church Secretary, Vacation Bible School Director and Trustee and has sung in the choir.

Mr. Speaker, please join me in recognizing Mrs. McKinney for her dedication to St. Thomas United Methodist Church.

RECOGNIZING THE RANKING
ACHIEVEMENTS OF THE UNIVERSITY OF MARYLAND EASTERN SHORE

HON. ANDY HARRIS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. HARRIS. Mr. Speaker, I rise today to recognize the University of Maryland Eastern Shore (UMES) for receiving its highest ranking for Historically Black Colleges and Universities (HBCUs) according to U.S. News & World Report.

Under the leadership of UMES President, Dr. Heidi M. Anderson, U.S. News ranked UMES in the top 6 of public HBCUs, number 200 among all public colleges and universities, and number 14 among 78 HBCUs in their 2023–2024 report. UMES ranked two spots higher than last year's report and is the university highest ranking since U.S. News created its HBCU category in 2007.

As the representative of Maryland's Eastern Shore, it is my distinct honor to recognize UMES for its remarkable achievement and I look forward to seeing the university continue to shape the minds of our Nation's future. Congratulations to UMES and Go Hawks.

HONORING THE U.S. AIR FORCE
AIRBORNE LASER LABORATORY

HON. ALEXANDER X. MOONEY

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. MOONEY. Mr. Speaker, I rise today to recognize the incredible accomplishments of the U.S. Air Force Airborne Laser Laboratory.

Five decades ago, in the midst of the Cold War, the men and women of the ALL undertook a seemingly impossible task: developing a laser defense system capable of tracking, engaging and destroying incoming missiles from an airborne platform. Although the Air Force had successfully demonstrated their ability to use a land-based laser to destroy drone aircraft, the ALL would represent the first time in history that an aircraft-based system would attempt that feat.

For more than a decade, Air Force scientists and engineers, both military and civilian, pushed scientific boundaries, working on a converted KC-135 tanker aircraft in a huge yellow hanger at Kirkland Air Force Base. These pioneers were not employing the latest technologies, they were inventing brand-new technologies as they discovered new challenges. Many of those new technologies are in use today, in both directed energy and kinetic weapons programs.

In 1983 their hard work paid off when the ALL was successfully tested against AIM-9B Sidewinder missiles fired toward the aircraft in flight. Although the fighter aircraft firing those missiles were positioned out of range, any miscalculation could have been disastrous. Lt. Col Dennis Boesen, who was one of the ALL's Test Directors as well as a Vietnam combat veteran, pointed out, they were putting their lives in the hands of pilots, engineers and even the ordnance specialists to do their job perfectly. They put themselves in the path of a missile—five missiles, in fact—to prove a technology designed to save lives. Their faith in their fellow airmen, officers and scientists is a testament to this incredible team.

In joint testing with the U.S. Navy, the ALL shot down a BMQ-34A drone representing a Soviet cruise missile. Again, the ALL performed flawlessly, destroying the drone and demonstrating that airborne laser weapons are possible. In fact, the technological breakthroughs achieved with the ALL helped inspire President Ronald Reagan to launch the Strategic Defense Initiative and lead several years later to the YAL-1A airborne laser system.

Mr. Speaker, as conflicts around the world show us every day, the U.S. and its allies are constantly under attack from new and more sophisticated enemies. If we are going to continue protecting our citizens and our allies, we need to ensure that our fighting men and women have the best technology possible. The men and women who worked on the ALL deserve our deepest appreciation for what they accomplished to keep this country safe and, as the ALL logo states, give us all "Peace Through Light."

TRIBUTE TO JIM GORMAN

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2023

Mr. JORDAN. Mr. Speaker, I am honored to commend to the House the memory of Mr. James C. Gorman of Mansfield, Ohio. A long-time philanthropist and industrialist, Mr. Gorman died on September 21 at age 99.

Mr. Gorman was born in Mansfield in 1924. A 1941 graduate of Mansfield Senior High School, he flew more than 70 combat missions in C-47s in New Guinea and the Philippines during World War II. He was a charter member of the Ohio National Guard's 179th Airlift Wing in 1948, flying P-51s.

Jim served as president of the Gorman Rupp Company, a pump manufacturing business founded by his father, J.C. Gorman, and business partner H.E. Rupp in the 1930s. His strong leadership and loyalty to his employees led to steady growth and international renown in the industry. It was just four years ago that Jim retired as a member of Gorman Rupp's board of directors, wrapping up 73 years with the company.

Jim was known throughout the region for his generosity and his dedication to his community. He and his family donated land to establish the Gorman Nature Center, the Bellville Dog Park, the Frank P. Lahm Aviation Museum, and an area YMCA sports complex.

Jim volunteered his time in many ways, serving as president of both the Mansfield Rotary Club and the Mansfield Aviation Club. He

co-founded and led the Beechcraft Heritage Museum and was president of the Experimental Aircraft Association Foundation.

Among the accolades Jim received through his career were the Mansfield-Richland Area Chamber of Commerce Chairman's Award, the Construction Industry Manufacturers Association Lifetime Achievement Award, the North Central State College Hall Excellence Award, the Beechcraft Heritage Museum Young Eagle Award, and the Experimental Aircraft Association Chairman's Award, as well as induction into the North Central State College Entrepreneurial Hall of Fame and the North Central Ohio Industrial Museum Hall of Fame.

Jim was predeceased by Marjorie, his wife of 65 years who shared his love of aviation. He is survived by their son, Jeff; their daughter, Gayle; five grandchildren; and two great-grandchildren.

Mr. Speaker, we are grateful that good men like Jim Gorman dedicate their lives to the service of others, enriching countless lives and giving back so much more than they receive. On behalf of the people of Ohio's Fourth Congressional District, I offer his family my condolences as they continue to reflect on this pillar of the community and his contributions to Mansfield and Richland County.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 2, 2023 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 7

10 a.m.

Committee on Commerce, Science, and Transportation
Subcommittee on Tourism, Trade, and Export Promotion

To hold hearings to examine sustainable tourism for a thriving economy.

SR-253

Committee on the Judiciary
Subcommittee on Privacy, Technology, and the Law

To hold hearings to examine social media and the teen mental health crisis.

SD-226

2:30 p.m.

Committee on Commerce, Science, and Transportation

To hold hearings to examine the nominations of J. Todd Inman, of Kentucky, to

be a Member of the National Transportation Safety Board, and Samuel H. Slater, of Massachusetts, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.

SR-253

Committee on Environment and Public Works
Subcommittee on Transportation and Infrastructure

To hold hearings to examine causes of roadway safety challenges and possible interventions.

SD-406

NOVEMBER 8

9 a.m.

Committee on Appropriations

To hold hearings to examine the President's supplemental request for the Departments of Health and Human Services and Homeland Security.

SD-106

9:30 a.m.

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine the philosophy of AI, focusing on learning from history and shaping our future.

SD-562

10 a.m.

Committee on the Budget

To hold hearings to examine fairness and fiscal responsibility.

SD-608

Committee on Environment and Public Works

To hold hearings to examine accessing clean water infrastructure assistance, focusing on small, rural, disadvantaged and underserved communities.

SD-406

Committee on Foreign Relations

To hold hearings to examine U.S. national security interests in Ukraine.

SD-419

2:30 p.m.

Committee on Health, Education, Labor, and Pensions

Subcommittee on Primary Health and Retirement Security

To hold hearings to examine policy considerations for Artificial Intelligence in health care.

SD-430

Committee on Indian Affairs

To hold an oversight hearing to examine fentanyl in Native communities, focusing on Native perspectives on addressing the growing crisis.

SD-628

Committee on the Judiciary

Subcommittee on Intellectual Property

To hold hearings to examine reforming the Patent Trial and Appeal Board, focusing on the PREVAIL Act and proposals to promote U.S. innovation leadership.

SD-226

NOVEMBER 9

10 a.m.

Committee on Energy and Natural Resources

To hold hearings to examine the implementation of federal coal mine land reclamation and abandoned coal mine land economic revitalization programs.

SD-366

NOVEMBER 14

2:30 p.m.

Committee on Environment and Public Works

Subcommittee on Fisheries, Water, and Wildlife

To hold hearings to examine challenges and opportunities to facilitate wildlife movement and improve migration corridors.

SD-406

EXHIBIT B

S. HRG. 117-671

**HEARING ON THE
DEPARTMENT OF VETERANS AFFAIRS
IMPLEMENTATION OF THE SFC HEATH ROBINSON
HONORING OUR PACT ACT**

HEARING
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS
SECOND SESSION

NOVEMBER 16, 2022

Printed for the use of the Committee on Veterans' Affairs



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SENATE COMMITTEE ON VETERANS' AFFAIRS

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NOVEMBER 16, 2022

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**HEARING ON THE
DEPARTMENT OF VETERANS AFFAIRS
IMPLEMENTATION OF THE
SFC HEATH ROBINSON
HONORING OUR PACT ACT**

WEDNESDAY, NOVEMBER 16, 2022

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

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

Present: Senators Tester, Brown, Blumenthal, Hirono, Sinema, Hassan, Moran, Cassidy, Sullivan, Blackburn, and Tuberville.

OPENING STATEMENT OF CHAIRMAN TESTER

Chairman TESTER. I call this meeting to order. My Bulova says it is 3:00, straight up, so I appreciate you all being here.

I want to thank Mr. Elnahal and Mr. Jacobs for being here to discuss implementation of a very important bill that we talked about a few months ago, pretty extensively. It is called the PACT Act. Our PACT Act is historic in that it provides health care and benefits to generations of veterans that have been long forgotten.

Expanding health care and benefits to so many, however, does come with its challenge. For example, under the PACT Act, thousands of Vietnam-era veterans are now presumptively covered for hypertension, something that, by the way, the bill said was going to be implemented in 2027, but the Biden administration in the VA said we are going to do it now because it is the right thing to do. Thank you for that.

That means, though, that the VA has to process thousands of new disability compensation claims. Of course, it would have been easier to cut benefits, to abandon Vietnam vets with hypertension, or to ignore burn pit veterans with cancer, but that is not what this Committee did. That is not what the United States Senate did. That is not what Congress did. That is not what the Biden administration did.

What we did was what previous Congresses had not, and that is we passed a bipartisan bill to pay for the true cost of war. We also gave the VA new authorities and funding to make sure it could take care of not just the toxic-exposed veterans but also older veterans already in the system.

(1)

Look, we all know there are going to be hiccups. Veterans who previously filed claims will now hear of many more of their brothers and sisters joining them in line. But the VA must ensure that each of them gets the right decision as quickly as possible. Other veterans who rely on VA for quality health care will see new faces in hospital waiting rooms. VA must ensure that they get the quality care that they deserve.

So while we soon will hear more about certain challenges, my promise to the veterans listening today is that the VA and Congress will work together to overcome these challenges, because it took far too long to pass the PACT Act, but passage was the easy part. Implementation, making sure veterans actually get what is promised to them, that is the true test.

With that I will turn it over to my Ranking Member, who I congratulate on his reelection, Senator Jerry Moran.

OPENING STATEMENT OF SENATOR MORAN

Senator MORAN. Mr. Chairman, thank you for that. Thank you for your opening statement, thank you for the success that we have had in regard to the PACT Act, and I appreciate all of our witnesses being here today.

At the beginning of today's hearing I want to first indicate that I recognize this is National Military Families Month, and I recognize our military families in Kansas and across the Nation. While one person may wear the uniform, we know that military service is family service, and I thank all of the family members of our servicemembers for their sacrifices.

Sergeant First Class Heath Robinson Honoring Our PACT Act is the largest expansion of veterans health care and benefits in the VA's history. This is landmark legislation. It delivers long-overdue care and benefits to all generations of toxic-exposed veterans. As the process to implement the PACT Act continues I will work with my colleagues to make certain that the VA is following the law and connecting the right veterans with the right care at the right time.

The health effects of toxic exposure can take many years to manifest, so it is critical that veterans and the VA are proactive about screening and caring for these effects.

I am encouraged to see that toxic-exposed veterans are rapidly submitting claims to the VA for disability benefits for toxic wounds incurred during military service. More than 136,000 claims have already been submitted.

While this is a significant step, I am concerned about the operational impact. It is what slowed us down a bit in getting this legislation into law, and the operational impact on the VBA, and we will continue to monitor how VA handles its surge in claims.

I want to again urge the Department to utilize all the tools at its disposal and work with outside experts to implement innovative and efficient ways to administer exams, process claims, and provide resources, benefits, and care to veterans and survivors. Operational impacts to the Department were a significant concern of mine, and will continue to be a significant concern during implementation.

These new provisions, including enhanced recruitment and retention measures, more efficient hiring mechanisms, and streamlined ability to execute new medical facility leases should help the VA

mitigate the impacts to benefit the processing and care delivery for existing veteran patients while serving this new veteran population under the PACT Act. Veterans must not be left waiting in longer lines for benefits or care.

I am particularly interested in discussing provisions aimed at staffing VA medical facilities, particularly those in rural areas, to care for the influx of toxic-exposed veterans, as well as hiring and training those who will handle and process the disability benefit claims. These positions are critical to making certain veterans receive the care and benefits they need in a timely manner.

I look forward to today's discussion. Mr. Chairman, I have been asked what our next piece of legislation is that this Committee may consider, what is the next goal of the Committee, and we certainly, in my view, had success in regard to the MISSION Act, we had success in regard to the John Q. Hannon Suicide Prevention Act, and now the PACT Act. And my answer to those who ask is I think our number one priority in this Committee, by Committee members and by the VA, ought to be the appropriate, sufficient, implementation of the legislation we have passed. This hearing is one I requested and I appreciate you holding it today, and I am anxious to work with the VA to make sure our veterans, whatever their disability arises from, are cared for. Thank you.

Chairman TESTER. Thank you, Senator Moran.

Before we get into the introduction of the first and only panel I would say that I absolutely agree with you. I think oversight and implementation of all the acts that you passed, and others, are going to be critically important. And that is not to say we are not going to do legislation, because we are. But I do think our primary focus should be on oversight.

Today this hearing has one panel with key leaders crucial to the VA's success as we talk about the PACT Act. First we have Dr. Shereef Elnahal, who is Under Secretary for Health. It is good to have you in front of the Committee, Doctor.

Next we have Josh Jacobs, who I would be remiss if I did not tell you that he is turning 29 again today. He is a Senior Advisor for Policy Performing the Delegable Duties of the Under Secretary for Benefits, which is short to say that he has got an important job.

Also accompanying the two of them we have Guy Kiyokawa, Assistant Secretary for Enterprise Integration; we have John Boerstler, who is the Chief Veterans Experience Officer; we have Dr. Pat Hastings, Chief Consultant, Health Outcomes Military Exposure; we have Rob Reynolds, Deputy Under Secretary for Automated Benefits Delivery; and Tracey Therit, Chief Human Capital Officer.

We are going to start with your statement, Dr. Elnahal. Then we will move to Mr. Jacobs and his opening statement. You have the floor.

STATEMENT OF THE HONORABLE SHEREEF M. ELNAHAL

Dr. ELNAHAL. Thank you Mr. Chairman, Ranking Member Moran, and members of the committee. Thank you for the opportunity to appear before you today to discuss VA's implementation of the PACT Act. I am joined by my VA colleagues with whom I

am honored to testify in front of you today, and you already introduced them graciously.

The PACT Act marks the most significant expansion of veteran care and benefits in decades, empowering VA to do more for veterans exposed to toxins during their service. This law is extraordinary, as it not only allows many more veterans to benefit from VA, it affords us the tools we need to execute it. I am proud of the incredible work VA has already done, and we are eager and ready to implement the full extent of this law.

In VA we have one guiding question: Are veterans at the center of everything we do? We are not orienting ourselves around what would be best for VA but rather what would be best for veterans.

Today I want to share VA's three-pronged approach to PACT Act implementation. First, we must reach every veteran who may qualify for these new benefits and care to ensure they are aware of this opportunity. Second, we must build our capacity to better serve current veterans and those who we will welcome to our system for the first time. And third, we must build the path into the future to include groundbreaking new research on toxic exposures.

On outreach to veterans who could benefit from the PACT Act, we are working every day to ensure that there is no wrong door for veterans to access VA care. Our Veterans Experience Office has mapped the veteran engagement journey across all of our possible touchpoints with veterans. Whether a veteran or survivor comes to VA through a medical center, a benefits office, our website, or any other way, we are ensuring that veterans receive information about these new benefits in each interaction.

As soon as the Senate sent the bill to President Biden's desk we launched va.gov/PACT, a one-stop-shop website for understanding the PACT Act and applying for benefits. We also enhanced 1-800-MyVA411, an easy-to-remember telephonic front door for veterans and their supporters, which includes access to 24/7 live agents.

We are reaching out to veterans directly through their communities and through local VA medical centers. During the week of December 10th, we will host events at over 80 sites across the country. These events will include targeted outreach, including claims clinics, health care enrollment, and toxic exposure screenings. We are also reaching out to over 300,000 participants in our Burn Pit Registry through email, regular mail, and social media.

And VA implemented a nationwide effort to screen veterans who already get care from VA, to help determine potential toxic exposures during their service. In just over one week, this clinical screening has already reached over 166,000 veterans, with over 37 percent reporting exposures. And as of November 8th, this is now a routine part of VA health care in every medical center, and it will allow us to refer veterans directly to VBA as they may qualify for enhanced benefits or an increase in their priority group.

On building VA's capacity to deliver on PACT Act benefits and care we simply must hire enough employees to execute this law. I want to thank this Committee and the PACT Act for the PACT Act's broad range of flexibilities for hiring and retaining staff. To date, VA has implemented four sections of Title IX, resulting in several new tools to help with recruitment and retention.

We are on track to complete policy changes around all hiring provisions by the end of this calendar year. Hiring faster and more competitively by consistently implementing these new authorities everywhere is my top priority.

We are also making a historic investment in hiring additional health care enrollment specialists. As of October 25th, more than 3,600 of these specialists have been trained to determine PACT Act eligibility.

We also need to build on VA's brick-and-mortar footprint into the future, and the PACT Act allows us to do just that. The law immediately authorized 31 new leases, which will expand access through new sites of care. We are also thankful for the more efficient leasing process and appreciate our ongoing partnerships with GSA, OMB, and this Committee to get these leases done expeditiously.

I am also particularly heartened by the new ways that we can work with our academic affiliates and DoD to meet the health care needs of veterans. Co-location with our partners just makes sense for the veterans we serve in our system.

And on what comes next for veterans, families, caregivers, and survivors, VA has a strong tradition of research that has improved veteran lives. We will lead efforts to create an interagency Toxic Exposure Research Working Group to develop a 5-year strategic research plan. This research is critical to investigating whether toxic exposures may lead to other conditions that are not yet considered presumptive.

As Secretary McDonough often says, our mission at VA is to serve veterans as well as they have served our country. This law empowers us to do exactly that, and we could not have a team that is more invested and prepared to do so. We will stop at nothing to get this implementation right, and we will not rest until every eligible veteran and survivor gets the care and benefits they have earned.

Mr. Chairman, this concludes my testimony. Thank you for your time today, and I look forward to answering any questions you may have.

[The joint statement of Dr. Elnahal and Mr. Jacobs appears on page 33 of the Appendix.]

Chairman TESTER. Thank you, Doctor.

Next we will have Mr. Jacobs' testimony.

STATEMENT OF JOSHUA JACOBS ACCOMPANIED BY THE HONORABLE GUY T. KIYOKAWA; JOHN W. BOERSTLER; PATRICIA R. HASTINGS; ROBERT T. REYNOLDS; AND TRACEY THERIT

Mr. JACOBS. Good afternoon, Chairman Tester, Ranking Member Moran, and members of the Committee. Thank you for inviting us to discuss VA's implementation of the PACT Act.

As you know, VA has struggled for decades to address the health effects of harmful environmental exposures that occurred during military service. Historically, the process for VA to establish a new disability as a presumptive condition has taken too long and been too complex, taking precious time that ill veterans simply do not have. Now the passage of the PACT Act allows us to begin to right these historic injustices and deliver benefits to millions of poten-

tially eligible veterans, some of whom have been waiting for decades.

The PACT Act is not only adding over 20 new presumptive conditions related to toxic exposures and new locations for exposure to Agent Orange and radiation, but it's also strengthening how we hire and train new personnel, deploy new technology, and establish new presumptive conditions in the future.

Given the serious nature of toxic exposures, we made all conditions outlined in this new law presumptive the day the bill was signed, rather than phasing them in over years, as the law anticipated. For veterans who file for a PACT Act-related claim before August 10, 2023, the one-year anniversary of the bill's signing, their claim and benefit will be retroactive to the date of the bill's signing.

I want to take the next few minutes to explain the three-pronged approach that VBA is undertaking to deliver on the historic promise of the PACT Act. First, we are focused on hiring efforts up and down the organization. VBA has been preparing for the PACT Act implementation since last year, hiring approximately 2,000 additional employees. In the next few months, thanks to the Toxic Exposure Fund, we anticipate adding almost 1,900 more employees to our rolls. And in addition to hiring the right people, we are also focused on training them. All claims processors, whether new or current employees, will have the training necessary to process claims under the PACT Act. This training is crucial to ensure that all new PACT Act claims are processed correctly and quickly.

Second, we are looking at all of our policies and processes to enable more efficient benefits delivery. To expedite VA's ability to begin processing PACT Act claims by January 1st, VA is drafting subregulatory guidance which will be followed by formal regulations to implement the PACT Act. We anticipate the subregulatory guidance will be published in the Federal Register in December. VA is also actively engaged with all contract medical examination vendors to ensure they are prepared to undertake the increased volume of PACT Act-related examinations, and we have contracted with a fourth exam vendor to expand capacity.

Third, VA is using automation as a decision support tool to expedite claims by determining eligibility, auto-ordering exams when necessary, and gathering all relevant data and information, which is indexed into an intuitive format that gives our claims processors the ability to make quality claims decisions quickly. While VA's issued-based claims quality is currently more than 96 percent, we want to continue that focus by ensuring this technology drives consistent, standardized, accurate, and timely decisions for veterans. These tools have already reduced decision timeliness from several months to several days for the small number of claims that have leveraged this technology at one of our four pilot sites.

But the best implementation plan in the world does not matter if veterans' families and survivors do not know about the law or how to submit a claim. As Dr. Elnahal mentioned in his statement, we are making every effort to meet veterans where they are, through print and social media, radio and television, directing engagement with veterans' groups large and small, traditional and nontraditional, and many other ways as well. This also includes

targeted outreach to traditionally underserved veteran populations—women veterans, Native American veterans, African American, and Hispanic veterans.

The PACT Act helps meet generations of unmet demand from veterans and survivors, and we are already seeing this demand. The day after the bill was signed into law, veterans set an all-time record for benefits claims filed online. And since then, as of this past Saturday, veterans have filed nearly 146,000 PACT Act-specific claims. While we are receiving more claims than ever before, VA is also delivering more benefits more quickly and more accurately to more veterans than ever before, and we are processing claims at the fastest rate in VA history.

I was here a decade ago, as a senior advisor with the VA, when the backlog was at its peak, and for members who followed the claims backlog for that long you may be asking, are we about to watch the same story unfold here today?

I am happy to say that today we are in a better position to tackle this increased workload. When I was last with VA, there was a significant investment made to move from a paper-based system, where floors were literally buckling under the weight of all the paper we stored, to a paperless claims process, and now that investment, as well as many others, are paying dividends.

In fiscal year 2022, we processed 1.7 million veteran claims, shattering the previous year's record by 12 percent, and we have gotten the claims backlog down to the lowest in years, below 150,000 claims as of this month, and we have more work to do.

As we continue to encourage more veterans and survivors to apply for this PACT Act benefits we do expect an increase to the inventory and the backlog in the short term. But the efficiencies I just described and the three-part implementation plan we are executing have established a solid foundation as we work to deliver on this historic law.

I know I speak for all employees when I say we are truly excited about the opportunity to provide the support and benefits to millions more of our Nation's veterans. It is both a challenge and a promise we look forward to meeting.

This concludes my statement. Mr. Chairman, we would be happy to answer any questions you or other members of the Committee may have.

[The joint statement of Mr. Jacobs and Dr. Elnahal appears on page 33 of the Appendix.]

Chairman TESTER. Well, thank you for that statement, Mr. Jacobs, and there will be questions, and I will start with mine.

Look, the passage of the PACT Act allows a whole bunch more veterans to get health care and benefits that they have earned. This does mean, however, that VHA and VBA have to be prepared to accept new patients and new claimants into their systems.

Dr. Elnahal, how is the VA preparing to provide timely health care to newly enrolled veterans while still taking care of the folks who are already enrolled?

Dr. ELNAHAL. It is a very relevant question, Mr. Chairman. It is something we are thinking about every day on the health care system side.

I will ask Tracey in a minute, Ms. Therit, to go through some of the hiring authorities that the PACT Act affords us and how that will increase our rolls. But that is first and most important way that we need to build capacity. We simply need enough clinicians and the folks who support them in our health care system to be able to tackle the increased demand that we expect to see, because that is what veterans deserve.

We are also trying to, on top of that, make sure that we increase our productivity across the system. Our Office of Integrated Veteran Care is engaging in multiple efforts to do just that, one of which is actually standardizing our clinical grids based on specialty, to have standard times, on average, that it takes to see veterans, depending on the type of care they are getting, and then hold our clinicians and leadership accountable for resourcing those clinics to be able to meet at least an 80 percent productivity standard in those clinics.

We are also going to make sure that our network adequacy is where it needs to be with our Community Care Network, knowing that we will need to rely on that, to a degree, to meet this demand.

Ms. Therit?

Ms. THERIT. Senator, thank you for that question, and we greatly appreciate all of the authorities in Title IX. There are 20 subsections in Title IX. Up to this point we have implemented policy and guidance in 50 percent of those sections, with 70 percent targeted by the end of the year.

We are implementing the Title IX authorities to support VHA and VBA with their hiring of the workforce that is needed to serve veterans in six waves. The first wave was to remove the restrictions on housekeeping aides. I am pleased to say that in 90 days we have increased our onboard rate by 3.2 percent, hiring over 700 housekeeping aides under this new authority in the last 90 days, and strengthening our onboard capacity to provide clean and safe medical facilities.

We also, in our second wave, are reaching out to college graduates and postsecondary students and increasing the student loan authority limits to bring in that next generation of talent to our VA workforce and our facilities.

In the third wave, which is equally important to recruitment, is retention. What are we doing to recognize the amazing workforce that we have and keep them at the VA? So we have removed some of the restrictions on awards and bonuses as well as increasing our limits on special contribution awards.

And then the last wave that we just completed implementation is improving our systems. You are very familiar with the challenges that we have in hiring related to our systems, and we have made some enhancements which give greater visibility where things are in the hiring process so that we can move them along quickly.

Our fifth wave is the competitive pay. Competitive pay is a challenge, to make sure that we get the right VHA and VBA personnel as well as OIT personnel and personnel throughout the Department on board. So we have a lot of critical pay authorities, special salary rate authorities, incentives, and waivers of pay limit to make sure that we have no barriers and limitations to getting who

we need on board to serve veterans, and we greatly appreciate that help.

Chairman TESTER. Yes. So keep your mic on. So I am just going to take one of them—college grads, increasing student loan limits—which is really important and I think can be a very effective tool. How are you letting college grads know that the VA is here and they are willing to help with their college education if they go to work for you?

Ms. THERIT. We are partnering with Student Veterans of America to make sure that that word is getting out through those channels. We are also working with colleges and universities in the local areas. I know VHA and VBA have established a lot of partnerships with institutions of higher education in their communities.

VBA is using the college grads authority. Office of Research and Development is using the postsecondary students authority. So that is a lot of the communications that we are doing and we welcome others to add to the things that we are doing at both the local level and the national level.

Chairman TESTER. I appreciate that. It is a tough job market out there. I mean, good for the employee; not so good for the employer. So anything you can do to be aggressive is much appreciated.

I do not have enough time for you to answer my next question so I am going to go to Senator Tuberville.

SENATOR TOMMY TUBERVILLE

Senator TUBERVILLE. Thank you, Mr. Chairman. Thank you, panelists, for agreeing to be here today and taking time out. What a serious problem we have here. We have been working on it, what, a couple of years now. Even when I got here the Chairman was working on it at that time, before then.

Let me start by saying I voted against the final passage of this legislation. I have got 500,000 vets in the State of Alabama, and do not think I did not hear from them. I knew it would be a big vote, and that is why I approached it with an open mind. While this legislation was being considered, my staff and I met with numerous VSOs and heard from hundreds of veterans in Alabama. After many candid conversations I made an informed decision to vote no, and my position remained consistent on every PACT-related vote.

Sadly, my colleagues on the left here politicized this process and we rushed it. To me we rushed to pass this legislation.

You know, I believe the bill's imprecise, unrealistic language only sets the VA up to fail. That being said, I hope you all prove me wrong, because our veterans need help. They need a lot of help. As a member of this Committee I want to be as helpful as possible to all of you.

So Mr. Jacobs, earlier this month the VA announced that it would expedite claims for veterans with cancers to ensure they are getting timely access to the care and benefits they deserve. The VA also announced that it would prioritize the processing of the claims for veterans with terminal illnesses and those experiencing homelessness.

Question. With more than 136,000 PACT Act-related claims already filed, and existing backlogs of 100,000 or so, how can you be sure that veterans with cancers are not getting overlooked?

Mr. JACOBS. Thank you very much for that question. You know, we have an existing prioritization ability that we implement right now where if we know that a veteran is homeless, is experiencing financial hardship, is over 85, and several other categories, we are able to prioritize that claim for expedited consideration. We have 25,000 employees across the country, 60 percent of whom are veteran. Simply put, they get the job done.

We are expediting cancer claims for the PACT Act because of the severity of the conditions often associated with many of these cancers and the length of time it has taken for us to be able to deliver these benefits and connect them to the health care that they need.

So we have a well-proven process to be able to expedite those claims. We were able to execute that, and I would just ask you, to the extent that you hear from your constituent who have cancer or have one of these other elements that may require us to prioritize it, you let us know. We can expedite when we know that a particular claim meets one of these conditions, but if you happen to have that information you let us know and we will make sure we get the job done.

Senator TUBERVILLE. So we are prioritizing, right?

Mr. JACOBS. Yes, sir.

Senator TUBERVILLE. Okay. PTSD, you know, we are having huge problems with that. We are having people dying every day, and we need to do a better job with that. But that is another point.

What about homelessness? Talk about that point. Where do you rank them? How do you go about categorizing that group?

Mr. JACOBS. If we have an indication that a veteran is experiencing homelessness we will be able to prioritize that claim for consideration. Oftentimes we do that in partnership with our VHA colleagues. We recognize there is no wrong door in VA. And so we provide wraparound services. We want to make sure that we are prioritizing claims decisions so that we can get the veteran and his or her family the benefits that they need to help them with their life. We also want to make sure, to the extent that they are dealing with other issues, that they have the health care support and the other wraparound services that they need to help address the issues in their life and get back on their feet.

Senator TUBERVILLE. Thank you. Dr. Hastings, as you know, Section 801 of the PACT Act requires the VA to study the health of veterans who served at Fort McClellan between 1935 and 1999. However, during a recent briefing, VHA identified Section 801 as a challenge to implementation because, and I quote, "sufficient data on Fort McClellan's veterans during this time period may not exist."

Can you please elaborate on this issue and describe, you know, your conversations with the DoD up until this point?

Dr. HASTINGS. Absolutely, sir. Deployment Health Working Group we exchange data with DoD at all times, you know, back and forth. It is a challenge to go back to 1935. As you know, some of the mortality records did not start until the 1970s. We are leaving no stone unturned to find the data that we need. We are also

working with the Agency for Toxic Substance Disease Registry, who has a petition to look at Fort McClellan. So we are working with them also.

I was sent to Fort McClellan three times for my nuclear, biologic, and chemical training. I was there for a week at a time. Fort McClellan had a very small cadre of permanent party, and people coming through there for basic training or for other training. It was very transient. So those records will be a challenge, but I can assure we are looking everywhere and we will get every record possible, going back as far as possible.

Senator TUBERVILLE. Thank you very much. Mr. Chairman, I am out of time, and I would like to submit my remaining questions.

SENATOR SHERROD BROWN

Senator BROWN [presiding]. Without objection. Senator Tester has asked me to chair for the time being, so thank you, Senator from Alabama.

I will ask my questions and then turn to Senator Hirono. I think Senator Moran will likely be back by then.

First of all, thank you all for serving. Your work at the VA is maybe more important than it has ever been. I have done about 15 roundtables about the PACT Act, in urban areas and rural areas and suburban areas all over the State, and there is a lot of excitement but there is a lot of ignorance about what it does. So your work and your outreach is especially important.

I would like to address first the electronic health record modernization efforts. I thank Dr. Elnahal for his visit to Columbus in September. While I did not see you there I was recently at the facility with Deputy Secretary Remy and heard firsthand from front-line employees some of the same things you heard about the challenges with the Oracle Cerner program. You know all that. I do not need to dwell on it. I am concerned that the facility's recent sale data could reflect a drop in patient care and satisfaction to the EHR program, causing veterans to seek care outside of the VA, something we would prefer not, but if it a necessity to them it is.

We need to address patient care and satisfaction issues. Many veterans may not be aware that the new system has caused issues for medical providers and support staff. You know all that.

I just would like you publicly, Dr. Elnahal, to commit to continuing to work with VISN 10 officials in Columbus to ensure the facility has the support and the resources it needs to safely implement the new system.

Dr. ELNAHAL. Absolutely, Senator, and it was my visit to Columbus which triggered conversations here with VA leadership writ large around the need to have this assess-and-address period that we are undertaking with the electronic health record, to make the system better for the sites already using it. And I can tell you, the leadership and the team, down to the front line, in Columbus are extraordinary. They want to get this right. It is incumbent upon us to hold Oracle Cerner and ourselves accountable for doing so, and I do pledge that, Senator.

Senator BROWN. They do want to, but there is a healthy skepticism among sort of all levels of employees. I probably met with 15 in one meeting, 5 in another, and walked through the facility

and heard it pretty consistently. But you know that. I just wanted to say it publicly.

Mr. Jacobs, as I mentioned, I have held a number of roundtables, meeting with Vietnam veterans who talk about their Agent Orange experience, and frankly, we have learned from that, of course, the way that we did the PACT Act, as you know, the PACT Act is named after someone from Columbus. His mother-in-law has been talking to me about this for several years, and Senators Tester, Moran, and I have worked on this, obviously, together.

I appreciate the steps the VA has taken to inform veterans of these benefits. We need to get creative about how we do this outreach. The VA has to somehow expand its capacity to continue to do what you do, plus expanding the Agent Orange outreach and all the new PACT Act veterans.

So I have three or four questions of you, Mr. Jacobs, if you would. I will just do all the three questions together and you can answer them together. How is expanding outreach to veterans who might not have access to the internet or younger veterans who have not interacted with the VA, if you could talk for a moment about that? Are you working with DoD so servicemembers about to leave know of these benefits? I have found in the past that is not always the case. And is VA planning in-person events at medical centers, or in the Department, open to sending mobile teams to rural areas to expand outreach? We know there are several VA hospitals in Ohio. There are 31 or 32 CBOCs, and there are veterans that are not even near the CBOCs. So talk to those three if you would, Mr. Jacobs.

Mr. JACOBS. Great. Thank you very much, Senator Brown. As I mentioned in my opening statement, outreach is a critical priority for us. This law is historic but it does not mean a thing if veterans and their families and survivors do not know about it and they do not know how to apply.

There is an active outreach plan that we are executing on multiple fronts. I am going to ask my colleague, John Boerstler, who runs the Veteran Experience Office, to talk a little bit more about that, using human-centered design to reach veterans and their families where they are. And we are taking some of the human-centered design insights that we have learned through their work to target our outreach.

I will also say we have a unique tool that is in isolated execution. So in our New Orleans regional office we have a database system that is able to identify, parish by parish in Louisiana, where we have veterans, and the percentage of veterans that are utilizing their benefits, so we can isolate our outreach to help identify and fill in the gaps. And often those are in rural, underserved locations.

And so we are going to be working to expand that to other States in partnership with the States and other partners. But let me turn to John.

Senator BROWN. And Mr. Boerstler, if you would—thank you—while answering that just talk to us about when someone comes into the Dayton VA, say, or comes into a CBOC in Zanesville for something else, what you do about informing them of potential PACT Act exposure and treatment.

Mr. BOERSTLER. Yes. Thanks very much, Senator. And as Dr. Elnahal mentioned earlier, we are getting the word out in terms of training more of our frontline staff and clinicians about asking specific questions related to PACT Act and to toxic exposures across the board. So there is literally no wrong door. If you come in for a screening then you will be directed to hopefully file a claim and then enroll in VA health care.

In terms of outreach in rural areas specifically, we have a wonderful program called the Veteran Experience Action Centers, which we have done in Montana, we have done in South Dakota, we have done in Alabama as well, and these are really great partnerships with the State Departments of Veterans Affairs, as Mr. Jacobs alluded to, where they are incredibly effective at rural veteran outreach. So using not only those three-day enrollment sprints—where we are focusing on helping them file claims, enroll in VA health care, filing their pre-need applications for memorial services—we are also measuring that experience along the way and then tapping into outreach mechanisms that, as you mentioned, if they do not have access to broadband or internet we are hitting the radio stations, we are using our community veteran engagement boards, we are asking all of force multipliers at the county and the parish level to help us get the word out.

And as Dr. Elnahal alluded to in his opening remarks, we are launching at 80 sites, so VA medical centers and regional offices partnering across the country that first week of December to do this week of awareness, where we are going to have claims clinics mixed in with enrollment sprints. It should be incredibly impactful.

And then finally, sir, I will mention toward transitioning servicemembers and their families. We have just updated the VA Welcome Kit, which is kind of your single front door for information that veterans can get, and the first page that you have in there is our one-pager on the PACT Act, and if they qualify, based on their deployments and their symptoms. So we are really excited to push that further upstream to those that have not transitioned out of the military yet as well as sending it to those recently separated veterans and their families.

Senator BROWN. Thank you. Senator Hirono, who I believe has not voted yet either. So thank you.

SENATOR MAZIE HIRONO

Senator HIRONO. Thank you, Mr. Chairman. Let me go, first of all, to the situation at Red Hill, which was our own basically toxic exposure events. And I think, Secretary Elnahal, you are familiar with what happened there.

As we talk about loss of data, et cetera, and the need to coordinate between DoD and VA, these are thousands and thousands of people who were exposed to jet fuel leaks at Red Hill. And it occurs to us that there should be a way for some kind of tracking and tracing of the health issues attendant to this exposure while they are currently in active service as well as presumably they are going to become veterans.

So is this something that you all are already doing something with the DoD to make sure that all these people who experienced

this exposure are not lost? I think Ms. Therit, you also talked about the need to coordinate records, health records, with DoD.

Can you just talk a little bit about how you expect to keep track of all these people, 94,000 people, at least, who were exposed to the Red Hill situation?

Dr. ELNAHAL. Yes, Senator. First of all, I enjoyed visiting Hawaii for the NASDVA convention and had a chance to spend time with Dr. Anderson and his team at the Pacific Islands Health Care System.

I am aware of this, certainly, and Dr. Hastings can help us summarize the exciting work that the Interagency Research Working Group is going to do, specifically on investigating jet fuel exposures and conditions that may result from that. Dr. Hastings?

Dr. HASTINGS. Absolutely, sir. Senator, Red Hill is one of the cohorts that we are concerned with. We are concerned with many and we do follow them. There is a registry of those people that were exposed that DoD has. We meet monthly with the Deployment Health Working Group, and though it says "deployment health" we also cover garrison exposures. Those exposures at Red Hill would fit into that.

And this is a cohort that we will follow into the future, and this will be decades of following up. But that is what my office does routinely. We follow cohorts. We look at the health outcomes. We look at how to care for those veterans and their families. You know, this is not exactly a Camp Lejeune scenario, but we are going to look at it in the same manner.

Senator HIRONO. That is good because I think that there will be some long-term health issues, and there is a provision in the PACT Act that directs the Department to study the impacts of jet fuel exposure. So I assume that you are doing that and I would welcome information on how that is going.

Dr. HASTINGS. Absolutely. The Office of Health Outcomes Military Exposures started looking at fuels and jet fuels exposures about 2 years ago. We have already completed some of that preliminary work, and thank you very much for the PACT Act that expands that and allows us to work with the National Academy. We are very excited by this work. It is important. Jet fuels, you know, are what the military runs on, and we have to know more about them, and we are doing that.

Senator HIRONO. Definitely, because I hear from individuals and families who had all kinds of health issues, that clearly needs to be tracked. So we do not want to end up with a situation that resulted in our having to pass the PACT Act, where exposures going back decades have to be somehow, you know, we have to figure out the cause and effect. So what you are doing right now is very important.

I also want to mention that the vacancy rate of VAPIHCS, which is the VA health care system that covers Hawaii and the greater Pacific, has been at about 19 percent, and we have made various efforts through this Committee, and more recently through the PACT Act to provide a lot more flexibility to the VA to hire people. And I am just wondering whether there are unique circumstances in Hawaii that makes it that much harder to hire and retain people.

So have you given some thought to it is a not a one-size-fits-all situation, that Hawaii poses maybe very unique challenges, to get this 19 percent vacancy rate down? You look as though you are wanting to say something, Mr. Secretary.

Dr. ELNAHAL. Yes, Senator. I had this conversation with Dr. Anderson and his team, who did mention that the health care labor market is particularly difficult. And as you mentioned, that is borne out in the data.

Ms. Therit summarized all of the exciting new authorities that will allow us to pay people much more competitively but also to retain them, with the ability for larger retention bonuses. Again, thanks to you and this Committee we now have that.

I also had a conversation about how we could work better with the Tripler Army Base staff and allow even more services to be shared with them, and had a chance to come back and address with the Health Executive Committee and DoD. And if we have time, Mr. Kiyokawa can talk about some of the other exciting work we are doing with DoD.

Senator HIRONO. Well, my main question is I think there are some very unique circumstances in Hawaii that we have to get creative in how you all are going to take care of all the veterans, especially as we are expanding the number of people who will come for VA care, including specialized care for women veterans. And there are whole ranges of different kinds of care, and really we need to get this vacancy rate.

Thank you, Mr. Chairman.

Chairman TESTER [presiding]. Senator Moran.

Senator MORAN. Mr. Chairman, thank you. I understand that Senator Blackburn has not yet voted, and I yield my time to her, and in return I hope to be later in the hearing.

SENATOR MARSHA BLACKBURN

Senator BLACKBURN. Thank you very much. Just a couple of questions. Secretary Elnahal, I want to talk about the female veterans, the post-9/11 veterans, and the rate of breast cancer. I have seen some of the data, and those between the ages of 18 and 44 are 34 times more likely to develop breast cancers.

So if you would, talk to me a little bit about the outreach that you are doing for female veterans, what you are doing to build this awareness, to make them aware of services that are available, why they need to have regular and ongoing testing, and how they are working with the VSO on this.

Dr. ELNAHAL. Absolutely, Senator. It is a major focus of mine, as you know. The Office of Women's Health reports directly to me. We are focused on this. As a result of a lot of the authorities that you and this Committee gave us through the MAMMO Act, the Deborah Sampson Act, staffing up our facilities with enough women's health coordinators and clinicians on the front line to be able to meet the needs of these vets.

I will mention that reproductive cancers, as a category of presumptive conditions, will include breast cancer, and so that will help from the standpoint of giving even more veterans these benefits, especially if they were deployed, and Mr. Jacobs and his team can find a way to give them PACT Act benefits.

In terms of outreach, we are doing very targeted outreach to women veterans. The Center for Women Veterans is very focused on that. Mr. Boerstler probably has more details to share on that as well.

Senator BLACKBURN. Okay.

Mr. BOERSTLER. Thank you, Senator. In terms of digital ad campaigns we are specifically targeting different customer personas, including Vietnam veterans, post-9/11 veterans, and but also women veterans that may be exposed to all these toxins as well. And we have seen some significant successes, reached over 42 million just in the recent weeks since the passage of the bill. And we think that, obviously, for post-9/11 veterans, that digital advertising works very well.

We want to make sure, though, that we are also hitting radio and TV and having our facilities out in the field, engaging with as many of the women veterans who may not yet be enrolled in VA. And if you came to VA 10 years ago, come back and try us again. The women's clinics, especially, are some of the most incredible programs. We see, in terms of our trust scores, the fact that women can access the clinics from a different location or different entrance at the hospitals. They are incredible.

Also the use of telehealth and virtual health has really enabled. We have seen the trust scores for women veterans in particular that access VA health care services really go, quarter over quarter, over the course of the pandemic. So we are doing everything we can to increase access and improve outcomes for our women veterans.

Senator BLACKBURN. Okay. I appreciate that. I think that we all know, with breast cancers, with reproductive cancers, that early detection is primary, so this outreach and getting our female veterans enrolled is going to be important.

I had one other question. The Camp Lejeune Act. We have had so many questions about how Section 804 and how they are going to deal with the awards from the lawsuits and how that is going to deal with the offsets. Mr. Jacobs, I think this maybe comes under your jurisdiction.

Our veterans, there is a lot of confusion around this, with these awards. Can you speak to that for us?

Mr. JACOBS. Absolutely. Thank you, Senator. This is a question we are continuing to get and we are trying to clarify and communicate. There is a lot of confusion. I have been told is about \$1 billion worth of advertising on the lawsuit. So it is top of mind for many.

We want to make sure veterans and their family members make an informed choice. We are not going to persuade or dissuade them from seeking justice in the courts. But we do want veterans and their families to understand if they are successful and they receive an award through the judicial system that award will be offset by the amount of VA benefits they are receiving for their specific Camp Lejeune benefits that they are receiving from VA.

So we are not making that determination. We are going to share information with the Department of Justice and the courts, and they will determine the total amount of the offset. And then, of course, the offset will also have to take into account whatever lawyers' fees are part of that, from my understanding.

Senator BLACKBURN. Okay. Thank you for the clarification. I think the sooner you can get us something in writing, the better it will be.

Mr. JACOBS. Absolutely. This is a complicated piece of business and I want to make sure it is crystal clear and that it has gone through our counsel's review, and that we make sure we are clearly communicating so veterans can make an informed choice. And we also want veterans to apply for benefits if they have not done so, if they have been affected by Camp Lejeune contaminated water.

Senator BLACKBURN. Thank you. Thank you, Mr. Chairman.

Chairman TESTER. Senator Hassan.

SENATOR MARGARET WOOD HASSAN

Senator HASSAN. Well, thank you, Mr. Chairman and Ranking Member Moran. Thank you to our witnesses for being here today. And look, up in New Hampshire the veterans I have talked with over the last few months are really excited about the passage of the PACT Act and the opportunities it provides to veterans. Understandably, at the same time, they really also have questions about the implementation and how the benefits are going to be delivered.

So I just want to focus on some of those concerns and I will start with a question to both of you, Dr. Elnahal and Mr. Jacobs. I appreciate the outreach that the VA has already done, both directly and through veteran service organizations, and it has been important. It has let veterans know about the new benefits and health care that they may be eligible for under the act. I continue to hear from veterans in New Hampshire, especially the VSOs, about how helpful those communications have been, so thank you.

But there is a concern that veterans who are not already connected to the VA, or the broader veteran community, are not getting the information that they need. And we have talked a little bit about that up here, but I want to drill down on a couple of things. In particular, I want to make sure that the VA is targeting outreach to servicemembers who will be separating or retiring from the military in the future but likely are not actively connected with VA services today.

You talked a little bit about information about the PACT Act in the Welcome Kit, but how are you coordinating with the DoD to make sure that this population learns about the PACT Act now so that they can be better prepared when it comes time for them to enroll in health care or disability claims?

Dr. ELNAHAL. I am happy to start, Senator. This is a major area of focus for us. The critical period of transition into civilian life for veterans is a very vulnerable one, and it is a perfect opportunity for us to introduce VA writ large but also the benefits under the PACT Act. We are making use of the Transition Assistance Program, TAP, and many other ways of doing that.

I will ask either Mr. Kiyokawa or Mr. Boerstler to give us some more details on that.

Senator HASSAN. Yes, and I get the focus on transition, but even before transition, what is happening?

Dr. ELNAHAL. Well, in the first instance we are actually collaborating with DoD on outreach. So we have already had excellent meetings centrally with the DoD's Public Affairs Office. DoD has

regularly events for military outreach, everything from fleet weeks, air shows, military bands, base openings, ship christenings. We are really going to be at as many of those events as possible, and also invite our DoD stakeholders to the 50 events during PACT Act Week of Awareness on December 10th.

I don't know if any of my colleagues want to supplement.

Mr. JACOBS. I can also add we have a pretty robust governance process where we partner with DoD. It is led by Deputy Secretary Remy. That is part of the Joint Executive Committee. Underneath it there is the Health Executive Committee and the Benefits Executive Committee. I co-chair the BEC. I will be at a meeting with my DoD colleagues on Friday, and one of the key points I will be raising is how do we get the word out, how do we continue to put our foot on the gas, communicate to transitioning servicemembers before—

Senator HASSAN. Well, that is helpful, and I thank you, and I will encourage you to continue planning for and supporting this group of veterans. I would also like to note that the calls made as part of the Solid Start Program to newly separated and retired veterans can be an effective tool as well.

Let me move on to one other issue in my remaining time, and this is to Dr. Elnahal. As you know, the VA needs to increase its workforce to provide veterans with their new benefits under the PACT Act. This need is particularly acute in rural communities in New Hampshire and across the country, where attracting health care providers is a challenge.

Section 901 of the PACT Act requires the VA to develop and implement a national rural recruitment and hiring plan for health care professionals to better reach these underserved communities. I am glad to hear that you are already working on this plan and you expect to complete it, I think, by early 2024, if I understand the testimony.

How is the VA developing the plan, and are there any details from the plan so far that you can share with us?

Dr. ELNAHAL. That is right, Senator. It is a really important part of what we need to do to target our hiring efforts more effectively in rural areas. As you know, these are more difficult health care labor markets. It is harder to get folks recruited for these critical positions.

We are actually approaching this in, I think, an innovative way. We are taking our experts in workforce management and human resources and combining them with our implementation science researchers to collate the data that is available to understand what a targeted outreach plan could look like and make that actually an evidence-based effort.

I will ask Ms. Therit if you want to provide more details.

Senator HASSAN. Thank you.

Ms. THERIT. Thank you, Senator. So we have an integrated project team that meets on a weekly basis and we update the status of this. I will be candid and say that we focused on the workforce authorities that we could implement right away, knowing that this had the 18-month time frame to submit the report. But we can provide you and your staff with updates as we develop the

plan and really focus on what we can do to get the workforce that we need in those locations.

Senator HASSAN. That would be great. Thank you so much, and again, thank you all for your work.

Chairman TESTER. Senator Moran.

Senator MORAN. Mr. Chairman, thank you. Dr. Elnahal, welcome. I am worried about the VA, the job that needs to be done to take care of those veterans who are not currently enrolled in the VA, and we have got a couple of windows in which they have an opportunity to do so. The one that is most pressing is October 1st, we began enrolling, and there is a 1-year opportunity. How many veterans have enrolled under that 1-year window thus far, and how many, in total, are eligible to enroll between now and October 1, 2023?

Dr. ELNAHAL. Senator, it is a big priority for us to get the word out, especially to post-9/11 veterans who have that 1-year window and may have been discharged between 2001 and 2013, and I think that is the cohort you are speaking of.

We are making updates to our health care eligibility system so that we can accurately parse out which of these health care eligibility applications are clearly connected to that window and the benefits under the PACT Act more generally. I do not have these numbers with me now, but we are happy to take this question for the record and get you more accurate information about that.

Senator MORAN. How, generally, does the VA market benefits and health care to those who are not enrolled in the VA?

Dr. ELNAHAL. It is really important for us, Senator, to reach out to the entire complement of veterans across the country, and the PACT Act is a way to do that because we do expect new enrollees to qualify. So as Mr. Boerstler mentioned, we are making sure we use as many media outlets as possible, social media, radio, print ads, trying to get in front of folks with the avenues that they normally see. And Mr. Boerstler, if you have more details specifically for that cohort of folks not associated with the VA, that would be helpful.

Mr. BOERSTLER. Absolutely, and this goes back to a lot of our data-sharing with the Defense Department. You know, we get the contact information and we are able to still target those veterans who have not enrolled in our programs because we are able to see in our system, Senator, when they enroll in our programs and what programs they are enrolled in. So proactive outreach is always top of mind for us, especially when we think about our vet resources, e-newsletters that go out on a weekly basis, that incorporate not just VA information but other information from our partners.

We have also simplified the enrollment, a 10-10EZ enrollment form, for those that are already rated at a certain percentage, so that they can get to enrollment faster.

But the untethered population is a big focus for us in making sure that they get the information on the benefits and the care that they have earned.

Senator MORAN. Dr. Elnahal, you and others here today, if you have suggestions for how I, as a Member of Congress, a Kansan, can help educate and bring in people in my State, veterans who would qualify, I would welcome that. I would guess my colleagues

would be happy to be advocates for veterans that maybe continue to fall through the cracks.

Let me turn to resourcing. One of the things that I have heard from one of our staff at one of our VA hospitals in Kansas is they cannot keep up with the pace of pay increases in the surrounding labor market. Even though they have the authority to increase clinicians' pay when the market pay increases, they say that by the time VHA human resources completes all the necessary reviews and signoffs the private sector has already begun another pay increase before the VA can match the first. They are always at least one pay increase behind what they should be.

Your thoughts on how that is or can be corrected?

Dr. ELNAHAL. Senator, I think consistent and full implementation of all of the new PACT Act hiring, recruitment, and retention authorities in the first instance is the best way to do that. And it is our job to take the excellent work of Ms. Therit and her team, our workforce management teams who are working rapidly to finalize these policies and make sure that every single network in our system is utilizing every possibility to do all of the new ways we can pay folks, recruitment and retention incentives, but also student loan repayment, and so many of the other options that we have.

I will say that we have a legislative proposal in the President's budget that I think is really important, especially for rural areas, to allow us to surpass the \$400,000 cap for physicians in particular. I will just reiterate that in order to recruit the right folks on the physician, dentist, and podiatrist side it is becoming much more difficult, especially in rural areas, as salaries go up and the health care labor market becomes more difficult. And we would be able to pay more innovatively as well to incent the right behavior among these clinicians if we were able to get that. So I humbly request your consideration of that as well.

Senator MORAN. Thank you for highlighting that. I am going to conclude, Mr. Chairman—I will not necessarily ask a question, or I will ask a very short question, to Mr. Jacobs.

One of the things that, again, I have heard in Kansas, there is a frustration for veterans who end up in a category called "ready for decision" status, but then discover that it still takes months or even a year for the decision to occur. It seems to me that we may be increasing expectations beyond our capabilities, and is there a plan to try to better inform a veteran how he or she may—what wait there may be?

Mr. JACOBS. Yes, thank you very much for that question. I would say right now we are unbalanced in terms of the distribution of the workload across the claims lifecycle. So it is kind of a pig-in-a-python situation, where during the pandemic we were not able to get certain veteran records, we were not able to provide C&P exams, so we had no claims in the "ready for decision" cycle. As we have brought down the backlog by 100,000, we now have been getting that evidence, and it is coming into the "ready for decision" cycle.

There are too many claims, simply put, there right now. Since the beginning of November we have brought it down by 5, almost 6 percent, and we need a targeted and consistent approach to con-

tinue to bring that down. And we are going to be able to free up some staff to do just that. And so I would say right now we need to do a better job managing expectations while we are working to bring that particular area into focus and get the decisions made for veterans. Thank you.

Chairman TESTER. Senator Blumenthal.

SENATOR RICHARD BLUMENTHAL

Senator BLUMENTHAL. Thanks, Mr. Chairman. Thank you all for being here, and thank you to the VA for its work on reducing the backlog of claims from 175,000 now to 140,000. I understand there are 137,000 new PACT Act claims.

Do you have an estimate on what the total universe of claims likely to be made over the next 6 months, over the next year?

Mr. JACOBS. Thank you very much, Senator, for that question. We are anticipating upwards of 700,000 claims, PACT Act-specific claims, in this fiscal year. I think we have to wait and see what the total number ultimately is. In part, that is going to be dependent on our continued focus on outreach and trying to get the word out.

We have received, as of this Saturday, about 146,000 PACT Act claims. And so we are continuing to try to get the word out, and it is really important for us to communicate to veterans that we want them to file this year. If they file before August 10, 2023, they are going to be able to preserve the earliest possible effective date. So we want veterans to come in, we want them to understand the potential benefits that are provided in the PACT Act, and we want them to either file directly online, va.gov/PACT, or with an accredited representative, with one of our VSO partners. They do incredible work. They can help inform veterans about how to apply, and they can be good allies and advocates along with us.

Senator BLUMENTHAL. Let me ask you specifically about screening. I understand that screening became a possibility for everyone as of last Tuesday, a week ago yesterday. Could you talk about what kind of outreach you are doing specifically on screening?

Dr. ELNAHAL. Thank you, Senator. We are really excited about our progress with toxic exposure screenings. I mentioned earlier that in just over a week we have already conducted over 166,000 of those screenings. And a really important piece of data is that about 38 percent of veterans are indicating that they may have been exposed to one of the toxins relevant to the PACT Act.

This is a screening that is now available in primary clinics in every medical center across the country, which is why the numbers are climbing so quickly. As we see every veteran who has not yet been screened, we are screening them, and they will be screened every 5 years as part of their normal, routine care.

We think this is really important to capture, at the very least, the cohort of veterans who are already eligible for health care, and they may be eligible if we do a warm handoff successfully to VBA, which Mr. Jacobs and I are working on diligently, for a priority group increase or even more benefits that they may not have had before.

Senator BLUMENTHAL. And how did you develop the protocol for the screening? Is it uniform to every instance of screening or does

it differ at all across the country with different individuals, different exposures?

Dr. ELNAHAL. It is uniform across the entire country, Senator. We have had diligent training on the screening itself, so we are training providers across the country. We have done so since the legislation was passed and even before that, anticipating that we would get the authority to do this.

But also we are making sure that the electronic health record is the place where this information is stored in a structured way. So really the prompt is quite easy. It is basically a module within the health record. The two standard questions are there, and the drop-downs continue, based on what the veteran's answers are to these questions.

So that is structured data that we hope to be able to use for all sorts of reasons, whether it is toxic exposure research or handing over to VBA.

Senator BLUMENTHAL. What is the next step, if you find, among those 38 percent, that there was exposure?

Dr. ELNAHAL. Well, the first and most important step is that referral to VBA for possibly enhanced benefits. That is how the veteran is going to benefit from this. And as I mentioned, having that data clearly documented for every veteran who is screened will allow us to gain even more insights on the relationship between exposures and health outcomes.

Senator BLUMENTHAL. But your goal in screening is to prevent more egregious or serious illnesses, and how do you assure that those steps are taken?

Dr. ELNAHAL. Well, in the context of a primary care visit, Senator, the revelation of a possible exposure naturally leads to more questions that physicians and providers may ask in the primary care clinic, would perhaps lead to different investigations that may not have otherwise occurred. And so on a very individual level, to a veteran this is important because we can ask about symptoms related to common conditions related to exposures. The research that Dr. Hastings and her office does has informed us diligently about that. And of course the legislation provides us guidance as well.

Senator BLUMENTHAL. Thanks, Mr. Chairman.

Chairman TESTER. Senator Sullivan.

SENATOR DAN SULLIVAN

Senator SULLIVAN. Thank you, Mr. Chairman. I would like to follow up on a little bit of what Senator Blackburn was talking about. A gigantic concern of mine, that we all saw coming, I think you saw it, the Biden administration saw it, we saw it but we did not do anything about it. I wanted to do something about it. Senator Inhofe wanted to do something about it.

Unfortunately, some of my colleagues on the other side of the aisle did not, and it is this—unscrupulous trial lawyers who are now preying on Marines on this Camp Lejeune issue and are likely to make millions, if not billions of dollars, and the sick Marines are going to get crumbs. Okay? We knew it. A lot of these guys are unscrupulous, some of them are blood-suckers, and they are doing it. Okay? We all see it. Every day. You cannot turn on any TV station in America without these ads. Okay?

Here is what the American Legion recently put as a resolution. “Whereas predatory law firms charging exorbitant fees”—I am hearing 40 to 50 percent contingency fees. Sick Marines, you do not get anything. Trial lawyers get really rich. That is happening. It is happening.

American Legion, “predatory law firms charging exorbitant fees have engaged in aggressive marketing campaigns to include, but not limited to, television advertisements, social media, digital marketing campaigns, targeting veterans through sponsored content. Therefore, be it resolved they are asking us for serious oversight with regard to these unscrupulous lawyers on the Camp Lejeune Justice Act.”

Here is why it could have been avoided. The Biden administration, to its credit—Mr. Chairman, I would like to submit this for the record.

Chairman TESTER. Without objection.

[Documents submitted by Senator Sullivan appear on pages 59–76 of the Appendix.]

Senator SULLIVAN. This is the technical assistance from the Department of Justice to the Biden administration, warning us that this was going to happen, and saying if you do not cap the contingency fees on these unscrupulous lawyers they are going to get all the money. Inefficient delivery will be costly for servicemembers—this is the Biden administration Justice Department—as well as the Federal Government.

It went on to explain how they thought there should be a 2 percent fee cap for filing paperwork and a 10 percent contingency cap for trial lawyers. That was the Biden administration.

Senator Inhofe had a bill to do that. My Democratic colleagues blocked it.

So what is happening? The trial lawyers are making millions and billions and sick Marines are going to get crumbs. We all knew it. Even the Biden administration knew it.

So what I am going to do is I am going to resubmit the Inhofe legislation and try to UC it, and I hope every Senator on this Committee supports it, because it is sickening to enrich trial lawyers at the expense of sick United States Marines. And as a United States Marine I take a little bit of umbrage about this.

So I know that the panelists have had similar concerns, and I know your phones are blowing up just like mine. So would you support my legislation to do what the Biden administration Justice Department told us to do? But, you know, the trial lawyers say “jump” and certain members of this Committee and this body say “how high.” So they did not do it. No caps. And trial lawyers are getting rich and sick Marines are not getting anything.

I would like any of you to take that one and see if you would support what the Biden administration supports. Any takers? Are you upset about this just like I am?

Mr. JACOBS. I am incredibly concerned about the confusion that exists amongst the veterans who are seeing these ads.

Senator SULLIVAN. Millions and millions of dollars of ads, by the way.

Mr. JACOBS. I have heard a billion dollars.

Senator SULLIVAN. Oh, I do not doubt it because they are going to make billions.

Mr. JACOBS. Yes, I would be happy to take that for the record. I think we will likely have to—

Senator SULLIVAN. Do you agree that this Committee and this Senate and this Congress has to do something soon to stop the trial lawyers from getting all the money that is supposed to go to sick Marines? Would you agree with me, sir?

Mr. JACOBS. I agree we need to make sure that veterans are well informed about the implications of the decisions that they make.

Senator SULLIVAN. Why do you think trial lawyers are spending a billion in advertising?

Mr. JACOBS. I think there is a clear incentive.

Senator SULLIVAN. To get rich at the expense of U.S. Marines?

Mr. JACOBS. I would say that there is a history of injustice here that they are working to address, and I think that what I would say is if you are a veteran who served in Camp Lejeune and that has been affected by contaminated water, we at VA want you to file a claim. We have presumptive service connection, thanks to Congress. We want veterans to come and get the benefits that they have earned.

And I would also say we want those veterans and the family members to understand the implications of the decisions that they make when they are considering whether or not to seek justice through the courts.

Senator SULLIVAN. With a trial lawyer who is going to charge them a 60 percent contingency fee and get all the money. Correct?

Mr. JACOBS. I do not know.

Senator SULLIVAN. I mean, that is a concern, right?

Mr. JACOBS. I do not know the amount. What I will tell you is we are concerned. I am not talking specifically about trial lawyers, but we are concerned about predatory actors who are seeking to take advantage of veterans, and that is why we are consistently trying to refer our veterans to work with an accredited representative, to work with one of our VSO partners. They know the system. They have been accredited. They are going to do it for free when they come to seek VA benefits. We want to make sure that veterans understand that there are resources. You can file directly with us. If you are filing for a VA claim you can work with—

Senator SULLIVAN. You do not need a predatory law firm, as the American Legion said. Correct?

Mr. JACOBS. I defer specific questions about the lawsuits to DOJ.

Senator SULLIVAN. Okay. So Mr. Chairman, this is a huge issue. There are going to be billions of dollars going to these predatory law firms at the expense of United States Marines. This was predicted. This is now happening. The American Legion is raising the alarm bell. The VA is raising the alarm bell. The Biden Justice Department raised the alarm bell. And unfortunately this Committee did not do anything. As a matter of fact, some of you guys blocked it.

So we need to fix it, and I want to work with the VA, the Justice Department to fix it. But U.S. Marines who are sick should not have to go begging to unscrupulous trial lawyers who are going to take all the money. A billion dollars in advertising. The only reason

they are doing that is they think they are going to make tens of billions at the expense of the Marines, and right now they are set to do that.

So I appreciate your comment. I look forward to working with you on this. But it is—this is despicable. Despicable. And some of us saw it coming, the Biden Justice Department, for God's sakes, saw it coming, and now it is happening. We have got to fix it.

Thank you, Mr. Chairman.

Chairman TESTER. Thank you, Senator Sullivan.

Mr. Jacobs, I want to talk a little bit about something you talked about in your opening statement. It was automation. Now the VA is not automating the final decision, but it is instead automating prep work, as I understand it, to help with the human claims processing to make a final decision.

Can you tell us about the effectiveness of that automation and, quite frankly, is it saving us man hours in the end, and do you have any sort of update you could give us on that?

Mr. JACOBS. Yes. Thank you very much, Mr. Chairman, for that question. I think the work that we are doing with automated decision support is groundbreaking. It is very early in the process, so I think there is still a lot more to do. We are currently working on this technology at four of our regional offices. We only have run this through a very small number of claims because we are investing a significant amount of time working with our frontline staff to get their feedback on how the system is working, how it is enabling them to make more timely and accurate and consistent decisions, and also how the user interface is designed. And so it is actually, right now, taking us more time to do these decisions because we are stopping the claim, we are interviewing the employee.

We have only made, I think we have only run about 7,000 claims through the process, and I will turn it over to Rob, who has been leading the charge on this effort. I will say it is early, but there is great promise.

Mr. REYNOLDS. Thank you, Mr. Jacobs, and yes sir, it is early in the process, as was mentioned. We started with a single claim for increase, so we really have not gotten into the presumptives yet.

But what I can tell you is what we are seeing on that front end of the development lifecycle of the claim is that we are reducing the average touches of a claim by about 44 percent, and 63 percent of claims are processed with no development at all, meaning they are going right to the rater.

And a couple of the key points that we are doing in this automated decision support is really what was realized from the global pandemic, when we had trouble getting Federal records, and/or getting some of our most vulnerable veterans to medical appointments. We are leveraging that data. If we have sufficient medical evidence, we do not necessarily need to order an exam. We have got evidence that can rate the claim.

So, the technology is really realizing the efficiencies on the front-end part, but as Mr. Jacobs said, our VSRs, the raters, have been critical in that human-centered design piece of it. While we are not seeing the lift or efficiency yet, we are less than a year into the process. It is very early, but it looks promising.

Chairman TESTER. Thank you. The PACT Act also mandates that the VA conduct several large-scale research studies into toxic exposure. These studies will depend heavily on VA researchers and collaborative efforts with other Federal agencies.

Recent guidance from the Department of Justice puts hundreds of VA researchers who received compensation for research conducted outside their work with the VA at risk of criminal prosecution. So what impact does this guidance have on VA's research, and does it hinder VA's ability to complete the research mandated in the PACT Act?

Dr. ELNAHAL. I will say, Senator, in general terms, it is a big risk for VA and the research that we conduct. We not only conduct research for toxic exposures, we are, in many cases, the organization that is conducting major clinical trials, answering key questions across all of American medicine. And what this risks is the participation and employment of these physician scientists and our hospitals.

Thankfully, we have a legislative proposal that I know you are considering that will provide us relief on this. It is mentioned under the VIPER Act as one of the options. We support getting legislative relief on this because I am concerned, writ large, about our ability to have enough physician scientists and to continue, frankly, already ongoing studies, whether they are basic science or clinical, to answer some of these key questions.

I will ask Dr. Hastings if she has other things to add on this.

Dr. HASTINGS. Mr. Chairman, for the research that is specifically in the PACT Act, our epidemiologists are prepared to carry it out. I do not see any specific problems with regards to this Department of Justice letter for the PACT Act-specific research that we have. And I would like to take it for the record and explore it a bit more, just to make sure. But we are very excited to carry on the research that you have directed.

Chairman TESTER. You can take that for the record and get back to us. Thank you very much.

Senator Moran?

Senator MORAN. Mr. Chairman and witnesses, I think I am just about done. Let me ask one more.

I want to make certain that the VA is proactively looking at technology-based innovative solutions to provide quality customer service and claims accuracy and timeliness. Since innovation does not necessarily mean in-house, is the VA looking to partner with experts in the field to provide quality access and outcomes to veterans when it comes to medical disability exams, possible technologies to further enhance claim processing automation?

Mr. JACOBS. Yes, thank you very much for that question. The majority of our compensation pension exams are done by contractors, by vendors in the community. We do a small number with our VHA colleagues, but we are also mindful of allowing them to have clinical capacity to deliver health care.

I would say, to your question, everything is on the table. We do not profess to own all of the solutions or the good ideas, and we want to work with industry. To the extent that there are good ideas and solutions to help us better meet the needs of veterans in

a more timely, accurate, and equitable way, we are all for it. So if you have ideas, we want to hear them.

Senator MORAN. Are vendors, are companies bringing you those ideas now, like they see an opportunity and they are making their case?

Mr. JACOBS. Oh yes. I will defer to Rob. I am sure his inbox is full of requests.

Senator MORAN. I am not surprised.

Mr. REYNOLDS. Yes, sir. We get plenty of outreach from our vendor partners out there. In fact, some of our contracts that we are working on now are professional managed services as well, so not in-house folks we have brought in.

And one key piece that we just put in for the quality aspect is an IV&V contractor, to help us look, from an independent third-party lens, of what we are doing in the automation and that the quality is there as we move forward in this. So we are looking at all those outside vendors to help us get this right, as well.

Senator MORAN. Thank you all for being here today, and I thank you for your efforts. They are appreciated and necessary as we work to implement this major piece of legislation to benefit a significant number of veterans who desperately need timely, quality care and benefits. And so I express my gratitude to each of you and to those you work with at the Department of Veterans Affairs. And again I would offer, you have made a couple of suggestions in legislation and appropriations during this hearing, but if there are things that need to be addressed to help you accomplish that goal, to help us accomplish that goal together, please reach out to me and to my colleagues.

And I would welcome you, Dr. Elnahal, to come to Kansas and we will promote the PACT Act and let you see how it is working in the field, if that appeals to you. And anybody that has suggestions of how I and other can educate our veteran population about the opportunities, through our social media and other ways that we communicate with constituents, I am interested in being helpful. Thank you.

Chairman TESTER. I want to associate myself with the closing comments that the Vice Chairman just made. I appreciate you guys. We are here to help in any way, whether it is education, manpower, whatever it might be, to make this thing work. It is a big piece of legislation—we all knew that when we passed it—and I think it is an all-hands-on-deck kind of scenario. So thank you very much for what you are doing. Thank you for being at this hearing.

We will keep oversighting. We will keep holding you accountable. And we will also keep the record open for another 2 weeks for additional comments.

With that this hearing is adjourned. Thank you.

[Whereupon, at 4:27 p.m., the hearing was adjourned.]

A P P E N D I X

Prepared Statement

**STATEMENT OF
SHEREEF ELNAHAL, UNDER SECRETARY FOR HEALTH
AND
JOSHUA JACOBS, SENIOR ADVISOR FOR POLICY, PERFORMING THE
DELEGABLE DUTIES OF THE UNDER SECRETARY FOR BENEFITS
DEPARTMENT OF VETERANS AFFAIRS (VA)
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE
ON
HONORING OUR PACT ACT IMPLEMENTATION
NOVEMBER 16, 2022**

Chairman Tester, Ranking Member Moran, and Members of the Committee, thank you for the opportunity to appear before you today to discuss the Department of Veterans Affairs (VA) implementation of the Sergeant First Class (SFC) Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022.

The PACT Act, which was signed into law on August 10th, marked the largest and most significant expansion of Veteran care and benefits in decades, empowering VA to deliver additional care and benefits to millions of Veterans and their survivors. We are grateful for this opportunity, and now that the bill has become law, it is our job to implement it in a way that is seamless, efficient, and timely for the Veterans we serve—and most importantly, ensures that eligible Veterans can receive the care and benefits they deserve.

Our guiding question in implementing the PACT Act is, “Are we putting the Veteran at the center of everything we do?” This means that we are not thinking about “what would be best for VA”; instead, we are thinking about “what would be best for the Veterans we serve.” This requires that all parts of VA must work together jointly and seamlessly to make sure that Veterans and their survivors are:

1. Hearing about the PACT Act via targeted outreach;
2. Understanding what the PACT Act means for them and their families; and
3. Accessing PACT Act-related care and benefits as quickly as possible.

To deliver on these priorities, we are incorporating key insights from Veterans and their supporters to create a VA-wide implementation plan to guide communications and execution from the Veteran’s perspective. Veterans tell us that VA can be difficult and confusing to navigate, and through our implementation strategy we are working to ensure that there is no “wrong door” at VA for accessing PACT Act-related care and benefits. Whether a Veteran or survivor comes to VA through a medical center, a benefits office, our website, our call center, an advertisement, or any other medium, we are working to ensure that all VA doors provide a seamless experience that accomplishes one goal: getting eligible Veterans and survivors the care and benefits they have earned in a timely manner.

We began implementation immediately when the legislation became law. To expedite Veterans' access to PACT Act-related benefits, we made all 23 presumptive conditions in the PACT Act applicable on August 10, 2022—the day the bill was signed into law—rather than following the phased-in approach allowed by the Act. We also launched [VA.gov/PACT](https://www.va.gov/PACT)—a one-stop-shop website for understanding the PACT Act and applying for benefits—as soon as the Senate sent the bill to President Biden's desk for signing. We also have enhanced 1-800-MyVA411—an easy-to-remember telephonic front door for Veterans and their supporters—to include self-service PACT Act Frequently Asked Questions and seamless navigation to 24/7 live agents to address Veteran concerns. We also immediately began executing a comprehensive, targeted outreach effort to encourage Veterans and survivors to apply now for PACT Act-related care and benefits.

These efforts have already generated enthusiasm among Veterans and survivors. On August 11, 2022, the day after the bill was signed into law, [VA.gov/PACT](https://www.va.gov/PACT) has garnered more than 3.3 million views; Veterans have filed more than 460,000 total disability benefits claims—an 18.9% increase over last year's record pace; and Veterans have filed over 136,000 PACT Act-specific claims between August 10, 2022, and November 5, 2022. This is in addition to 65,000 related to PACT Act conditions since August 1, 2021, through August 9, 2022, that were submitted prior to the law being signed. The Veterans Health Administration (VHA) also executed a successful pilot of the new toxic exposure screening under Section 603—VHA screened 13,380 Veterans across 13 medical centers over a 2-week period, and found that 37.4% of Veterans have respondents reported they have a concern regarding toxic exposure.

While these early successes are important, there is still a long way to go in making sure that all eligible Veterans and their survivors get access to the PACT Act-related care and benefits they earned. Today, we will outline the path forward for implementing the PACT Act across VA and across the country on January 1, 2023—including the steps we are taking to keep the Veteran at the center of all we do.

VA's Office of Enterprise Integration (OEI) is leading agency-level collaboration efforts as the PACT Act includes issues relevant across the Administrations and staff offices, as well as interagency partners. VBA has been working closely with OEI and partners across VA and the Federal government for more than a year leading up to enactment of the PACT Act and continuing through to implementation. This collaboration has been key to ensuring all sections of the PACT Act have an identified owner and addressing dependencies between Administrations and staff offices to enable an integrated Veteran experience.

As Secretary McDonough often says, our mission at VA is to serve Veterans, their family members, caregivers, and survivors as well as they have served our country. This law empowers us to do exactly that by delivering more health care and benefits to millions of Veterans and their survivors. We will stop at nothing to get this implementation right, and we will not rest until every eligible Veteran and survivor gets the PACT Act-related care and benefits they have earned and deserve.

Title-by-Title Discussion**Title I: Expansion of Health Care Eligibility**

VHA is honored to provide Veterans with personalized, patient-driven, compassionate, state-of-the-art care. Our goal is to make the Veteran experience as positive and comprehensive as possible. Veterans fought for us, and VA will fight for them. Title I of the PACT Act expands eligibility in critical way over the next 10 years. The PACT Act provides VA the ability to expand and enhance health care services to Veterans and their survivors. For some Veterans, who may have already been eligible under other authorities, the PACT Act provides an avenue for them to be placed in a higher priority group. This, on its own, expands Veterans' access to services by reducing their copayment liabilities. Additionally, VHA and the Veterans Benefits Administration (VBA) are working in lockstep with the Department of Defense (DoD) to implement the changes in eligibility made by title I of the PACT Act.

Pursuant to section 104 of the PACT Act, VA is actively undertaking a personnel and material resources assessment to determine necessary resources needed to implement the expanded eligibility resulting from section 103 of the PACT Act.

We are also diligently making updates to our Veteran Enrollment System (VES) and other information technology systems to ensure requests for toxic exposure registry exams and clinical evaluations are appropriately recorded to support determinations regarding eligibility, enrollment and claims. These system enhancements will facilitate the appropriate provisioning for VHA health care to ensure Veterans receive the maximum VHA health care benefits that their service affords.

To optimize Veteran's experience in navigating eligibility decisions, we are also making an historic investment in hiring additional enrollment specialists to ensure we continue processing enrollments in record time. After evaluating the total projected Veteran population increase, VHA plans to hire an additional 315 full-time employee equivalents (FTEE) throughout the country to support increased health care applications and expanded eligibility. To date, 185 positions have been posted. We are prepared to onboard all of these new staff expeditiously. VA is also ensuring our enrollment specialists are highly trained in these new eligibility authorities, so they can make timely and accurate eligibility decisions. As of October 25, 2022, more than 3,600 VHA staff across the nation have been trained to determine eligibility based on the amendments made by the PACT Act.

As the PACT Act expands VA's reach to Veterans who may not have been eligible for health care prior to its enactment. VHA will continue to focus on reaching out to any Veteran, caregiver, or survivor to educate them on the benefits of choosing VA. We are laser focused on encouraging Veterans to apply for enrollment in VA health care, particularly those combat Veterans who did not previously enroll but are now eligible during the one-year window that began October 1, 2022. VA developed the "PACT Act 2022 Outreach Plan" to provide a unified experience for all Veterans, family members,

survivors, and caregivers in enterprise-wide coordinated outreach to Veterans who would become eligible for healthcare enrollment and other benefits. VA will provide a report to Congress with the details, as required by section 111, but have already achieved several notable accomplishments in our outreach efforts, including:

- Developed a comprehensive communications toolkit for internal and external communications, Veterans Service Organizations (VSO) and other Veteran support organizations, and hosted a PACT Act Day of Learning with national, State, and local military and Veteran stakeholders on November 1, 2022.
- Preparing a targeted e-mail campaign to both enrolled and non-enrolled eligible Veterans and survivors using VA customer data and DoD servicemember data. This outreach will be speaking directly to customer personas rather than a one size fit all communications approach. For example, Vietnam Veterans will receive information on benefits and services specific to their service and eligibility. An early pilot supporting the Salisbury, North Carolina VA Medical Center was opened by 33K Veterans with PACT Act enhanced benefits information paired with local VA points of contact.
- Leveraged the #VetResources newsletter to approximately 10 million Veterans, its Caregiver Program newsletter reaching 300,000 people, and outreach to 550,000 family members participating in the Civilian Health and Medical Program of VA (CHAMPVA). In addition, VA will use ongoing caregiver support team check-ins to communicate about the expanded eligibility and toxic exposure screenings.
- Publicly posted PACT Act fact sheets on VA.gov in English, Tagalog and Spanish.

Title II: Toxic Exposure Presumption Process

The process VA historically used to determine presumptive conditions often took decades to complete. It was often frustrating for Veterans, their families and caregivers, as well as their clinical teams, and led to delays in Veterans receiving the health care and benefits they earned and needed. The new provisions under Title II establish a process by which VA may streamline presumptions of service connection based on toxic exposure in a clear and transparent manner. Under the new authorities, VA will share and seek public input on our plans for formal evaluation, work closely with our valued VSO partners, and increase our partnership with the National Academies of Sciences, Engineering, and Medicine (NASEM).

When the most recent NASEM report found evidence of an association between particulate matter and three respiratory symptoms, VHA examined recent surveillance data from VHA health care records and then partnered with VBA to obtain claims data. VA conducted additional analysis focused on scientific reviews of recently published studies. This led to the addition of these three respiratory conditions i.e., asthma, rhinitis, and sinusitis, to VA's current list of presumptive conditions in fiscal year (FY) 2021. This experience led VA to recognize that it could improve its presumptive decision-making process to be more proactive and transparent.

Soon after Secretary McDonough was confirmed, he stood up a working group within VA with VHA and VBA participation to advise him on toxic and military environmental exposures. This working group is the Military Environmental Exposures Sub-Council. This group will take on the duties and responsibilities of the working group established in 38 U.S.C. § 1172(b) as created by section 202 of the PACT Act. Subsequently, and as a result of the NASEM report relating particulate matter and the three respiratory symptoms, Secretary McDonough directed VA to update the Presumptive Decision Process (PDP) to assess the available scientific data in as timely a fashion as possible, consider the addition of other relevant information, including VBA claims data, and enhance the transparency of the process.

Under the new provisions created under this Act, VA will use several factors to develop a list of medical conditions to be considered for potential future presumptive status. These factors include, but are not limited to, the number of Veterans potentially affected, severity of the condition, amount of scientific literature available, and VHA or VBA data trends. VA will solicit input for conditions to be reviewed from external stakeholders, including Veterans and their families and caregivers, VSOs, Congress, and the public at large. This will keep VA aligned with recommendations in the NASEM 2008 report on improving the presumptive decision-making process, the PACT Act, and VA's overall commitment to addressing the health effects of harmful environmental exposures that occurred during military service.

While VA will still rely on NASEM and other outside agencies for large scale consensus reviews of the science, VA will continuously review:

- a) **Health Care Data:** VHA data in the form of epidemiological research studies and ongoing health care and population surveillance.
 - i) **Scientific Literature:** Relevant medical and scientific literature to be evaluated for the strength of the science based on study design, size, sources, reproducibility, or number of papers with similar findings, existence of conflicting studies, whether the study was peer-reviewed, whether there are limitations or flaws noted in the study, and whether there are any criticisms of a study and for what issues. VA is also studying the use of machine learning algorithms and text-mining tools for continuous review of scientific literature.
- b) **VBA Claims Data:** VBA claims data for trends, such as claim rate, rate grant, and service connection prevalence, analysis of differences in deployed and non-deployed or other cohort characteristics.
- c) **Other Factors:** Additional factors will be reviewed, and include, but are not limited to, deployments to combat zones, morbidity, mortality and prognosis associated with the medical condition, rarity of the condition, quantity/quality of available science and data, and feasibility of producing future, methodologically sound scientific studies.

Once the review panel completes its work, it will summarize its findings and conclusions as to the strength of the evidence and whether an association exists between a medical condition and an environmental exposure. The report will be reviewed by VA's established governance bodies which will submit recommendations to the Secretary for internal final determination or decision.

VA contacted NASEM on August 11, 2022, the day after the PACT Act was signed into law, to begin the process as directed by Congress to enter into an agreement with NASEM, within 90 days of enactment, to conduct an assessment of VA's implementation of the new subchapter VII of chapter 11 of title 38, U.S.C. (section 202(b)(1)(A) of the PACT Act).

VA is also developing the Congressionally directed contract for a five-year agreement with NASEM to review and evaluate the available scientific evidence regarding associations between diseases and exposures. VA thanks Congress for this support as this will replace the prior five-year agreement that ended this year.

Military Exposures Team

VBA has established a new Military Exposures Team (MET) that will be composed of primarily management and program analysts with various skillsets and will provide dedicated focus and resources to issues related to military environmental exposures. MET includes 4 sub-staffs with different function areas such as qualitative analysis and studies, policy and program review, data analysis, and regulations/implementations. This is in support of implementation of section 202 of the PACT Act and the Secretary's commitment to Veterans and partners to expedite review and analysis on the types of conditions potentially eligible to meet the statutory threshold to pursue rulemaking as a presumptive disability. The MET is working closely with VHA to execute the Secretary's vision in studying additional conditions that could be presumptive based trends found in the claims process combined with scientific literature and military records. In addition, the MET will have program oversight and management responsibilities to address all disability compensation benefit claims-related program research and supporting data analysis for making recommendations for service-connected conditions deemed presumptive due to military exposure, as well as supporting claims research and data analysis necessary to address evidence-based policy determinations for compensation benefits.

Title III: Improving the Establishment of Service Connection Process for Toxic-Exposed Veterans

Benefits Claims Processing

VA has been readying for PACT Act implementation since last year by hiring more than 2,000 employees and training nearly 4,000 claims processors. We continue to actively hire and train employees while also in the process of upgrading information technology systems to prepare for VBA to start processing PACT Act disability benefits on January

1, 2023. Right now, VA is delivering more benefits, more quickly, to more Veterans than ever before.

Last fiscal year, VBA set a record for the highest claims production year ever with more than 1.7 million claims completed. As of November 9, 2022, VBA already has completed 204,568 claims, which is 17.7% more claims than last year at this time. These achievements are in part attributable to the hiring of over 2,000 new employees in fiscal year 2022.

To enable identification of a “covered Veteran” defined in section 302, VBA, in collaboration with DoD’s Defense Manpower Data Center (DMDC) and VHA, improved the quality of the available PACT Act Veteran data. Specifically, a total of 1.6 million new deployment records and 29 million rows of medal data were identified by DoD and shared with VA, which substantially improved the precision of VBA’s source data. VBA and DMDC continue to collaborate and review additional data sources to increase the quality and accuracy of deployment data. Confirming deployment to a specific area is the first step in being able to grant a new presumptive condition and can be sufficient on its own to establish eligibility for health care in certain situations.

Technology and Automated Decision Support

VBA is undergoing business modernization efforts designed to leverage technology by automating administrative tasks and workflows, known as Automated Decision Support technology. Claims processing tasks supported by automation include data extraction from Veterans’ electronic health records, verification of military service eligibility, expediting claims that can be decided based on the evidence of record, ordering examinations when required and the intelligent indexing of the relevant adjudicative information as part of the Automated Review Summary Document (ARSD), a tool that efficiently outlines key and relevant information in the Veterans eFolder. This new technology will assist claims processors in making fast, consistent, and equitable claim decisions for Veterans.

VBA’s rules-based technology is coded to follow statutes and regulation, and the automation logic is reviewed and approved by VBA’s policy officials prior to implementation. VBA has already coded the decision logic for many PACT presumptive conditions, and all will be complete prior to January 1. The automation logic for a presumptive condition confirms exposure using VA and currently available DoD authoritative data, extracts medical information from examinations or private medical records, and pre-populates the VBMS evaluation calculator. The supporting data, recorded on the ARSD in an intuitive manner, plus entries into the calculator, are then reviewed by a claims processor, who has full adjudicative discretion to accept or modify the results of the automation process. The reduced time to gather information in various documents in a Veteran’s e-file supports accurate, fast, and reliable decisions. The generated information is also stored as part of the Veteran’s official record so it is reviewable for independent verification and validation for quality reviews, further process improvements, and appellate reviews.

Employee involvement and input have been instrumental in identifying, implementing, and refining all automated decision- support efforts. Currently, there are four VBA RO prototype sites (Boise, Idaho; Des Moines, Iowa; Pittsburgh, Pennsylvania; and Montgomery, Alabama), where initial automated efforts have been deployed. Feedback from subject matter experts at the four prototype sites ensures the system meets the needs of all employees and drives the development of training tools and materials for further expansion prior to January 1, 2023.

Hypertension, supplemental claims for increase were the first type of claims included in VBA's automation initiative. The limited-release testing has shown promising results, and we look forward to full scale deployment following training for all employees.

Development of Comprehensive Policies

VBA is drafting formal regulations to implement certain sections of the PACT Act. Meanwhile, VBA has prepared sub-regulatory guidance in the form of a policy letter to more quickly implement VA's ability to begin processing claims, in the same way as when new law expanded herbicide presumptions for Blue Water Navy Veterans in 2019. As this policy letter includes substantive guidance, VA is publishing it in the Federal Register as required by Federal statutes. Publishing the guidance in a policy letter will enable VBA to begin claims processing faster rather than waiting to publish formal regulations, which typically take 18-24 months. Additionally, as part of this effort, VBA will be updating the Adjudication Procedures Manual (M21-1), VA's nationwide procedural guidance for all ROs and existing training courses with PACT Act-related changes.

Toxic Exposure Risk Activity and Exams

Section 1710(e)(4)(C) of title 38, U.S.C., as added by section 102 of the PACT Act, defines the term 'toxic exposure risk activity' (TERA) "as any activity— "(i) that requires a corresponding entry in an exposure tracking record system (as defined in section 1119(c) of this title) for the veteran who carried out the activity; or '(ii) that the Secretary determines qualifies for purposes of this subsection when taking into account what is reasonably prudent to protect the health of veterans." Veterans who participated in a TERA are eligible for health care under 38 U.S.C. § 1710(e)(1)(G) and the definition of TERA is also relevant to requesting a disability examination with medical opinion under 38 U.S.C. § 1168, as added by section 303 of the PACT Act for VBA.

The term "exposure tracking record system", defined in 38 U.S.C. § 1119(c)(2), as added by section 302 of the PACT Act, means "any system, program, or pilot program used by the Secretary of Veterans Affairs or the Secretary of Defense to track how Veterans or members of the Armed Forces have been exposed to various occupational or environmental hazards, and... includes the Individual Longitudinal Exposure Record (ILER), or successor system."

Section 303 of the PACT Act, codified at 38 U.S.C. § 1168, generally requires that if a Veteran submits a claim for compensation for a service-connected disability with evidence of a disability and evidence of participation in a TERA during active service,

and such evidence is insufficient to establish service connection for the disability, then VA will provide the Veteran with a disability examination and obtain a medical opinion about the nexus between the disability and in-service TERAs.

Together, these two sections of the law modify the exam threshold for certain claims related to TERAs. The new statutory language requires an exam when a claim cannot be *granted* versus when a decision cannot be made (which could be a grant or denial). The statute creates an exception to this exam opinion, however, that applies where VA determines there is no indication of an association between the claimed disability and the TERA for which the Veteran submitted evidence.

VBA is actively engaged with all contract medical examination vendors to ensure proper preparation, to undertake any increase in volume of PACT Act-related examinations. VBA has contracted with a fourth contract exam vendor, in the western region of the United States. The new exam vendor is expected to complete all ramp-up activities prior to January 2023. Simultaneously, VBA is working with VHA, specifically the War-Related Illness and Injury Study Center (WRIISC) and Health Outcomes Military Exposures (HOME) staff, to ensure VBA contract examiners are trained in assessing deployment-related environmental exposures.

Title IV: Presumptions of Service Connection

The PACT Act contained phased-in effective dates for the presumptive conditions, which VA believes were well intended and designed to help manage the significant increase in claims inventory and backlog. However, following an in-depth operational analysis, VA determined that the phased-in and criteria-based applicability dates would result in significant claims processing complexities and workload challenges, including increased claims processing errors. The Secretary considered the serious nature of exposure to environmental hazards in combat zones such as in Vietnam and the Gulf War region, the associated health effects from such exposure, and the inherent delays over several decades that have prevented Veterans from receiving the benefits they have earned, and he directed that all presumptive conditions in the PACT Act be applicable the date the bill was signed into law, August 10, 2022. This decision was made through the exercise of his statutory authority in sections in sections 403(e)(1)(E), 404(d)(1)(A)(i)(V) and (d)(2)(A)(i)(V), and 406(d)(1)(E) of the PACT Act. This approach represents a simple, streamlined policy that is easier to implement with consistency. Making all new PACT Act presumptions applicable from the date of enactment will allow VA to process claims more quickly, resulting in fewer Veterans waiting in the backlog than through phased implementation.

While the entire PACT Act is critical to the support of our Nation's Veterans, VA appreciates the statutory presumptions that it establishes. VA is now able to recognize those Veterans who served in the radiation cleanup missions at Enewetak Atoll, Palomares Spain, or Thule Greenland, as qualifying service for presumption of service connection to the list of diseases already present in 38 CFR 3.309(d); these Veterans

are also eligible to enroll in VA health care. VHA's HOME office has completed morbidity and mortality analyses for these three Veteran cohorts and will continue the surveillance for health outcomes such as cancers.

Regarding the statutory presumptive conditions related to airborne hazards in 38 U.S.C. § 1120, as added by section 406 of the PACT Act, the list is comprehensive, and VA appreciates the ability to support these Veterans with medical care and other benefits. VA has recommended to Congress a technical change to remove the reference to "lymphomatic cancer of any type" in 38 U.S.C. § 1120(b)(2)(G), as this is not a known disease entry and subparagraph (F), "lymphoma cancer of any type" is the correct terminology and covers everything that "lymphomatic cancer of any type" would have addressed.

These presumptions will affect Veterans immediately., VA still owes Veterans answers as to how to combat these conditions and when possible, how to prevent them. In this effort, VA has a strong partner in DoD with data sharing, development of the electronic health record and ILER.

An example of the continued integration among VBA and VHA is shown through the development of a list of common diagnoses found within the new PACT Act presumptive cancer categories. This list is significant as it will help claims processors identify PACT Act related cancers and will be used in the outreach products for Veterans and survivors.

Additional improvements VBA has made to the claims process include the development of the algorithmic logic rules for over 40 PACT Act eligible diagnostic codes to utilize automated decision support technology. VBA will update these logic rules over time to make them effective and efficient. While these improvements are in the early stages, this will enable the automated evaluation for review of the medical evidence submitted and/or of record. This medical data is run through a rules-engine to determine whether sufficient medical evidence is available to decide the claim. If sufficient medical evidence is of record, the claim is routed to the rating board for a determination. If sufficient medical evidence is not of record, the automation service submits an exam request.

VBA has also accelerated the process for digitalizing Service member and Veteran records for use in determining a claimant's eligibility for VA benefits. Working with the National Archives and Records Administration (NARA), VBA is proactively scanning over 170,000 Official Military Personnel Files and Service Treatment records for Veterans who may file an initial claim for benefits under the PACT Act. Once scanned, these records are available to our claims processors on the same day as the corresponding Veteran's claim is received. This allows for faster, more accurate decisions improving benefit claims processing for Veterans, Service members, their family members and survivors.

Title V: Research Matters

VA has a strong tradition of research that has improved Veterans lives. VA has an important role in understanding the health effects of military environmental exposures (MEE) through research and surveillance to enumerate diseases and advance discovery regarding health effects resulting from military service. This foundation in research supports evidence-based decision-making. Advancing MEE evidence-based research can be achieved through a collaborative approach to science that brings together scientists, clinicians, Veterans, caregivers, and other Federal groups with shared interests in improving health and healthcare. To satisfy requirements in the PACT Act VA is actively developing and strengthening collaborations with technical and thought leaders in other Federal agencies that have relevant aligned missions in exposure research and identifying academic partners whose work demonstrates excellence in answering questions relevant to Veterans' health and health care.

Title V of the PACT Act elevates the timely progress of exposure science through a whole-of-government approach. Within VHA, HOME and the Office of Research and Development (ORD) serve as the two key lead groups for carrying out research elements included in the PACT Act.

ORD will lead efforts to create an interagency, mission-aligned toxic exposure research working group with the goal of collaboratively developing and executing a 5-year strategic research plan on the health consequences of toxic exposures experienced during active military, naval, air, or space service, as required by section 501. HOME will carry out specific research activities required in the PACT Act while also coordinating with ORD as it puts forth a longer-term vision for future needs.

VA will continue to leverage Federal government-supported infrastructure, resources, and tools together with the diversity of disciplines across a spectrum of state-of-the-art technologies and repositories will create rigor and strengthen evidence-based science collection for toxic exposures as a cost of war, decision-making care and policy.

Consistent with section 501 of the PACT Act, VHA anticipates establishing the toxic exposure research working group and developing a 5-year strategic plan, which will be complete and reported no later than one and two years from the enactment of the PACT Act respectively. VHA is undertaking preliminary actions to ensure efficient and collaborative establishment of this work group, including identifying subject matter experts across Federal Agencies and developing a charter to establish the charge, governance, operations, communications and timelines for the workgroup.

Consistent with section 509 of the PACT Act, VA will establish a publicly accessible internet website to serve as a clearinghouse for the publication of Federally funded toxic exposure research for health care providers, clinician and non-clinician scientists, and public communities.

VA is in the process of hiring librarians to assist with this important function, which will make this information readily available to the public. The Federal agencies' archivists for

research will be integral to this effort. The WRIISC, the Airborne Hazards Burn Pit Center of Excellence (AHBPCE), Complex Emerging Threats Center (CETC), Women's Operational Military Exposure Network (WOMEN) Center and the VA/DoD Deployment Health Working Group will also be involved in the selection and curation of the scientific literature. VA is especially excited about the future possibilities to use emerging machine learning/artificial intelligence emerging technologies to effectively evaluate the massive amounts of toxic exposure-related literature effectively. VA believes these efforts will not only serve Veterans, inform policy, improve care and find gaps in knowledge, but also serve the Nation.

The research required in the PACT Act is wide-ranging and critical to our understanding of MEEs and may, in the future, deliver better options for protecting our Service members. Many of the required research studies are occurring now, such as the research on the health effects of jet fuels (as required by section 510 of the PACT Act) and health outcomes associated with service in the Armed Forces after September 11, 2001 (as required by section 504 of the PACT Act), but Congress also increased the span of research to be performed by VA, and this will allow VA to expand its epidemiology staff to meet these expanded PACT Act requirements.

An example of this expansion in VA research is using biomarker studies that will validate jet fuel exposure in Service members using serum samples banked in the DoD Serum Repository; allow for surveillance of exposure over time; and facilitate investigating mechanisms of certain types of disease related to jet fuel exposure. Again, VA expects that these research efforts and findings may also inform future policies at both VA and DoD in terms of preventive measures, health care guidance, and disability compensation.

The research is focused on the healthcare outcomes for Veterans with MEE and the areas in which healthcare policy intersect with science. This is a crucial endeavor and VA must use this opportunity to its greatest effect. Research into the timeline for science to inform medical care and treatment shows that the average time for a new "Best Practice" to make it into the mainstream care is 17 years, or one medial generation. This underscores the importance and timeliness of this work for our Veterans.

VA wants to use this unique opportunity to find answers for Veterans and health care providers, get the research into the mainstream by making it publicly available and readily accessible as appropriate and evaluate the outcomes with longitudinal cohort studies.

The VA electronic health care record shows promise for this effort, as does data sharing with DoD to facilitate reporting on disease morbidity and categorization by period of service to assess the contribution of potential toxic exposures. This effort is being supported by VA's Office of Information and Technology Data and Analytics Team; requirements are in development to create a reporting dashboard that will support reporting to Congress and a publicly available format for Veterans and other stakeholders.

Section 504 of the PACT Act requires VA to conduct an epidemiological study on the health trends of Veterans who served in the Armed Forces after September 11, 2001. This will utilize an existing interagency collaborative relationship with the DoD Millennium Cohort Study (MilCo). MilCo is a well-recognized longitudinal health study established by Congress enrolling Service members for over 20 years and it will go on for another decade, similar to the Framingham Study. MilCo links longitudinal health survey data collected from approximately 260,000 Service members enrolled between 2001 and 2021 with military service data, including DoD administrative and health records. There are currently over 122,000 Veterans among MilCo participants who have accessed and utilized VA for healthcare and other benefits. The merged longitudinal data present a tremendous opportunity to prospectively examine health trends among Veterans.

Cancers are of considerable concern for Veterans. Section 505 of the PACT Act requires VA to conduct a study on the incidence of cancer in Veterans. The VA National Oncology Program has been engaged in efforts to modify the records notice that regulates the use of VA patient data for this purpose. This will enable the exchange of data from the VA central cancer registry and other data sources with State cancer registries and the National Cancer Institute. Records from these data sources could be matched to identify cancer diagnoses for a large population of Veterans. This is an incredible opportunity to perform a comprehensive study of cancer among Veterans receiving care both at VHA facilities and institutions outside of VHA. NASEM will also provide invaluable support to our Nation's Veterans with a review of possible behavioral health outcomes after MEE, pursuant to section 507 of the Pact Act. It will also, pursuant to section 506 of the PACT Act, review the health outcomes of Veterans who participated in activities relating to the Manhattan Project; and this is especially timely given the recent news about the contamination in St. Louis where some of the uranium enrichment occurred.

Title VI: Improvement of Resources and Training Regarding Toxic-Exposed Veterans

Veteran Outreach

We at VA are executing a nationwide PACT Act outreach plan with one goal in mind: ensuring that every eligible Veteran and survivor gets the PACT Act-related health care and benefits they have earned. This campaign began the moment the Senate sent the PACT Act to the President's desk, leading VA to launch VA.gov/PACT, ready our call centers to discuss the PACT Act, and begin putting out materials to inform Veterans about what this law could mean for them. Since that day, the outreach campaign has grown into an all-of-VA effort that incorporates key resources, direct outreach, earned media, paid media, partnerships, and much more.

Our messaging across these mediums has sought to simplify this complex law as much as possible, putting it into the terms that are most useful and understandable for Veterans and survivors. Regardless of medium, the core message has been – and

continues to be – that VA wants Veterans and survivors to apply for their PACT Act-related benefits now. We are also continuing to encourage anyone who is interested in learning more about the PACT Act to visit [VA.gov/PACT](https://www.va.gov/PACT) or call 1-800-MYVA411.

- *Key Resources:*
 - [VA.gov/PACT](https://www.va.gov/PACT): Within one hour of the Senate passage of the PACT Act, VA launched [VA.gov/PACT](https://www.va.gov/PACT) – a one-stop-shop for Veterans and survivors to learn about and apply for PACT Act-related care and benefits. Since then, the website has garnered over 3.3 million page views from more than 2.2 million unique visitors. The website has also received a 93% “good” feedback rating, and is now available in Spanish and Tagalog.
 - [Call center](https://www.va.gov/PACT): Within one hour of the Senate passage of the PACT Act, VA call centers (including 1-800-MYVA411) were ready to respond to PACT Act-related inquiries. Since then, call center volume has increased 20% due to PACT Act-related inquiries from Veterans.
 - [Print and digital resources](#): VA has developed dozens of PACT Act flyers and fact sheets to help Veterans understand what this legislation means for them. These resources have been shared directly with Veterans, VA facilities, VSOs, and other partners nationwide. Sample fliers include: [PACT Act Summary and FAQ](#), [PACT Act Survivor Benefits](#), [PACT Act scams information sheet](#).
 - [Video content](#): VA has published a series of videos explaining the PACT Act, garnering hundreds of thousands of views across YouTube, Facebook, and other mediums. One such video is [Be Vigilant of PACT Act Scammers](#).
 - [Social media content](#): VA is laser-focused on meeting Veterans where they are, so we have established a steady drumbeat of PACT Act-specific content across social media—including [Twitter](#), [Facebook](#), and Instagram. We have also published several [blogs](#) informing Veterans about the PACT Act on [News.VA.gov](https://www.va.gov), which garners millions of views per month.
- *Direct outreach:*
 - [Email](#): VA has sent 95M e-mails via [#VetResources Newsletter](#) with PACT Act outreach materials. The e-mails were opened 27.5M times (28% open ratio) and drove 2.7M clicks to resources.
- *Earned Media*
 - [Total Coverage](#): VA has been executing an aggressive national and local earned media campaign, seeking to inform Veterans and survivors about the PACT Act and encourage them to apply. Between August 15 and October 31, these efforts have helped generate 4.9k news articles and 2.2k broadcast items about the PACT Act – with a total potential reach of 18.8B.
 - [Local media](#): Since the passage of the PACT Act, VA’s Secretary, Deputy Secretary, and Chief of Staff have visited TX, GA, FL, AR, HI, IL, WI, VA, IA, TX, CA, WA, WY, OH, KY, MO, CT, Guam, Saipan, Philippines, and American Samoa. During each of these visits, these leaders have been driving media coverage of the PACT Act—garnering stories such as [Des](#)

[Moines Register: What veterans exposed to toxic burn pits should know about the PACT Act's new benefits](#) and [Las Vegas Review-Journal: VA secretary encourages Nevada vets to file for 'burn pit' benefits](#). VA's Medical Center Directors and Regional Benefits Directors are also actively doing local media to drive awareness of the PACT Act.

- **Events:** VA's senior leaders are highlighting the PACT Act across a wide-ranging series of events with Veterans, families, survivors, VSOs, members of Congress, and other key partners. For example, VA recently hosted a Veterans Experience Live (VetXL) Q&A Forum specifically on PACT, where VA reached nearly 110,000 Veterans and addressed nearly 600 questions and answers on burn pits, claims, and survivors assistance. VA has also consistently featured the PACT Act at its monthly press conferences, generating stories like [Military Times: VA to screen all patients for toxic exposure issues](#) and [Military.com: 'Tens of Thousands' More Veterans Will Be Eligible for VA Health Care Starting Oct. 1](#).
- **Paid Media:**
 - **Approach:** Paid advertising allows us to reach all Veterans, not just those who are connected with VA or with a VSO. For these "untethered" Veterans and their family members and caregivers, paid advertising gives us a way to touch them directly and encourage them to apply. We are using digital advertising due to its flexibility, targeting, and reach. We are running two sets of creative executions: one set targets Vietnam-era Veterans with three different messages (Agent Orange, conditions, free screening), while the other set targets Gulf War and post-9/11 Veterans (burn pits, conditions, free screening). As we see which are most effective, we will shift more spending to those ads.
 - **Mediums:** Thus far, VA has run advertising on Google, Twitter, Facebook, Military Times, Military.com, and RallyPoint. VA is also working on a Veterans Day Times Square video ad on PACT benefits.
 - **Results:** To date, VA has spent more than \$150,000 on digital advertising, generating more than 19 million impressions and driving more than 200,000 clicks to VA.gov/PACT.

Moving forward, VA will continue to aggressively conduct outreach to meet Veterans where they are, educate them about the PACT Act, and encourage them to apply. As mandated in the PACT Act, VA will create and execute:

- Plans to conduct outreach to Veterans who will become eligible for health care at least 180 days before such Veterans become eligible.
- Not later than October 1, 2024, establish information systems to assess the implementation of section 103 of the bill and use the results of the assessments to inform its annual reports to Congress.
- A plan, not later than December 1, 2022, to conduct outreach to Veterans who will become eligible to enroll during the 1-year period previously described as well as, by January 30, 2024, a report on the number of Veterans who enrolled during this period.

- Publish, and update periodically, a list of resources for toxic-exposed Veterans, Veterans who report toxic exposure, their families and caregivers, and their survivors.

VA is also preparing to launch an outreach campaign utilizing existing customer and potential customer contact information databases (including DoD) to inform Veterans and survivors of their changed eligibility for VA benefits and services. This campaign will begin with e-mail outreach using existing VA resources to contact PACT Act customer cohorts in the following order: Vietnam Era Veterans, Gulf War Era Veterans, Survivors, Post 9/11 Veterans. The phased approach is due to the complexity of the outreach data manipulation in order to send personalized information relevant to each individual customer rather than a one size fits all approach.

VA established the VetResources Community Network (VRCN) Community of Practice with community and strategic partners (includes VSOs) to increase outreach, collaboration, and community-based partnerships to increase trust and access to VA health and benefits services for our Veterans, families, caregivers, and survivors. Over 500+ VRCN partners in the Community of Practice are invited to promote PACT outreach and engagement to reach the widest audience possible. PACT outreach support from our partners is critical and VA is deploying a crowd-sourcing tool called the VetResources Community Idea Lab to identify top challenges and solutions to PACT outreach and reaching underserved communities.

Military Environmental Exposures (MEE) Training

Even prior to the enactment of the PACT Act, VA has long been concerned about the health effects of MEEs and is committed to informing and educating Veterans and VA staff about MEEs. Through a variety of modalities, VHA HOME administers various programs related to environmental and occupational exposures to better meet the needs of Veterans. An annual newsletter to Vietnam War Veterans, a “Military Exposures and Your Health” publication, and an extensive website with an A-Z index are just a few resources available to help Veterans, VA staff, and providers better understand MEEs and the potential impacts to a Veteran’s overall health and well-being. The WRIISC, a subset of the HOME Office, also hosts many webinars each year on topics relating to military exposures, as well as targeted Veteran information sessions on topics such as Gulf War Illness and Agent Orange.

Early in his tenure, Secretary McDonough recognized that care of Veterans needed to include more comprehensive education and training on MEEs. In December 2021, he directed that all providers caring for Veterans could take the WRIISC Module 1, an overview of MEEs. VA is on track to complete this training by December 31, 2022, and it will be required for all new healthcare providers within 90 days of hiring—ensuring that foundational knowledge about MEEs is established at all touchpoints for VA care. This initiative meets the provisions of Section 604 of the PACT Act.

Training Health Employees and Providers

Equipping employees and providers with the knowledge and resources they need to support Veterans who may have been exposed to MEEs during military service is

critical step in ensuring the objectives of the PACT Act are met. Within one week after enactment of the PACT Act, VHA launched a "PACT Act 101 Overview Training" in the Talent Management System (TMS). The goal of this training is to impart a general understanding of the PACT Act and its effects on operations. As of November 2, 2022, over 18,000 employees have completed this training.

In November 2021, the Secretary also directed VHA to pursue a formal relationship with the American College of Preventive Medicine, an established medical professional organization, to create a national certificate program in Military Environmental Medicine in coordination with HOME. This training is available to VA and civilian providers outside VA. VA exposure training has been featured on the Centers for Disease Control and Prevention training website. The availability of this national certificate program will serve to expand knowledge about military exposures within the medical community, leading to improved practices for preventive care and better outcomes for the Veterans we serve.

Claims Processor Training

VBA recognizes that training claims processors is an essential part of preparing the field to implement the PACT Act. VBA has been proactive and already issued several trainings to claims processors on the PACT Act. Immediately after the law was enacted, VBA issued guidance to claims processors announcing the passage of the PACT Act and directed claims processors to hold any claims that could not be granted under any other authority than the PACT Act. This safeguard ensured that Veterans and survivors would not have their claims prematurely denied before VBA issued sub-regulatory guidance on processing PACT Act claims. In September 2022, VBA released a two-hour PACT Act overview training with a 30-day completion deadline. In October 2022, VBA issued guidance and training on the ILER, which includes how to obtain access. Claims processors' understanding of ILER and its contents will be critical to processing PACT Act-related claims.

VBA is developing a more detailed training on how to process PACT Act claims and will be targeting delivery to claims processors in December 2022. This is to ensure all front-line claims processors who handle claims for disability benefits relating to service-connected disabilities based on toxic exposure are ready to process claims on January 1, 2023, and can accurately apply the provisions of the law.

To ensure all PACT Act information is easily accessible to claims processors, VBA established a comprehensive intranet site that stores all interim guidance documents, FAQs, Quality and Training information, communications, and other important links.

After the field begins to process PACT Act claims on January 1, 2023, VBA Central Office will continue providing support by conducting quality spot checks and relaying feedback to the field, as well as being available to answer questions and troubleshoot issues. If there are any common error trends identified, VBA Central Office will review to assess and determine any additional training needs to include any training necessary to address improvements in the automated decision support tools.

VBA has completed the initial automated decision support training at the 4 prototype offices and 35 other ROs. All 56 ROs will complete training by December 14, 2022. Training provides claim processors with an overview and demonstration of the tool, an in-depth explanation of the ARSD, and detailed procedures to support PACT processing starting on January 1, 2023.

To ensure VA senior leaders are prepared, in September 2022, at VBA's most recent bi-annual Senior Leadership Symposium, implementation of the PACT Act was the sole focus. Attendees of the symposium included VBA's Senior Executive Service (SES) members, including all regional office (RO) directors. In an effort to improve transparency and collaboration, VBA included key internal and external partners at the Senior Leader Symposium, including our Labor partners, Office of Management and Budget (OMB), congressional staff, VA's Office of Information Technology, the Office of the Inspector General, and VSOs.

Screening Veterans

Section 603 of the PACT Act mandates VA incorporate a screening to help determine potential toxic exposures during active service as part of health care furnished by VA.

The development of the toxic exposure screening is a crucial step in implementing the PACT Act and in recognizing toxic exposures as a cost of war for our Veterans. As the screening becomes a routine part of VA health care, it will enhance the Department's understanding of exposure concerns and allow VA to provide Veterans with resources and programs that may be relevant to their experiences during their military service.

We are already seeing the positive effects of the screening on patient care and communication. In September 2022 VA began piloting the toxic exposure screening tool at 13 sites, screening over 19,000 Veterans, yielding an average rate of more than 37% of responding Veterans reporting they believed they experienced a toxic exposure while serving in the Armed Forces. During this time, we also collected valuable feedback from VA screeners to ensure VA was putting forth the best tool possible, while keeping the needs of Veterans front and center. We incorporated lessons learned into a revised tool that provides better accountability for the whole health of the Veteran. As of November 8, 2022, this improved tool is now available at VA medical centers and clinics across the country. All Veterans enrolled in VA health care can begin receiving an initial screening and a follow-up screening at least once every 5 years. Veterans who are not enrolled and who meet eligibility requirements will have an opportunity to enroll and receive the screening.

In the initial implementation phase, assigned Veterans will receive their toxic exposure screening (TES) at their primary care appointments. By beginning the process in primary care, we are starting with the providers who know Veterans best and building on centralized, team-based care. Veterans who are not assigned to a primary care team or wish to be screened sooner than their next appointment can contact their local facility and ask to be screened by the Toxic Exposure Screening Navigator. Later

phases of implementation will expand the screening across the health system, allowing more opportunities for Veterans to be screened.

The screening asks Veterans if they believe they experienced any service related toxic exposures, including:

- open burn pits/airborne hazards
- Gulf War-related exposures
- Agent Orange,
- radiation,
- Camp Lejeune contaminated water exposure,
- other exposures,.

Regardless of how the Veteran responds, the key priorities are ensuring any concerns they have are heard, providing them with additional information, and connecting them with resources to address next steps. The processes in place were created, tested, and adjusted to best support and treat not only the current exposure related benefits needs of the Veteran, but also engage with Veterans interested in joining the Registries and addressing any reported exposure related health concerns.

Those who answer “yes” to experiencing a potential toxic exposure and report having health concerns related to potential exposures will receive appropriate clinical assessments and be connected to benefits or registries as needed when agreed upon by the Veteran. A toxic exposure diagnosis code will then be added to their health record, so it will be visible at all Veteran touchpoints within the VA health care system. Some Veterans may respond, “I don’t know” to the question if they experienced any toxic exposures while serving. In this case, Veterans will be offered ; the same resources and options as those Veterans who respond, “yes”, however the toxic exposure diagnosis code will not be entered into the medical record; these Veterans will be screened again within 1 year. If Veterans decline to participate in the screening, they too will be screened again in one year. If the Veteran responds “no” to the screening, they are offered a handout of information and will be screened again in five years.

For Veterans with additional questions about their disability claims or benefits, during the topic exposure screenings, VHA and VBA have partnered to ensure the connection between administrations is established. It is important to us—and critical for our Mission to serve those who have served us—that there is no wrong door for Veterans. If Veterans come to their local VA medical centers with questions about their benefits, our goal is to get them the information they need before they walk out the door.

Providers and staff members at VA medical centers and clinics have been key to the success we have seen throughout the piloting process and the initial phase of implementation. All facilities have identified at least two Toxic Exposure Screening

Navigators to serve as the main points of contact on all details about the screening, as well as to serve as screeners for Veterans wishing to be screened outside of a primary care provider appointment. This has allowed us to meet our requirement that no enrolled Veteran who wants to receive the screening will be turned away.

Incorporating this screening into routine VA health care will enhance longitudinal care that promotes early diagnosis and treatment of health concerns that may arise related to military exposure(s). By including affirmative screening responses and adding a diagnosis code for exposure concerns within the health record, we will ensure that the experiences and concerns of the Veteran are known and prioritized. This will allow for improved communication between Veterans and their providers, building trust and ensuring Veterans receive the care they have earned and deserve.

Title VII- Resourcing

VA appreciates the new authorities provided under the PACT Act related to real property. Infrastructure plays a critical role in how we deliver services to Veterans; these new authorities will allow VA to modernize its infrastructure more efficiently.

Major Medical Leases

The provisions of sections 702 and 703 of the PACT Act are crucial to solving on-going challenges to our major medical lease program. VA is engaging with our Congressional committees and OMB on the new committee resolution process for approval of leases provided by section 703 of the PACT Act, which will further enhance our ability to deliver leased facilities in the future.

VA is working with the General Services Administration (GSA) to obtain a delegation of leasing authority for 30 of the 31 leases authorized in the PACT Act and has asked GSA to execute the one administrative office lease. For 15 of these leases that exceed the GSA prospectus threshold, VA is working in conjunction with GSA and the OMB to finalize prospectus documents to allow the Senate Environment and Public Works (EPW) Committee and the House Transportation and Infrastructure (T&I) Committee to approve a resolution. Once the committees give their approval, GSA can then approve VA's lease delegation requests, which allows VA to publish its lease advertisement for the projects on SAM.gov.

As VA moves forward with the leases authorized by the PACT ACT, we are looking for future opportunities to partner in new ways with our academic affiliates. Pursuant to 704 of the PACT Act, VA is authorized to lease space non-competitively from our academic affiliates or covered entities to meet the health care needs of Veterans. Co-location with our affiliates provides unique opportunities to further collaborate with these critical partners. We are excited to have this added option to support our Veterans and are seeking opportunities for these new collaborations. The affiliate's space must meet VA's standard lease requirements, including the requirement to obtain a GSA lease delegation. Additionally, if the lease exceeds the GSA prospectus threshold, clearance through OMB and approval by resolution from the Senate EPW and House T&I committees is required.

Enhanced Use

The expanded Enhanced-Use Lease (EUL) authority provided in amendments to 38 U.S.C. §§ 8162 and 8165, and the repeal of section 8169, as made by section 705 of the PACT Act expands potential EUL opportunities and enhances VA's ability to leverage un-utilized real estate to better serve Veterans. VA is implementing this authority to develop services for Veterans beyond supportive housing.

The authority provided through amendments to titles 10 and 38 made in section 706 of the PACT Act will strengthen our ability to work with DoD to construct and lease joint facilities. VA and DoD are developing the initial VA-DoD joint project list and establishing milestones and schedules, including aligned funding year(s), for each initial joint project. This includes several joint leasing opportunities leveraging this new authority.

VA is thankful for approval of FY 2023 major medical leases (section 702), the funding for leases in Section 707, and the other changes for leases in Title VII. These will enable to VA to move forward with planned leases that will expand access for Veteran care and improve our ability to make use of lease authority in the future.

Title VIII: Records and Other Matters*Individual Longitudinal Exposure Repository (ILER)*

VA continues to actively partner with DoD towards the common goal of building the ILER, a robust web-based application providing both agencies with the ability to link an individual to potential exposures, in order to improve the efficiency, effectiveness, and quality of health care. Designed to be interoperable with the electronic health record and searchable by individual, location and exposure, this comprehensive platform offers VA healthcare providers, disability claim processors, epidemiologists, and researchers a gateway into the occupational and environmental exposures of military personnel. VA clinicians and benefits personnel have embraced ILER with 611,000 platform hits and counting. In the interim, VA and DoD are collaborating on a mechanism permitting Veterans to update their ILER exposure records consistent with section 803 of the PACT Act.

Airborne Hazards Registry

VHA's HOME office rapidly built the Airborne Hazards and Open Burn Pit Registry (AHOBPR) in 2014. Recommendations from recent NASEM¹ and VA Office of Inspector General² reports, and practical lessons learned provide VA with an opportunity to redesign and deliver a Veteran-centric AHOBPR. Building an improved AHOBPR will allow VA to better utilize the data available to improve care, policy and benefits. Implementation of section 808 (b)(2) of the PACT Act will result in State and

¹ [Reassessment of the Department of Veterans Affairs Airborne Hazards and Open Burn Pit Registry | National Academies](#)

² <https://www.va.gov/oig/pubs/VAOIG-21-02732-153.pdf>

congressional district breakouts for all registry participants on the HOME website before the end of calendar year 2022.

Camp Lejeune Justice Act

Section 804 of the PACT Act, also known as the Camp Lejeune Justice Act of 2022 (CLJA), allows new lawsuits for individuals exposed to contaminated water at Camp Lejeune. If Veterans awarded relief by the court in a lawsuit brought under the CLJA, the award must be offset by the amount of any disability award, payment, or benefit VA provided to them or their legal representative relating to exposure to water at Camp Lejeune. This would reduce the amount of the award Veterans or family members receive from the court, but it would not affect their VA benefits. We note that any award must also be offset by benefits provided by Medicare or Medicaid. Additionally, please note that the Department of Justice has created a phone number and email address that anyone can contact to submit questions regarding the status of cases filed in Federal court under the CLJA. The phone number is (202) 353-4426, and the email is campjeune.pactact@usdoj.gov.

Resources

VA is thankful for the \$500 million appropriated in section 806 of the PACT Act to begin implementing the PACT Act and the swift approval from both the House and Senate of VA's spend plan. With this funding, VA will hire staff to process PACT Act claims at the VBA, implement effective information technology to improve and modernize the disability compensation claims process and Veteran customer experience. VA will also hire staff to process appeals at the Board of Veterans' Appeals. Additionally, funds will support the work of VA staff to publicize the benefits of the PACT Act, implement the new human resources provisions of the PACT Act and provide legal counsel as well as other functions.

Annual Report on Disability Claims

Section 808(a)(1) of the PACT Act requires VBA to provide an annual report on disability claims, beginning not later than 180 days after the date of the enactment on the PACT Act. The focus of the report is on Gulf War era and post-9/11 Veterans. VBA is currently finalizing the required business rules to fulfill this report. VBA anticipates the report will be completed and available within the 180-day timeframe.

Title IX: Investing in our Workforce

Title IX reflects the investment needed in VA's workforce to successfully implement all other titles in this important law. The Act provides a broad range of flexibilities for recruiting and retaining staff to serve Veterans, their caregivers and survivors. VA is grateful to Congress for including these tools in the PACT Act and for supporting investments in its workforce to address ongoing challenges with recruitment, hiring and retention.

VA has taken steps to implement the priorities within title IX of the PACT Act VA quickly established an integrated project team (IPT) with internal and external stakeholders to

identify the policies, procedures, systems and training required to implement each section of title IX. The IPT meets on a weekly basis to address any issues that arise during implementation and track progress. To date, VA has implemented four sections of title IX (sections 903, 905, 908, and 909), either in whole or part, resulting in several new tools to help with recruitment and retention:

- Removing restrictions on hiring housekeeping aides,
- Removing statutory limitations on awards and bonuses,
- Enhancing systems to improve hiring,
- Increasing limits on expedited hiring of post-secondary students and college graduates,
- Increasing student loan repayment limits,
- Removing the limits for special contribution awards, and
- Increasing the limits for recruitment, relocation, and retention incentives and payment of retention incentives as a lump sum upfront.

VA is on track to complete implementation of other provisions related to special salary rates, critical pay positions and critical skill incentives by the end of the calendar year and we will report to you on steps taken to improve recruitment and retention of human resources staff in 2023. VA expects to further accelerate efforts on the remaining deliverables under title IX of the PACT Act with the influx of new hires expected to support implementation of these technical sections.

While some of these authorities have only been in effect for a few weeks, we are tracking utilization and establishing performance metrics. For example, we are announcing housekeeping aide positions without the preference-eligible restriction VHA and VBA are onboarding post-secondary students and college graduates to assist with research and claims processing using the expedited hiring authority – 15% of all slots have been filled to date.

VA is planning and preparing for the implementation of the remaining five sections (901, 902, 904, 906 and 907) of title IX of the PACT Act. VA expects to begin implementing sections 904, 906 and 907 by the end of December to modify pay caps and conditions of employment, and to waive pay limitations for certain VHA employees. VA will implement section 902, which provides authority to buy out service contracts for physicians, nurse anesthetists, physician assistants and nurse practitioners in exchange for employment at rural or high rural facilities by the end of March 2023. VA will also finalize VHA's National Rural Recruitment and Hiring Plan at the beginning of 2024.

Ensuring that VA has the appropriate mechanisms in place to track, measure and provide oversight of implementation of title IX of the PACT Act is a key priority for VA. We will continue to develop and refine metrics ensuring we can measure the effectiveness of these authorities and impact on VA's recruitment and retention efforts. VA is tracking progress through recurring reports and dashboards with oversight by VA governance processes. While VA's responsibility is to measure the impact of these

granted personnel flexibilities have on its own workforce and mission, this evaluation also will inform broader Federal human capital activity.

Conclusion

Thank you for your time today and for passing this law that will ensure millions of Veterans and their survivors receive the care and services they have earned and deserve. We look forward to continued engagement with you as we implement this law and strive to service with excellence those who have served the Nation.

Submissions for the Record

NATIONAL EXECUTIVE COMMITTEE
OF
THE AMERICAN LEGION
October 12-13, 2022
Indianapolis, Indiana

Resolution No. 15: Oversight of Camp Lejeune Justice Act
Origin: Veterans Affairs & Rehabilitation Commission
Submitted by: Veterans Affairs & Rehabilitation Commission

WHEREAS, From August 1953 to December 1987, servicemembers and their families were exposed to contaminated drinking water at Marine Corps Base Camp Lejeune, North Carolina, and Marine Corps Air Station New River, North Carolina; and

WHEREAS, During the 112th Congress, H.R. 1627 the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 was signed into law (Public Law 112-154), and Congress established presumptive conditions for those exposed to contaminated drinking water at the aforementioned locations to include the following conditions: esophageal cancer; lung cancer; breast cancer; bladder cancer; kidney cancer; leukemia; multiple myeloma; myelodysplastic syndromes; renal toxicity; hepatic steatosis; female infertility; miscarriage; scleroderma; neurobehavioral effects; and non-Hodgkin's lymphoma; and

WHEREAS, Presumptive conditions shift the burden of proof away from the veteran, which streamlined and simplified the disability claims process for those exposed to toxic drinking water at Camp Lejeune; and

WHEREAS, The Department of Veterans Affairs has established presumptive conditions for those exposed to contaminated drinking water at Camp Lejeune, but this does not address the entirety of the harm suffered by veterans and their families as a result of their exposure to contaminated water; and

WHEREAS, Within the Sergeant First Class Heath Robinson Honoring our PACT Act, Section 804 allows those who resided, worked, or were otherwise exposed (including in utero exposure) for not less than 30 days during the period beginning on August 1, 1953, and ending on December 31, 1987, to water at Camp Lejeune, North Carolina to bring an action in the United States District Court for the Eastern District of North Carolina to obtain appropriate relief for harm that was caused by exposure to the water at Camp Lejeune; and

WHEREAS, Predatory law firms charging exorbitant fees have engaged in aggressive marketing campaigns to include, but not limited to, television advertisements and social media digital marketing campaigns targeting veterans through sponsored content; now, therefore, be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on October 12-13, 2022, That The American Legion urges Congress to provide the necessary oversight during the implementation of the Camp Lejeune Justice Act to ensure veterans receive fair consideration of their lawsuits and protections against predatory law firms.

Department of Justice Technical Assistance on Section 706 of HR 3967

**PACT ACT Section 706 Camp Lejeune
Department of Justice Technical Assistance and Proposed Alternative
May 2, 2022**

Thank you for the opportunity to share our views on Section 706 of the Honoring Our Promise to Address Comprehensive Toxics Act (PACT Act). The Department of Justice strongly supports expanding Veterans' access to health care and benefits to address the health effects of harmful environmental exposures that occurred during military service. A no-fault compensation program is preferable to litigation because it would allow Veterans to recover more quickly and without the need for expensive litigation. But we are concerned that the current proposal in Section 706 related to Camp LeJeune is inefficient and will be costly for service members and other individuals, as well as the federal government. Rather than create a system for swift and efficient payment of worthy claims, Section 706 will reset decades-old litigation, at great time and expense for all involved. We therefore recommend that Congress consider an alternative solution that would replace individual litigation of these matters with a no-fault compensation scheme of the type that has worked well in similar contexts.

Background

Section 706 of the PACT Act aims to compensate service members and others who were exposed to contaminants in drinking water at Camp Lejeune, North Carolina, between 1953 and 1987. Service members and others who were stationed at or worked at Camp Lejeune during that time have developed cancer and other diseases that may be related to water contamination. The Agency for Toxic Substances and Disease Registry estimates that as many as one million people were stationed at Camp Lejeune during that timeframe.

For nearly twenty years, the Department has been litigating Federal Tort Claims Act (FTCA) cases seeking compensation for harm alleged to have resulted from exposure to contaminated water at Camp Lejeune. The Department has obtained dismissals of these cases, primarily under three legal defenses provided by the FTCA.

As currently drafted, Section 706 of the PACT Act would facilitate recoveries for Camp Lejeune claimants that are not otherwise possible under the FTCA. Section 706 accomplishes this by allowing causes of action in federal court while prohibiting the assertion of the legal defenses. Section 706 explicitly precludes the Government from raising immunity defenses under the FTCA, which would include the *Feres* doctrine (where the Supreme Court in *Feres v. United States* precluded claims for injuries incident to military service), the discretionary function exception, or any state statute of repose. Section 706 also restarts the statute of limitations for Camp Lejeune suits, lowers the standard of proof on causation, and permits jury trials that would not be available under the FTCA. Finally, Section 706 permits a service member to recover without showing that the federal government acted negligently or otherwise wrongfully, essentially creating a strict-liability theory of recovery.

Department of Justice Technical Assistance on Section 706 of HR 3967

While Section 706 seeks to make recovery easier for claimants, it would nonetheless require litigation of individual claims, because each plaintiff would still need to establish causation under the new cause of action, and they would each need to litigate their individual claim for damages.

Significant Concerns Raised by Section 706

The Department supports providing an appropriate mechanism to compensate service members for harms suffered at Camp Lejeune. But we have significant concerns about how the current bill would accomplish this goal. We believe that the approach proposed in the current Section 706 will be inefficient for all parties, especially those harmed by contamination at Camp Lejeune, create adverse precedent for future mass-tort incidents, and necessitate numerous resources from both the Department and the federal district court.

First, case-by-case district court litigation of potentially hundreds of thousands of claims will be extremely burdensome for the plaintiffs, the government, and the courts. Plaintiffs will likely have to go through many years of discovery before recovering anything. While the bill aims to make recovery more likely by removing certain federal defenses and lowering relevant burdens, the bill still requires those injured to pursue the lengthy path of litigation—requiring individuals to first file administrative claims with the Department of Defense, then file a lawsuit in district court, then prove causation and damages (potentially before a jury), and then withstand a potential appeal. All of these steps will be expensive and time-consuming, given that the bill would allow the filing of old claims from decades ago. Moreover, the cases are likely to be delayed, particularly if (as expected) there is an influx of cases in the single district court—the Eastern District of North Carolina—that will have exclusive jurisdiction under the proposed bill. The litigation-oriented remedy that Section 706 creates is therefore unlikely to meet its goal of offering an easy or quick path to recovery for the thousands of affected service members.

Second, we have serious institutional concerns about the precedent that would be set by creating a separate federal tort action against the government for a particular class of plaintiffs, as a carve-out to the FTCA. Enacting this bill could encourage other plaintiffs who have lost under the FTCA to come to Congress and ask for a similar legislative exception, rather than providing a uniform set of rules under the FTCA for all individuals as exists under current law. The contemplated carve-out from generally applicable FTCA litigation standards is unprecedented. In the past, when Congress wanted to provide remedies for a particular group of claimants who had been unsuccessful in litigation, Congress created a unique remedial program, similar to that proposed below, rather than creating a separate federal tort cause of action.

Third, we worry that Section 706, as currently drafted, would result in differing recoveries to similarly situated plaintiffs. Especially if damages awards are to be decided by a jury, as the statute contemplates, it is likely that litigation will produce a broad range of remedial outcomes even among plaintiffs who have suffered similar harms. The potential unfairness of those outcomes may undermine the statute's goal of providing redress for those affected by contamination at Camp Lejeune.

Department of Justice Technical Assistance on Section 706 of HR 3967

Finally, the bill would lead to an influx of federal-court litigation that would be extremely resource-intensive for both the Department, DoD, and the federal district court in the Eastern District of North Carolina. For its part, the Department's Civil Division estimates that 75 additional attorneys and 15 paralegals would be required to handle the thousands of expected claims. That would more than quadruple the size of the Division's Environmental Torts Section—the office which now handles the Camp Lejeune litigation as well as all the other toxic tort cases brought against the United States. The expected resource drain on the Eastern District of North Carolina stemming from the influx of litigation, as noted above, might further impede the Act's goal of ensuring Veterans and others have a swift path to recovery.

Proposed Alternative

For these reasons, the Department feels strongly that it would better serve all the parties to establish a non-adversarial compensation program for those injured at Camp Lejeune, rather than creating a new cause of action. The Department has substantial experience with administering compensation programs, including the program established through the Radiation Exposure Compensation Act (RECA). The RECA program, for example, was enacted as a non-adversarial alternative to litigation for individuals who contracted illnesses following exposure to radiation as a result of the United States' atmospheric nuclear testing program and uranium ore processing operations during the Cold War. Under this program, the Department has approved over 39,000 claims, awarding over \$2.5 billion. Similarly, the September 11th Victim Compensation Fund is another non-adversarial compensation program, which has awarded over \$9.8 billion to over 44,000 individuals suffering as a result of the September 11th attacks.

If the goal of the PACT Act is to allow Veterans and others to recover more quickly and without the need for expensive court proceedings, a non-adversarial program of this sort would be preferable to litigation. And creating a no-fault compensation program avoids creating the precedent of a separate federal tort cause of action for future cases where compensation is unavailable under the FTCA. We think that such an alternative would provide the most straightforward path to fulfilling our country's commitment to Veterans and their families.

The proposed revised Section 706 of the PACT Act, appended to this memorandum, would create an administrative compensation scheme similar to the program established by RECA. It would provide appropriate relief for harm that was caused by exposure to the water at Camp Lejeune, and it would require the Attorney General to establish procedures for individuals to submit claims for payments under the Act. It would further require that the Attorney General consult with the Secretary of Health and Human Services on establishing guidelines for determining the documentation necessary to establish a basis for eligibility for compensation for an injury or condition based on exposure to water at Camp Lejeune. It would also establish a trust fund for payment of meritorious claims.

Importantly, the proposed revised Section 706 would contain provisions to ensure that the process moves quickly to compensate Veterans. It would require the Attorney General to complete the determination on each claim within 12 months of the filing of the claim, make a final determination within 90 days after receiving a request for review of a denial, and pay the

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claim no later than six weeks after approval. Revised Section 706 allows judicial review within 180 days of denial in the United States District Court for the Eastern District of North Carolina, where the court will review the denial on the administrative record and set aside denials that are arbitrary, capricious, an abuse of discretion, or not in accordance with law. We understand that such litigation is extremely rare in RECA cases, however, and that out of the tens of thousands of administrative adjudications, only 16 administrative decisions were appealed to district court.

Thus, under a compensation program like RECA, many Veterans would receive compensation within roughly a year of filing a claim; we think that the current proposal, by contrast, would lead to significantly longer recovery times. And because the program would prioritize speedy recovery, it would not require the significant resources that would be required to fund protracted litigation under the current proposal.

In addition, the proposed revised Section 706 would ensure consistency in resolving service members' claims. Because all claims would be resolved under the same procedures established by the Attorney General, there is no risk—as there is under the current proposal—that different district court or magistrate judges would take markedly different approaches to the relevant issues. Moreover, the proposed revised Section 706 contains a provision limiting attorney's fees, ensuring that the bulk of recovery in each case will go to the Veterans themselves and not to their lawyers.

Conclusion

In conclusion, the Department strongly supports providing Veterans exposed to contaminants in drinking water at Camp Lejeune necessary benefits and services for any harms they may have suffered as a result of exposure. The administrative compensation program proposed in the Department's revised Section 706 would provide the most effective and efficient way to compensate Veterans, and the Department therefore recommends that legislators consider this alternative to the current proposal.

Department of Justice Technical Assistance on Section 706 of HR 3967

APPENDIX: PROPOSED REVISED SECTION 706 FOR DISCUSSION

SEC. 706. CAMP LEJEUNE, NORTH CAROLINA CONTAMINATED WATER EXPOSURE COMPENSATION.

(a) **IN GENERAL.**—An individual, including a veteran (as defined in section 101 of title 38, United States Code), who resided, worked, or was otherwise exposed (including in utero exposure) for not less than 30 days during the period beginning on August 1, 1953, and ending on December 31, 1987, to water at Camp Lejeune, North Carolina, that was supplied by, or on behalf of, the United States, or the legal representative of such an individual, may file a claim for payment with the Attorney General to obtain appropriate relief for harm that was caused by exposure to the water at Camp Lejeune.

(b) **DETERMINATION AND PAYMENT OF CLAIMS.**—

(1) **ESTABLISHMENT OF FILING PROCEDURES.**—The Attorney General shall establish procedures for submission of claims for payments under this Act. The burden of proof shall be on the party submitting the claim to show a causal connection between the water at Camp Lejeune and the harm.

(2) **DETERMINATION OF CLAIMS.**—

(A) **IN GENERAL.**—The Attorney General shall, in accordance with this section, determine whether each claim filed under this Act meets the requirements of this Act. All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant.

(B) **CONSULTATION.**—The Attorney General shall, in consultation with the Secretary of Health and Human Services, establish guidelines for determining what documentation is necessary to establish a basis for eligibility for compensation for an injury or condition based on exposure to water at Camp Lejeune.

(C) **PAYMENT OF CLAIMS.**—The Attorney General shall establish guidelines for determining amounts of compensation for injuries or conditions, including reasonable compensation for medical expenses, lost wages, and pain and suffering.

(i) **IN GENERAL.**—The Attorney General shall pay, from amounts available in the Camp Lejeune Fund, claims filed under this Act that the Attorney General determines meet the requirements of this Act. **[NOTE: A different section would need to establish a Fund.]**

(ii) **HEALTH AND DISABILITY BENEFITS RELATING TO WATER EXPOSURE.**—Any award made under this section shall be offset by the amount of any disability award, payment, or benefit provided to the claimant—

Department of Justice Technical Assistance on Section 706 of HR 3967

(I) under—

(A) any program under the laws administered by the Secretary of Veterans Affairs; **[NOTE: We will propose revised language to account for the circumstances where an award under this program is made prior to any award under a VA disability benefits program or other applicable benefits]**

(B) the Medicare program under title XVIII of the Social Security Act ([42 U.S.C. 1395 et seq.](#)); or

(C) the Medicaid program under title XIX of the Social Security Act ([42 U.S.C. 1396 et seq.](#)); and

(II) in connection with health care or a disability relating to exposure to the water at Camp Lejeune.

(iii) RIGHT OF SUBROGATION.— Upon payment of a claim under this section, the United States Government is subrogated for the amount of the payment to a right or claim that the individual to whom the payment was made may have against any person on account of injuries referred to in subsection (a).

(D) ACTION ON CLAIMS.—

(i) IN GENERAL.—The Attorney General shall complete the determination on each claim filed in accordance with the procedures established under subsection (b)(1) not later than 12 months after the claim is filed. For purposes of determining when the 12-month period ends, a claim under this Act shall be deemed filed as of the date of its receipt by the Attorney General. In the event of the denial of a claim, the claimant shall be permitted a reasonable period in which to seek administrative review of the denial by the Attorney General. The Attorney General shall make a final determination with respect to any administrative review within 90 days after the receipt of the claimant's request for such review. In the event the Attorney General fails to render a determination within 12 months after the date of the receipt of such request, the claim shall be deemed awarded as a matter of law and paid.

(ii) ADDITIONAL INFORMATION.— The Attorney General may request from any claimant under this Act any reasonable additional information or documentation necessary to complete the determination on the claim in accordance with the procedures established under subsection (b)(1).

Department of Justice Technical Assistance on Section 706 of HR 3967

(iii) PAYMENT WITHIN 6 WEEKS.— The Attorney General shall ensure that an approved claim is paid not later than 6 weeks after the date on which such claim is approved.

(E) PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.— Except as otherwise authorized by law, the acceptance of payment by an individual under this section shall be in full satisfaction of all claims of or on behalf of that individual against the United States that arise out of exposure to water contamination at Camp Lejeune under subsection (a).

(F) JUDICIAL REVIEW.—An individual whose claim for compensation under this Act is denied may seek judicial review within 180 days of denial solely in a district court of the United States. The court shall have jurisdiction to review the denial on the administrative record and shall hold unlawful and set aside the denial if it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

(c) ATTORNEY FEES.—

(1) GENERAL RULE.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this Act, more than that percentage specified in subsection (2) of a payment made under this Act on such claim.

(2) APPLICABLE PERCENTAGE LIMITATIONS.—The percentage referred to in subsection (1) is—

(i) 2 percent for the filing of an initial claim; and

(ii) 10 percent with respect to—

(I) any claim with respect to which a representative has made a contract for services before the date of the enactment of the Camp Lejeune Contaminated Water Exposure Compensation Act; or

(II) a resubmission of a denied claim.

(3) PENALTY.—Any such representative who violates this section shall be fined not more than \$5,000.

(d) EXCEPTION FOR COMBATANT ACTIVITIES.—This section does not apply to any claim for harm arising out of the combatant activities of the Armed Forces.

HEY22729 PR6

S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To revise the provision creating a Federal cause of action relating to water at Camp Lejeune, North Carolina.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

H.R. 3967

To improve health care and benefits for veterans exposed to toxic substances, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. INHOFE to the amendment (No. 5051) proposed by Mr. TESTER

Viz:

1 Beginning on page 114, strike line 3 and all that fol-
 2 lows through page 117, line 21, and insert the following:
 3 **SEC. 804. CAMP LEJEUNE, NORTH CAROLINA, CONTAMI-
 4 NATED WATER EXPOSURE COMPENSATION.**
 5 (a) IN GENERAL.—An individual, including a veteran
 6 (as defined in section 101 of title 38, United States Code),
 7 who resided, worked, or was otherwise exposed (including
 8 in utero exposure) for not less than 30 days during the
 9 period beginning on August 1, 1953, and ending on De-
 10 cember 31, 1987, to water at Camp Lejeune, North Caro-
 11 lina, that was supplied by, or on behalf of, the United

2

1 States, or the legal representative of such an individual,
2 may file a claim for compensation with the Attorney Gen-
3 eral to obtain appropriate relief for harm that was caused
4 by exposure to the water at Camp Lejeune.

5 (b) DETERMINATION AND PAYMENT OF CLAIMS.—

6 (1) ESTABLISHMENT OF FILING PROCE-
7 DURES.—

8 (A) PROCEDURES.—The Attorney General
9 shall establish procedures for submission of
10 claims under subsection (a) for compensation
11 under this section.

12 (B) BURDEN OF PROOF.—The burden of
13 proof shall be on the party submitting a claim
14 under subsection (a) to show it is more likely
15 than not that the water at Camp Lejeune
16 caused the claimed harm.

17 (2) DETERMINATION OF CLAIMS.—

18 (A) IN GENERAL.—(i) The Attorney Gen-
19 eral shall, in accordance with this section, de-
20 termine whether each claim filed under sub-
21 section (a) meets the requirements of this sec-
22 tion.

23 (ii) All reasonable doubt with regard to
24 whether a claim meets the requirements of this

1 section shall be resolved in favor of the claim-
2 ant.

3 (B) CONSULTATION.—The Attorney Gen-
4 eral shall, in consultation with the Secretary of
5 Health and Human Services, the Secretary of
6 Defense, and the Secretary of Veterans Affairs,
7 establish guidelines for determining what docu-
8 mentation is necessary to establish a basis for
9 eligibility for compensation for an injury or con-
10 dition based on exposure to water at Camp
11 Lejeune.

12 (C) PAYMENT OF CLAIMS.—

13 (i) IN GENERAL.—The Attorney Gen-
14 eral shall pay, from amounts available in
15 the Camp Lejeune Fund, claims filed
16 under subsection (a) that the Attorney
17 General determines meet the requirements
18 of this section.

19 (ii) HEALTH AND DISABILITY BENE-
20 FITS RELATING TO WATER EXPOSURE.—
21 The Attorney General may offset from any
22 compensation awarded to an individual
23 under this section by the amount of any
24 disability compensation, payment, or ben-
25 efit provided to the individual—

4

1 (I) under—

2 (aa) any program under the
3 laws administered by the Sec-
4 retary of Veterans Affairs;5 (bb) the Medicare program
6 under title XVIII of the Social
7 Security Act (42 U.S.C. 1395 et
8 seq.); or9 (cc) the Medicaid program
10 under title XIX of the Social Se-
11 curity Act (42 U.S.C. 1396 et
12 seq.); and13 (II) in connection with health
14 care or a disability relating to expo-
15 sure to the water at Camp Lejeune.16 (iii) VETERANS AND LABOR OFF-
17 SETS.—The Secretary of Veterans Affairs
18 and the Secretary of Labor may each off-
19 set from any award made to an individual
20 under a provision of law administered by
21 the respective Secretary compensation
22 awarded under this section to such indi-
23 vidual.24 (iv) RIGHT OF SUBROGATION.—Upon
25 payment of compensation pursuant to a

5

1 claim under subsection (a), the United
2 States Government is subrogated for the
3 amount of the payment to a right or claim
4 that the individual to whom the payment
5 was made may have against any person on
6 account of injuries referred to in such sub-
7 section.

8 (v) GUIDELINES.—The Attorney Gen-
9 eral shall establish guidelines for deter-
10 mining amounts of compensation under
11 this section for injuries or conditions, in-
12 cluding reasonable compensation for med-
13 ical expenses, lost wages, and pain and
14 suffering.

15 (D) ACTION ON CLAIMS.—

16 (i) IN GENERAL.—(I) The Attorney
17 General shall complete the determination
18 on each claim filed under subsection (a) in
19 accordance with the procedures established
20 under paragraph (1)(A) not later than 12
21 months after the date on which the claim
22 is filed under such subsection.

23 (II) For purposes of determining
24 when the 12-month period ends, a claim
25 filed under subsection (a) shall be deemed

6

1 filed as of the date of its receipt by the At-
2 torney General.

3 (III) In the event of the denial of a
4 claim under this section, the claimant shall
5 be permitted a reasonable period in which
6 to seek administrative review of the denial
7 by the Attorney General.

8 (IV) The Attorney General shall make
9 a final determination with respect to any
10 administrative review under subclause (III)
11 within 90 days after the receipt of the
12 claimant's request for such review.

13 (ii) ADDITIONAL INFORMATION.—The
14 Attorney General may request from any
15 claimant under this section any reasonable
16 additional information or documentation
17 necessary to complete the determination on
18 the claim in accordance with the proce-
19 dures established under paragraph (1)(A).

20 (iii) PAYMENT WITHIN 6 WEEKS.—
21 The Attorney General shall ensure that a
22 claim filed under subsection (a) that is ap-
23 proved under this section is paid not later
24 than 6 weeks after the date on which such
25 claim is approved.

1 (E) PAYMENT IN FULL SETTLEMENT OF
2 CLAIMS AGAINST THE UNITED STATES.—Except
3 as otherwise authorized by law, the acceptance
4 of payment by an individual under this section
5 shall be in full satisfaction of all claims of or
6 on behalf of that individual against the United
7 States that arise out of exposure to water con-
8 tamination at Camp Lejeune under subsection
9 (a).

10 (F) JUDICIAL REVIEW.—(i) An individual
11 whose claim for compensation under this sec-
12 tion is denied may seek judicial review within
13 180 days of denial solely in a district court of
14 the United States.

15 (ii) The court shall have jurisdiction to re-
16 view the denial on the administrative record
17 and shall hold unlawful and set aside the denial
18 if it is arbitrary, capricious, an abuse of discre-
19 tion, or otherwise not in accordance with law.

20 (c) ATTORNEY FEES.—

21 (1) GENERAL RULE.—Notwithstanding any
22 contract, the representative of an individual may not
23 receive, for services rendered in connection with the
24 claim of an individual under this section, more than

8

1 that percentage specified in paragraph (2) of a pay-
2 ment made under this section on such claim.

3 (2) APPLICABLE PERCENTAGE LIMITATIONS.—

4 The percentage referred to in paragraph (1) is—

5 (A) 2 percent for the filing of an initial
6 claim; and

7 (B) 10 percent with respect to—

8 (i) any claim with respect to which a
9 representative has made a contract for
10 services before the date of the enactment
11 of this Act; or

12 (ii) a resubmission of a denied claim.

13 (3) PENALTY.—Any such representative who
14 violates this section shall be fined not more than
15 \$5,000.

16 (d) EXCEPTION FOR COMBATANT ACTIVITIES.—This
17 section does not apply to any claim for harm arising out
18 of the combatant activities of the Armed Forces.

19 (e) PERIOD FOR FILING CLAIMS.—A claim filed
20 under this section may not be commenced after the date
21 that is two years after the date that the Attorney General
22 establishes the procedures required by subsection
23 (b)(1)(A).

24 (f) REPORT.—

1 (1) IN GENERAL.—No later than one year after
2 the effective date set forth in subsection (f) and not
3 less frequently than once each year thereafter, the
4 Attorney General shall, in consultation with the Sec-
5 retary of Health and Human Services, the Secretary
6 of Defense, the Secretary of Veterans Affairs, and
7 the Secretary of Labor, submit to the appropriate
8 committees of Congress a report on activities under
9 this section.

10 (2) CONTENTS.—Each report submitted under
11 paragraph (1) shall include the following:

12 (A) The total number of claims filed under
13 this section.

14 (B) A description of the harms claimed.

15 (C) The number of approved claims.

16 (D) The number of claims under review.

17 (E) The number of denied claims.

18 (F) The amount of each approved claim.

19 (G) The total amount of approved claims.

20 (H) An analysis and descriptions of offsets
21 made to approved claims.

22 (3) APPROPRIATE COMMITTEES OF CONGRESS
23 DEFINED.—In this section, the term “appropriate
24 committees of Congress” means the Committee on
25 the Judiciary, the Committee on Armed Services, the

1 Committee on Veterans Affairs, and the Committee
2 on Health, Education, Labor, and Pensions of the
3 Senate.

4 **SEC. 805. CAMP LEJEUNE FUND.**

5 (a) ESTABLISHMENT.—There is in the Treasury of
6 the United States an account to be known as the “Camp
7 Lejeune Fund” (in this section referred to as the
8 “Fund”).

9 (b) DEPOSITS.—There is appropriated to the Fund,
10 out of any money in the Treasury available for appropria-
11 tion, such sums as may be necessary to pay claims that
12 are determined by the Attorney General under subsection
13 (b)(2)(C)(i) of section 804 to meet the requirements of
14 such section.

15 (c) USE OF FUNDS.—Amounts in the Fund may be
16 used to provide payment of compensation under section
17 804.

Statements for the Record

STATEMENT OF

KRISTINA KEENAN, ASSISTANT DIRECTOR
NATIONAL LEGISLATIVE SERVICE
VETERANS OF FOREIGN WARS OF THE UNITED STATES

FOR THE RECORD

UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS

WITH RESPECT TO

**The Department of Veterans Affairs Implementation of the SFC Heath Robinson
Honoring our PACT Act**

WASHINGTON, D.C.

November 16, 2022

Chairman Tester, Ranking Member Moran, and members of the Senate Committee on Veterans' Affairs, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, thank you for the opportunity to provide our insights pertaining to the implementation of the *Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022* or the *Honoring our PACT Act of 2022*.

The VFW is grateful for the support of the chairman, ranking member, and the members of this committee in passing the PACT Act, which was signed into law on August 10, 2022. The VFW's National Veterans Service department, which oversees the organization's network of over two thousand Department of Veterans Affairs (VA) accredited service officers, is closely monitoring the implementation of this legislation. VFW national staff have already received positive feedback regarding PACT Act claims, while there are also some concerns and questions.

Feedback from VFW Service Officers

Last month, the VFW conducted a survey of our professionally trained, VA-accredited service officers on the impact of the PACT Act on the veterans they represent. Of those who participated in the survey, two-thirds reported that they had an influx of activity related to the PACT Act. About one-third reported that they have already seen PACT-Act-related claims adjudicated and some granted by VA, primarily for Vietnam War veterans with hypertension and for those who served in Thailand. Even though VA currently has the authority to grant these claims under direct service connection, accredited representatives report that some of these awards cite the PACT Act as one of the bases on which the claims were granted. The most common conditions about which veterans have been asking VFW representatives are hypertension, followed by conditions related to burn pit exposure, Agent Orange exposure, Post-9/11 exposures, and Camp Lejeune contaminated water. In addition, though VA has made statements that it will begin processing PACT Act claims in January 2023, the VFW has found that VA has been sporadically

processing partial ratings, granting or denying non-PACT-Act conditions, then deferring PACT-Act-related conditions for future adjudication. This is positive as it means some veterans will receive ratings for their non-PACT-Act illnesses or injuries without waiting for the rest of their claims to be reviewed in January. Also, Compensation and Pension examination contract vendors have reported to the VFW an increase in requests, and veterans have indicated that examinations are timely and appropriate.

VA Claims Workload and Processing

VA reports an approximate twenty percent increase in claims submitted since the passage of the PACT Act. At the same time, VA is processing claims faster, with an increased output of nineteen percent. This is only a slight increase in the remaining workload. While the VFW will be monitoring the overall claims workload, we are encouraged to see that there is an increased number of veterans filing claims and we are comfortable with VA's output comparatively. This will help to alleviate fears of an unmanageable backlog like in past years.

VA is able to keep pace with the increased number of claims due to utilizing overtime for staff responsible for processing veterans' claims. Additional resources for overtime were included in the recent COVID-19 legislative packages during the 117th Congress, and VA utilized those additional resources to increase output. The hiring and training of additional Veterans Service Representatives (VSR) and Rating Veterans Service Representatives (RVSR) is ongoing, but it is not yet at the needed level. Until there are sufficient staffing resources to process VA claims, the VFW recommends maintaining the same overtime resources to manage the potential sustained increase in claims.

VA is also testing the automation of certain background business processes to speed up the overall claims process through its Automated Decision Support system. One of the first conditions on which this process is being tested is hypertension. We are hopeful it will help with new and existing hypertension claims, and also increase the overall speed with which information is processed. The VFW has been working with VA in the development of its new automated system, and so far we are optimistic about its potential efficiency. To be clear, VA's use of automation is designed to assist RVSRs in adjudicating claims. Much like other automated tools that Americans use in everyday life, VA's automated system is designed to help facilitate human decision-making through the efficient use of technology. Uber does not replace drivers, it connects them to passengers. Door Dash does not replace chefs, it connects them to hungry customers. VA's Automated Decision Support does not replace RVSRs, it places needed information at their fingertips to efficiently rate claims.

This automation has been used on a very limited basis, as VA ensures it works as intended. VA has communicated consistently with Veterans Service Organizations on this process. We will continue monitoring the rollout to ensure there is always consistent human oversight ingrained in the automated process.

The VFW is pleased with the steps VA has taken to implement the PACT Act to date. However, our accredited representatives have noted some issues that still need to be addressed:

- VA is holding certain claims until January 2023, although we believe it already has the authority to grant them through current regulations. VA Regional Offices (VAROs) should be instructing VSRs and RVSRs to begin granting approvals for claims now, instead of waiting until January.
- There is not currently a method for VA to track specific PACT-Act-related claims. We recommend a specific reporting code be created so claims solely related to the PACT Act can be properly reported.
- The VFW believes a Special Mission VARO is unnecessary for PACT Act claims. We want to see the National Work Queue utilized to the fullest extent possible to streamline workflow.
- We caution VA against overdeveloping claims related to toxic exposures. Any previous claims or existing medical records should be cross-referenced to prevent the ordering of unnecessary examinations.

VA Policies Regarding the PACT Act

The PACT Act included twenty-three conditions associated with toxic exposures. Some cancers, such as respiratory or reproductive, have the potential to include dozens of specific cancers. VFW Service Officers are assisting veterans with their claims for a variety of cancers that would reasonably be included within these groupings. VA must establish clear policies and guidelines regarding PACT Act presumptive conditions so that veterans and their representatives have the most accurate information when filing their claims.

There is also a need for clear policies on the offset incorporated in the PACT Act for Camp Lejeune veterans who file lawsuits. In the months since the PACT Act was enacted into law, there has been confusion about how VA, the Department of Justice (DOJ), and the Department of Defense (DOD) plan to implement this offset. Meanwhile, veterans are endlessly bombarded by predatory law firms urging them to file lawsuits with promises of large payouts.

The VFW understands that Congress elected to offset amounts awarded through lawsuits by amounts claimants have received from VA disability awards, payments, or health care in connection with exposure to contaminated water at Camp Lejeune. As written, the law is not clear on how the offset is to be implemented or calculated, and the VFW strongly opposes any efforts to reduce or reclaim earned VA benefits.

Though VA has published statements informing veterans that their disability benefits administered by the Veterans Benefits Administration will not be affected, the explicit offset language in Section 804 of the PACT Act leaves this subject open to a broad and potentially detrimental interpretation as we await implementation. As an example, VA's past handling of Federal Tort Claims offsets for 1151 claims—which are similar but focus solely on illness or injury of employees or contractors providing services on behalf of VA—has resulted in veterans having their service-connected benefits withheld and, in some cases, having to reimburse VA for cost of care because of accepting a settlement. This offset was not made clear or was never disclosed to veterans prior to filing lawsuits.

To that end, the VFW has the following questions: How has DOJ directed VA to implement the offset included in Section 804 of the PACT Act? How will the offset be calculated and account for non-disability compensation benefits such as VA health care? How will the offset impact future VA benefits? Particularly, if a claimant applies for earned VA health care or benefits after receiving relief through a successful Camp Lejeune lawsuit, will there be a monetary offset on future benefits? How do DOJ, DOD, and VA plan to account for legal fees? Specifically, will the offset be total award amounts or only amounts claimants receive after legal fees?

Addressing these questions is critical to providing veterans with the best information possible to make informed decisions while considering their options. This is time-sensitive due to the two-year limit on filing Camp Lejeune lawsuits.

Messaging and Outreach

While law firm advertisements dominate the media targeting Camp Lejeune veterans and our service officers are assisting with many hypertension claims for Vietnam War veterans, the PACT Act will largely affect burn-pit-exposed Gulf War and Post-9/11 veterans. Outreach to all veterans and survivors affected by the PACT Act is incredibly important. VA has been regularly including PACT Act updates in their newsletters and social media content, which the VFW appreciates. We have not seen a significant number of communications around the one-year open enrollment period for VA health care—a provision within the PACT Act that allows for Gulf War and Post-9/11 veterans who were exposed to burn pits to receive health care regardless of disability status. This provision is important for toxic-exposed veterans who need health care now, including preventive care. Eligible veterans who missed the one-year open enrollment, which will end in September 2023, will have to wait to enroll in VA health care based on separation date or disability percentage.

The VFW is also contributing to the outreach efforts. In addition to sharing pertinent information with our members, we have delivered extensive training to our global network of VA-accredited representatives who meet with veterans every day to represent them in the complex VA benefits process. However, the VFW is not stopping at just our traditional outreach methods to our professional and grassroots networks. Recognizing the generational impact that the PACT Act will have, we are engaged in a concerted marketing campaign to ensure veterans understand their benefits and can be easily referred to an accredited advocate for free PACT Act claims help.

The VFW is proud to announce the launch of www.PactActInfo.org as the centerpiece of our effort. This site explains the basics of the PACT Act, warns veterans against scams and predatory actors who may seek to illegally charge for benefits assistance, triage veterans for initial eligibility for PACT Act benefits, and streamline referrals to VFW's network of accredited representatives for free claims representation.

The VFW understands that clear communication and easy access to accredited representatives will be critical to delivering benefits to veterans. Tragically, in just a few short months since the PACT Act was signed into law, the marketplace has been flooded with confusing messaging from actors who may not always have veterans' best interest in mind. Whether it is aggressive marketing from Camp Lejeune lawyers or targeted online ads from predatory claim sharks, the

mixed messages have left veterans wondering just how the PACT Act affects them and who they should turn to for help. The VFW believes that www.PactActInfo.org will help provide veterans with the resources they need.

Chairman Tester, Ranking Member Moran, this concludes my testimony. I am prepared to answer any questions you may have. Thank you.

STATEMENT OF
LAWRENCE W. MONTREUIL
LEGISLATIVE DIRECTOR
THE AMERICAN LEGION
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE
IMPLEMENTATION OF THE SERGEANT FIRST CLASS HEATH ROBINSON
HONORING OUR PACT ACT OF 2022

NOVEMBER 16, 2022

Chairman Tester, Ranking Member Moran, and distinguished members of the Committee, on behalf of our 1.6 million members, The American Legion thanks you for the opportunity to offer this statement on implementation of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (Robinson PACT Act). This historic piece of legislation is the greatest expansion of access to Department of Veterans Affairs (VA) healthcare and benefits since the Servicemen's Readjustment Act of 1944. While this legislation impacts a broad range of issues and exposures, the focus of this statement will be on the implementation of Section 804, better known as the Camp Lejeune Justice Act.

Contaminated Drinking Water at Marine Corps Base Camp Lejeune

From August 1953 to December 1987, servicemembers and their families were exposed to contaminated drinking water at Marine Corps Base Camp Lejeune, North Carolina (CLNC). For at least 34 years, servicemen and women, their families, and on-base staff drank, bathed and cooked with water containing known carcinogens, up to 280 times the standard safety limits.²

During the 112th Congress, H.R. 1627, *the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012*, was signed into law (Public Law 112-154), and thereby established presumptive conditions for those exposed to contaminated drinking water to include the following conditions: esophageal cancer; lung cancer; breast cancer; bladder cancer; kidney cancer; leukemia; multiple myeloma; myelodysplastic syndromes; renal toxicity; hepatic steatosis; female infertility; miscarriage; scleroderma; neurobehavioral effects; and non-Hodgkin's lymphoma.¹

Presumptive conditions shift the burden of proof away from the veteran, which streamlines and simplifies the disability claims process for those exposed to toxic drinking water at CLNC. The bill also requires VA to provide healthcare for family members who resided at CLNC during the specified timeframe and VA has since implemented the Camp Lejeune Family Member Program, by which VA will reimburse a family member's healthcare costs if they are diagnosed with one of the 15 presumptive conditions listed above.²

¹ "H.R. 1627 - 112th Congress (2011-2012): Honoring America's Veterans and ..." Accessed November 14, 2022. <https://www.congress.gov/bills/112/congress/house-bill/1627>.

² "Veterans Affairs." Go to VA.gov, January 30, 2015. <https://www.va.gov/COMMUNITYCARE/programs/dependents/CLFMP.asp>.

Camp Lejeune Justice Act

While the establishment of presumptive conditions for those exposed to contaminated drinking water at CLNC provides access to healthcare and benefits, it does not address the entirety of the harm suffered by veterans and their families. The Camp Lejeune Justice Act seeks to provide another means of recourse for veterans and their families by allowing those, “*who resided, worked, or were otherwise exposed (including in utero exposure) for not less than 30 days during the period beginning on August 1, 1953, and ending on December 31, 1987, to water at Camp Lejeune, North Carolina to bring an action in the United States District Court for the Eastern District of North Carolina to obtain appropriate relief for harm that was caused by exposure to the water at Camp Lejeune.*”³

While the passage of this historic legislation was a watershed moment for the veteran community, bad actors have emerged to take advantage of veterans and their access to new benefits. Predatory law firms charging exorbitant fees have engaged in aggressive advertising to include, but not limited to, television, radio, and social media digital marketing campaigns targeting veterans through sponsored content. Veterans and families across our nation have been inundated with traditional television and marketing advertisements along with a much more targeted social media advertising campaign based on data mining and analytics by law firms attempting to get what the Congressional Budget Office assess will be approximately \$6 billion dollars of payments from the federal government over the next ten years.⁴

These firms have not only have engaged in aggressive marketing campaigns and attempted to get veterans to agree to exorbitant fees while promising large pay-outs, but also failed to inform them of the exclusive remedy clause which requires the award be offset by the amount of benefits received through programs at VA, Medicare, and Medicaid. Section 804 (e) (2) states:

“Any award made to an individual, or legal representative of an individual, under this section shall be offset by the amount of any disability award, payment, or benefit provided to the individual, or legal representative—

(A) under--

(i) any program under the laws administered by the Secretary of Veterans Affairs;

(ii) the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

(iii) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

*(B) in connection with health care or a disability relating to exposure to the water at Camp Lejeune.”*⁵

³ “Text - S.3373 - 117th Congress (2021-2022): Honoring Our Pact Act of ...” Accessed November 14, 2022. <https://www.congress.gov/bill/117th-congress/senate-bill/3373/text>.

⁴ “Congressional Budget Office Cost Estimate.” Accessed November 14, 2022. https://www.cbo.gov/system/files/2022-02/HR3967_RCP.pdf.

⁵ “Text - S.3373 - 117th Congress (2021-2022): Honoring Our Pact Act of ...” Accessed November 14, 2022. <https://www.congress.gov/bill/117th-congress/senate-bill/3373/text>.

Failure to educate potential clients on this clause may result in them agreeing to fees that they would not otherwise agree to. While firms have promised veterans awards in the millions of dollars, they have declined to inform them that even one of these offsets, depending on the interpretation, could result in the veteran having to forfeit their award.

Camp Lejeune Justice Act: The Path Forward

The American Legion has long been supportive of the CLJA and was encouraged to see its inclusion in the Robinson PACT Act earlier this year. Notwithstanding that support, we believe it is necessary to make modifications to the language to streamline implementation and protect veterans from the actions of unscrupulous actors. It is in keeping with the intent of Resolution No. 15: *Oversight of Camp Lejeune Justice Act* that we make the following recommendations.⁶

Limit Legal Fees

VA regulations require VA-accredited law firms charge “reasonable fees” when representing veterans before the Board of Veteran Appeals (BVA). Under 38 CFR § 14.636, 20 percent or less is presumed to be reasonable while fees that exceed 33.3 percent are presumed to be excessive.⁷ Furthermore, under the Federal Tort Claims Act attorneys may not charge a contingency fee in excess of 25 percent.⁸ While protections against excessive legal fees exist in other areas, none of the aforementioned statutes or regulations apply to those seeking a cause of action under the CLJA.

Eliminate vague, impractical, and unrelated offsets

The offsets required by Section 804 (e) (2) are at times vague, impractical, and overly expansive. Medicare and Medicaid are benefits that veterans, and their civilian counterparts, would be entitled to regardless of their exposure to contaminated toxic water at CLNC. It would be an unnecessary injustice to penalize veterans for utilizing a benefit that is available to all other American’s and has limited direct connection with their exposure to toxins at CLNC. Additionally, to offset the award by, “any program under the laws administered by the Secretary of Veteran Affairs,” could potentially penalize veterans for utilizing VA benefits they have rightfully earned and have no connection with the CLJA.

Furthermore, non-disability compensation offsets, particularly healthcare, would be extraordinarily difficult to calculate at the individual level. It would be extremely challenging to determine what healthcare was required exclusively for a veteran's Camp Lejeune-related disabilities. For instance, Bladder Cancer, Lung Cancer, Leukemia, Multiple Myeloma, and Non-Hodgkin’s Lymphoma are all presumptive conditions associated with exposure to both agent orange exposure and contaminated drinking water at CLNC. It was not uncommon for veterans to have served in Vietnam and other designated locations with a concession to exposure to agent

⁶ Committee, American Legion. National Executive. “Resolution No. 15: Oversight of Camp Lejeune Justice Act.”

⁷ “38 CFR § 14.636 - Payment of Fees for Representation by Agents and Attorneys in Proceedings before Agencies of Original Jurisdiction and before the Board of Veterans' Appeals.” Legal Information Institute. Legal Information Institute. Accessed November 13, 2022. <https://www.law.cornell.edu/cfr/text/38/14.636>.

⁸ “28 U.S. Code § 2678 - Attorney Fees; Penalty.” Legal Information Institute. Legal Information Institute. Accessed November 13, 2022. <https://www.law.cornell.edu/uscode/text/28/2678>.

orange from 1962-1975 and also have served at CLNC from 1953-1987. With 13 years of overlap between these two exposures and five shared presumptive conditions it would be difficult for VA to determine the exact source of the veteran's condition. Not only would it be nearly impossible to determine the source in these situations, but it would also be challenging to assign a dollar value to the treatment of said conditions. Given these complexities, we believe there should be no offsets whatsoever for healthcare veterans have received from VA.

Ensure that no veteran loses access to healthcare or disability benefit payments

Deference should be shown to the veteran in the application off any remaining offset and under no circumstances should any award jeopardize their access to VA healthcare or future disability payments.

The American Legion Acts

In response to the overwhelming marketing campaigns, misleading information, and excessive fees, the National Executive Committee of The American Legion passed Resolution No. 15: Oversight of Camp Lejeune Justice Act, which urges Congress, *"to provide the necessary oversight during the implementation of the Camp Lejeune Justice Act to ensure veterans receive fair consideration of their lawsuits and protections against predatory law firms."*⁹

The American Legion has also signed a memorandum of understanding with a VA-accredited law firm, Bergman & Moore, to assist veterans and potential plaintiffs in navigating legal action associated with the CLJA.¹⁰ The intent is to provide veterans with a trustworthy and vetted firm to prevent them from being preyed upon by unscrupulous actors and ensure they have access to representation with reasonable fees. Each veteran will be provided an initial consultation to determine if it is in their best interest to pursue legal action or apply for traditional VA disability benefits. Bergman & Moore currently also assists The American Legion with training service officers and representing veterans before BVA.

Conclusion

Chairman Tester, Ranking Member Moran, and distinguished members of the Committee, The American Legion thanks you for your efforts to ensure veterans receive the benefits and care they rightfully deserve. We are grateful for the opportunity to voice the perspective of our nearly 1.6 million members on this critical matter and look forward to continuing to work with you to take care of our nation's veterans. Please contact Mr. Lawrence Montreuil, Legislative Director, at lmontreuil@legion.org for additional information or questions regarding this testimony.

⁹ Committee, American Legion. National Executive. "Resolution No. 15: Oversight of Camp Lejeune Justice Act." Home, October 1, 2022. <https://archive.legion.org/handle/20.500.12203/15091>.

¹⁰ The American Legion. "Legion Inks MOU on Camp Lejeune Justice Act." The American Legion, October 25, 2022. <https://www.legion.org/veteransbenefits/257191/legion-inks-mou-camp-lejeune-justice-act>.

Written Testimony of Rosie Torres

Before the Senate Committee on Veterans Affairs

Hearing on the Department of Veterans Affairs Implementation of the Sargent First Class Heath Robinson Honoring our PACT Act

November 16, 2022

Chairman Tester, Ranking Member Moran, and Members of the Committee, thank you for letting me submit this written testimony as you explore the implementation of the Sargent First Class Heath Robinson Honoring our PACT Act.

My name is Rosie Torres. I, along with my husband, Army Captain Le Roy Torres, founded Burn Pits 360 to advocate for veterans exposed to toxic burn pits while deployed, many of whom have endured severe and often fatal health consequences as a result. I have had the honor of working with many of you personally on the PACT Act and am eternally grateful for your tireless work to ensure veterans are given the health care and benefits they deserve after serving our country.

My husband, Le Roy, was deployed to Camp Anaconda in Iraq for years. This air base was home to the largest burn pit on the globe. In 2008, Le Roy returned home to Texas, he quickly fell ill with devastating respiratory symptoms. The deterioration of Le Roy's health impacted him personally and ended his dream career as a Texas State Trooper since he was no longer able to perform the duties of the job. Despite this enormous impact on our lives, we did not know what was happening and why he was suffering these debilitating health impairments

Despite repeated attempts to get help for his deteriorating conditions from the VA, our family was consistently faced with the injustice and denial of specialized health care. We spent several years and depleted our personal life savings traveling the country in search of a diagnosis for Le Roy. We needed the diagnosis to find a diagnosis and determine a path for treatment – if it was possible. **We were close to going into foreclosure on our home while we simultaneously had no clue how severe his condition was and how long he might have to live. And to this day, we still don't have answers to these questions, even though we now have a diagnosis.**

Le Roy suffers from shortness of breath, headaches, autoimmune and gastrointestinal issues, memory loss, toxic brain injury and more. He is constantly in and out of the hospital. In fact, he could not be here today for these hearings because he is back in the hospital. And while we do

finally have diagnoses – constrictive bronchiolitis, fibrosis of the lungs, and toxic encephalopathy – we do not have a treatment plan, nor do we know how much time we will have together or whether he will get to see our children and grandchildren grow up. This is in large part because even though we have a diagnosis, the VA has not been able to provide access to the proper health care services to determine the status of his disease since the diagnosis, nor putting a treatment plan into place for his future.

I worked for the VA for 23 years prior to Le Roy's health problems. "Even though I thought I understood the system, I knew it would be complicated to navigate the VA and help my husband arrive at a quick and accurate diagnosis of his condition, establish a treatment plan, and claim his benefits. And our experience was even more frustrating and challenging than I ever could have imagined. So, after spending years and our life savings navigating VA and private health care systems seeking the certainty of a diagnosis, I started Burn Pits 360 to advocate for burn pit victims and to create a community for the thousands of other veterans and families suffering a similar fate. This is what brought us to Congress to advocate for the PACT Act. It became – and still is – my life's mission to ensure that no other veteran nor their family faces the obstacles we did. It was the honor of a lifetime to work with Congress and veterans advocates across the country to ensure the creation and passage of the PACT Act. But the work does not end there. In fact, the work just begins there. Now, we must ensure that the VA implements this legislation quickly and effectively, so veterans are no longer left helpless when their health is suffering from deployment-related exposures.

I want to focus on one of if not the most common symptoms of deployment-related exposure: unexplained shortness of breath. Like many veterans, shortness of breath was one of our first clues something was wrong with Le Roy. Unfortunately, we were bounced around from hospital to hospital to find an answer as to why Le Roy's was experiencing these symptoms, and it was not until he was finally given a surgical lung biopsy that we were able to receive a diagnosis. While this sounds "easy," it is in fact the opposite. We were afraid we would end up homeless by the time we were through with it. We had to travel to Nashville, pay tens of thousands of dollars out of pocket, and the procedure itself was barbaric and invasive. It took Le Roy almost a year to recover from that procedure. In addition, lung biopsies are risky, with about a one percent fatality rate. Because of this experience, Le Roy does not want to undergo another biopsy, and consequently the VA has no other way to determine how much his condition has deteriorated since the biopsy. As a result, today I have no idea as to how severe his condition is. Every time he is admitted to the hospital, I am left to question how long he has left with us. How can we put our veterans through this after all they have already suffered?

Based on the data we have in the Burn Pits 360 registry, we estimate that hundreds of thousands of the 3.5 million deployers have undiagnosed respiratory issues, for which shortness of breath could be the first sign that something is wrong. Now that the PACT Act has passed, the VA is frantically staffing up with clinicians, nurses and administrative resources to cope with the expected influx of veterans seeking care. Modalities such as pulmonary function tests, chest x-rays and high-resolution CT scans are not always useful, as they don't provide insight into actual lung function. The VA does not have the resources to perform these tests on all these veterans about to enter the system for the first time.

So as the VA starts to implement PACT, how can the Department ensure other veterans do not suffer the way Le Roy has? And how can Congress provide proper oversight to make sure this is done quickly?

For situations where shortness of breath presents, like they did for Le Roy, the VA needs to create a clear intake process for veterans suffering from lung injuries to get access to medical screenings using available technologies that are now on the market. I have learned of technologies that can quickly and painlessly give doctors clarity and details about a veteran's lung conditions. With this information, veterans can get access to better treatment and avoid invasive and expensive biopsies. In fact, the House FY23 Appropriations Subcommittee Military Construction, Veterans Affairs, and Related Agencies included report language supporting a pilot addressing this exact issue – something we encourage Congress to ensure is carried through in the final FY23 bill and implemented immediately. The language is as follows:

Burn Pit Population Surveillance. —The Committee continues to express its concern regarding the devastating effects that toxic particulate matter from sources such as burn pits, dust storms and sulphur mine fires have had on veterans who were deployed to Iraq, Afghanistan, Southwest Asia, and other theaters of operations in the period after 9/11. While the Department has attempted to quantify the number of veterans who were exposed to airborne hazards, a full accounting of the scope and severity of the impacts of these exposures across the affected population has not been undertaken. The Committee is aware of emerging technology that uses existing x-ray imaging and equipment to derive four-dimensional models of lung function, to identify respiratory illnesses and accompanying loss of lung function earlier than was previously feasible. The Committee urges the Department to evaluate this technology for the purposes of conducting a population-wide surveillance of veterans who have likely been exposed to airborne hazards, in order to conduct a full accounting of the health impacts suffered by veterans and to provide full and effective medical care to this population.

These technologies are affordable for the VA, non-invasive, and accurate, and would be easy to implement at any VA health care center. **One technology, for example, doesn't require any new hardware or personnel and can screen many, many more veterans in a much shorter period of time by providing four-dimensional lung images from x-rays that would be taken under a general chest x-ray referral the veteran would receive anyway. This technology simply needs to be included as an option when a veteran is being referred for an exam as a result of pulmonary symptoms. For many, this would avoid the surgical lung biopsy, saving lives, time, money, and suffering.**

The VA also needs to train their staff on how to recognize burn pit exposure symptoms and how to move veterans into the new screening process so that doctors can quickly identify their needs. In the month since implementation went live, wait times have already started to increase. Veterans have waited long enough and suffered long enough. **Increased wait times and barbaric, invasive diagnostic procedures cannot be the way forward for our nation's heroes.** Every day that the VA delays implementation or makes a veteran wait for diagnosis and treatment is another US flag draped on a coffin.

Congress and the VA have a real opportunity to end the nightmare that veterans and their families are living every day due to burn pit exposure. I urge you to do so and ensure we do not fail our veterans again. Our veterans have suffered enough as this war has followed us home. This has broken our family into pieces. Due to Le Roy's health, we have missed family events and functions and have been forced to rely on our tribe – our family and community – to raise our children when we couldn't be there ourselves. I look at my husband every single day now and I don't know how much longer I have with him. We would give anything to have the time and resources back that we spent trying to get his diagnosis and hoping for a treatment plan. While we will never have that time back, you can give it to others. Do not let the VA fail others the way it failed us. I urge you with everything I have in me to make sure no other families have to suffer the way we have. **Ensure the VA implements PACT immediately. Ensure the VA has a system in place to field the tens of thousands of veterans who will be beating down the doors for a diagnosis. Get them their treatment and benefits as fast as humanly possible.** These veterans have put their lives on the line for us, and they have returned, but not unharmed. They have the right to live. And it is your responsibility to ensure they are given that right and that they are supported in their desire to live. Thank you.



EXHIBIT C

Proviso.
Base pay increases.

Subject to service increase, etc.

Appointments, etc., regulations to be prescribed.

smith, first class, \$65; coppersmith, second class, \$50; pattern maker, first class, \$65; pattern maker, second class, \$50; molder, first class, \$65; molder, second class, \$50; chief special mechanic, \$127; special mechanic, first class, \$80: *Provided*, That the base pay of machinists' mates, second class, and water tenders be, and it is hereby, increased from \$40 to \$45 per month: *Provided further*, That all the aforesaid rates of pay shall be subject to such increases of pay and allowances as are, or may hereafter be, authorized by law for enlisted men of the Navy: *And provided further*, That appointments or enlistments in the said ratings may be made from enlisted men in the Navy or from civil life, respectively, and the qualifications of candidates for any of said ratings shall be determined in accordance with such regulations as the Secretary of the Navy may prescribe.

Approved, October 6, 1917.

October 6, 1917.
[H. R. 5918.]

[Public No. 89.]

CHAP. 104.—An Act To authorize the President to organize provisionally as Field Artillery or Infantry and to use as Field Artillery or Infantry during the existing emergency such regiments of Cavalry as he may designate.

Army.
Cavalry may serve as Field Artillery or Infantry during existing emergency.

Proviso.
Reorganization as Cavalry afterwards.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the present emergency the President be, and he is hereby, authorized to organize provisionally as Field Artillery or Infantry and to use as Field Artillery or Infantry during the existing emergency such regiments of Cavalry as he may designate: *Provided*, That immediately after the termination of the existing emergency such regiments shall be reorganized as Cavalry regiments in accordance with the prescribed organization of such regiments.

Approved, October 6, 1917.

October 6, 1917.
[H. R. 5723.]

[Public No. 90.]

CHAP. 105 —An Act To amend an Act entitled "An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September second, nineteen hundred and fourteen, and for other purposes.

War Risk Insurance Bureau.
Vol. 38, p. 711, amended.
Ante, p. 102, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September second, nineteen hundred and fourteen, as amended, is hereby amended to read as follows:

"ARTICLE I.

Bureau established in Treasury Department.
Director.

Divisions created.
Commissioner for each.
Ante, p. 102.

New sections.
Vol. 38, p. 712, amended.

Marine and seamen's insurance.
Vol. 38, pp. 711, 712.
Ante, p. 102.

"SECTION 1. That there is established in the Treasury Department a Bureau to be known as the Bureau of War Risk Insurance, the director of which shall receive a salary at the rate of \$5,000 per annum.

"That there be in such bureau a Division of Marine and Seamen's Insurance and a Division of Military and Naval Insurance in charge of a commissioner of Marine and Seamen's Insurance and a commissioner of Military and Naval Insurance, respectively, each of whom shall receive a salary of \$4,000 per annum."

SEC. 2. That such Act of September second, nineteen hundred and fourteen, as amended, is hereby amended by adding new sections, as follows:

"SEC. 12. That sections two to seven, inclusive, and section nine, shall be construed to refer only to the Division of Marine and Seamen's Insurance.

"SEC. 13. That the director, subject to the general direction of the Secretary of the Treasury, shall administer, execute, and enforce the provisions of this Act, and for that purpose have full power and authority to make rules and regulations, not inconsistent with the provisions of this Act, necessary or appropriate to carry out its purposes, and shall decide all questions arising under the Act, except as otherwise provided in sections five and four hundred and five. Wherever under any provision or provisions of the Act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director, subject to the general direction of the Secretary of the Treasury. The director shall adopt reasonable and proper rules to govern the procedure of the divisions, to regulate the matter of the compensation, if any, but in no case to exceed ten per centum, to be paid to claim agents and attorneys for services in connection with any of the matters provided for in articles two, three, and four, and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of allowance, allotment, compensation, or insurance provided for in this Act, the forms of application of those claiming to be entitled to such benefits, the method of making investigations and medical examinations, and the manner and form of adjudications and awards.

"SEC. 14. That the bureau and its divisions shall have such deputies, assistants, actuaries, clerks, and other employees as may be from time to time provided by Congress. The bureau shall, by arrangement with the Secretary of War and the Secretary of the Navy, respectively, make use of the services of surgeons in the Army and Navy. The Secretary of the Treasury is authorized to establish an advisory board consisting of three members skilled in the practice of insurance against death or disability for the purpose of assisting the Division of Military and Naval Insurance in fixing premium rates and in the adjustment of claims for losses under the contracts of insurance provided for in article four and in adjusting claims for compensation under article three; compensation for the persons so appointed to be determined by the Secretary of the Treasury, but not to exceed \$20 a day each while actually employed.

"SEC. 15. That for the purposes of this Act, the director, commissioners, and deputy commissioners shall have power to issue subpoenas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths and to examine witnesses upon any matter within the jurisdiction of the bureau. The director may obtain such information and such reports from officials and employees of the departments of the Government of the United States and of the States as may be agreed upon by the heads of the respective departments. In case of disobedience to a subpoena, the bureau may invoke the aid of any district court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court, within the jurisdiction of which the inquiry is carried on, may, in case of contumacy or refusal to obey a subpoena issued to any officer, agent, or employee of any corporation or other person, issue an order requiring such corporation or other person to appear before the bureau, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any person so required to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.

Administrative, etc.,
powers conferred on
director.
Post, p. 555.

Regulations.

Procedure, etc.

Ante, p. 102.

Employees.

Medical services.

Advisory board to assist
in death and disability
insurance.

Pay.

Powers to secure testimony,
etc.

Assistance from departments,
etc.

Aid from district courts.

Witness fees, etc.

Annual estimates.	"SEC. 16. That the director shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the bureau.
Appropriation for salaries, expenses, etc.	"SEC. 17. That for the purpose of carrying out the provisions of this Act there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$100,000, for the payment of all expenses incident to the work authorized under this Act, including salaries of the director and commissioners and of such deputies, assistants, accountants, experts, clerks, and other employees in the District of Columbia or elsewhere, as the Secretary of the Treasury may deem necessary, traveling expenses, rent and equipment of offices, typewriters and exchange of same, purchase of law books and books of reference, printing and binding to be done at the Government Printing Office, and all other necessary expenses. With the exception of the director, the commissioners, and such special experts as the Secretary of the Treasury may from time to time find necessary for the conduct of the work of the bureau, all employees of the bureau shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law. Such fees, allowances, and salaries shall be the same as are paid for similar services in other departments of the Government.
Employees from civil-service eligibles. Exceptions.	
Compensation.	
Appropriation for family allowances.	"SEC. 18. That there is hereby appropriated from any money in the Treasury not otherwise appropriated, the sum of \$141,000,000, to be known as the military and naval family allowance appropriation, for the payment of the family allowances provided by Article II. Payments out of this appropriation shall be made upon and in accordance with awards by the Commissioner of the Division of Military and Naval Insurance.
Payments from.	
Appropriation for compensation, funerals, etc.	"SEC. 19. That there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$12,150,000, to be known as the military and naval compensation appropriation, for the payment of the compensation, funeral expenses, services, and supplies provided by Article III. Payments out of this appropriation shall be made upon and in accordance with awards by the director.
Payments from.	
Appropriation for insurance.	"SEC. 20. That there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$23,000,000, to be known as the military and naval insurance appropriation. All premiums that may be collected for the insurance provided by the provisions of Article IV shall be deposited and covered into the Treasury to the credit of this appropriation.
Premiums credited hereto.	
Payments from.	"Such sum, including all premium payments, is hereby made available for the payment of the liabilities of the United States incurred under contracts of insurance made under the provisions of Article IV. Payments from this appropriation shall be made upon and in accordance with awards by the director.
Pay deposit fund to be set aside. Post, p. 403.	"SEC. 21. That there shall be set aside as a separate fund in the Treasury, to be known as the military and naval pay deposit fund, all sums held out of pay as provided by section two hundred and three of this Act. Such fund, including all additions, is hereby made available for the payment of the sums so held and deposited, with interest, as provided in section two hundred and three, and the amount necessary to pay interest is hereby appropriated.
Interest appropriated for.	
Marriage evidence required.	"SEC. 22. That for the purpose of this amendatory Act the marriage of the claimant to the person on account of whom the claim is made shall be shown— "(1) By a duly verified copy of a public or church record; or "(2) By the affidavit of the clergyman or magistrate who officiated; or "(3) By the testimony of two or more eyewitnesses to the ceremony; or

“(4) By a duly verified copy of the church record of baptism of the children; or

“(5) By the testimony of two or more witnesses who know that the parties lived together as husband and wife, and were recognized as such, and who shall state how long, within their knowledge, such relation continued: *Provided*, That marriages, except such as are mentioned in section forty-seven hundred and five of the Revised Statutes, shall be proven in compensation or insurance cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to compensation or insurance accrued; and the open and notorious illicit cohabitation of a widow who is a claimant shall operate to terminate her right to compensation or insurance from the commencement of such cohabitation: *Provided further*, That for the purpose of the administration of Article II of this Act marriage shall be conclusively presumed, in the absence of proof, that there is a legal spouse living, if the man and woman have lived together in the openly acknowledged relation of husband and wife during the two years immediately preceding the date of the declaration of war, or the date of enlistment or of entrance into or employment in active service in the military or naval forces of the United States if subsequent to such declaration.”

Provisos.
Proof of legality by law of domicile.
Exceptions.
R. S., sec. 4705, p. 916.

Presumption accepted.

In Articles II, III, and IV of this Act unless the context otherwise requires—

Terms construed.

“(1) The term ‘child’ includes—

“Child.”

“(a) A legitimate child.

“(b) A child legally adopted more than six months before the enactment of this amendatory Act or before enlistment or entrance into or employment in active service in the military or naval forces of the United States, whichever of these dates is the later.

“(c) A stepchild, if a member of the man’s household.

“(d) An illegitimate child, but, as to the father, only, if acknowledged by instrument in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child’s support, and if such child, if born after December thirty-first, nineteen hundred and seventeen, shall have been born in the United States, or in its insular possessions.

“(2) The term ‘grandchild’ means a child as above defined of a child as above defined.

“Grandchild.”

“(3) Except as used in section four hundred and one and in section four hundred and two the terms ‘child’ and ‘grandchild’ are limited to unmarried persons either (a) under eighteen years of age, or (b) of any age, if insane, idiotic, or otherwise permanently helpless.

Limitations.

“(4) The term ‘parent’ includes a father, mother, grandfather, grandmother, stepfather, and stepmother, either of the person in the service or of the spouse.

“Parent.”
Post., p. 609.

“(5) The terms ‘brother’ and ‘sister’ include brothers and sisters of the half blood as well as those of the whole blood, stepbrothers and stepsisters, and brothers and sisters through adoption.

“Brother” and “sister.”

“(6) The term ‘commissioned officer’ includes a warrant officer, but includes only an officer in active service in the military or naval forces of the United States.

“Commissioned officer.”

“(7) The terms ‘man’ and ‘enlisted man’ mean a person, whether male or female, and whether enlisted, enrolled, or drafted into active service in the military or naval forces of the United States, and include noncommissioned and petty officers, and members of training camps authorized by law.

“Man” or “enlisted man.”

“(8) The term ‘enlistment’ includes voluntary enlistment, draft, and enrollment in active service in the military or naval forces of the United States.

“Enlistment.”

“(9) The term ‘commissioner’ means the Commissioner of Military and Naval Insurance.

“Commissioner.”

- "Injury." " (10) The term 'injury' includes disease.
- "Pay." " (11) The term 'pay' means the pay for service in the United States according to grade and length of service, excluding all allowances.
- "Military or naval forces." " (12) The term 'military or naval forces' means the Army, the Navy, the Marine Corps, the Coast Guard, the Naval Reserves, the National Naval Volunteers, and any other branch of the United States service while serving pursuant to law with the Army or the Navy.
- Payments to minors "SEC. 23. That when, by the terms of this amendatory Act, any payment is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, such payment shall be made to the person who is constituted guardian or curator by the laws of the State or residence of claimant, or is otherwise legally vested with responsibility or care of the claimant.
- Bureau to furnish information as to any contracts of insurance. "SEC. 24. That the Bureau of War Risk Insurance, so far as practicable, shall upon request furnish information to and act for persons in the military or naval service, with respect to any contracts of insurance whether with the Government or otherwise, as may be prescribed by regulations. Said bureau may upon request procure from and keep a record of the amount and kind of insurance held by every commissioned and appointive officer and of every enlisted man in the military or naval service of the United States, including the name and principal place of business of the company, society, or organization in which such insurance is held, the date of the policy, amount of premium, name and relationship of the beneficiary, and such other data as may be deemed of service in protecting the interests of the insured and beneficiaries.
- Records, etc., to be kept. "SEC. 25. That whoever in any claim for family allowance, compensation, or insurance, or in any document required by this Act or by regulation made under this Act, makes any statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both.
- Punishment for false statements in claims, etc. "SEC. 26. That if any person entitled to payment of family allowance or compensation under this Act, whose right to such payment under this Act ceases upon the happening of any contingency, thereafter fraudulently accepts any such payment, he shall be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or both."
- Punishment for accepting payments after right thereto ceases.

ARTICLE II.

ALLOTMENTS AND FAMILY ALLOWANCES.

- Allotments and family allowances. SEC. 200. That the provisions of this article shall apply to all enlisted men in the military or naval forces of the United States.
- All enlisted men included. *Post*, p. 610. SEC. 201. That allotment of pay shall, subject to the conditions, limitations, and exceptions hereinafter specified, be compulsory as to wife, a former wife divorced who has not remarried and to whom alimony has been decreed, and a child, and voluntary as to any other person; but on the written consent of the wife or former wife divorced, supported by evidence satisfactory to the bureau of her ability to support herself and the children in her custody, the allotment for her and for such children may be waived; and on the enlisted man's application or otherwise for good cause shown, exemption from the allotment may be granted upon such conditions as may be prescribed by regulations.
- Compulsory allotments. The monthly compulsory allotment shall be in an amount equal to the family allowance hereinafter specified except that it shall not be more than one-half the pay, or less than \$15; but for a wife living
- Voluntary.
- Exemption.
- Bases of computation. *Post*, p. 610.

separate and apart under court order or written agreement or for a former wife divorced, it shall not exceed the amount specified in the court order, decree, or written agreement to be paid to her. For an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree.

Illegitimate children.

If there be an allotment for a wife or child, a former wife divorced and who has not remarried shall be entitled to a compulsory allotment only out of the difference, if any, between the allotment for the wife or child or both and one-half of the pay.

Former wife divorced.

SEC. 202. That the enlisted man may allot any proportion or proportions or any fixed amount or amounts of his monthly pay or of the proportion thereof remaining after the compulsory allotment, for such purposes and for the benefit of such person or persons as he may direct, subject, however, to such conditions and limitations as may be prescribed under regulations to be made by the Secretary of War and the Secretary of the Navy, respectively.

Other allotments permitted.

SEC. 203. That in case one-half of an enlisted man's monthly pay is not allotted, regulations to be made by the secretary of War and the Secretary of the Navy, respectively, may require, under such circumstances and conditions as may be prescribed in such regulations, that any proportion of such one-half pay as is not allotted shall be deposited to his credit, to be held during such period of his service as may be prescribed. Such deposits shall bear interest at the rate of four per centum per annum, with semiannual rests and, when payable, shall be paid principal and interest to the enlisted man, if living, otherwise to any beneficiary or beneficiaries he may have designated, or if there be no such beneficiary, then to the person or persons who would under the laws of the State of his residence be entitled to his personal property in case of intestacy.

Unallotted portion to be deposited to his credit.
Post, p. 610.

Interest.
Payment.

SEC. 204. That a family allowance of not exceeding \$50 per month shall be granted and paid by the United States upon written application to the bureau by such enlisted man or by or on behalf of any prospective beneficiary, in accordance with and subject to the conditions, limitations, and exceptions hereinafter specified.

Family allowances.
To be paid on application therefor.

The family allowance shall be paid from the time of enlistment to death in or one month after discharge from the service, but not for more than one month after the termination of the present war emergency. No family allowance shall be made for any period preceding November first, nineteen hundred and seventeen. The payment shall be subject to such regulations as may be prescribed relative to cases of desertion and imprisonment and of missing men.

Period payable, etc.

Subject to the conditions, limitations, and exceptions hereinabove and hereinafter specified, the family allowance payable per month shall be as follows:

Amounts allowed.

Class A. In the case of a man, to his wife (including a former wife divorced) and to his child or children:

Class A.
To wife and children.
Post, p. 610.

- (a) If there be a wife but no child, \$15.
- (b) If there be a wife and one child, \$25.
- (c) If there be a wife and two children, \$32.50, with \$5 per month additional for each additional child.
- (d) If there be no wife, but one child, \$5.
- (e) If there be no wife, but two children, \$12.50.
- (f) If there be no wife, but three children, \$20.
- (g) If there be no wife, but four children, \$30, with \$5 per month additional for each additional child.

Class B. In the case of a man or woman, to a grandchild, a parent, brother, or sister:

Class B.
Other relatives.
Post, p. 610.

- (a) If there be one parent, \$10.
- (b) If there be two parents, \$20.
- (c) For each grandchild, brother, sister, and additional parent, \$5.

Children of woman.	In the case of a woman, to a child or children: (d) If there be one child, \$5. (e) If there be two children, \$12.50. (f) If there be three children, \$20. (g) If there be four children, \$30, with \$5 per month additional for each additional child.
Payments under Class A. Classification.	SEC. 205. That family allowances for members of Class A shall be paid only if and while a compulsory allotment is made to a member or members of such class. The monthly family allowance to a former wife divorced shall be payable only out of the difference, if any, between the monthly family allowance to the other members of Class A and the sum of \$50, and only then if alimony shall have been decreed to her. For a wife living separate and apart under court order or written agreement or to a former wife divorced the monthly allowance, together with the allotment, if any, shall not exceed the amount specified in the court order, decree, or written agreement to be paid to her. For an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree.
Payments under Class B. Post, p. 611.	SEC. 206. That family allowances to members of Class B shall be granted only if and while the member is dependent in whole or in part on the enlisted man, and then only if and while the enlisted man makes a monthly allotment of his pay for such member or members equal to the amount of the monthly family allowance as hereinabove specified, except that—
Requirements.	(a) The maximum monthly allotment so required to be made to members of Class B shall be one-half of his pay. (b) If he is making no allotment to a member of Class A, the minimum monthly allotment so designated to be made to members of Class B shall be \$15 per month. (c) If he is making the compulsory allotment to a member of Class A, the minimum monthly allotment so designated to be made to members of Class B shall be one-seventh of his pay, but not less than \$5 per month.
Exemptions granted.	On the enlisted man's application, or otherwise for good cause shown, exemption from this additional allotment under Class B as a condition to the allowance may be granted, upon such conditions as may be prescribed by regulations.
Limitations to Class B, allowances.	SEC. 207. That the amount of the family allowance to members of Class B shall be subject to each of the following limitations: (a) If an allowance is paid to one or more beneficiaries of Class A, the total allowance to be paid to the beneficiaries of Class B shall not exceed the difference between the allowance paid to the beneficiaries of Class A and the sum of \$50. (b) The total monthly allowance to beneficiaries of Class B added to the enlisted man's monthly allotment to them shall not exceed the average sum habitually contributed by him to their support monthly during the period of dependency but not exceeding a year immediately preceding his enlistment or the enactment of this amendatory Act.
Apportionment.	SEC. 208. That as between the members of Class A and as between the members of Class B, the amount of the allotment and family allowance shall be apportioned as may be prescribed by regulations.
Monthly payments from War and Navy Departments to the Treasury for distribution.	SEC. 209. The War and Navy Departments, respectively, shall pay over to the Treasury Department monthly the entire amount of such allotments for distribution to the beneficiaries, and the allotments and family allowances shall be paid by the Bureau to or for the beneficiaries.
Certification of allotments. Investigations, etc. Post, p. 611.	SEC. 210. That upon receipt of any application for family allowance the commissioner shall make all proper investigations and shall make report thereon to the Secretary of War, and the Secretary of War shall make report thereon to the Secretary of the Treasury.

allotments to be made by the man shall be certified to the War Department or Navy Department, as may be proper. Whenever the commissioner shall have reason to believe that an allowance has been improperly made or that the conditions have changed, he shall investigate or reinvestigate and may modify the award. The amount of each monthly allotment and allowance shall be determined according to the conditions then existing.

ARTICLE III.

COMPENSATION FOR DEATH OR DISABILITY.

SEC. 300. That for death or disability resulting from personal injury suffered or disease contracted in the line of duty, by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay compensation as hereinafter provided; but no compensation shall be paid if the injury or disease has been caused by his own willful misconduct.

Compensation for death or disability.

Classes of officers, enlisted men, etc., entitled. Post, p. 611.

Personal misconduct excluded.

SEC. 301. That if death results from injury—

Deaths. Post, p. 611.

If the deceased leaves a widow or child, or if he leaves a widowed mother dependent upon him for support, the monthly compensation shall be the following amounts:

Amounts payable.

- (a) For a widow alone, \$25.
- (b) For a widow and one child, \$35.
- (c) For a widow and two children, \$47.50, with \$5 for each additional child up to two.
- (d) If there be no widow, then for one child, \$20.
- (e) For two children, \$30.
- (f) For three children, \$40, with \$5 for each additional child up to two.

(g) For a widowed mother, \$20. The amount payable under this subdivision shall not be greater than a sum which, when added to the total amount payable to the widow and children, does not exceed \$75. This compensation shall be payable for the death of but one child, and no compensation for the death of a child shall be payable if such widowed mother is in receipt of compensation under the provisions of this article for the death of her husband. Such compensation shall be payable whether her widowhood arises before or after the death of the person and whenever her condition is such that if the person were living the widowed mother would have been dependent upon him for support.

Widowed mother. Limitations.

If the death occur before discharge or resignation from service, the United States shall pay for burial expenses and the return of body to his home a sum not to exceed \$100, as may be fixed by regulations.

Burial expenses.

The payment of compensation to a widow or widowed mother shall continue until her death or remarriage.

Term for widow or mother.

The payment of compensation to or for a child shall continue until such child reaches the age of eighteen years or marries, or if such child be incapable, because of insanity, idiocy, or being otherwise permanently helpless, then during such incapacity.

Payments to children.

Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they had been the sole original beneficiaries.

Termination of right.

As between the widow and the children not in her custody, and as between children, the amount of the compensation shall be appor-

Apportionment of children not with mother.

Widow restriction. tioned as may be prescribed by regulations. The word "widow" as used in this section shall not include one who shall have married the deceased later than ten years after the time of injury.

Disability. · SEC. 302. That if disability results from the injury—

Total. (1) If and while the disability is total, the monthly compensation shall be the following amounts:

Post, p. 612. (a) If he has neither wife nor child living, \$30.
 (b) If he has a wife but no child living, \$45.
 (c) If he has a wife and one child living, \$55.
 (d) If he has a wife and two children living, \$65.
 (e) If he has a wife and three or more children living, \$75.
 (f) If he has no wife but one child living, \$40, with \$10 for each additional child up to two.
 (g) If he has a widowed mother dependent on him for support, then, in addition to the above amounts, \$10.

Requiring constant attendant. To an injured person who is totally disabled and in addition so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding \$20 per month, as the director may deem reasonable: *Provided, however,* That for the loss of both feet or both hands or both eyes, or for becoming totally blind or helplessly and permanently bedridden from causes occurring in the line of duty in the service of the United States, the rate of compensation shall be \$100 per month: *Provided further,* That no allowance shall be made for nurse or attendant.

Provisos. Allowances at \$100 a month. (2) If and while the disability is partial, the monthly compensation shall be a percentage of the compensation that would be payable for his total disability, equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than ten per centum.

None for attendant. A schedule of ratings of reductions in earning capacity from specific injuries or combinations of injuries of a permanent nature shall be adopted and applied by the bureau. Ratings may be as high as one hundred per centum. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations and not upon the impairment in earning capacity in each individual case, so that there shall be no reduction in the rate of compensation for individual success in overcoming the handicap of a permanent injury. The bureau shall from time to time readjust this schedule of ratings in accordance with actual experience.

Partial disability. Computation of degree. (3) In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services and with such supplies, including artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary: *Provided,* That nothing in this Act shall be construed to affect the necessary military control over any member of the military or naval establishments before he shall have been discharged from the military or naval service.

Schedules. (4) The amount of each monthly payment shall be determined according to the family conditions then existing.

Basis of ratings. SEC. 303. That every person applying for or in receipt of compensation for disability under the provisions of this article shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the director. He may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations he shall, in the discretion of the director,

Medical services, etc., to be furnished.

Proviso. Status before discharge.

Determination of monthly payments. Post, p. 613. Medical examinations of applicants.

Payment for expense.

be paid his reasonable traveling and other expenses and also loss of wages incurred in order to submit to such examination. If he refuses to submit himself for, or in any way obstructs, any examination, his right to claim compensation under this article shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and no compensation shall be payable for the intervening period.

Claim suspended on refusing examination.

Every person in receipt of compensation for disability shall submit to any reasonable medical or surgical treatment furnished by the bureau whenever requested by the bureau; and the consequences of unreasonable refusal to submit to any such treatment shall not be deemed to result from the injury compensated for.

Subsequent medical treatment.

SEC. 304. That in cases of dismemberment, of injuries to sight or hearing, and of other injuries commonly causing permanent disability, the injured person shall follow such course or courses of rehabilitation, reeducation, and vocational training as the United States may provide or procure to be provided. Should such course prevent the injured person from following a substantially gainful occupation while taking same, a form of enlistment may be required which shall bring the injured person into the military or naval service. Such enlistment shall entitle the person to full pay as during the last month of his active service, and his family to family allowances and allotment as hereinbefore provided, in lieu of all other compensation for the time being.

Vocational training to be provided.
Post, p. 620.

Enlistment while taking course.

Pay, etc., allowed.

In case of his willful failure properly to follow such course or so to enlist, payment of compensation shall be suspended until such willful failure ceases and no compensation shall be payable for the intervening period.

Suspension of compensation if course not taken.

SEC. 305. That upon its own motion or upon application the bureau may at any time review an award, and, in accordance with the facts found upon such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, may award compensation.

Review of awards, etc.

SEC. 306. That no compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except that where, after a medical examination made pursuant to regulations, at the time of discharge or resignation from the service, or within such reasonable time thereafter, not exceeding one year, as may be allowed by regulations, a certificate has been obtained from the director to the effect that the injured person at the time of his discharge or resignation was suffering from injury likely to result in death or disability, compensation shall be payable for death or disability, whenever occurring, proximately resulting from such injury.

Not payable unless occurring within one year after leaving service.
Exception.

SEC. 307. That compensation shall not be payable for death in the course of the service until the death be officially recorded in the department under which he may be serving. No compensation shall be payable for a period during which the man has been reported "missing" and a family allowance has been paid for him under the provisions of Article II.

Death to be officially recorded.

Restriction if "missing."

SEC. 308. That no compensation shall be payable for death inflicted as a lawful punishment for a crime or military offense except when inflicted by the enemy. A dismissal or dishonorable or bad conduct discharge from the service shall bar and terminate all right to any compensation under the provisions of this article.

Deaths for crimes excluded.

Dishonorable discharge.

SEC. 309. That no compensation shall be payable unless a claim therefor be filed, in case of disability, within five years after discharge or resignation from the service, or, in case of death during the service, within five years after such death is officially recorded in the depart-

Time limit for presenting claims.

Proviso.
Death, etc., after discharge.

ment under which he may be serving: *Provided, however,* That where compensation is payable for death or disability occurring after discharge or resignation from the service, claim must be made within five years after such death or the beginning of such disability.

Extension permitted.

The time herein provided may be extended by the director not to exceed one year for good cause shown. If at the time that any right accrues to any person under the provisions of this article, such person is a minor, or is of unsound mind or physically unable to make a claim, the time herein provided shall not begin to run until such disability ceases.

Minors, etc.

Back payments restricted.

SEC. 310. That no compensation shall be payable for any period more than two years prior to the date of claim therefor, nor shall increased compensation be awarded to revert back more than one year prior to the date of claim therefor.

Exemptions, etc.
Post, p. 613.

SEC. 311. That compensation under this article shall not be assignable, and shall be exempt from attachment and execution and from all taxation.

Not allowed if receiving service, etc., pay.
Post, p. 613.

SEC. 312. That compensation under this article shall not be paid while the person is in receipt of service or retirement pay. The laws providing for gratuities or payments in the event of death in the service and existing pension laws shall not be applicable after the enactment of this amendment to persons now in or hereafter entering the military or naval service, or to their widows, children, or their dependents, except in so far as rights under any such law shall have heretofore accrued.

Laws for gratuities not applicable hereafter.

Compensation to female nurses in lieu of that for injuries to employees.
Vol. 39, p. 742.

Compensation because of disability or death of members of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) shall be in lieu of any compensation for such disability or death under the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September seventh, nineteen hundred and sixteen.

Injuries caused by other persons.
Right of action to be assigned to United States.
Post, p. 613.

SEC. 313. That if an injury or death for which compensation is payable under this amendatory Act is caused under circumstances creating a legal liability upon some person other than the United States or the enemy to pay damages therefor, the director, as a condition to payment of compensation by the United States, shall require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person. The cause of action so assigned to the United States may be prosecuted or compromised by the director and any money realized thereon shall be placed to the credit of the compensation fund.

Prosecution, etc.

Widows' pensions.
Minimum rate for Civil War, etc., service.

SEC. 314. That from and after the passage of this Act the rate of pension for a widow of an officer or enlisted man of the Army, Navy, or Marine Corps of the United States who served in the Civil War, the War with Spain, or the Philippine Insurrection, now on the pension roll or hereafter to be placed on the pension roll, and entitled to receive a less rate than hereinafter provided, shall be \$25 per month; and nothing herein shall be construed to affect the additional allowance provided by existing pension laws on account of a helpless child or child under sixteen years of age: *Provided, however,* That this Act shall not be so construed as to reduce any pension under any Act, public or private: *And provided further,* That the provisions of this section shall be administered, executed, and enforced by the Commissioner of Pensions.

Proviso.
No reduction of present pension.
Administration by Commissioner of Pensions.

ARTICLE IV.

INSURANCE.

SEC. 400. That in order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department greater protection for themselves and their dependents than is provided in Article III, the United States, upon application to the bureau and without medical examination, shall grant insurance against the death or total permanent disability of any such person in any multiple of \$500, and not less than \$1,000 or more than \$10,000, upon the payment of the premiums as hereinafter provided.

SEC. 401. That such insurance must be applied for within one hundred and twenty days after enlistment or after entrance into or employment in the active service and before discharge or resignation, except that those persons who are in the active war service at the time of the publication of the terms and conditions of such contract of insurance may apply at any time within one hundred and twenty days thereafter and while in such service. Any person in the active service on or after the sixth day of April, nineteen hundred and seventeen, who, while in such service and before the expiration of one hundred and twenty days from and after such publication, becomes or has become totally and permanently disabled or dies, or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments of \$25 each. If he shall die either before he shall have received any of such monthly installments or before he shall have received two hundred and forty of such monthly installments, then \$25 per month shall be paid to his wife from the time of his death and during her widowhood, or to his child, or widowed mother if and while they survive him: *Provided, however,* That not more than two hundred and forty of such monthly installments, including those received by such person during his total and permanent disability, shall be so paid; and in that event the amount of the monthly installments shall be apportioned between them as may be provided by regulations.

SEC. 402. That the director, subject to the general direction of the Secretary of the Treasury, shall promptly determine upon and publish the full and exact terms and conditions of such contract of insurance. The insurance shall not be assignable, and shall not be subject to the claims of creditors of the insured or of the beneficiary. It shall be payable only to a spouse, child, grandchild, parent, brother or sister, and also during total and permanent disability to the injured person, or to any or all of them. The insurance shall be payable in two hundred and forty equal monthly installments. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid-up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at three and one-half per centum per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than two hundred and forty months. Subject to regulations, the insured shall at all times have the right to change the beneficiary

Insurance.

Granted to all persons in service under War or Navy Departments upon application.

Limitations.

Premiums to be paid.

Time for making applications.

Post, pp. 438, 502, 614.

Persons in service disabled or dying without applying. Allowance if disabled.

Allowance in death cases.

Proviso. Payments limited.

Form of policy. Post, p. 615.

Nonassignable, etc.

Provisions for alternative policies.

Basis of premiums.

Beneficiaries.

or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries, but only within the classes herein provided. If no beneficiary within the permitted class be designated by the insured, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, the insurance shall be payable to such person or persons, within the permitted class of beneficiaries as would under the laws of the State of the residence of the insured, be entitled to his personal property in case of intestacy. If no such person survive the insured, then there shall be paid to the estate of the insured an amount equal to the reserve value, if any, of the insurance at the time of his death, calculated on the basis of the American Experience Table of Mortality and three and one-half per centum interest in full of all obligations under the contract of insurance.

SEC. 403. That the United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at three and one-half per centum per annum.

SEC. 404. That during the period of war and thereafter until converted the insurance shall be term insurance for successive terms of one year each. Not later than five years after the date of the termination of the war as declared by proclamation of the President of the United States, the term insurance shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, twenty payment life, endowment maturing at age sixty-two and into other usual forms of insurance and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

SEC. 405. That in the event of disagreement as to a claim under the contract of insurance between the bureau and any beneficiary or beneficiaries thereunder, an action on the claim may be brought against the United States in the district court of the United States in and for the district in which such beneficiaries or any one of them resides. The court, as part of its judgment, shall determine and allow such reasonable attorney's fees, not to exceed ten per centum of the amount recovered, to be paid by the claimant on behalf of whom such proceedings are instituted to his attorney; and it shall be unlawful for the attorney or for any other person acting as claim agent or otherwise to ask for, contract for, or receive any other compensation because of such action. No other compensation or fee shall be charged or received by any person except such as may be authorized by the commissioner in regulations to be promulgated by him. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding \$500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

SEC. 3. That section eight of the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May eighteenth, nineteen hundred and seventeen, shall be held and construed to authorize the President, in accordance with the provisions of said Act and for the period of the existing emergency only, to appoint as generals the Chief of Staff and the commander of the United States forces in France; and as lieutenant general each commander of an army or army corps organ-

Payment after death if no beneficiary designated, etc.

Expenses borne by United States.

Premium rates.

Term insurance during the war.

Conversion after termination.

Conversion rights.

Jurisdiction in cases of disagreements as to claims.

Post, p. 556.

Attorney's fees restricted.

Fee restriction.

Punishment for violations.

Army. General and lieutenant general.

Ranks revived for existing emergency. Act, p. 81.

Appointments to be made.

ized as authorized by existing law: *Provided*, That the pay of the grades of general and lieutenant general shall be \$10,000 and \$9,000 a year, respectively, with allowances appropriate to said grades as determined by the Secretary of War: *And provided*, That brigadier generals of the Army shall hereafter rank relatively with rear admirals of the lower half of the grade. And, hereafter, the chief of any existing staff corps, department, or bureau, except as is otherwise provided for the Chief of Staff, shall have the rank, pay, and allowances of major general.

Previous.
Pay and allowances.

Brigadier generals to rank with rear admirals.

Chiefs of bureaus, etc., made major generals.

Approved, October 6, 1917.

CHAP. 106.—An Act To define, regulate, and punish trading with the enemy, and for other purposes.

October 6, 1917.
[H. R. 4960.]

[Public, No. 91.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Trading with the enemy Act."

Trading with the Enemy Act.

SEC. 2. That the word "enemy," as used herein, shall be deemed to mean, for the purposes of such trading and of this Act—

Terms defined.
"Enemy."

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory.

Persons residing in enemy country or trading therein.

Foreign corporations included.

(b) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

Government, officials, etc.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy."

Other designated persons.

The words "ally of enemy," as used herein, shall be deemed to mean—

"Ally of enemy."

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation which is an ally of a nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of such ally nation, or incorporated within any country other than the United States and doing business within such territory.

Persons residing, or trading, in country thereof.

Corporations.

(b) The government of any nation which is an ally of a nation with which the United States is at war, or any political or municipal subdivision of such ally nation, or any officer, official, agent, or agency thereof.

Government, officials, etc.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation which is an ally of a nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "ally of enemy."

Other designated persons.

EXHIBIT D

under the direction of the Secretary of the Interior, for maintenance of that portion of the Federal aid highway from Gallup, New Mexico, to Shiprock, New Mexico, across the Navajo Indian Reservation, reimbursable from the tribal funds of the Indians of said reservation: *Provided*, That Indian labor shall be employed as far as practicable: *Provided further*, That if no funds are available, no expenditure shall be made.

Proviso.
Indian labor.
No expenditure if no funds available.

Approved, June 7, 1924.

CHAP. 319.—An Act To designate the time and place of holding terms of the United States district court in the first division of the district at Kansas City.

June 7, 1924.
[S. 2236.]
[Public, No. 241.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the passage of this Act the terms of the United States district court for the first division to be held at Kansas City, Kansas, shall be held at that city on the first Monday in October and the first Monday in December, instead of the dates fixed in the Act approved September 6, 1916.

Kansas judicial district.
Terms of court at Kansas City.

Vol. 39, p. 726, amended.

Approved, June 7, 1924.

CHAP. 320.—An Act To consolidate, codify, revise, and reenact the laws affecting the establishment of the United States Veterans' Bureau and the administration of the War Risk Insurance Act, as amended, and the Vocational Rehabilitation Act, as amended.

June 7, 1924.
[S. 2257.]
[Public, No. 242.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

TITLE I.—GENERAL.

SECTION 1. This Act may be cited as the "World War Veterans' Act, 1924."

World War Veterans' Act, 1924.

Title of Act.

SEC. 2. When used in this Act—

Terms construed.

The term "bureau" means the United States Veterans' Bureau.

"Bureau."

The term "director" means the Director of the United States Veterans' Bureau.

"Director."

SEC. 3. In Titles II, III, and IV of this Act unless the context otherwise requires—

In compensation, insurance, and rehabilitation.

(1) The term "child" includes—

"Child."

(a) A legitimate child.

(b) A child legally adopted.

(c) A stepchild, if a member of the man's household.

(d) An illegitimate child, but, as to the father only, if acknowledged in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support, or has been judicially decreed to be the putative father of such child.

(2) The term "grandchild" means a child as above defined of a child as above defined.

"Grandchild."

(3) Except as used in section 301 and in section 302, the term "child" and "grandchild" are limited to unmarried persons either (a) under eighteen years of age, or (b) of any age, if permanently incapable of self-support by reason of mental or physical defect.

Limitations.
Post, p. 1342.

(4) The term "parent" includes a father, mother, grandfather, grandmother, father through adoption, mother through adoption, stepfather, and stepmother, either of the persons in the service or of the spouse.

"Parent."

(5) The terms "father" and "mother" include stepfathers and stepmothers, fathers and mothers through adoption, and persons

"Father" and "mother."

who have stood in loco parentis to a member of the military or naval forces at any time prior to his enlistment or induction for a period of not less than one year.

"Brother" and "sister."

(6) The terms "brother" and "sister" include brothers and sisters of the half blood as well as those of the whole blood, stepbrothers and stepsisters, and brothers and sisters through adoption.

Extension.

(7) The terms "brother" and "sister" include the children of a person who, for a period of not less than one year, stood in loco parentis to a member of the military or naval forces of the United States at any time prior to his enlistment or induction, or another member of the same household as to whom such person during such period likewise stood in loco parentis.

"Commissioned officer."

(8) The term "commissioned officer" includes a warrant officer, but includes only an officer in active service in the military or naval forces of the United States.

"Man," and "enlisted man."
Females included.

(9) The terms "man" and "enlisted man" mean a person, whether male or female and whether enlisted, enrolled, or drafted into active service in the military or naval forces of the United States, and include noncommissioned and petty officers and members of training camps authorized by law.

"Enlistment."

(10) The term "enlistment" includes voluntary enlistment, draft, and enrollment in active service in the military or naval forces of the United States.

"Injury."

(11) The term "injury" includes disease.

(12) The term "pay" means the pay for service in the United States according to grade and length of service, excluding all allowances.

"Military or naval forces."

(13) The term "military or naval forces" means the Army, the Navy, the Marine Corps, the Coast Guard, the Naval Reserves, the National Naval Volunteers, and any other branch of the United States service while serving pursuant to law with the Army or the Navy.

"World War," etc.

(14) The terms "World War," "during the period of the war," and "during the World War" mean the period beginning April 6, 1917, and ending July 2, 1921.

"Date of termination of the war."

(15) The terms "date of termination of the war" and "termination of the war" mean July 2, 1921.

Veterans' Bureau.
Established under the President.
Vol. 42, p. 147.

SEC. 4. There is established an independent bureau under the President to be known as the United States Veterans' Bureau, the director of which shall be appointed by the President by and with the advice and consent of the Senate. The Director of the United States Veterans' Bureau shall receive a salary of \$10,000 per annum, payable monthly.

Director, appointment and salary.

Technical and administrative staff.
Vol. 42, p. 148.

There shall be included on the technical and administrative staff of the director such staff officers, experts, inspectors, and assistants as the director shall prescribe; and there shall be in the United States Veterans' Bureau such sections and subdivisions thereof as the director shall prescribe. With such exceptions as the President may deem advisable, all employees shall be subject to the civil-service law and regulations made thereunder.

Employees subject to civil service law, etc.

Administrative, etc., powers vested in Director.

SEC. 5. The director, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this Act, and for that purpose shall have full power and authority to make rules and regulations, not inconsistent with the provisions of this Act, which are necessary or appropriate to carry out its purposes, and shall decide all questions arising under this Act and all decisions of questions of fact affecting any claimant to the benefits of Titles II, III, or IV of this Act, shall be conclusive except as otherwise provided herein. All officers and employees of the bureau shall perform such duties as may be assigned them by the director. All official acts

Effect of decisions.

Assignment of duties.

performed by such officers or employees specially designated therefor by the director shall have the same force and effect as though performed by the director in person. Wherever under any provision or provisions of the Act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director. The director shall adopt reasonable and proper rules to govern the procedure of the divisions and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of compensation, insurance, vocational training or maintenance and support allowance provided for in this Act, the forms of application of those claiming to be entitled to such benefits, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards.

Administrative procedure.

SEC. 6. That the bureau shall have the power, and it shall be its duty, to provide for the placement of rehabilitated persons in suitable or gainful occupations. The director is authorized and directed to utilize, with the approval of the Secretary of Labor, the facilities of the Department of Labor, in so far as may be practicable, in the placement of rehabilitated persons in suitable or gainful occupations.

Placement of rehabilitated persons.

Department of Labor facilities to be utilized.

SEC. 7. The director shall establish a central office in the District of Columbia, and such regional offices and suboffices, not exceeding one hundred in number, within the territory of the United States and its outlying possessions as may be deemed necessary by him and in the best interests of the work committed to the Veterans' Bureau and to carry out the purposes of this Act. Such regional offices and suboffices, may, subject to final action by the director in case of an appeal, and under such rules and regulations as may be prescribed by the director, exercise such powers for hearing complaints and for examining, rating, and awarding compensation claims, granting medical, surgical, dental, and hospital care, convalescent care, and necessary and reasonable after care, granting vocational training and all other matters delegated to them, or some of them, by the director as could be performed lawfully under this Act by the central office.

Central office, regional and suboffices, to be established.

Powers, etc., of regional and suboffices.

The director may abolish any regional offices or suboffices when in his judgment this may be done without detriment to the administration of this Act, and upon such termination all records and supplies pertaining thereto shall be delivered to the central office, or as the director shall otherwise prescribe.

Abolishment authorized, etc.

SEC. 8. That for the purposes of this Act the director, and such persons as the director may designate, shall have the power to issue subpoenas for and compel the attendance of witnesses within a radius of one hundred miles from the place of hearing, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses upon any matter within the jurisdiction of the bureau. In case of disobedience to a subpoena the bureau may invoke the aid of any district court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court, within the jurisdiction of which the inquiry is carried on, may, in case of contumacy or refusal to obey a subpoena issued to any officer, agent, or employee of any corporation or other person, issue an order requiring such corporation or other person to appear before the bureau or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any person so required to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.

Powers to secure testimony. Vol. 40, p. 399.

Aid from district courts to secure evidence, etc.

Failure punished as contempt of court. Witness fees, etc.

Employees to be detailed to examine claims, investigate frauds, etc.
Powers conferred.

For the purpose of this Act, the director is authorized to detail from time to time clerks or persons employed in the bureau to make examinations into the merits of compensation and insurance claims, whether pending or adjudicated, as he may deem proper, and to aid in the preparation, presentation, or examination of such claims; and any such person so detailed shall have power to administer oaths, take affidavits, and certify to the correctness of the papers and documents pertaining to the administration of this Act.

Opinion of Attorney General on questions of law.

SEC. 9. In addition to the services of the legal assistants employed by the bureau, the Director may require the opinion of the Attorney General on any questions of law arising in the administration of the bureau.

General powers of Director.
Vol. 42, p. 149.

SEC. 10. The director, subject to the general directions of the President, shall be responsible for the proper examination, medical care, treatment, hospitalization, dispensary, and convalescent care necessary and reasonable after care, welfare of, nursing, vocational training, and such other services as may be necessary in the carrying out of the provisions of this Act, and for that purpose is hereby authorized, at the direction of the President or with the approval of the head of the department concerned, to utilize the now existing or future facilities of the United States Public Health Service, the War Department, the Navy Department, the Interior Department, the National Home for Disabled Volunteer Soldiers, and such other governmental facilities as may be made available for the purposes set forth in this act; and such governmental agencies are hereby authorized to furnish such facilities, including personnel, equipment, medical, surgical, and hospital services and supplies as the director may deem necessary and advisable in carrying out the provisions of this Act, in addition to such governmental facilities as are hereby made available.

To utilize existing facilities of all Government agencies.

Additional personnel, equipment, etc., to be furnished.

Further hospitalization, if Government facilities unsatisfactory.

When, in the opinion of the director, the facilities and services utilized for the hospitalization, medical care, and treatment for beneficiaries under this act are unsatisfactory, the director shall make arrangements for the further hospitalization, care, and treatment of such beneficiaries by other means.

Improving and extending Government hospital facilities authorized.

In the event that there is not sufficient Government hospital and other facilities for the proper medical care and treatment of beneficiaries under this Act, and the director deems it necessary and advisable to secure additional Government facilities, he may, within the limits of appropriations made for carrying out the provisions of this paragraph, and with the approval of the President, improve or extend existing governmental facilities, or acquire additional facilities by purchase or otherwise. Such new property and structures as may be improved, extended, or acquired shall become part of the permanent equipment of the United States Veterans' Bureau or of some one of the now existing agencies of the Government, including the War Department, Navy Department, Interior Department, Treasury Department, the National Home for Disabled Volunteer Soldiers, in such way as will best serve the present emergency, taking into consideration the future services to be rendered the veterans of the World War, including the beneficiaries under this Act.

New property to be permanent equipment of Bureau or other Government agency.

Contracts for outside medical, etc., services if Government facilities inadequate.

In the event Government hospital facilities are insufficient or inadequate the director may contract with State, municipal, or in exceptional cases, with private hospitals for such medical, surgical, and hospital services and supplies as may be required, and such contracts may be made for a period of not exceeding three years and may be for the use of a ward or other hospital unit or on such other basis as may be in the best interest of the beneficiaries under this Act.

Public Health, etc., hospitals transferred to Bureau.

There are hereby permanently transferred to the Veterans' Bureau all hospitals now or formerly under the jurisdiction of the Public Health Service or of the Treasury Department, the operation,

management, or control of which have heretofore been transferred by the President to said Bureau pursuant to the authority contained in section 9 of the Act entitled "An Act to establish a Veterans' Bureau and to improve the facilities and service of such Bureau and further to amend and modify the War Risk Insurance Act, approved August 9, 1921."

Vol. 42, p. 150.

Sec. 11. The director is hereby authorized to make such rules and regulations as may be deemed necessary in order to promote good conduct on the part of persons who are receiving care or treatment in hospitals, homes, or institutions as patients or beneficiaries of said bureau during their stay in such hospitals, homes, institutions, or training centers. Penalties for the breach of such rules and regulations may, with the approval of the director, extend to a forfeiture by the offender of such portion of the compensation payable to him, not exceeding three-fourths of the monthly installment per month for three months, for a breach committed while receiving treatment in such hospital, home, institution, or training center as may be prescribed by such rules and regulations.

Rules to be made for conduct of patients at hospitals, etc.

Penalties for breaches thereof.

Sec. 12. That the bureau is hereby authorized and empowered to receive, for purposes of benefits provided by Title IV hereof, such gifts and donations from either public or private sources as may be offered unconditionally. All moneys so received as gifts or donations shall be paid into the Treasury of the United States, and shall constitute a permanent fund, to be called the "Special fund for vocational rehabilitation," to be used under the direction of the said bureau in connection with the appropriations hereby made or hereafter to be made, to defray the expenses of providing and maintaining courses of vocational rehabilitation; and a full report of all gifts and donations offered and accepted and all disbursements therefrom shall be submitted annually to Congress by the director.

Acceptance of gifts for rehabilitation, authorized. Post, p. 627.

Funds created therefrom, and use to be made.

Report of receipts, etc.

Sec. 13. All sums heretofore appropriated for use by the Federal Board for Vocational Education as a revolving fund, not exceeding \$500,000, may be used by the bureau as a revolving fund for the purpose of making advancement to persons commencing or undergoing training under Title IV hereof, such advancements to bear no interest and to be reimbursed in such installments as may be determined by the director by proper deductions from the monthly maintenance and support allowances allowed by this Act.

Previous appropriations to constitute fund for advancement of trainees.

Post, p. 627.

Sec. 14. That the director of the United States Veterans' Bureau shall on the first Monday in December of each year file with the Speaker of the House of Representatives and the President of the Senate a full and complete report of all activities of the United States Veterans' Bureau, showing in detail the number of claimants and the amount of compensation paid, the number of veterans of the various wars and expeditions receiving hospitalization and medical treatment, the number of dependents drawing compensation and the amount of such compensation, the number of persons holding and paying for Government life insurance, and a full and itemized statement of all moneys received and disbursed by the director, or any of his agents, for the preceding year.

Detailed annual report to Congress. Vol. 42, p. 152.

Sec. 15. All sums heretofore appropriated for carrying out the provisions of the War Risk Insurance Act and amendments thereto and to carry out the provisions of the Act entitled "An Act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, and amendments thereto, and all sums heretofore appropriated for carrying out the provisions of the Act entitled "An Act to establish a Veterans' Bureau and to improve the facilities and service of such Bureau, and further to amend and modify the War Risk Insurance

All previous appropriations, unexpended, made available. Vol. 40, p. 617.

Vol. 42, p. 147.

Act," approved August 9, 1921, and amendments thereto shall, where unexpended, be made available for the bureau and may be expended in such manner as the director deems necessary in carrying out the purposes of this Act.

Prior insurance appropriations and premium collections made available.
Post, p. 624.

Premiums collected hereafter.

Payment of term insurance, etc., therefrom.

Authority for.

All premium payments to be credited to Government life insurance fund.

Payments of awards by Director.

Reserve funds to be set aside.
Vol. 42, p. 162.
Investment, etc.

Credits to be allowed in accounts of disbursing clerk, etc.

Recognition of attorneys in presenting claims, etc., restricted.
Post, p. 1302.

For insurance claims in court, permitted.

Determination of fees by the court.

SEC. 16. All sums heretofore appropriated for the military and naval insurance appropriation and all premiums collected for the yearly renewable term insurance provided by the provisions of Title III deposited and covered into the Treasury to the credit of this appropriation, shall, where unexpended, be made available for the bureau. All premiums that may hereafter be collected for the yearly renewable term insurance provided by the provisions of Title III hereof shall be deposited and covered into the Treasury for the credit of this appropriation. Such sum including all premium payments is made available for the payment of the liabilities of the United States incurred under contracts of yearly renewable term insurance made under the provisions of Title III, including such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or in the Supreme Court of the District of Columbia. Payments from this appropriation shall be made upon and in accordance with the awards by the director.

SEC. 17. That all premiums paid on account of insurance converted under the provisions of Title III hereof shall be deposited and covered into the Treasury to the credit of the United States Government life insurance fund and shall be available for the payment of losses, dividends, refunds, and other benefits provided for under such insurance, including such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or in the Supreme Court of the District of Columbia. Payments from this fund shall be made upon and in accordance with awards by the director.

The bureau is authorized to set aside out of the fund so collected such reserve funds as may be required, under accepted actuarial principles, to meet all liabilities under such insurance; and the Secretary of the Treasury is hereby authorized to invest and reinvest the said United States Government life insurance fund, or any part thereof, in interest-bearing obligations of the United States or bonds of the Federal farm-loan banks and to sell said obligations of the United States or the bonds of the Federal farm-loan banks for the purposes of such fund.

SEC. 18. That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of the disbursing clerk of the bureau for all payments of insurance installments hereafter made, without verification of the deduction on the pay rolls, of such premiums as may have accrued prior to January 1, 1921, while the insured was in the service.

SEC. 19. That no claim agent or attorney except the recognized representatives of the American Red Cross, the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars and such other organizations as shall be approved by the Director, shall be recognized in the presentation or adjudication of claims under Titles II, III, and IV, except that in the event of disagreement as to claim under a contract of insurance between the bureau and any beneficiary or beneficiaries thereunder an action on the claim may be brought against the United States either in the Supreme Court of the District of Columbia or in the district court of the United States in and for the district in which such beneficiaries or any one of them resides, and that whenever judgment shall be rendered in an action brought pursuant to this provision, the court, as part of its judgment, shall determine and allow such reasonable attorney's fees, not to exceed 5 per centum of the amount recovered, to be paid by the claimant on behalf of whom such proceedings were instituted to

his attorney, said fee to be paid out of the payments to be made to the beneficiary under the judgment rendered at a rate not exceeding one-tenth of each of such payments until paid. All persons having or claiming to have an interest in such insurance may be made parties to said suit, and such as are not inhabitants of or found within the district in which suit is brought, may be brought in by order of the court to be served personally or by publication as the court may direct. The procedure in such suits shall otherwise be the same as that provided for suits in the district courts by the act entitled, "An Act providing for the bringing of suits against the United States," approved March 3, 1887, as amended.

SEC. 20. That for the purpose of this Act the marriage of the claimant to the person on account of whom the claim is made shall be shown by such testimony as the director may prescribe by regulations.

SEC. 21. That where any payment under this Act is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian, curator, or conservator by the laws of the State or residence of claimant, or is otherwise legally vested with responsibility or care of the claimant or his estate: *Provided*, That prior to receipt of notice by the bureau that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct: *Provided further*, That for the purpose of payments of benefits under Title II hereof, where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State or residence of the claimant, the director shall determine the person who is otherwise legally vested with responsibility or care of the claimant or his estate: *And provided further*, That the director, in his discretion, may suspend such payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the director from time to time showing the application of such payments for the benefit of such minor or incompetent beneficiary.

SEC. 22. That the compensation, insurance, and maintenance and support allowance payable under Titles II, III, and IV, respectively, shall not be assignable; shall not be subject to the claims of creditors of any person to whom an award is made under Titles II, III, or IV; and shall be exempt from all taxation: *Provided*, That such compensation, insurance, and maintenance and support allowance shall be subject to any claims which the United States may have, under Titles II, III, IV, and V, against the person on whose account the compensation, insurance, or maintenance and support allowance is payable.

That the provisions of this section shall not be construed to prohibit the assignment by any person to whom converted insurance shall be payable under Title III of such Act of his interest in such insurance to any other member of the permitted class of beneficiaries.

SEC. 23. The discharge or dismissal of any person from the military or naval forces on the ground that he is guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct, of which he has been found guilty by a court-martial, or that he is an enemy alien, conscientious objector, or a deserter, shall terminate any insurance granted on the life of such person under the provisions of Title III and shall bar all rights to any compensation under Title II, or any insurance

Intervenor allowed
in insurance cases.

Procedure,

Vol. 24, p. 505.

Proof of marriage.

Payments to minors,
etc.

To regular guardians,
etc.

Provisos,
Payments prior to
notice of disability.

Where no legal guar-
dian appointed.

Suspension on failure
to render accounts.

No assignments, etc.,
of allowances.

Proviso.
Claims of United
States admitted.

Converted insurance
assignments permitted.

Persons discharged
for specified causes
barrd from compensa-
tion, etc., benefits.
Vol. 42, p. 1521.
Post, p. 1303.

Proviso.
Converted insurance
payments permitted.

Enemy alien in United
States service, en-
titled to benefits there-
from.

Allowance if dis-
honorably discharged
by court martial and
subsequently found to
have been insane.

Provisions effective
retroactively.

Compensation, etc.,
allowed persons in-
ducted, but dying of
disability, etc., before
enlistment.
Vol. 41, p. 372.

Insurance deemed
valid.

Status of persons
provisionally accepted
for enlistment.
Vol. 42, p. 153.

Allowed compensa-
tion and insurance
benefits.

Amounts unpaid at
death payable to per-
sonal representative.

Proviso.
Escheat, etc.

under Title III, or any maintenance and support allowance under Title IV: *Provided*, That as to converted insurance, the cash surrender value thereof, if any, on the date of such discharge or dismissal shall be paid the insured, if living, and if dead to the designated beneficiary: *Provided further*, That an enemy alien who volunteered or who was drafted into the Army, Navy, or Marine Corps of the United States during the World War, and who was not discharged from the service on his own application or solicitation by reason of his being an enemy alien, and whose service was honest and faithful, shall be entitled to the benefits under Titles II, III, and IV hereof: *Provided further* That in case any person has been dishonorably discharged from the military or naval forces as a result of a court-martial trial, and it is thereafter established to the satisfaction of the director that at the time of the commission of the offense resulting in such court-martial trial and discharge that such person was insane, such person shall be entitled to the compensation, insurance, and vocational training benefits under Titles II, III, and IV hereof: *Provided further*, That this section shall be deemed to be in effect as of April 6, 1917, and the director is hereby authorized and directed to make provision by bureau regulation for payment of any insurance claim or adjustment in insurance premium account of any insurance contract which would not now be affected by this section as amended.

SEC. 24. That if after induction by the local draft board, or after being called into Federal service as a member of the National Guard, but before being accepted and enrolled for active service, the person died or became disabled as a result of disease contracted or injury suffered in the line of duty and not due to his own willful misconduct involving moral turpitude, or as a result of the aggravation, in the line of duty and not because of his own willful misconduct involving moral turpitude, of an existing disease or injury, he or those entitled thereto shall receive the benefits of compensation payable under Title II; and any insurance application made by such person after induction by the local draft board but before being accepted and enrolled for active service shall be deemed valid.

SEC. 25. Any person who between the 6th day of April, 1917, and the 11th day of November, 1918, applied for enlistment or enrollment in the military or naval forces, and who was accepted provisionally and directed or ordered to a camp, post, station, or other place for final acceptance into such service, shall be deemed to have the same status as an inducted man not yet accepted and enrolled for active service during the period while such person was complying with such order or direction, and during such compliance, and until his final acceptance or rejection for enlistment or enrollment into the military or naval forces, shall be entitled to the same benefits under Titles II and III hereof as an inducted man not yet accepted and enrolled for active service.

SEC. 26. That the amount of the monthly installments of compensation, yearly renewable term insurance, or accrued maintenance and support allowance which has become payable under the provisions of Titles II, III, or IV hereof, but which has not been paid prior to the death of the person entitled to receive the same, may be payable to the personal representatives of such person: *Provided*, That in cases where the estate of the decedent would escheat under the laws of the place of his residence, such installments shall not be paid to the estate of the decedent but shall escheat to the United States and shall be credited to the appropriation from which the original award was made.

Sec. 27. That all payments of compensation and insurance heretofore made pursuant to a regulation permitting permanent and total disability to be presumed from hospitalization or ratings of less than permanent total disability shall be deemed valid and no recovery thereof shall be made: *Provided*, That nothing herein shall operate to validate insurance not in force on the date an award thereof was approved, except where premiums have been thereafter accepted.

Payments made heretofore under regulations, etc., validated.

Proviso.
Insurance exception.

Sec. 28. There shall be no recovery of payments from any beneficiary who, in the judgment of the director, is without fault on his part, and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience.

No recovery from beneficiary, if without fault.

Sec. 29. The director is authorized, in his discretion, to sell, lease, or exchange surplus equipment, supplies, products, or waste materials belonging to the bureau or any of its plants or institutions; and to lease for a term, not exceeding three years, lands or buildings, or parts or parcels thereof, belonging to the United States and under the control of the bureau. The net proceeds of all such sales, leases, or exchanges shall be covered into the Treasury of the United States as miscellaneous receipts.

Surplus supplies, etc., may be disposed of.

Lands, etc., may be leased.

Proceeds covered into the Treasury.

Sec. 30. That all files, records, reports, and other papers and documents pertaining to any claim for the benefits of this Act, whether pending or adjudicated, shall be deemed confidential and privileged and no disclosure thereof shall be made except as follows:

Files, etc., pertaining to claims, confidential.

Disclosure allowed.

To claimants conditionally.

(a) To a claimant or his duly authorized representative, as to matters concerning himself alone, when in the judgment of the director such disclosure would not be injurious to the physical or mental health of the claimant;

(b) Where required by the process of a United States court to be produced in any suit or proceeding therein pending; or when such production is deemed by the director to be necessary in any suit or proceeding brought under the provisions of this Act;

Under process of court, etc.

(c) In all proceedings in the nature of an inquest into the mental competency of a claimant, and in all other judicial proceedings, when in the judgment of the director such disclosure is deemed necessary and proper;

To court in proceedings as to mental capacity.

(d) The amount of compensation or training allowance of any beneficiary shall be made known to any person who applies for such information.

Amount of compensation or training allowance.

Wherever the production of a file, record, report, or other document is required or permitted by this section a certified copy thereof may be produced in lieu of the original, and such certified copy shall be received in evidence with like force and effect as the original.

Acceptance of certified copies as evidence.

Sec. 31. The provisions of this Act shall not apply to any conscientious objector who refused to perform military duty or refused to wear the uniform, or to any alien who was discharged from the military or naval forces prior to November 11, 1918, on account of his alienage.

Provisions of Act not applicable to conscientious objector refusing duty, and person discharged for alienage.
Post, p. 1304.

TITLE II.—COMPENSATION AND TREATMENT.

Compensation and treatment.

Sec. 200. For death or disability resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered and contracted in, or such recurrence was caused by, the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female)

Officers, enlisted men, etc., entitled to, for injury incurred after April 6, 1917.
Vol. 42, p. 1522.
Post, p. 1304.

Payment to person or dependents.

Misconduct exception.

Proviso. Paralysis, etc., allowance.

Soundness on entrance inferred if in active service November 11, 1918.

Recorded defects excepted.

Proviso. Specified diseases developed prior to January 1, 1925, presumed as incurred in service.

Post, p. 618.

Claims may be allowed for disability later.

Allowances for death. Monthly compensation to relatives. Post, p. 1306.

Widow and children.

Dependent parents. Limitation. Vol. 42, p. 1623, amended.

when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided*, That no person suffering from paralysis, paresis, or blindness, or from constitutional lues requiring hospitalization, as the result of disease, shall be denied compensation while a patient in a Veterans' Bureau hospital by reason of willful misconduct. That for the purposes of this section every such officer enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which any such defect, disorder, or infirmity was so made of record: *Provided*, That an ex-service man who is shown to have or, if deceased, to have had, prior to January 1, 1925, neuropsychiatric disease, an active tuberculous disease, paralysis agitans, encephalitis lethargica, or amoebic dysentery developing a 10 per centum degree of disability or more in accordance with the provisions of subdivision (4) of section 202 of this Act shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease, tuberculosis, paralysis agitans, encephalitis lethargica, or amoebic dysentery in such service between said dates, and said presumption shall be conclusive in cases of active tuberculous disease, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per centum degree (in accordance with the provisions of subdivision (4), section 202, of this Act) on or subsequent to January 1, 1925, if the facts in the case substantiate his claim.

SEC. 201. That if death results from injury—

If the deceased leaves a widow or child, or if he leaves a mother or father either or both dependent upon him for support, the monthly compensation shall be the following amounts:

- (a) If there is a widow but no child, \$30.
- (b) If there is a widow and one child, \$40, with \$6 for each additional child.
- (c) If there is no widow, but one child, \$20.
- (d) If there is no widow, but two children, \$30.
- (e) If there is no widow, but three children, \$40, with \$5 for each additional child.

(f) If there is a dependent mother (or dependent father), \$20, or both, \$30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of \$75. Such compensation shall be payable whether the dependency of the father or mother or both arises before or after the death of the person, but no compensation shall be payable if the dependency arises more than five years after the death of the person.

(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States shall pay for burial expenses and the return of body to his home a sum not to exceed \$100, as may be fixed by regulation. Where a veteran of any war dies after discharge or resignation from the service and does not leave sufficient assets to meet the expenses of his burial and the transportation of his body, and such expenses are not otherwise provided for, the United States Veterans' Bureau shall pay the following sums: For a flag to drape the casket, and after burial to be given to the next of kin of the deceased, a sum not exceeding \$5; also for burial expenses, a sum not exceeding \$100, to such person or persons as may be fixed by regulations: *Provided*, That when such person dies while receiving from the bureau compensation or vocational training, the above benefits shall be payable without reference to the indigency of the deceased: *Provided further*, That where such person, while receiving from the bureau medical, surgical, or hospital treatment or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, the above benefits shall be payable without reference to the indigency of the deceased and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial within the continental limits of the United States, and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: *And provided further*, That no accrued pension or compensation due at the time of death shall be deducted from the sum allowed.

(2) The payment of compensation to a widow shall continue until her death or remarriage, and the payment of compensation to a parent shall continue to the death of each parent.

(3) The payment of compensation to or for a child shall continue until such child reaches the age of eighteen years or marries, or if such child be permanently incapable of self-support by reason of mental or physical defect, then during such incapacity.

(4) Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they had been the sole original beneficiaries.

(5) As between the widow and the children not in her custody, and as between children, the amount of compensation shall be apportioned as may be prescribed by regulation.

(6) The term "widow" as used in this section shall not include one who shall have married the deceased later than ten years after the time of injury, and shall include widower whenever his condition is such that if the deceased person were living he would have been dependent upon her for support.

(7) That this section shall be deemed to be in effect as of April 6, 1917: *Provided, however*, That the receipt of a gratuity, pension, or compensation by widow, or parent, on account of the death of any person shall not bar the payment of compensation on account of the death of any other person: *Provided*, That before compensation under this section shall be paid there shall first be deducted from said sum so to be paid the amount of any payments made under any other law on account of the death or disability of the same person: *Provided further*, That no changes in rates or compensation made by this Act shall be retroactive in effect.

Burial expenses.

Allowances for burial expenses of veteran of any war.

Provisos.
Bureau beneficiaries.

Beneficiaries dying away from home, allowances paid in addition to transportation of body, etc.

Cost of attendant.

No accrued pension to be deducted.

Payment to widow as dependent, continued.

Payment to children.

Termination of rates.

Children not with mother.

Widow restriction.

Effective, April 6, 1917.

Provisos.
Receipt of pension, etc., on account of another person no bar to death payment.
Deductions to be made.

Changes not retroactive.

Disability compensation.
Total and temporary.
Vol. 41, p. 373, amended.
Monthly rates.
Personal.
With dependents.

SEC. 202. That if disability results from the injury—
(1) If and while the disability is rated as total and temporary, the monthly compensation shall be the following amounts, payable monthly or semimonthly as the director may prescribe:

- (a) If the disabled person has neither wife nor child living, \$80.
(b) If he has a wife but no child living, \$90.
(c) If he has a wife and one child living, \$95, and \$5 for each additional child.
(d) If he has no wife and one child living, \$90, with \$5 for each additional child.

(e) If he has a mother or father, either or both dependent on him for support, then, in addition to the above amounts, \$10 for each parent so dependent.

Partial and temporary.
Percentage basis of rate.

(2) If and while the disability is rated as partial and temporary, the monthly compensation shall be a percentage of the compensation that would be payable for his total and temporary disability, equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than 10 per centum.

Tubercular rating, on arrest of disease.

That any ex-service man shown to have had a tubercular disease of compensable degree, and who has been hospitalized for a period of one year, and who in the judgment of the director has reached a condition of complete arrest of his disease, and who shall be discharged from further hospitalization, shall be rated as temporarily totally disabled, and such rating shall not be decreased within a period of six months.

Total and permanent.
Provision.
Specific disabilities so rated.

(3) If and while the disability is rated as total and permanent, the rate of compensation shall be \$100 per month: *Provided, however,* That the permanent loss of the use of both feet or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or becoming permanently helpless or permanently bedridden, shall be deemed to be total, permanent disability: *Provided, further,* That the compensation for the loss of the use of both eyes shall be \$150 per month, and that compensation for the loss of the use of both eyes and one or more limbs shall be \$200 per month: *Provided, further,* That for double total, permanent disability the rate of compensation shall be \$200 per month.

Additional for blindness, etc.

Double total disability.

Rating for tuberculous disease as temporary total, for three years, if discharged from hospital without condition of arrest thereof.

That any ex-service man shown to have a tuberculous disease of compensable degree, and who has been hospitalized for a period of one year, and who in the judgment of the director will not reach a condition of arrest by further hospitalization, and whose discharge from hospitalization will not be prejudicial to the beneficiary or his family, and who is not, in the judgment of the director, feasible for training, shall, upon his request, be discharged from hospitalization and rated as temporarily totally disabled, said rating to continue for the period of three years: *Provided, however,* that nothing in this subdivision shall deny the beneficiary the right, upon presentation of satisfactory evidence, to be adjudged to be permanently and totally disabled.

Provision.
Right for permanently total rating.

Partial and permanent.
Computation of degree.

(4) If and while the disability is rated as partial and permanent, the monthly compensation shall be a percentage of the compensation that would be payable for his total and permanent disability equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than 10 per centum.

Schedule of ratings for injuries to be adopted.
Based on impaired earning capacity.

A schedule of ratings of reductions in earning capacity from injuries or combinations of injuries shall be adopted and applied by the bureau. Ratings may be as high as 100 per centum. The ratings shall be based, as far as practicable, upon the average impairments

of earning capacity resulting from such injuries in civil occupations similar to the occupation of the injured man at the time of enlistment and not upon the impairment in earning capacity in each individual case, so that there shall be no reduction in the rate of compensation for individual success in overcoming the handicap of an injury. The bureau in adopting the schedule of ratings of reduction in earning capacity shall consider the impairment in ability to secure employment which results from such injuries. The bureau shall from time to time readjust this schedule of ratings whenever actual experience shall show that it is unjust to the disabled veteran.

Readjustment to avoid injustice.

(5) If the disabled person is so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding \$50 per month, as the director may deem reasonable.

Nurse or attendant allowance.

(6) In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services, including payment of court costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, and shall be furnished with such supplies, including wheel chairs, artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary, which wheel chairs, artificial limbs, trusses, and similar appliances may be procured by the bureau in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary: *Provided*, That nothing in this act shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service.

Medical services, surgical appliances, etc., to be furnished in addition to compensation. Post, p. 1306.

(7) Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the bureau for a period or periods amounting to six months in a neuropsychiatric hospital or hospitals, and shall be deemed by the director to be permanently insane, the compensation for such person shall thereafter be \$20 per month so long as he shall thereafter be maintained by the bureau in a neuropsychiatric hospital or hospitals; and such compensation may, in the discretion of the director, be paid to the chief officer of said hospital to be used for the benefit of such patient: *Provided, however*, That if such patient shall recover his reason and shall be discharged from such hospital as cured, an additional amount of \$60 per month shall be paid to him for each month the rate of compensation was reduced as provided by this subdivision.

Provido. Army or Navy status before discharge not affected.

Compensation for patients in neuropsychiatric hospitals, etc. Post, p. 1307.

Provido. Additional allowance on recovery.

The compensation of any inmate of an asylum or hospital for the insane, or any part thereof, may, in the discretion of the director, be paid to the chief officer of said asylum or hospital to be used for the benefit of such inmate.

Payment to hospital for use of insane.

After June 30, 1927, the monthly rate of compensation for all veterans (other than those totally and permanently disabled), who are being maintained by the bureau in a hospital of any description and who are without wife, child, or dependent parent, shall not exceed \$40.

Rate for veterans in hospitals after June 30, 1927, if without dependents.

(8) The director shall prescribe by regulation the conditions and limitations whereby all patients or beneficiaries of the bureau who are receiving treatment through the bureau as patients in a hospital may allot any proportion or proportions or any fixed amount or amounts of their monthly compensation for such purposes and for the benefit of such person or persons as they may direct.

Allotments from persons in hospitals. Vol. 42, p. 161, amended.

In case such patient has not allotted three-fourths of his monthly compensation and in case the director shall find that by gross dissipation he is retarding his own progress to recovery, then regulations

Unallotted portion of compensation may be deposited in the Treasury.

to be made by the director may provide that (except in the case of neuropsychiatric patients who are within the terms of the first paragraph of subdivision (7) hereof) any unallotted portion of such three-fourths compensation shall be deposited to the patients' credit with the Treasurer of the United States to accumulate at such rate of interest as the Secretary of the Treasury may determine but at a rate never less than 3½ per centum per annum, and when such patient shall be discharged by the bureau from hospital care, the said deposit and interest shall be paid to such patient if living, otherwise to any beneficiary or beneficiaries he may have designated, or if there be no such beneficiary, then to the executor or administrator of the estate of such deceased person: *Provided*, That this paragraph shall not be so construed as to prevent payment by the bureau from the amounts due to the decedent's estate of his funeral expenses, expenses of last illness, board, rent, lodging, or other household expenses for which the decedent is liable, provided a claim therefor is presented by the creditors or by the person or persons who actually paid the same before settlement by the bureau.

Payment on discharge or death.

Proviso.
Allowance for funeral expenses, etc.

Investment of deposits.

Free treatment to discharged persons disabled, etc., in active service since April 6, 1917, and before July 2, 1921.

Post, p. 1307.

Proviso.
If disability not caused by willful misconduct.

Beneficiary may be reimbursed for immediate emergency treatment for which no Bureau facilities then available.

Hospital facilities, etc., available for Spanish War, etc., veterans with specified diseases.

To veterans of any war, etc., since 1897, if not dishonorably discharged.

The Secretary of the Treasury is hereby authorized to invest and reinvest the said allotments deposited with him, or any part thereof, in interest-bearing obligations of the United States and to sell the obligations for the purposes of said funds.

(9) In addition to the care, treatment, and appliances now authorized by law, said bureau also shall provide, without charge therefor, hospital, dental, medical, surgical, and convalescent care and treatment and prosthetic appliances for any member of the military or naval forces of the United States, not dishonorably discharged, disabled by reason of any wound or injury received or disease contracted, or by reason of any aggravation of a preexisting injury or disease, specifically noted at examination for entrance into or employment in the active military or naval service while in the active military or naval service of the United States on or after April 6, 1917, and before July 2, 1921: *Provided*, That the wound or injury received or disease contracted or aggravation of a preexisting injury or disease, for which such hospital, dental, medical, surgical, and convalescent care and treatment and prosthetic appliances shall be furnished, was incurred in the military or naval service and not caused by his own willful misconduct: *Provided*, That where a beneficiary of the bureau suffers or has suffered an injury or contracted a disease in service entitling him to the benefits of this subdivision, and an emergency develops or has developed requiring immediate treatment or hospitalization on account of such injury or disease, and no bureau facilities are or were then feasibly available and in the judgment of the director delay would be or would have been hazardous, the director is authorized to reimburse such beneficiary the reasonable value of such service received from sources other than the bureau.

(10) That all hospital facilities under the control and jurisdiction of the bureau shall be available for every honorably discharged veteran of the Spanish-American War, the Philippine Insurrection, the Boxer rebellion, or the World War suffering from neuropsychiatric or tubercular ailments and diseases paralysis agitans, encephalitis lethargica or amoebic dysentery, or the loss of sight of both eyes regardless whether such ailments or diseases are due to military service or otherwise, including traveling expenses as granted to those receiving compensation and hospitalization under this act. The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses to veterans of any war, military occupation, or military expedition since 1897, not dishonorably discharged without

regard to the nature or origin of their disabilities: *Provided*, That preference to admission to any Government hospital for hospitalization under the provisions of this subdivision shall be given to those veterans who are financially unable to pay for hospitalization and their necessary traveling expenses.

(11) The director shall have the same power, and shall be subject to the same limitations, in the sale of surplus or condemned supplies, material, and other personal property as now pertains to the Secretary of War. The Director is authorized to make regulations governing the disposal of articles produced by patients of such bureau in the course of their curative treatment, or to allow the patients to sell or to retain such articles.

(12) Where the disabled person is a patient in a hospital or where for any other reason the disabled person and his wife are not living together, or where the children are not in the custody of the disabled person, the amount of the compensation shall be apportioned as may be prescribed by regulations.

(13) The term "wife" as used in this section shall include "husband" if the husband is dependent upon the wife for support.

(14) That the bureau is authorized to furnish transportation, also the medical, surgical, and hospital services and the supplies and appliances provided by subdivision (6) hereof, to discharged members of the military or naval forces of those governments which have been associated in war with the United States since April 6, 1917, and come within the provisions of laws of such governments similar to this Act, at such rates and under such regulations as the director may prescribe; and the bureau is hereby authorized to utilize the similar services, supplies, and appliances provided for the discharged members of the military and naval forces of those governments which have been associated in war with the United States since April 6, 1917, by the laws of such governments similar to this Act, in furnishing the discharged members of the military and naval forces of the United States who live within the territorial limits of such governments and come within the provisions of subdivision (6) hereof, with the services, supplies, and appliances provided for in such subdivision; and any appropriations that have been or may hereafter be made for the purpose of furnishing the services, supplies, and appliances provided for by subdivision (6) hereof are hereby made available for the payment to such governments or their agencies for the services, supplies, and appliances so furnished at such rates and under such regulations as the director may prescribe.

(15) That any person who is now receiving a gratuity or pension from the United States under existing law shall not receive compensation under this section unless he shall first surrender all claim to further payments of such gratuity or pension, except as provided in subdivision 7 of section 201.

(16) No compensation hereunder shall be paid for the period during which any such person is being furnished by the bureau a course of vocational rehabilitation and support as authorized in Title IV hereof: *Provided, however*, That in the event any person pursuing a course of vocational rehabilitation is entitled under Title II of this Act to compensation in an amount in excess of the payments made to him under Title IV hereof for his support and the support of his dependents, if any, the bureau shall pay monthly to such person such additional amount as may be necessary to equal the total compensation due under Title II hereof.

(17) That no changes in rates of compensation made by this Act shall be retroactive in effect.

Proviso.
Preference to needy veterans.

Post, p. 1308.

Sale of surplus supplies, etc.
Vol. 42, p. 666, amended.

Disposal of articles made by patients.

Apportionment of compensation if parties not living together.

Allowance to dependent husband.

Transportation, medical services, etc., to discharged members of allied forces.
Vol. 41, p. 374.

Utilization of similar services by allied governments to American forces.

Funds available.

Other pensions, etc., to be surrendered.

Exception.

Ante, p. 617.

No compensation if receiving rehabilitation support, etc.

Post, p. 627.

Proviso.
Equalization of payments.

Changed rates not retroactive.

Medical examinations of applicants or beneficiaries.

Vol. 40, p. 406, amended.

Payment for expenses.

Rights suspended if examinations refused.

Subsequent medical treatment.
Vol. 40, p. 407.

Review of awards.
Vol. 40, p. 407, amended.

Reductions not retroactive, except for fraud.
Time effective.

Compensation payable unless disability occurred prior to, or within a year after, discharge.
Exceptions.

Restriction removed if official record of its existence.

Death to be officially recorded.

Restriction on "missing."

Death for crimes excluded.
Vol. 40, p. 407, amended.

Courts martial dismissals, etc.
Post, p. 1306.

SEC. 203. That every person applying for or in receipt of compensation for disability under the provisions of this title and every person applying for treatment under the provisions of subdivisions (9) or (10) of section 202 hereof, shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the director. He may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations he shall, in the discretion of the director, be paid his reasonable traveling and other expenses and also loss of wages incurred in order to submit to such examination. If he shall neglect or refuse to submit to such examination, or shall in any way obstruct the same, his right to claim compensation under this title shall be suspended until such neglect, refusal, or obstruction ceases. No compensation shall be payable while such neglect, refusal, or obstruction continues, and no compensation shall be payable for the intervening period.

SEC. 204. Every person in receipt of compensation for disability shall submit to any reasonable medical or surgical treatment furnished by the bureau whenever requested by the bureau; and the consequences of unreasonable refusal to submit to any such treatment shall not be deemed to result from the injury compensated for.

SEC. 205. Upon its own motion or upon application the bureau may at any time review an award and, in accordance with the facts found upon such review, may end, diminish, or increase the compensation previously awarded, or, if compensation is increased, or if compensation has been refused, reduced, or discontinued, may (subject to the provisions of section 210 hereof) award compensation in proportion to the degree of disability sustained as of the date such degree of disability began, but not earlier than the date of discharge or resignation. Except in cases of fraud participated in by the beneficiary, no reduction in compensation shall be made retroactive, and no reduction or discontinuance of compensation shall be effective until the 1st day of the third calendar month next succeeding that in which such reduction or discontinuance is determined.

SEC. 206. That no compensation shall be payable for death or disability which does not occur prior to or within one year after discharge, or resignation from the service, except as provided in section 200 of this Act, and except where there is an official record of the injury during service or at the time of separation from active service, or where within one year from the approval of this Act, satisfactory evidence is furnished the bureau to establish that the injury was suffered or aggravated during active service. Where there is official record of injury during service compensation shall be payable in accordance with the provisions of this title, for death or disability whenever occurring, proximately resulting from such injury.

SEC. 207. That compensation shall not be payable for death in the course of the service until the death be officially recorded in the department under which the person may be serving. No compensation shall be payable for a period during which the man has been reported "missing" and a family allowance has been paid for him under the provisions of Article II of the Act of October 6, 1917.

SEC. 208. That no compensation shall be payable for death inflicted as a lawful punishment for crime or military offense except when inflicted by the enemy. A dismissal or discharge by sentence of court-martial from the service shall bar and terminate all right to any compensation under the provisions of this title for the period of service from which such discharge is given.

SEC. 209. That no compensation shall be payable and that (except as provided by subdivision (10) of section 202 hereof) no treatment shall be furnished unless a claim therefore be filed in case of disability within five years after discharge or resignation from the service, or, in case of death during the service, within five years after such death is officially recorded in the department under which he may be serving: *Provided, however,* That where compensation is payable for death or disability occurring after discharge or resignation from the service, claim must be made within five years after such death or the beginning of such disability.

The time herein provided may be extended by the director not to exceed two years for good cause shown. If at the time that any right accrues to any person under the provisions of this title such person is a minor, or is of unsound mind or physically unable to make a claim, the time herein provided shall not begin to run until such disability ceases.

SEC. 210. That no compensation shall be payable for any period more than one year prior to the date of claim therefor, nor shall increased compensation be awarded to revert back more than six months prior to the date of claim therefor. Except in case of fraud participated in by the beneficiary, no reduction in compensation shall be made retroactive.

SEC. 211. Compensation because of disability or death of members of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) shall be in lieu of any compensation for such disability or death under the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

SEC. 212. This Act is intended to provide a system for the relief of persons who were disabled, and for the dependents of those who died as a result of disability suffered in the military service of the United States between April 6, 1917, and July 2, 1921. For such disabilities and deaths no other pension laws or laws providing for gratuities or payments in the event of death in the service shall be applicable: *Provided, however,* That the laws relating to the retirement of persons in the regular military or naval service shall not be considered to be laws providing for pensions, gratuities, or payments within the meaning of this section: *And provided further,* That compensation under this title shall not be paid while the person is in receipt of active service or retirement pay. Titles II and IV of this Act shall not be applicable to any disability or resultant death in the service if such disability occurred as a result of service prior to April 6, 1917, or after July 2, 1921.

SEC. 213. That where any beneficiary of this bureau suffers or has suffered an injury or an aggravation of an existing injury as the result of training, hospitalization, or medical or surgical treatment, awarded to him by the director and not the result of his misconduct, and such injury or aggravation of an existing injury results in additional disability to or the death of such beneficiary, the benefits of this title shall be awarded in the same manner as though such disability, aggravation, or death was the result of military service during the World War. The benefits of this section shall be in lieu of the benefits under the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916; and from any payments due hereunder shall be deducted all amounts paid by any person other than United States as damages or compensation for such injury, aggravation, or death: *Provided,* That application be made for such benefits within

Time limit for presenting claims.
Exception.
Ante, p. 622.
Vol. 40, p. 407, amended.

Proviso.
Death, etc., after discharge.

Extension permitted.
For minors, etc.

Back payments restricted.
Vol. 40, p. 408, amended.

Compensation to female nurses to be in lieu of that for injuries to Government employees.
Vol. 39, p. 742.

Purpose of Act.

Other pensions, etc., laws not applicable.

Proviso.
Retirement laws excepted.

No payment if in active or retired service.

Service period not applicable to compensation and rehabilitation.

Benefits for injuries, etc., resulting from training etc.
Post, p. 1308.

In lieu of that under injuries to Government employees.
Vol. 39, p. 742.

Deductions if payments come from other persons.

Proviso.
Time for application.

one year after such injury or aggravation was suffered or such death occurred or after the passage of this Act or whichever is the latest date.

Insurance.

TITLE III.—INSURANCE.

Granted to all persons under service of War or Navy Department, upon application.

Vol. 40, p. 409, amended.
Post, p. 1308.

SEC. 300. That in order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department protection for themselves and their dependents, the United States, upon application to the bureau and without medical examination, shall grant insurance in such form or forms as is prescribed in section 301 hereof, against the death or total permanent disability of any such person in any multiple of \$500, and not less than \$1,000 or more than \$10,000, upon the payment of the premiums as hereinafter provided. Such insurance must be applied for within one hundred and twenty days after enlistment or after entrance into or employment in the active service and before discharge or resignation.

Time for making.

Beneficiaries.

The insurance shall be payable only to a spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece, brother-in-law or sister-in-law, or to any or all of them, and also during total and permanent disability to the injured person.

Expenses borne by United States.

The United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at 3½ per centum per annum.

Premium rates.

Conversion of term insurance.

Vol. 42, p. 155.
Post, p. 1309.

SEC. 301. Not later than July 2, 1926, all term insurance held by persons who were in the military service after April 6, 1917, shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, twenty-payment life, endowment maturing at age sixty-two, and into other usual forms of insurance, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

Conversion rights.

Term insurance to cease July 2, 1926.

All term insurance shall cease on July 2, 1926, except when death or total permanent disability shall have occurred before July 2, 1926.

Insurance matured by total disability.

In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided.

Renewal authorized if no longer disabled.

Optional lump sum, or payments.

The bureau may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for thirty-six months or more. The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for thirty-six months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election, the said contract

Other periods installments

may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured.

SEC. 302. Whenever benefits under United States Government life insurance (converted insurance) become, or have become, payable because of total permanent disability of the insured or because of the death of the insured as a result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the director, the liability shall be borne by the United States, and the director is hereby authorized and directed to transfer from the military and naval insurance appropriation to the United States Government life-insurance fund a sum which, together with the reserve of the policy at the time of maturity by total permanent disability or death, will equal the then value of such benefits. When a person receiving total permanent disability benefits under a United States Government life policy (converted policy), recovers from such disability, and is then entitled to continue a reduced amount of insurance, the director is hereby authorized and directed to transfer to the military and naval insurance appropriation all of the loss reserve to the credit of such policy claim except a sum sufficient to set up the then required reserve on the reduced amount of the insurance that may be continued, which sum shall be retained in the United States Government life-insurance fund for the purpose of such reserve.

SEC. 303. If no person within the permitted class of beneficiaries survive the insured, or if before the completion of payments the beneficiary or beneficiaries shall die and there be no surviving person within said permitted class, then there shall be paid to the estate of the insured the present value of the monthly installments thereafter payable under the provisions of this title: *Provided*, That in cases where the estate of the insured would escheat under the laws of the place of his residence the insurance shall not be paid to the estate of the insured, but shall escheat to the United States and shall be credited to the United States Government life-insurance fund or the military and naval insurance appropriation, as may be proper. This section shall be deemed to be in effect as of October 6, 1917.

SEC. 304. In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant for insurance have been complied with, and application for reinstatement, in whole or in part, of lapsed or canceled yearly renewable term insurance or United States Government life insurance (converted insurance) hereafter made may be approved if made within one year after the passage of this Act or within two years after the date of lapse or cancellation: *Provided*, That the applicant's disability (if any) is the result of an injury or disease, or of an aggravation thereof, suffered or contracted in the active military or naval service during the World War: *Provided further*, That the applicant during his lifetime submits proof satisfactory to the director showing the service origin of the disability or aggravation thereof and that the applicant is not totally and permanently disabled. As a condition, however, to the acceptance of an application for the reinstatement of lapsed or canceled yearly renewable term insurance, where the requirements as to the physical condition of the applicant have not been complied with, or, for the reinstatement of United States Government life insurance (converted insurance) in any case, the applicant shall be required to pay all the back monthly premiums which would have become payable if such insurance had not lapsed, together with interest of the rate of 5 per centum per annum, compounded annually, on each premium

Benefits due on account of extra hazard, to be paid by United States.
Vol. 42, p. 155.

Transfer from appropriations to insurance fund for.

Reduced insurance allowed on recovery from total disability.

Transfer of funds.

Payment to estate, if no surviving beneficiaries.
Post, p. 1310.

Proviso. Escheat to United States, etc.

Effective October 6, 1917.

Reinstated insurance.

Approval of application without medical examination.
Vol. 42, p. 1525, amended.
Post, p. 1310.

Provisos. If disabled in World War service.

Proof required of origin of disability.

Back premiums to be paid.

None allowed after July 2, 1926.

Payment for insurance lapsed while suffering compensable disability.
Vol. 42, p. 1525, amended.

Computations.
Vol. 41, p. 573.

Amounts authorized.

Premiums.
Dates for payments of, may be waived.

Vol. 42, p. 1526, amended.

While confined in hospital.

For temporary total disability.

Mentally incompetent, with no guardian.

Made without application.

Proviso.
Extent of time allowed.

Interest on waived premiums.

Deducted at maturity.

Transfer from insurance fund to meet lien, etc., against policies of converted insurance.

from the date said premium is due by the terms of the policy: *Provided further*, That no term insurance shall be reinstated after July 2, 1926.

SEC. 305. Where any person has heretofore allowed his insurance to lapse while suffering from a compensable disability for which compensation was not collected and dies or has died, or becomes or has become permanently and totally disabled and at the time of such death or permanent total disability was or is entitled to compensation remaining uncollected, then and in that event so much of his insurance as said uncollected compensation, computed in all cases at the rate provided by section 302 of the War Risk Insurance Act as amended December 24, 1919, would purchase if applied as premiums when due, shall not be considered as lapsed; and the United States Veterans' Bureau is hereby authorized and directed to pay to said soldier, or his beneficiaries as the case may be the amount of said insurance less the unpaid premiums and interest thereon at 5 per centum per annum compounded annually in installments as provided by law.

SEC. 306. The bureau is authorized to make provisions in accordance with regulations, whereby the payment of premiums on yearly renewable term insurance and United States Government life insurance (converted insurance) on the due date thereof may be waived and the insurance may be deemed not to lapse in the cases of the following persons, to wit: (a) Those who are confined in hospital under said bureau for a compensable disability during the period while they are so confined; (b) those who are rated as temporarily totally disabled by reason of any injury or disease entitling them to compensation during the period of such total disability and while they are so rated; (c) those who, while mentally incompetent and for whom no legal guardian had been or has been appointed, allowed or may allow their insurance to lapse while such rating is effective during the period for which they have been or hereafter may be so rated, or until a guardian has notified the bureau of his qualification, but not later than six months after appointment as guardian, the waiver in such cases to be made without application and retroactive when necessary: *Provided*, That such relief from payment of premiums on yearly renewable term insurance on the due date thereof shall be for full calendar months, beginning with the month in which said confinement to hospital, temporary total disability rating, or in cases of mental incompetents for whom no guardian has been appointed with the month in which such rating or mental incompetency began or begins and ending with that month during the half or major fraction of which the person is confined in hospital is rated as temporarily totally disabled or had or has no legal guardian while rated as mentally incompetent or until a guardian has notified the bureau of his qualification, but not later than six months after appointment as guardian: *Provided further*, That all premiums the payment of which when due is waived as above provided shall bear interest at the rate of 5 per centum per annum, compounded annually from the due date of each premium, and if not paid by the insured shall be deducted from the insurance in any settlement thereunder or when the same matures either because of permanent total disability or death: *And provided further*, That in the event any lien or other indebtedness established by this Act exists against any policy of converted insurance in excess of the then cash surrender value thereof at the time of the termination of such policy of converted insurance for any reason other than by death or total permanent disability the director is hereby authorized to transfer and pay from the military or naval insurance appropriation to the United States Government life insurance fund

a sum equal to the amount such lien or indebtedness exceeds the then cash surrender value.

SEC. 307. All such policies of insurance heretofore or hereafter issued shall be incontestable after the insurance has been in force six months from the date of issuance or reinstatement, except for fraud or nonpayment of premiums and subject to the provisions of section 23: *Provided*, That a letter mailed by the bureau to the insured at his last known address informing him of the invalidity of his insurance shall be deemed a contest within the meaning of this section: *Provided further*, That this section shall be deemed to be in effect as of April 6, 1917.

Policies incontestable after six months.

Exception. *Act*, p. 613.

Proviso. Mailing deemed notice of contest.

Effective April 6, 1917.

TITLE IV.

Vocational rehabilitation.

SEC. 400. That every person who was enlisted, enrolled, drafted, inducted, or appointed in the military or naval forces of the United States, including members of training camps authorized by law and who, has resigned or has been discharged or furloughed therefrom, having a disability incurred, increased, or aggravated after April 6, 1917, and before July 2, 1921, in the military or naval service and not the result of his own willful misconduct, while a member of such forces, or later developing a disability traceable in the opinion of the director to service during said period with such forces, and not the result of his own willful misconduct, and who, in the opinion of the director, is in need of vocational rehabilitation to overcome the handicap of such disability, shall be furnished by the bureau, where vocational rehabilitation is feasible, such course of vocational rehabilitation as the bureau shall prescribe and provide: *Provided*, That nothing in this section shall operate to terminate any course of vocational training heretofore prescribed and actually commenced under the Vocational Rehabilitation Act as originally enacted and subsequently amended where such course was actually commenced prior to the approval of this Act.

Benefits extended to additional disabled persons.

Vol. 41, p. 159, amended.

Course to be furnished.

Proviso. No course commenced under original Act terminated.

SEC. 401. The bureau shall have the power, and it shall be its duty until June 30, 1926, to furnish the persons included in section 400 hereof suitable courses of vocational rehabilitation, to be prescribed and provided by the bureau; and every person electing to follow such a course of vocational rehabilitation shall, while following the same, be paid by the bureau monthly or semimonthly as the director may prescribe such sum as in the judgment of the director is necessary for his maintenance and support and for the maintenance and support of persons depending upon him, if any: *Provided*, however, That in no event shall the sum so paid such person while pursuing such course be more than \$30 per month for a single man without dependents, or for a man with dependents \$100 per month plus the following family allowances:

Courses to be furnished.

Vol. 41, p. 159, amended.

Payments for maintenance and dependents.

Vol. 41, p. 1021, amended.

Proviso. Maximum allowed.

Additional for family.

(a) If there is a wife, but no child, \$15.

(b) If there is a wife and one child, \$25, with \$5 per month additional for each additional child.

(c) If there is no wife, but one child, \$10.

(d) If there is no wife, but two children, \$15, with \$5 per month additional for each additional child.

That the bureau may pay, subject to the conditions and limitations prescribed by this title, to all trainees undergoing training hereunder, residing where the cost of maintenance and support is above the average and comparatively high, in lieu of the monthly payments for maintenance and support prescribed by this title, such sum as in the judgment of the director is necessary for the trainee's maintenance and support and for the maintenance and support of persons dependent upon him, if any: *Provided*, however, That in no event shall the sum so paid such person while pursuing

Increase of allowance permitted to meet higher living costs.

Proviso. Limitations.

such course be more than \$100 per month for a single man without dependents or for a man with dependents \$120 per month, plus the several sums prescribed as family allowances under this section: *Provided further*, That payments for the support and maintenance of persons dependent upon any trainee of the bureau as provided herein may, in the discretion of the director, be paid either direct to such dependent or dependents or to the trainee upon whom they are dependent.

Discretionary payments for dependents.

Training extended to other discharged disabled persons.

SEC. 402. That until June 30, 1926, the courses of vocational training provided for under this Act shall, as far as practicable, and under such conditions as the director may prescribe, be made available without cost for instruction for the benefit of any person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Title II hereof and who is not included in section 400 hereof.

Benefits to be used within reasonable time.

SEC. 403. That no person who has been declared eligible for training under the provisions of this title, for whom training has been prescribed, and who has been notified by the bureau to begin training, shall be eligible to the benefits of this title in the event of his failure to commence training within a reasonable time after notice has been sent such person by the bureau: *Provided further*, That, except when such failure is due, in the opinion of the director, to physical incapacity, such time shall not be longer than twelve months after notice shall have been given for persons declared eligible and notified to begin training: *And provided further*, That no training shall be furnished to any person under any of the provisions of this title unless such person shall actually commence such training on or before June 30, 1925.

Proviso. Time extended for physical incapacity.

Training to commence by June 30, 1925.

Test of rehabilitation. Allowance continued for two months after.

SEC. 404. The test of rehabilitation shall be employability, to be determined by the director. The allowance for maintenance and support provided by this title shall be payable for two months after the employability of the rehabilitated person is determined, and thereupon all duty and obligation of the United States toward such person with respect to his vocational rehabilitation shall cease and determine.

Granted only for applications made prior to June 30, 1923.

SEC. 405. That vocational training provided by this Act shall be granted to persons entitled under the provisions of said title only where application therefor has been made on or prior to June 30, 1923.

No training, etc., after June 30, 1923.

SEC. 406. That no vocational training shall be granted or continued to any person whatsoever after June 30, 1923, and no training allowance shall thereafter be paid to any person.

Post, p. 1311.

Penalties.

TITLE V.—PENALTIES.

Payment to attorneys limited. Post, p. 1311.

SEC. 500. That payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers in any application to the bureau shall not exceed \$10 in any one case.

Punishment for receiving, etc., unauthorized fees.

Any person who shall, directly or indirectly, solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive any fee or compensation, except as herein provided, shall be guilty of a misdemeanor, and for each and every offense shall be punishable by a fine of not more than \$500 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment: *Provided*, That the provisions of this section shall not apply to professional services required in the prosecution of any action in any court of law.

Proviso. Actions at law excepted.

Punishment for false statements in claims, etc.

SEC. 501. That whoever in any claim for compensation, insurance, or maintenance and support allowance, or in any document required

by this Act, or by regulation made under this Act, makes any sworn statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both.

Sec. 502. That if any person entitled to payment of compensation, or maintenance and support allowance under this Act, whose right to such payment under this Act ceases upon the happening of any contingency, thereafter fraudulently accepts any such payment, he shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year, or both.

Punishment for receiving payments after right therefor ceases.

Sec. 503. That whoever shall obtain or receive any money, check, compensation, insurance, or maintenance and support allowance under Titles II, III, or IV of this Act without being entitled thereto, with intent to defraud the United States or any person in the military or naval forces of the United States, shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year, or both.

Punishment for fraudulently receiving money, etc.
Post, p. 1311.

Sec. 504. Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in anywise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper or writing purporting to be such, concerning any claim or the approval of any claim for compensation or the payment of any money, for himself or for any other person, under Title II hereof, shall forfeit all rights, claims, and benefits under such Title II, and in addition to any and all other penalties imposed by law shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or by both such fine and imprisonment, for each such offense.

Presenting false statements, affidavits, etc., in claims for compensation, a misdemeanor.
Post, p. 1312.

Punishment for.
Post, p. 1312.

TITLE VI.—MISCELLANEOUS PROVISIONS.

Miscellaneous.

Sec. 600. The following Acts are hereby repealed, subject to the limitations provided in section 602 of this title:

Acts repealed.

(1) An Act entitled "An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914.

War Risk Insurance Bureau.
Vol. 38, p. 711

(2) An Act entitled "An Act to amend an Act entitled 'An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914," approved August 11, 1916.

Amending War Risk Bureau Act.
Vol. 39, p. 514.

(3) An Act entitled "An Act to amend an Act entitled 'An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914," approved March 3, 1917.

Vol. 39, p. 1131.

(4) An Act entitled "An Act to amend an Act entitled 'An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved June 12, 1917.

Vol. 40, p. 102.

(5) An Act entitled "An Act to amend an Act entitled 'An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved October 6, 1917; saving and excepting from repeal sections 313 and 314 of Article III of said Act.

Vol. 40, p. 398.

(6) An Act entitled "An Act to amend the War Risk Insurance Act," approved July 11, 1918.

Excepting injuries by other persons and widows' pension.
Vol. 40, p. 408.
Vol. 40, p. 397.

Sec. 601. That the following Acts are hereby repealed. The sections of this codification herein applicable thereto shall be in

Acts repealed.
Sections in lieu of.

force in lieu thereof, subject to the limitations contained in this title.

War Risk Insurance Act.
Vocational Rehabilitation Act.
Veterans' Bureau Act.

(1) The War Risk Insurance Act as amended.

(2) The Vocational Rehabilitation Act as amended.

(3) The Act entitled "An Act to establish a Veterans' Bureau and to improve the facilities and service of such bureau, and, further, to amend and modify the War Risk Insurance Act."

Accrued rights, etc., not affected by repealing provisions.

SEC. 602. The repeal of the several Acts as provided in sections 600 and 601 hereof shall not affect any act done or any right or liability accrued, or any suit commenced before the said repeal, but all such rights and liabilities under said Acts shall continue and may be enforced in the same manner as if said repeal had not been made; nor shall said repeal in any manner affect the right to any office or change the term or tenure thereof.

Punishment of prior offenses, etc., continued.

SEC. 603. All offenses committed and all penalties or forfeiture incurred under any law embraced in this codification prior to said repeal may be prosecuted and punished in the same manner and with the same effect as if said repeal had not been made.

Limitations of prior laws not affected.

SEC. 604. All Acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses embraced in this codification and covered by said repeal, shall not be affected thereby, but all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made.

Invalidity of any clause, etc., not to affect remainder of Act.

SEC. 605. That if any clause, section, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered.

Approved, June 7, 1924.

June 7, 1924.
[S. 2572.]

[Public, No. 243.]

CHAP 321.—An Act To purchase grounds, erect, and repair buildings for customhouses, offices, and warehouses in Porto Rico.

Porto Rico.
Purchase of sites,
erection of custom-
houses, etc., in, au-
thorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to purchase or otherwise secure grounds where necessary in the municipalities of Aguadilla, Arecibo, Arroyo, Guanica, and Fajardo, in Porto Rico, and to build or rebuild thereon customhouses, offices, and warehouses, the grounds and buildings not to exceed in cost as follows: Arecibo, \$30,000; Aguadilla, \$25,000; Arroyo, \$30,000; Fajardo, \$40,000; Guanica, \$30,000; for repairs to the customhouse at Ponce, \$18,000; for repairs to the customhouse at Humacao, \$4,000; and for repairs to the custom warehouse at Mayaguez, \$8,000. Authority is also granted the Secretary of the Treasury to pay said amounts as needed out of duties collected in Porto Rico as an expense of collection, under such rules and regulations as may be prescribed by the Secretary of the Treasury: *Provided*, That not more than \$65,000 of the total expenditure herein authorized shall be made in any one year.

Amounts and places designated.

Payable from duties collected.

Proviso.
Limit on yearly expenditure.

Approved, June 7, 1924.

EXHIBIT E

AMEND THE WORLD WAR VETERANS' ACT

FEBRUARY 18, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. JOHNSON of South Dakota, from the Committee on World War Veterans' Legislation, submitted the following

REPORT

[To accompany H. R. 12308]

The Committee on World War Veterans' Legislation, to whom was referred the bill (H. R. 12308) to amend the World War veterans' act, 1924, having considered the same, report thereon with the recommendation that it do pass.

The bill as now presented proposes several substantial changes in the law, to which the attention of the House of Representatives should be specifically directed. These are:

1. Section 1 proposes to amend section 3 (3) of the World War veterans' act, 1924, by deleting the reference to sections 301 and 302 and making reference to section 300 as the section to be excepted from the definition of the word "child" and "grandchild" as contained in section 3 (3). This amendment is merely for the purpose of correcting what is now an erroneous reference.

2. Section 2 proposes to amend section 4 of the World War veterans' act, 1924, by adding thereto a specific provision authorizing the director to appoint a chaplain for each hospital operated or controlled by the United States Veterans' Bureau.

3. Section 3 proposes to amend section 10 of the World War veterans' act by adding thereto a provision authorizing and directing the director to create in the United States Veterans' Bureau a permanent medical organization to be known as the United States Veterans' Bureau medical service. This service is to consist of medical officers, dental officers, and nurses. The pay and allowances of such officers are to be the same as that provided for officers in the Medical Corps of the Army in corresponding grades, and the pay and allowances of nurses are to be the same as nurses in the corresponding grades in the Army Nurse Corps. The establishment of such a service in the bureau will provide a permanent medical organization which it has

long been felt is vital to the bureau in administering the benefits of medical, hospital, surgical, and dental treatment provided by the bureau's laws providing for the relief of disabled ex-service men.

4. Section 4 of the bill amends section 19 of the World War veterans' act relating to suits on contracts of insurance. In effect the amendment will give the claimant the right to a jury trial, thus differing from the ordinary judicial procedure in suits on claims against the United States where the United States district courts have concurrent jurisdiction with the Court of Claims. A jury trial may, however, be waived by consent. The existing law is clarified by specifically providing the procedure for service upon the proper officials of the Government and in the matter of appeals to the United States circuit courts of appeal, the findings of which courts are to be final except as provided in sections 239 and 240 of the Judicial Code, under which an appeal lies to the Supreme Court of the United States when a constitutional question is involved. In order to clear up any ambiguity in the present law, section 19, as amended, is made applicable to pending as well as future suits. The provisions relating to attorneys and fees now appearing in section 19 have been incorporated in an amendment to section 500 of the World War veterans' act and will be discussed in connection with that amendment.

5. Section 5 is a redraft of section 23, section 31, and section 208 of the statute, having for its purpose the combining of these three sections, all of which relate to forfeiture of benefits and the reconciliation of conflicts now existing. Section 23 as now written in the statute provides that the discharge or dismissal of any person on the ground that *he is an enemy alien or conscientious objector shall terminate any insurance granted or bar any right of compensation or maintenance and support allowance.* This section further provides that an *enemy alien* who volunteers or who was drafted into service during the World War and who was not discharged from the service *on his own application or solicitation by reason of his being an enemy alien, and whose service was honest and faithful,* shall be entitled to the benefits of the act. Section 31 as it appears now in the statute provides that the provisions of the World War veterans' act shall not apply to any conscientious objector *who refused to perform military duty or refused to wear the uniform or to any alien who was discharged from the military or naval forces prior to November 11, 1918, on account of his alienage.* Section 208 provides that a dismissal or discharge by sentence of court-martial from the service shall bar and terminate all rights to any compensation under the provisions of the act *for the period of service from which such discharge is given.* The language in italic reveals the inconsistencies now contained in these three sections which it is the purpose of section 23 as contained in this bill to overcome. The redraft makes the section applicable to conscientious objectors only where they refused to perform military duty or to wear the uniform, and inapplicable to aliens, enemy, allied, or neutral, if their service was honest and faithful and they were not discharged prior to November 11, 1918, on their own solicitation because of alienage. The proposed amendment goes further and removes contracts of insurance entirely from the operation of the provisions now in the statute under which all insurance rights are terminated upon conviction by court-martial

for any of the offenses enumerated therein, except where death is inflicted as a lawful punishment for crime or military offense. The principle underlying this amendment is that insurance being an entirely contractual relationship, it is not consistent with the law of contracts that the personal conduct of the insured should vitiate the contract after it has been sealed.

A new proviso is added to the effect that the discharge of a person for having concealed the fact that he was under age at time of enlistment shall not be a bar to benefits if service was otherwise honorable.

6. Section 6 proposes to amend section 26 of the present statute by providing that where the accrued compensation, insurance, or maintenance and support allowance payable at the death of the beneficiary amounts to \$500 or less, such sum may be paid, in the absence of a duly appointed legal representative, to such person or persons as would under the laws of the State of residence of the decedent be entitled to his personal property in case of intestacy. The purpose of this amendment is to obviate the necessity for appointment of an administrator in cases where the sole estate left by the veteran is accrued compensation, insurance, or maintenance and support allowance in a small amount. Under the present law it is necessary to require the appointment and qualification of an administrator or executor no matter how small the amount payable is, and it often causes great inconvenience and delay as well as expense to the person entitled.

7. Section 7 proposes to repeal section 31. The repeal of this section is part of the proposal to overcome the conflict existing between the present sections 23 and 31, Title I, and section 208, Title II, as stated above.

8. Section 8 proposes to insert a new section to permit payment by the bureau for official telephone service and rental in cases where official telephones are installed in private residences, or private apartments or quarters. The object of this amendment is to relieve the bureau from the operation of the act of August 23, 1912, which provides that no part of any appropriation shall be expended for the purpose of providing telephones in private residences or apartments. In the administration of Veterans' Bureau hospitals it is imperative that certain officers be in constant touch with the hospitals and that some facilities be provided whereby they can be called at any time of the day or night. To accomplish this it is necessary that they either be supplied with telephones which are a part of the general telephone system of the hospital attached to the hospital switchboard, or that, in cases where they reside such a distance from the reservation that it is impracticable to furnish phones which are a part of the hospital system, they be given a separate wire.

9. Section 9 proposes to amend section 200 of the World War veterans' act by rewriting the first proviso (which now provides that no person suffering from paralysis, paresis, blindness, or constitutional lues requiring hospitalization as a result of disease shall be denied compensation while a patient in a Veterans' Bureau hospital by reason of willful misconduct) to omit the language which makes it mandatory that any person suffering from the specified diseases must be in need of hospitalization and actually hospitalized in a Veterans' Bureau hospital before compensation can be paid. The proviso is further amended by including within the classes which

can not be denied compensation by reason of willful misconduct any person who is helpless or bedridden as the result of any disability. It is not necessary that this class be hospitalized. It is further proposed to amend the section by including encephalitis lethargica in the class of diseases which are conclusively presumed to be of service origin when developing to a 10 per cent degree prior to January 1, 1925. Under the present statute encephalitis lethargica is included in the rebuttable presumption.

10. Section 10 proposes to amend section 201 (1) which contains the provision for burial expenses. Under the present law before the allowance for burial expenses can be paid for veterans who die while not receiving the benefits of compensation, hospitalization, or training, from the bureau, it is necessary for the bureau to make an administrative finding that the veteran does not leave sufficient assets to meet the expenses of his burial and the transportation of his body and that such expenses are not otherwise provided for. If subdivision (1), section 201, is enacted as proposed, the effect will be to make the director's administrative finding as to the insufficiency of the assets conclusive, and to render it unnecessary to determine whether provision is made by any other law or organization for the payment of such expenses. The present first proviso of section 201 (1), which makes allowance for payment of funeral expenses where the veteran dies while receiving compensation or vocational training from the bureau is amended by striking out the phrase "without reference to the indigency of the deceased" and by including the words "in all cases." This makes no substantial change in the effect of the provision. The second proviso of the same subdivision which makes allowance for the payment of funeral expenses where the veteran dies away from home while receiving from the bureau medical, surgical, or hospital treatment, or vocational training, at a place to which he has been ordered by the bureau or while traveling under orders of the bureau, is amended by deleting the language which makes the allowance payable "without reference to the indigency of the deceased," and also by amending the language which now limits the payment of transportation of the body to a place of burial within the continental limits of the United States, to permit transportation to any place of burial within the United States, its Territories, and possessions. Under the present subdivision (1), section 201, where a veteran dies away from home at a place to which he has been ordered by the bureau for the purpose of medical, surgical, or hospital treatment, or vocational training, there is no authority for paying the expenses of transportation of the body to the place of burial unless it be within the continental limits of the United States. There are numerous cases in which veterans have died while receiving benefits from the bureau within the United States and in which it has been the desire of the relatives to have the body interred at the home of the veteran outside of the continental limits, for instance, the Philippines, or Porto Rico. Under the present law this is impossible. The section has also been amended to provide for payment of "funeral and burial expenses." At present the allowance is only for "burial expenses" and under the strict construction of the word "burial" by the General Accounting Office, many items which are ordinarily regarded as part of the necessary burial expenses have been disallowed. The last proviso of this section has

been redrafted to include accrued insurance due at the time of death among those items which shall not be deducted from the sum allowed for burial expenses. The allowance for a flag is increased to \$7.

Section 10 further proposes to amend section 201 (2) by the substitution of the word "such" for the word "each" which now appears immediately preceding the word "parent" in this subdivision. This amendment is merely for the purpose of clarification.

Section 201 (7) is also amended by section 10 to provide that the receipt of a gratuity, pension, or compensation, including adjusted compensation by widow, child, or parent on account of the death, disability, or service of any person shall not bar the payment of compensation on account of the death or disability of any other person. Under the present law the bureau can pay compensation to the widow of a soldier of a previous war who is drawing a pension, but it can not pay compensation to a soldier of a previous war who is drawing pension. This amendment will permit payment of compensation to a pensioner who was dependent upon a son who was killed in the World War. It also brings within the operation of the subsection children, and adds adjusted compensation to the exceptions made.

11. Section 11 proposes to amend section 202 (2) to provide that any ex-service person shown to have had a tuberculous disease of a compensable degree who has reached a condition of complete arrest shall receive a compensation rating of not less than \$50 per month for three years. The present section provides that where a person suffering with a tuberculous disease of a compensable degree has been discharged from a one-year period of hospitalization in an arrested condition he shall be rated as temporarily totally disabled for a period of six months. The underlying reason for the amendment proposed is the belief that persons who have recovered from active tuberculosis should be compensated to such an extent that they will have some money to rely on for a reasonable period of time during their industrial readjustment. This provision is not retroactive.

Subdivision 3 of section 202, second paragraph, is amended by section 11 to provide that any person suffering with a tuberculous disease of a compensable degree who is discharged from a one-year period of hospitalization, and who in the judgment of the director will not reach a condition of arrest by further hospitalization, shall be rated not less than temporarily and totally disabled for a period of three years, and further provides that whenever a person has been rated temporarily and totally disabled continuously for a period of 24 months he shall be adjudged permanently totally disabled, such rating not to be decreased during the continuance of total disability.

Section 11 also proposes to amend section 202, subdivision (4) (a), to provide for combinations of temporary disabilities, as well as those of a permanent character. The language "similar to the occupation of the injured man at time of enlistment" is omitted. With the omission of this language this subdivision, which provides for a schedule of ratings, will be in practically the same language as it was before the amendment of June 7, 1924, except for the language permitting combinations of specific temporary injuries for the purpose of arriving at a compensable disability rating. (Under the present law and under the law as it stood prior to June 7, 1924, it is permissible to

combine specific disabilities of a permanent nature for the purpose of a general disability rating but not those of a temporary nature.) Disability ratings will be based upon the average impairments of earning capacity in civil occupations. It has been found impracticable to devise a rating table under the present law which requires that ratings shall be based upon the average impairments of earning capacity in occupations similar to the occupations of the injured man at time of enlistment and not upon the impairment in individual cases.

Subdivision 6 of the same section is amended to provide specifically for the furnishing of dental appliances to persons suffering with compensable disabilities. This provision makes no change in the effect of the law. This subdivision is further amended to provide for special clothing made necessary by the wearing of prosthetic appliances furnished by the bureau. The word "institutions" is also substituted for the word "hospitals" in this subdivision.

Subdivision 7 is amended by substituting the words "institution or institutions" for the words "neuropsychiatric hospital or hospitals." The amendment to this language is simply for the purpose of clarification and makes no difference in the effect of the law as construed at the present time. The word "permanently" has been stricken out before the word "insane." The elimination of this word will make it unnecessary for the director to find that the person is permanently insane before he is authorized to reduce the compensation to \$20 per month while such person is an inmate of an institution. The second paragraph of subdivision 7 is redrafted to provide that the compensation of any mentally incompetent inmate of an institution may in the discretion of the director be paid to the chief officer of the institution to be properly accounted for and to be used for the benefit of such inmate or be apportioned to the wife, child, children, or dependent parents of the inmate, in accordance with regulations. Under the present law there is no authority for apportionment to the dependents of such inmates.

The only amendment offered to subdivision 8 of this section is the substitution of the word "persons" for "neuropsychiatric patients" in the second paragraph.

Subdivision 9 is amended to provide dental appliances for persons entitled to the other benefits under the subdivision only to the extent that the director may find such appliances to be reasonably necessary.

Section 202, subdivision (10), is redrafted for the purpose of eliminating distinctions now made between veterans of different wars in so far as the rights under that subdivision are concerned. Under the amendment veterans of any war, military occupation or expedition are eligible for hospitalization as far as Government facilities permit. Such veterans are further entitled under the amendment to dental, medical, surgical care, and prosthetic appliances (including dental appliances where they are a part of the treatment). A new proviso is proposed to subdivision 10 to the effect that in emergencies hospitalization may be extended by officers in charges of hospitals when application is made direct to hospital. This proviso further authorizes the bureau to furnish hospitalization in other than Government hospitals in the insular possessions. At the present time there are no Government hospitals in the insular possessions which will admit patients irrespective of the nature of origin of their disabilities. The Comptroller General has said that there is no statutory authority

for furnishing treatment in contract hospitals, but that in view of the situation existing in the insular possessions he would approve payments made for hospitalization in contract hospitals. The consensus of opinion on this phase of the matter is that amendatory legislation should be passed to cover it.

There is a slight change in the grammatical construction of subdivision 12 which will not affect the provision except to clarify it.

Subdivision 15 is repealed. The repeal of this provision makes the payment of compensation independent of the receipt by a veteran of a pension or gratuity as a result of service or disability incurred in service at a time other than during the World War.

12. Section 12 of the bill proposes to amend section 205 by deleting the phrase "subject to the provisions of section 210 hereof" and by adding a proviso to the effect that where a disability has once been held to be of service origin it can not at a later date, except upon new evidence of a conclusive nature, or evidence of glaring error, or fraud, be held to be not of service origin. These two provisions will not make any change in the law as now construed and administered by the bureau. They merely write into the law the construction now placed upon section 205.

13. Section 13 proposes to repeal section 208. The reason for proposing to repeal this section is that its provisions have been incorporated in the redraft of section 23. This redraft as stated before includes the provisions of sections 23, 31, and 208, all of which relate to penalties and forfeitures and which now contain conflicting provisions.

14. Section 14 proposes to amend section 209 of the World War veterans' act, 1924, by the addition of a paragraph which makes the section inapplicable to those persons who died in the military service between April 6, 1917, and October 6, 1917, or who were separated from the service between those two dates, and died prior to December 24, 1919. It further provides that the time provided by said section for filing claims shall not begin to run against persons discharged from the service between those dates until December 24, 1919, which is the date of the amendatory act which first made these persons eligible for compensation.

15. Section 15 proposes to amend section 212 of the present law by striking out the phrase "in the event of death" in the second sentence. This phrase is redundant and the deletion is simply for the purpose of correcting the grammatical construction. The second proviso of this section, however, is amended to include the phrase "for disability incurred in the service between April 6, 1917, and July 2, 1921" immediately succeeding the words "retirement pay." The purpose of this amendment is to preclude persons receiving retirement pay from receiving compensation only where the retirement pay is on account of disabilities received in the World War between April 6, 1917 and July 2, 1921.

16. Section 16 proposes to amend section 213 by including within its terms persons suffering an injury or aggravation of an existing injury as a result of having submitted to examination ordered by the director under authority of section 303 of the war risk insurance act or section 203 of the World War veterans' act, 1924. When section 213 was originally written into the law by the act of June 7, 1924, it was intended that these cases should be covered but through some

inadvertence the language was not sufficiently broad to take in these cases. It is further proposed to amend section 213 by deleting the language therein which provides that from payments due thereunder shall be deducted all amounts paid by any person other than the United States as damages or compensation for injury, aggravation, or death. It is proposed to supersede this provision by enacting a new section into the law to be known as section 214 (which next succeeds this section in this bill) providing for the subrogation of the rights of the claimant in such cases to the Government.

17. Section 17 proposes to add to the World War veterans' act a new section to be known as section 214 which will provide for subrogation of the bureau to the rights of the beneficiary in any case where a beneficiary suffers injury or death, for which compensation is payable under section 213, under circumstances creating a legal liability on some person other than the United States. This section is in substantially the same language as the subrogation provisions of the war risk insurance act, which was repealed by the act of June 7, 1924.

18. Section 18 of the bill amends section 300 of the World War veterans' act in that it specifically provides only for the granting of United States Government life insurance (converted insurance). This is the interpretation placed upon the section by the Veterans' Bureau and as it apparently is in harmony with the intent of the Congress at the time the World War veterans' act, 1924, was enacted, in rewriting the section at this time it is specifically covered. The reference now contained in section 300 to such form or forms of insurance as is prescribed in section 301 of the World War veterans' act is eliminated for the reason that the latter section does not prescribe the forms of insurance. The section further amends the World War veterans' act by reinserting in the act that provision of the war risk insurance act as amended which provides that where a beneficiary at the time of designation is within the permitted class and is the designated beneficiary at the time of the maturity of the insurance because of the death of the insured such beneficiary shall be deemed to be within the permitted class even though the status of such beneficiary shall have been changed. The reinsertion of this provision in the law is made for the reason that it is felt that it was not the intention that it should be omitted when the World War veterans' act was drafted. The section is further amended by providing that it shall be deemed to be in effect as of June 7, 1924. It is essential that this section be made effective as of that date in order that there may be a continuity of this essential provision in the various laws pertaining to insurance.

19. Section 19 of the bill amends section 301 of the World War veterans' act, reinserting those provisions formerly contained in the war risk insurance act as amended, but omitted in the World War veterans' act, 1924, which provide for the manner in which the insurance shall be payable, the specific authorization for the various cash, loan, paid-up, and extended values, dividends, etc., which it is considered are essential in order that no controversy may arise with reference to the bureau's authority to incorporate the provisions in policies issued after June 7, 1924. It also reincorporates in the law the provision granting specific authority to the insured to change the beneficiary or beneficiaries of his insurance without the consent of such beneficiary or beneficiaries. These provisions are deemed

essential to the contract of insurance and for the reason above stated it is believed advisable that they should be reinserted in the law. The bill further reinserts those provisions with reference to the devolution of converted insurance where no beneficiary within the permitted class is designated by the insured for converted insurance. The only change in the provision which formerly existed in the war risk insurance act as amended is that where insurance is payable to the estate of a person the bill authorizes the payment of the present value rather than monthly installments. This provision is in the interest of economy of administration for the bureau and at the same time it permits the closing of estates which otherwise would have to be continued for approximately 20 years. This section of the bill is likewise made effective of June 7, 1924, in order that there may be a continuity in the laws pertaining to insurance.

20. Section 20 amends section 303 of the World War veterans' act, in that it provides with reference to yearly renewable term insurance that where no beneficiary of the permitted class survives the insured, or if no beneficiary be designated by the insured during his lifetime the present value of the unpaid installments shall be payable to the estate of the insured. This measure is in the interest of economical administration on the part of the bureau and also to eliminate the necessity for continuing estates for indefinite periods. It also prevents those spectacles of injustice where the bureau by reason of the existing provisions of the law or the war risk insurance act as amended, has been paying absurdly small amounts monthly to a large class of beneficiaries. This section in no way affects the eventual liability of the United States, but it does accelerate to some extent that liability.

21. Section 21 of the bill amends section 304 of the World War veterans' act, in that it permits those disabled persons who are eligible to reinstate under its terms except that they have not sufficient money to pay all premiums in arrears, to create an interest-bearing lien in the amount of the unpaid premiums, which lien will be deducted from the insurance at the time of its maturity. The amendment also strikes from the law the words "if any." These words were inserted in the World War veterans' act, but the reason for such insertion is not shown by the committee reports. In view of the presence of this language in the law it has been necessary to cancel a regulation pertaining to reinstatement of insurance which had been in existence for an extended period and which is in accord with insurance practice, namely, that an insured may reinstate his insurance within three months of date of lapse provided he is in as good health at date of reinstatement as at date of lapse, irrespective of whether or not the health condition arose in the service. The committee felt in view of the fact that this provision in the bureau regulations was in accord with insurance practice the words "if any," which prohibit the bureau from continuing such regulation should be omitted.

22. Section 22 adds a new section to the World War veterans' act in that it provides automatic insurance for those men who were discharged prior to the passage of the amendment to the war risk insurance act of October 6, 1917, or so shortly thereafter as not to have had an opportunity to apply for insurance, and who have since become permanently disabled or died.

23. Section 23 adds a new section to the World War veterans' act by providing for the continuance in force of insurance of those men who died without receiving their \$60 bonus where the amount of such bonus equals or exceeds the amount of unpaid premiums.

24. Section 24 proposes to amend section 406 of the World War veterans' act, which now provides that no training shall be granted or continued after June 30, 1926, and no training allowance thereafter to be paid, to permit persons who are eligible for training but who are not feasible to commence training by June 30, 1925 (as provided by section 405), to be excepted from the operation of the limiting date. It also provides that the final date for termination of training shall be not applicable to any person whose final rehabilitation would be prejudiced by modification or shortening of his training, or proposed course of training by reason of the limiting date of June 30, 1926. Under the present section 406 any person who is nonfeasible to commence training prior to June 30, 1925, would lose his right to training even though his nonfeasibility was due to service-connected disability. The proposed amendment is designed to overcome this discrimination, and further to allow trainees who can not complete their prescribed courses satisfactorily prior to the termination date, June 30, 1926, fixed by sections 401 and 402, because of a late start or for some other good reason, to continue their courses until finished.

25. Section 25 adds a new section to the statute to provide that equipment, supplies, and books which have been used by trainees during their course of training may be released to them on termination of training. Prior to the enactment of the World War veterans' act, 1924, the bureau had authority to release such equipment, supplies, and books to rehabilitated trainees by virtue of the act approved February 26, 1919.

26. Section 26 amends section 500 of the World War veterans' act in that it inserts the provisions with reference to recognition of attorneys, now contained in section 19 of the World War veterans' act. It further amends the World War veterans' act by providing for a fee of not to exceed 10 per cent of amounts due up to the date of judgment, instead of 5 per cent as the existing law now provides. It was felt by the committee that this increase in attorney's fees was reasonable in view of the fact that the fee is not based upon the total amount of insurance but only upon those installments which have accrued to date of judgment. It also amends the act by providing that the bureau shall deduct from payments due the claimant all attorney's fees and pay the same to the attorney. In this way the bureau can properly regulate the fees. It also provides a penalty for an attorney charging a fee in excess of 10 per cent whereas the existing law does not cover this situation.

27. Section 27 proposes to amend section 503, which provides a penalty of fine and imprisonment for persons who receive money, checks, compensation, insurance, or maintenance and support allowance under any of the laws administered by this bureau without being entitled thereto with intent to defraud the United States or any person in the military or naval forces. The amendment proposes to strike out the words "person in the military or naval forces" and to substitute therefor the words "beneficiary of the United States Veterans' Bureau." The reason for this amendment is obvious.

28. Section 28 proposes to amend section 504 to include those persons who make fraudulent claims for maintenance and support allowance in the penalty provision. Claims for maintenance and support allowance are not mentioned in this section as now written.

29. Section 29 proposes to add a new section to the World War veterans' act to be known as section 505 to provide for the punishment by fine or imprisonment, or both, of guardians, curators, conservators, committees, or persons otherwise legally vested with the responsibility or care of a claimant or his estate who shall embezzle or fraudulently convert to their own use money paid to them in a fiduciary capacity under any of the laws administered by this bureau.

Attached hereto is a letter from Gen. Frank T. Hines, Director, United States Veterans' Bureau, estimating the probable cost of the bill.

UNITED STATES VETERANS' BUREAU,
Washington, February 17, 1925.

Hon. ROYAL C. JOHNSON,
*Chairman Committee on World War Veterans' Legislation,
House of Representatives.*

DEAR MR. JOHNSON: In accordance with request of the Committee on World War Veterans' Legislation, there is transmitted herewith an estimate on the probable cost of the provisions of H. R. 12308, a bill to amend the World War veterans' act, 1924. It has not been possible to estimate the cost of some of the provisions.

Section 1 will entail no increased expenditure on the part of the bureau.

Section 2 of the bill will result in an expenditure of approximately \$100,000 per annum.

Section 3, which provides for the establishment of a permanent medical service, will result in practically no increase in the bureau's budget for medical, dental, and nursing personnel for the first three years.

Section 4, which proposes to amend section 19 relating to the rules governing suits on contracts of insurance, will involve no additional expense on the part of the bureau.

The amendment to section 23 proposed by section 5 of the bill will involve no appreciable increase.

Section 6, which proposes to amend section 26, will involve no increase in expenditure.

The repeal of section 31, proposed by section 7 of the bill, will not involve an increase in cost.

It has been impossible to estimate the expense incident to the furnishing of official telephone service in private quarters of field officials which the amendment proposed by section 8 is designed to authorize. There will, however, be a slight increase in the administration cost incident to this item.

Section 9 proposes to amend the first proviso of section 200 to provide for the payment of compensation to all persons suffering from paralysis, paresis, blindness, or constitutional lues, and to persons who are helpless or bedridden as the result of any disability, irrespective of whether such disease or disability is the result of willful misconduct. The estimated cost of this amendment is \$2,245,000 for the first year. The amendment with reference to encephalitis lethargica will involve no additional increase.

Section 10 provides to amend section 201 and will involve an increased expenditure of approximately \$20,000 per annum.

That part of the section which relates to payment of compensation independent of pension will result in a slight additional expenditure over and above the \$20,000, but it is impossible to estimate the exact cost.

Section 11 proposes an amendment to section 202 (2), providing for a permanent rating of \$50 per month for three years in cases of arrested tuberculosis, and will involve an increased expenditure of \$217,485 for the first year.

The amendment to section 202 (3), second paragraph, which provides for a temporary total rating for a period of three years in tuberculosis cases after discharge from a one-year period of hospitalization is estimated to involve an increased expenditure of \$560,112 for the first year. The amendment which

provides for permanent total ratings in those cases where persons have been temporarily totally disabled for a period of two years during the continuance of total disability will involve a slight increase in expenditures.

The proposed amendment to section 202 (4) providing for combinations of temporary injuries will involve a slight increase in expenditure, which it is impossible to estimate.

The proposed amendment to section 202 (6), providing for the furnishing of clothing made necessary by the furnishing of prosthetic appliances is estimated to involve an approximate cost of \$10,000 per year.

The proposed amendments to section 202 (7, 8, 9, 10, 12, and 15), will involve no materially increased cost.

Section 12 proposes to amend section 205, and will involve no increase in expenditures.

Section 13 proposes to repeal section 208. This amendment will involve no additional expenditure.

Section 14, which provides to amend section 209, will result in an increase in expenditure. It is impossible to estimate what that expenditure will be but it is not believed that it will amount to a large sum.

There will be very little difference in the expenditures to be made under the amendment to section 212 proposed by section 15 of the bill and it has been impossible to furnish any estimate as to what the difference might be.

Section 16 proposes to amend section 213 and will result in a slight increase in expenditure, which it is impossible to accurately estimate.

Section 17 adds a new section to the World War veterans' act, which should result in a material saving to the bureau.

The proposed amendments of sections 18, 19, 20, and 21 of the bill will involve no increase in expenditures.

The enactment of a new section proposed by section 22 of the bill to provide automatic insurance for those men who were discharged from the military service between April 6, 1917, and October 6, 1917, will probably involve no noticeable increase in expenditures. It has not been possible to estimate with any degree of accuracy the number of cases that will come in under this proposed amendment. As a matter of information, however, you are advised that according to the records of the War Department there were 5,400 discharges from the Army on surgeon's certificates of disability between the two dates cited. Many of these cases, however, will not be affected by the proposed amendment inasmuch as they were for other disabilities than those suffered in or aggravated by service during the World War.

There is no way in which the cost of the amendment proposed by section 23 can be estimated. It is not thought, however, that much additional expense will be incurred in connection with this provision.

The amendment to section 406 proposed by section 24, it is estimated, will involve an increase in cost in the year 1927 of \$19,446,640, and for the year 1928, \$4,398,360, a total of \$23,845,000 for the two years.

The amendment proposed by section 25, by virtue of which it will be possible for the bureau to release certain equipment to trainees at the end of their period of training will involve no appreciable increase in expenditures.

The remaining sections of the bill will not involve any increase in cost.

Very truly yours,

FRANK T. HINES, *Director.*



EXHIBIT F

Fund available for ten years.

Oklahoma.
Royalties from oil lands in south of Red River, to be retained.
Vol. 42, p. 1448.

animals, machinery, tools, implements, and other equipment is hereby extended from June 30, 1925, to June 30, 1935, and said fund is hereby made available for such purposes for ten years from and after June 30, 1925.

SEC. 2. The Secretary of the Interior is directed to retain in his custody until otherwise directed by law the 12½ per centum and other royalties heretofore or hereafter received by him in pursuance of Public Act Numbered 500, Sixty-seventh Congress, approved March 4, 1923.

Approved, March 4, 1925.

March 4, 1925.
[H. R. 12281.]
[Public, No. 626.]

CHAP. 551. - An Act Authorizing the appropriation of \$5,000 for the erection of tablets or other form of memorials in the city of Quincy, Massachusetts, in memory of John Adams and John Quincy Adams.

John Adams and John Quincy Adams. Memorial to, in Quincy, Mass., authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$5,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in the erection of tablets or other form of memorials in the city of Quincy, Massachusetts, in memory of John Adams and John Quincy Adams.

Approved, March 4, 1925.

March 4, 1925.
[H. R. 12264.]
[Public, No. 627.]

CHAP. 552.—An Act Granting the consent of Congress to the State of Minnesota and the counties of Sherburne and Wright to construct a bridge across the Mississippi River.

Mississippi River. Minnesota, etc., may bridge, at Clearwater.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Minnesota and the counties of Sherburne and Wright, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, at or near the village of Clearwater in the county of Wright, in the State of Minnesota, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 4, 1925.

Construction.
Vol. 34, p. 84.

Amendment.

March 4, 1925.
[H. R. 12308.]
[Public, No. 628.]

CHAP. 553.—An Act To amend the World War Veterans' Act, 1924

World War Veterans Act amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 3 of section 3 of the World War Veterans' Act, 1924, is hereby amended to read as follows:

Limitation on meaning of "child,"
Ante, p. 607, amended.

"(3) Except as used in section 300 the terms 'child' and 'grandchild' are limited to unmarried persons either (a) under eighteen years of age, or (b) of any age, if permanently incapable of self-support by reason of mental or physical defect."

Ante, p. 612, amended.

SEC. 2. Section 19 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

Jurisdiction conferred on courts to determine insurance contract claims.

"SEC. 19. In the event of disagreement as to claim under a contract of insurance between the Bureau and any person or persons claiming thereunder an action on the claim may be brought against the United

States either in the Supreme Court of the District of Columbia or in the District Court of the United States in and for the district in which such persons or any one of them resides, and jurisdiction is hereby conferred upon such courts to hear and determine all such controversies. The procedure in such suits shall be the same as that provided in sections 5 and 6 of the Act entitled "An Act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and section 10 thereof insofar as applicable. All persons having or claiming to have an interest in such insurance may be made parties to such suit, and such as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct. In all cases where the bureau acknowledges the indebtedness of the United States upon any such contract of insurance and there is a dispute as to the person or persons entitled to payment, a suit in the nature of a bill of interpleader may be brought by the bureau in the name of the United States against all persons having or claiming to have any interest in such insurance in the Supreme Court of the District of Columbia or in the district court in and for the district in which any of such claimants reside: *Provided*, That not less than thirty days prior to instituting such suit the bureau shall mail a notice of such intention to each of the persons to be made parties to the suit. The circuit courts of appeal and the Court of Appeals of the District of Columbia shall respectively exercise appellate jurisdiction and, except as provided in sections 239 and 240 of the Judicial Code, the decrees of the circuit courts of appeal and the Court of Appeals of the District of Columbia shall be final. This section shall apply to all suits now pending against the United States under the provisions of the War Risk Insurance Act as amended, or of the World War Veterans' Act, 1924, and amendments thereto."

SEC. 3. Section 23 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 23. The discharge or dismissal of any person from the military or naval forces on the ground that he was guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct, of which he was found guilty by a court-martial, or that he was an alien, conscientious objector who refused to perform military duty or refused to wear the uniform, or a deserter, shall bar all rights to any compensation under Title II, or any training, or any maintenance and support allowance under Title IV: *Provided*, That this section shall not apply to an alien who volunteered or who was drafted into or who served in the Army, Navy, or Marine Corps of the United States during the World War, who was discharged subsequent to November 11, 1918, or who was not discharged from the service on or prior to November 11, 1918, on his own application or solicitation by reason of his being an alien, and whose service was honest and faithful: *Provided further*, That in case any person has been discharged or dismissed from the military or naval forces as a result of a court-martial trial, and it is thereafter established to the satisfaction of the director that at the time of the commission of the offense resulting in such court-martial trial and discharge such person was insane, such person shall be entitled to the compensation and vocational training benefits under Titles II and IV hereof: *Provided further*, That discharge or dismissal or finding of guilt for any of the offenses specified in this section shall not affect the payment of compensation or maintenance and support allowance for disabilities incurred in or aggravated by service in

Procedure.
Vol. 24, p. 505.
Post, p. 1618.

Intervenors allowed.

Interpleader in case of dispute as to person entitled to receive acknowledged indebtedness

Proviso.
Notice to parties.

Appeal to courts of appeal.

Ante, p. 938.

Applicable to pending suits.

Ante, p. 613, amended.

Persons discharged for specified causes, barred from compensation, etc., benefits.

Post, p. 1304.
Ante, p. 627.

Proviso.
Alien in United States service during World War, entitled to compensation, etc.

Allowance if discharged by court-martial and subsequently found to have been insane.

Discharge, etc., not to affect benefits for disabilities in prior or subsequent enlistments.

No compensation, etc., if death inflicted as punishment.

Cash surrender value of converted insurance payable to beneficiary.

Person discharged for concealing minority to have benefits if service honorable.

In effect as of April 6, 1917, and payment of insurance claims directed.

Consentations objectors, etc.
Note, p. 615, repealed.

New matter
Note, p. 615

Telephone field service allowed medical Bureau officers.

Compensation, etc.
Note, p. 615, amended.

Officers, enlisted men, etc., entitled to, for injury or disease in service after April 6, 1917.

Payment to person or dependents.

Misconduct exception.
Provision.
 Paralysis, etc., allowance.

Soundness on entrance inferred if in active service prior to July 2, 1921, and on or before November 11, 1918.

Recorded defects excepted.

any prior or subsequent enlistment: *Provided further*, That no compensation or insurance shall be payable for death inflicted as a lawful punishment for crime or military offense, except when inflicted by the enemy: *Provided*, That as to converted insurance the cash surrender value hereof, if any, on the date of such death shall be paid to the designated beneficiary if living, or if there be no designated beneficiary alive at the death of the insured the said value shall be paid to the estate of the insured: *Provided further*, That the discharge of a person for having concealed the fact that he was a minor at the time of his enlistment shall not bar him from the benefits of this Act if his service was otherwise honorable: *Provided further*, That this section, shall be deemed to be in effect as of April 6, 1917, and the director is hereby authorized and directed to make provision by bureau regulation for payment of any insurance claim or adjustment in insurance premium account of any insurance contract which would not now be affected by this section as amended."

SEC. 4. Section 31 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby repealed.

SEC. 5. A new section is hereby added to Title I of the World War Veterans' Act, 1924, approved June 7, 1924, to be known as section 32:

"SEC. 32. Payment may be made for official telephone service and rental in the field wherever incurred in case of official telephones for medical officers of the Bureau where such telephones are installed in private residences or private apartments or quarters when authorized under regulations established by the director."

SEC. 6. Section 200 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 200. For death or disability resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered or contracted in, or such recurrence was caused by, the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) or, in the discretion of the Director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided*, That no person suffering from paralysis, paresis, or blindness shall be denied compensation by reason of willful misconduct, nor shall any person who is helpless or bedridden as a result of any disability be denied compensation by reason of willful misconduct. That for the purposes of this section every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the

extent to which any such defect, disorder, or infirmity was so made of record: *Provided*, That an ex-service man who is shown to have or, if deceased, to have had, prior to January 1, 1925, neuropsychiatric disease, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, or amoebic dysentery developing a 10 per centum degree of disability or more in accordance with the provisions of subdivision (1) of section 202 of this Act shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease, tuberculosis, paralysis agitans, encephalitis lethargica, or amoebic dysentery in such service between said dates, and said presumption shall be conclusive in cases of active tuberculous disease, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per centum degree (in accordance with the provisions of subdivision (4) section 202, of this Act) on or subsequent to January 1, 1925, if the facts in the case substantiate his claim."

SEC. 7. Section 201 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 201. That if death results from injury—

"If the deceased leaves a widow or child, or if he leaves a mother or father either or both dependent upon him for support, the monthly compensation shall be the following amounts:

"(a) If there is a widow but no child, \$30.

"(b) If there is a widow and one child, \$40, with \$6 for each additional child.

"(c) If there is no widow, but one child, \$20.

"(d) If there is no widow, but two children, \$30.

"(e) If there is no widow, but three children, \$40, with \$5 for each additional child.

"(f) If there is a dependent mother (or dependent father), \$20, or both, \$30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of \$75. Such compensation shall be payable, whether the dependency of the father or mother or both arises before or after the death of the person, but no compensation shall be payable if the dependency arises more than five years after the death of the person.

"(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed \$100, as may be fixed by regulation. Where a veteran of any war, including those persons who served honorably as Army nurses under contracts for ninety days or more during the Spanish-American War, who was not dishonorably discharged dies after discharge or resignation from the service and does not in the judgment of the director leave sufficient assets to meet the expenses of burial and funeral and the transportation of the body, the United States Veterans' Bureau shall pay the following sums: For a flag to drape the casket, and after burial to be given to the next of kin of the deceased, a sum not exceeding \$7; also, for burial and funeral expenses and the transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding \$100 to cover such items and to be paid to such person or persons as may be fixed by regulations: *Provided*, That when such person dies while receiving from the bureau compensation or vocational training, the

Specified diseases developed prior to January 1, 1925, presumed as incurred in service.

Ante, p. 618.

Claim may be allowed later for ratable disability.

Ante, p. 618.

Death allowances. *Ante*, p. 616, amended.

Resulting from injury. Monthly compensation to relatives.

Widow and children.

Dependent parents. Limitation.

Burial expenses. In the service.

Veterans of any war, including contract nurses during Spanish-American war.

Specified allowances.

Proviso. Bureau beneficiaries.

Dying away from home, etc., allowances paid in addition to transporting body, etc.

above benefits shall be payable in all cases: *Provided further*, That where such person, while receiving from the bureau medical, surgical, or hospital treatment or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, the above benefits shall be payable in all cases and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial, within the continental limits of the United States, its Territories or possessions and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: *And provided further*, That no accrued pension, compensation, or insurance due at the time of death shall be deducted from the sum allowed.

Cost of attendant.

No deduction of accrued pension, etc.

Payment to widow, and parent.

"(2) The payment of compensation to a widow shall continue until her death or remarriage, and the payment of compensation to a parent shall continue to the death of such parent.

To children.

"(3) The payment of compensation to or for a child shall continue until such child reaches the age of eighteen years or marries, or if such child be permanently incapable of self-support by reason of mental or physical defect, then during such incapacity.

Termination of rates.

"(4) Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they had been the sole original beneficiaries.

Children not with mother.

"(5) As between the widow and the children not in her custody, and as between children, the amount of compensation shall be apportioned as may be prescribed by regulation.

Widow restriction.

"(6) The term 'widow,' as used in this section, shall not include one who shall have married the deceased later than ten years after July 2, 1921, and shall include widower whenever his condition is such that if the deceased person were living he would have been dependent upon her for support.

Effective April 6, 1917.

"(7) That this section shall be deemed to be in effect as of April 6, 1917: *Provided, however*, That the receipt of a gratuity, pension, or compensation, including adjusted compensation, by widow, child, or parent, on account of the death, disability, or service of any person shall not bar the payment of compensation on account of the death or disability of any other person: *Provided*, That before compensation under this section shall be paid the claimant shall first surrender all claim to any gratuity or pension payable under any other law on account of the death of the same person: *Provided further*, That no changes in rates or compensation made by this Act shall be retroactive in effect."

Proviso. Receipt of pension on account of another person, no bar to other benefits.

Surrender of gratuity claim, etc.

Changes not retroactive.

Disability compensation, (note, p. 617, amended).

Bureau to furnish medical services, surgical appliances, etc., in addition to compensation.

Sec. 8. Paragraphs 6, 7, and 9 of section 202 of the World War Veterans' Act, 1924, approved June 7, 1924, are hereby amended to read as follows:

"(6) In addition to the compensation above provided, the injured person shall be furnished by the United States Veterans' Bureau such reasonable governmental care or medical, surgical, dental, and hospital services, including payment of court costs and other expenses incident to proceedings heretofore or hereafter taken for the commitment of mentally incompetent persons to institutions for the care or treatment of the insane, and shall be furnished with such supplies including dental appliances, wheel chairs, artificial limbs, trusses, and similar appliances, including special clothing made necessary by the wearing of prosthetic appliances prescribed by the bureau, as the director may determine to be useful and reasonably necessary, which dental appliances, wheel chairs, artificial limbs,

trusses, special clothing, and similar appliances may be procured by the bureau in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary: *Provided*, That nothing in this Act shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service.

Proviso.
Army or Navy status before discharge not affected.

“(7) Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the bureau for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be \$20 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however*, That if such person shall recover his reason and shall be discharged from such institution as competent, an additional amount of \$60 per month shall be paid to him for each month the rate of compensation was \$20 per month as provided by this subdivision.

Compensation for patients in insane institutions.

Proviso.
Additional allowance on recovery.

“All or any part of the compensation, of any mentally incompetent inmate of an institution, may, in the discretion of the director, be paid to the chief officer of said institution to be properly accounted for and to be used for the benefit of such inmate, or may in the discretion of the director be apportioned to wife, child, or children, or dependent parents, in accordance with regulations.

Payment of compensation to hospital director.

Or dependent relatives.

“After June 30, 1927, the monthly rate of compensation for all veterans (other than those totally and permanently disabled), who are being maintained by the bureau in an institution of any description and who are without wife, child, or dependent parent, shall not exceed \$40.

Rate for veterans in hospitals, if without dependents, after June 30, 1927.

“(9) In addition to the care, treatment, and appliances now authorized by law, said bureau shall also provide, without charge therefor, hospital, dental, medical, surgical, and convalescent care and treatment and prosthetic appliances (including such dental appliances as may be found reasonably necessary by the director) for any member of the military or naval forces of the United States, not dishonorably discharged, disabled by reason of any wound or injury received or disease contracted, or by reason of any aggravation of a preexisting injury or disease, specifically noted at examination for entrance into or employment in the active military or naval service while in the active military or naval service of the United States on or after April 6, 1917, and before July 2, 1921: *Provided*, That the wound or injury received or disease contracted or aggravation of a preexisting injury or disease, for which such hospital, dental, medical, surgical, and convalescent care and treatment and prosthetic appliances (including such dental appliances as may be found reasonably necessary by the director) shall be furnished, was incurred in the military or naval service and not caused by his own willful misconduct: *Provided*, That where a beneficiary of the bureau suffers or has suffered an injury or contracted a disease in service entitling him to the benefits of this subdivision, and an emergency develops or has developed requiring immediate treatment or hospitalization on account of such injury or disease, and no bureau facilities are or were then feasibly available and in the judgment of the director delay would be or would have been hazardous, the director is authorized to reimburse such beneficiary the reasonable value of such service received from sources other than the bureau.

Free treatment, etc., to discharged persons disabled in active service since April 6, 1917, and before July 2, 1921.
Dental appliances added.

Proviso.
If disability not caused by willful misconduct.

Reimbursement for immediate treatment, if no Bureau facilities available.

SEC. 9. Paragraph 10 of section 202 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended by adding at the end thereof the following:

Hospital facilities. Public Laws, 1st sess., p. 621 amended.

Insular possessions
treatment.

"In the insular possessions of the United States, the director is further authorized to furnish hospitalization in other than Government hospitals."

Ante, p. 622, amend-
ed.

SEC. 10. That section 208 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

Officers authorized to
make arrests, etc.

"For the purpose of maintaining law and order and of protecting persons and property at United States Veterans' Bureau Hospitals the Director is hereby authorized to designate at such hospitals persons who shall have authority to make arrests for any crime or offense against the United States committed on the hospital reservation. Any person so arrested shall be taken forthwith before the nearest United States Commissioner, within whose jurisdiction the hospital is located. Travel and transportation expenses incident to carrying out the provisions of this section shall be paid from the appropriation for administrative expenses."

Jurisdiction of com-
missioners.

Ante, p. 623, amend-
ed.

SEC. 11. Section 213 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

Benefits for injuries,
etc., resulting from
training, treatment, etc.

"SEC. 213. Where any beneficiary suffers or has suffered an injury or an aggravation of an existing injury as the result of training, hospitalization, or medical or surgical treatment, awarded to him under the Vocational Rehabilitation Act as amended, the War Risk Insurance Act as amended, or this Act, or as a result of having submitted to examination under authority of section 303 of the War Risk Insurance Act or section 203 of this Act, and not the result of his misconduct, and such injury or aggravation of an existing injury results in additional disability to or the death of such beneficiary, the benefits of this title shall be awarded in the same manner as though such disability, aggravation, or death was the result of military service during the World War. The benefits of this section shall be in lieu of the benefits under the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916: *Provided*, That application be made for such benefits within two years after such injury or aggravation was suffered or such death occurred or after the passage of this Act whichever is the later date: *Provided further*, That the provisions of section 313 of the War Risk Insurance Act as amended, relating to subrogation, shall be applicable to beneficiaries under this section."

From examinations.
Vol. 40, p. 406.
Ante, p. 622.

In lieu of compensa-
tion for injuries to
Government employ-
ees.

Vol. 39, p. 742.

Prorog.
Time for application.

Subrogation if injury
from other sources.
Vol. 40, p. 613.

Insurance.
Ante, p. 624, amend-
ed.

Granted to all per-
sons under service of
War or Navy Depart-
ments, upon applica-
tion.

Time for making.

Beneficiaries allowed.

SEC. 12. Section 300 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 300. In order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department protection for themselves and their dependents, the United States, upon application to the bureau and without medical examination, shall grant United States Government life insurance (converted insurance) against the death or total permanent disability of any such person in any multiple of \$500, and not less than \$1,000 or more than \$10,000, upon the payment of the premiums as hereinafter provided. Such insurance must be applied for within one hundred and twenty days after enlistment or after entrance into or employment in the active service and before discharge or resignation.

"The insurance shall be payable only to a spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece brother-in-law or sister-in-law, or to any or all of them, and also during total and permanent disability to the injured person.

"Where a beneficiary at the time of designation by the insured is within the permitted class of beneficiaries and is the designated beneficiary at the time of the maturity of the insurance because of the death of the insured, such beneficiary shall be deemed to be within the permitted class even though the status of such beneficiary shall have been changed.

Beneficiary recognized if within permitted class when designated.

"The United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at 3½ per centum per annum. This section shall be deemed to be in effect as of June 7, 1924."

Expenses borne by United States.

Premium rates.

In effect as of June 7, 1924.

SEC. 13. Section 301 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

Converted insurance Act, p. 624, amended.

Term insurance to be converted into other forms

"SEC. 301. Not later than July 2, 1926, all term insurance held by persons who were in the military service after April 6, 1917, shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, twenty-payment life, endowment maturing at age sixty-two, and into other usual forms of insurance, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

Conversion rights.

"All term insurance shall cease on July 2, 1926, except when death or total permanent disability shall have occurred before July 2, 1926.

Term insurance to cease July 2, 1926.

"In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided.

Insurance matured by total disability.

Renewal authorized if no longer disabled.

"The insurance except as provided herein shall be payable in two hundred and forty equal monthly installments. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per centum per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than two hundred and forty months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided.

Mode of payment. Other provisions authorized.

Calculations, etc.

Change of beneficiaries allowed.

"If no beneficiary within the permitted class be designated by the insured as beneficiary for converted insurance granted under the provisions of Article IV of the War Risk Insurance Act, or Title III of this Act, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then

Payment to estate, if no beneficiary designated.

On death of beneficiary without receiving all installments.

Proviso.
Escheat to United States and credit to fund.

Optional lump sum, etc., payments.

Other installment periods.

Effective, June 7, 1924.

Term insurance.
Anne, p. 625, amended.

Payment to estate, if no surviving beneficiary of term insurance.

Proviso.
Continuance of paying awards.

Awards to estates not affected.

Escheat to United States and credited to fund.

Effective October 6, 1917.

Reinstated insurance.
Anne, p. 625, amended.

Approval of application for, without medical examination.

there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments; or if the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments: *Provided*, That no payments shall be made to any estate which under the laws of the residence of the insured or the beneficiary, as the case may be, would escheat, but same shall escheat to the United States and be credited to the United States Government life-insurance fund.

"The bureau may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for thirty-six months or more. The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for thirty-six months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election the said contract may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured. This section shall be deemed to be in effect as of June 7, 1924."

SEC. 14. Section 303 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 303. If no person within the permitted class be designated as beneficiary for yearly renewable term insurance by the insured either in his lifetime or by his last will and testament or if the designated beneficiary does not survive the insured or survives the insured and dies prior to receiving all of the two hundred and forty installments or all such as are payable and applicable, there shall be paid to the estate of the insured the present value of the monthly installments thereafter payable, said value to be computed as of date of last payment made under any existing award: *Provided*, That all awards of yearly renewable term insurance which are in course of payment on the date of the approval of this Act shall continue until the death of the person receiving such payments, or until he forfeits same under the provisions of this Act. When any person to whom such insurance is now awarded dies or forfeits his rights to such insurance then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments of the insurance so awarded to such person: *Provided further*, That no award of yearly renewable term insurance which has been made to the estate of a last surviving beneficiary shall be affected by this amendment: *Provided further*, That in cases when the estate of an insured would escheat under the laws of the place of his residence the insurance shall not be paid to the estate but shall escheat to the United States and be credited to the military and naval insurance appropriation. This section shall be deemed to be in effect as of October 6, 1917."

SEC. 15. Section 304 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 304. In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant for insurance have been complied with an application for reinstatement, in whole or in part, of lapsed or canceled yearly renewable term insurance or United States Government life insurance (converted insurance) hereafter made may be approved if made within one year after the passage of this Act or within two years

after the date of lapse or cancellation: *Provided*, That the applicant's disability is the result of an injury or disease, or of an aggravation thereof, suffered or contracted in the active military or naval service during the World War: *Provided further*, That the applicant during his lifetime submits proof satisfactory to the director showing that he is not totally and permanently disabled. As a condition, however, to the acceptance of an application for the reinstatement of lapsed or canceled yearly renewable term insurance, where the requirements as to the physical condition of the applicant have not been complied with, or, for the reinstatement of United States Government life insurance (converted insurance), the applicant shall be required to pay all the back monthly premiums which would have become payable if such insurance had not lapsed, together with interest at the rate of 5 per centum per annum, compounded annually, on each premium from the date said premium is due by the terms of the policy: *And provided further*, That no term insurance shall be reinstated after July 2, 1926."

Proofs.
If disability from
World War service.

Proof of not totally
disabled.

Back premiums to be
paid.

None allowed after
July 2, 1926.

Vocational rehabili-
tation.
Ante, p. 628, amend-
ed.

Trainees allowed to
retain part of equip-
ment, etc.

Penalties.
Ante, p. 628, amend-
ed.

Restriction on recog-
nizing claim agents,
etc.
Ante, p. 1302.

Pay for services lim-
ited.

Proviso.
Determination of fee
by the court in insur-
ance cases.

Punishment for so-
liciting, receiving, etc.,
unauthorized fees.

Ante, p. 629, amend-
ed.

Punishment for
fraudulently receiving
money, etc.

SEC. 16. A new section be added to Title IV of the World War Veterans' Act, 1924, approved June 7, 1924, to be known as section 407, and to read as follows:

"SEC. 407. The director is authorized to make provisions by regulation whereby trainees of the United States Veterans' Bureau who have successfully completed their courses or such part of their courses as enables them to enter employment or business in line with their training shall be allowed to retain such equipment, supplies, and books as the director may by regulation prescribe."

SEC. 17. Section 500 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 500. Except in the event of legal proceedings under section 19 of Title I of this Act, no claim agent or attorney except the recognized representatives of the American Red Cross, the American Legion, the Disabled American Veterans, and Veterans of Foreign Wars, and such other organizations as shall be approved by the director shall be recognized in the presentation or adjudication of claims under Titles II, III, and IV of this Act, and payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers in any application to the bureau shall not exceed \$10 in any one case: *Provided, however*, That wherever a judgment or decree shall be rendered in an action brought pursuant to section 19 of Title I of this Act the court, as a part of its judgment or decree, shall determine and allow reasonable fees for the attorneys of the successful party or parties and apportion same if proper, said fees not to exceed 10 per centum of the amount recovered and to be paid by the bureau out of the payments to be made under the judgment or decree at a rate not exceeding one-tenth of each of such payments until paid. Any person who shall, directly or indirectly, solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive any fee or compensation, except as herein provided, shall be guilty of a misdemeanor, and for each and every offense shall be punishable by a fine of not more than \$500 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment."

SEC. 18. Section 503 of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 503. That whoever shall obtain or receive any money, check, compensation, insurance, or maintenance and support allowance under the War Risk Insurance Act as amended, the Vocational Rehabilitation Act as amended, or the World War Veterans' Act, 1924, and any amendments thereto without being entitled to the same,

and with intent to defraud the United States or any beneficiary of the United States Veterans' Bureau shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment."

Ante, p. 629, amended.

Presenting false affidavits, statements, etc., in claims for compensation, payment of money, etc., a misdemeanor.

Forfeiture of all rights, etc.

Punishment for.

Fiduciaries.
Ante, p. 629, amended.

Punishment for embezzling money of minor or incompetent by guardian, curator, etc.

SEC. 19. Section 504, Title V, of the World War Veterans' Act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 504. Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in any wise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any claim or the approval of any claim for compensation or maintenance and support allowance, or the payment of any money, for himself or for any other person, under Titles II or IV hereof, shall forfeit all rights, claims, and benefits under said titles, and, in addition to any and all other penalties imposed by law, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or by both such fine and imprisonment, for each such offense."

SEC. 20. That a new section be added to the World War Veterans' Act, 1924, approved June 7, 1924, to be known as section 505, and to read as follows:

"SEC. 505. Every guardian, curator, conservator, committee, or person legally vested with the responsibility or care of the claimant or his estate, having charge and custody in a fiduciary capacity of money paid, under the War Risk Insurance Act as amended, or under the World War Veterans' Act, 1924, for the benefit of any minor or incompetent claimant, who shall embezzle the same in violation of his trust or fraudulently convert the same to his own use, shall be punished by fine not exceeding \$2,000 or imprisonment at hard labor for a term not exceeding five years, or both."

Approved, March 4, 1925.

March 4, 1925.
[H. R. 12344.]
[Public, No. 629.]

CHAP. 554.—An Act To extend the time for the commencement and completion of the bridge of the Valley Transfer Railway Company, a corporation, across the Mississippi River in the State of Minnesota.

Mississippi River.
Time extended for bridging, by Valley Transfer Railway Company.
Ante, p. 2, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of the bridge of the Valley Transfer Railway Company, a corporation, authorized by Act of Congress, approved January 30, 1924, to be built across the Mississippi River between Hennepin and Ramsey Counties, Minnesota, are hereby extended one and three years, respectively, from the date of approval hereof.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 4, 1925.

March 4, 1925.
[H. R. 12376.]
[Public, No. 630.]

CHAP. 555.—An Act To extend the times for the commencement and completion of the bridge of the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, across the Red River of the North on the boundary line between said States.

Red River of the North.
Time extended for bridging, between Halstad, Minn., and Herberg, N. Dak.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of the bridge of the county of Norman and the town and village of Halstad, in said