



Veterans Healthcare Policy Institute

Strengthening Care for Veterans and the Nation

A slate of worrying amendments have been introduced to the [Honoring Our PACT Act](#), the long-awaited legislation that would offer access to VA healthcare and compensation to veterans whose health was compromised following exposure to toxic substances emanating from military burn pits and other sources.

The legislation is a positive (if partial) step in accounting and paying for the full costs of war and military service. Many veterans' advocates quietly wish it was bigger and more comprehensive. Still, this compromise bill seems likely to become law. It recently passed the House and is now being considered by the Senate. In anticipation of a floor vote, some Senators have amended the act, including Bernie Sanders, who put forward helpful language to expand dental care for those who've served.

Yet a trio of Republican senators – Marsha Blackburn, Jerry Moran, and Jerry Marshall – have drafted a slew of poison pills pill amendments designed to outsource care, escalate its costs, and crack down on organized labor. VHPI believes these proposals should be vigorously opposed.

Below we analyze the amendments and their dire consequences:

- [S. Amendment 5075](#) – **Sen. Blackburn – To Outsource Burn-Pit Care**

This amendment would alter the text of title 38 USC Section 1703(d) which outlines the terms by which the VA is required to provide health care to veterans through private sector providers. The terms outlined include scenarios like “the Department does not offer the care or services the veteran requires,” and “the Department does not operate a full-service medical facility in the State in which the covered veteran resides.” Blackburn’s amendment would add “the covered veteran is a toxic-exposed veteran.”

If this amendment were to pass and become part of the PACT Act, this landmark law would require VA to outsource all healthcare for toxic-exposed veterans to private sector providers effectively barring VA from providing care to these veterans. The only caveat to this section of the law is that it is “subject to the availability of appropriations.” In other words, as long as congress appropriates the funds and VA can afford the higher cost of community care, VA must send the veteran to the community care provider.

This would mean the roughly 3.5 million veterans this bill would make eligible for VA health care would all go to the private sector providers along with veterans currently eligible for VA care who were exposed to toxic substances, including Vietnam veterans sickened by Agent Orange. VA clinicians are unmatched in treating veterans with diseases and conditions that result from military service and has the expertise necessary to treat toxic-exposed vets. They should therefore be leading the care efforts for a new generation of vets. This amendment also exposes the fact that those determined to privatize the VA want, in the name of choice, to eliminate the VA as a choice for veterans.

- **[S. Amendment 5063](#) — Sen. Moran —To Eliminate the Toxic Exposure Fund**

This amendment eliminates Section 805 of the PACT Act, which establishes language to create a new Cost of War Toxic Exposures Fund with the Treasury Department to be administered by the Secretary of Veterans Affairs. The intent of the fund is to cover “any expenses incident to the delivery of veterans’ health care and benefits associated with exposure to environmental hazards in the active military, naval, air, or space service, including administrative expenses, such as information technology and claims processing and appeals,” and treat those expenses as mandatory spending for budgetary purposes.

This funding could be used for major priorities such as:

- Hiring claims processors and training them before claims start coming in.
- Upgrading aging VA IT systems used to process claims
- Expediting IT automation for conditions related to toxic exposure
- Hiring clinicians with specialties in toxic exposure-related diseases
- Purchase of health care equipment for diagnosing or treating toxic-exposed veterans, and
- Medical research related to toxic exposures

The Toxic Exposures Fund, in other words, will help pay for the costs of increased health care and benefits resulting from burn pit exposures. VA health care funding has been growing dramatically in recent years, and this fund will help lessen the burden on appropriators while helping the rest of the non-defense discretionary budget. If this amendment passes, the significant health care costs of this bill will be treated as discretionary spending, dramatically increasing the cost of the bill and potentially gutting from the budgets of other discretionary spending categories, like Education, Housing and Transportation.

Congress paid to send these men and women to war - it must now pay for the care and benefits they are due because of their service.

- **S. Amendment 5064 – Sen. Moran — To Codify Community Care Access Standards**

This amendment will codify into law the current community care access standards, which are reviewed and modified by the VA Secretary every three years. (These standards, for the uninitiated, delineate the circumstances when veterans can use private sector providers e.g. if the VA doesn't have a facility within 30 to 60 minute drive-times from a patient or if they can't provide an appointment within a certain time frame.) Private providers, however, do not have to abide by these same standards, which means veterans can be sent to the private sector only to drive farther or wait longer than they would in the VA. His amendment also directs the creation of a cumbersome documentation process for certain appointments – creating red tape in veterans' ability to get care through the Department. This can result in worse health care outcomes.

Moran's effort to lock these flawed rules into place will hurt veterans by leading to frustrating and potentially dangerous healthcare situations. The VA must instead update these rules in light of new information to ensure veterans have the best health outcomes possible.

- **S. Amendment 5071 – Sen. Marshall — To Kneecap Collective Bargaining**

This amendment will prohibit VA employees from using official time to engage in collective bargaining or to participate in arbitration proceedings against the department. It will further place restrictions on the ability of union employees to participate in collective bargaining or arbitration activities, thereby severely harming workers ability to bargain, organize, and fight for a better workplace.

For example, union representatives can use official time to: help identify health and safety hazards in the workplace, protect employees from discrimination and retaliation, proactively resolve disputes, negotiate contracts, and represent employees in grievances and disciplinary actions.