

Now, I have spent many years calling out waste, fraud, and abuse of taxpayers' money at the Department of Defense, and I know full well the importance of having a Senate-confirmed IG in place at that very important Department. Having an independent and effective watchdog at this point is critical to keep the Congress informed of all the tomfoolery that happens at the Pentagon. Whether that be paying exorbitant amounts of money for a hammer, constructing buildings in foreign countries that remain vacant to this day, or failing to hold contractors accountable, it all happens time and time again.

We in Congress need a watchdog with teeth, not afraid to fight off the corporate fat cats who seek to enrich themselves off the backs of the American taxpayers. Some of these contractors have made careers from ripping off the taxpayers through wasteful spending at the Department of Defense. A few thousand dollars here, a couple million there, it turns out to be waste many times.

We need a watchdog—an inspector general—at this post, and we need it now. I believe my colleagues here in the Senate share my belief in the importance of having Senate-confirmed IGs in these vital roles. The President must act to nominate, and the Senate should confirm qualified and effective watchdogs to the vacancies like this, particularly the one at the Department of Defense.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Tennessee.

DEMOCRATIC PARTY

Mrs. BLACKBURN. Madam President, Joe Biden and the Democrats have ushered us into what will be remembered as one of the most cynical and dangerous periods in our Nation's history. For 18 months, they have wreaked havoc on the economy, welcomed drugs and crime into their own backyards, and enabled the rise of the new axis of evil, which is my term for Russia, China, Iran, and North Korea.

Last week was really a particularly bad week for the Biden-Harris administration, but it was even worse for the people watching it play out, sitting at home in their communities. Inflation hit a 41-year high, consumer confidence hit a historic low, and we confirmed that the American economy is indeed in a recession.

But rather than taking responsibility, my Democratic friends decided they would go on an all-out campaign and redefine the word "recession," and they insisted that the economic ruin that they have rained down on us all is in our imaginations. The economy is in great shape, they say. It is better than ever, they say. But Tennesseans sitting at their kitchen table, trying to figure

out how to make ends meet, they know different.

If ever there were a time to listen to what the American people are telling each and every one of us, it is now. Yet here we are facing now what is possibly the Democratic Party's most cynical and dangerous move to date: a trillion-plus—a trillion-plus-dollar spending spree. It is full of tax increases and policies so unpopular that its negotiators had to hide its existence from our own colleagues.

CHUCK SCHUMER and JOE MANCHIN have dubbed this secret plan—I guess is what it was—they have dubbed it the Inflation Reduction Act, which immediately brings to mind one simple question: How out of step can you possibly be with where the American people are? You are so out of step. And do you truly think that the American people are so stupid that they think raising taxes is going to bring a reduction in inflation?

If the situation weren't so dire for people back in Tennessee, I would assume this was some sort of joke, but it is not. The American people are drowning, and CHUCK SCHUMER and JOE MANCHIN have thrown them a cinder block instead of a life preserver. People cannot believe this. They absolutely cannot believe this.

This bill represents the worst elements of a radical socialist agenda that Americans have already rejected: a multihundred-billion-dollar tax hike that will kill tens of thousands of jobs, sabotage energy producers, and make it even more expensive to heat homes and fill gas tanks; a multihundred-billion-dollar payday for climate activists and the environmental lobby; innovation-killing price controls on prescription drugs; and tax breaks, but only for the wealthiest Americans.

Nothing in this bill will make life easier. Nothing in this bill will lower gas prices or reduce inflation. But it is exactly what Tennesseans were afraid would happen if Joe Biden and the Democrats took control of the Federal Government.

This week, every Member of this body has a choice to make: Will you stand with the American people, or will you make their life harder every day because of more spending, more tax increases, and more Green New Deal? Will you ease their pain, or will you make their pain worse by supporting this bloated, foolish spending spree?

I hope that my colleagues will come to their senses because this is a breaking point between Congress and the American people.

I cannot tell you how many times I heard that very statement this weekend from Tennesseans. They cannot even believe another trillion dollars in spending—another trillion. Money does not grow on trees.

If you, as an individual who has a vote on this bill, if you choose to support this bill and tax and spend this country into oblivion, that is a road that you are going to have to go down

alone because the American people cannot afford to go down this road with you.

PACT ACT OF 2022

Madam President, the Democratic press machine has done a great job framing the debate over much needed changes to the PACT Act as an attack on our most vulnerable veterans. This framing ignores reality.

I supported the PACT Act. I voted for final passage last time around. I have worked for years on the issue of toxic exposure. I intend to vote for the bill again, so do many of my colleagues who have joined me in still pushing for critical improvements to this bill.

Before we vote on final passage this week, I would ask my colleagues one question: Why wait to fix the problems we all know will hamper the effectiveness of this bill? Why not fix the PACT Act now and ensure that veterans actually have access to the care they deserve once this bill leaves the President's desk with his signature? That is the real choice here.

Now, I know my Democratic colleagues are on a tight timeline. They want this thing done. They want it done before the elections. They want this signed. They want to get out there and campaign on this. They want us just to move on and not have to fix it until later.

But it is not my job to make CHUCK SCHUMER's life easier or those running for election, to make their lives easier. It is my job to be certain that I represent these veterans in Tennessee who have given their commitment to defend this Nation. They have done it honorably. They have done it expecting care from the VA for harms that have come their way. And we should make certain that they have access to the care that they need.

The PACT Act in its current form is not the best that we can do, but we can get it there in a few more hours with a few amendments that would make sure this bill can help veterans suffering from the effects of toxic exposure and help them get the care that they deserve.

And I want to make it clear that Senator SCHUMER and Chairman TESTER know this. The majority of my colleagues who sit with me on the Veterans' Affairs Committee support a vote on these amendments, so much so that, at one point, we had all agreed to give these amendments a vote because we all know that the VA is not capable of implementing this bill as it is currently written.

The VA cannot deliver on the promise that is in this bill. In fact, it will do the exact opposite. Right now, the claims backlog at the VA sits at 168,000 cases. You heard me right on that—168,000 cases. That is the current backlog.

The PACT Act, as written, will increase that backlog by more than—get this—1 million cases—1 million. That is not according to me. That is according

to the Biden-nominated, Senate-confirmed VA Secretary Denis McDonough.

Here is what he told us in testimony delivered to the committee on March 29, 2022:

Estimates from VA's initial technical assistance . . . demonstrated a potential backlog increase to 1.5 . . . million claims by the end of fiscal year . . . 2023.

Madam President, I ask unanimous consent to have Secretary McDonough's testimony printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE II: TOXIC EXPOSURE PRESUMPTION
PROCESS
SUMMARY

Title II, called the Fairly Assessing Service-related Toxic Exposure Residuals Presumptions Act, or the FASTER Presumptions Act, would create new provisions in chapter 11 of title 38, U.S.C., regarding determinations relating to presumptions of service connection based on toxic exposure.

The new 38 U.S.C. §1171 would establish the process by which VA could establish or modify presumptions of service connection based on toxic exposures.

The new 38 U.S.C. §1172 would establish a Formal Advisory Committee on Toxic Exposure.

VA could consult with, and seek the advice of, the Committee with respect to cases in which Veterans are suspected of having experienced a toxic exposure during active service or dependents of such Veterans.

The Committee would have to assess cases of toxic exposures of Veterans and their dependents by conducting ongoing surveillance and reviewing scientific literature, media reports, information from Veterans and information from Congress. These assessments would cover suspected and known toxic exposures.

The Committee also would be responsible for periodically assessing the accuracy of the Individual Longitudinal Exposure Record (ILER) and the data collected.

The Committee could develop a recommendation for formal evaluation under the new 38 U.S.C. §1173 to conduct a review of the health effects related to an exposure if the Committee determines that the research may change the current understanding of the relationship between an exposure to an environmental hazard and adverse health outcomes in humans. Based upon evidence regarding the periods and locations of exposure covered by an existing presumption, the Committee could nominate for formal evaluation under new 38 U.S.C. §1173 modifications of the periods and locations for eligibility for benefits.

The new 38 U.S.C. §1173 would require VA to establish a process to conduct a formal evaluation for each recommendation of the Committee established under proposed §1172.

Under this process, VA would have to conduct research regarding the health effects related to a case of toxic exposure or to evaluate evidence regarding the periods and locations of exposure covered by an existing presumption of service connection.

Each formal evaluation would have to cover scientific evidence, claims data and other factors as VA determined appropriate.

The formal evaluations would have to evaluate the likelihood that a positive association existed between an illness and a toxic exposure while serving in active service and assess toxic exposures and illnesses to determine whether the evidence supported a find-

ing of a positive association between the toxic exposure and the illness.

Not later than 120 days after a formal evaluation is commenced, the element of VA that conducts the evaluation would have to submit to the Secretary a recommendation with respect to establishing a presumption of service connection for the toxic exposure and illness, or modifying an existing presumption of service connection, covered by the evaluation.

The new 38 U.S.C. §1174 would require VA to commence issuing regulations if the Secretary determines, based on a recommendation under §1173, that the presumption or modification is warranted or to notify the public that the presumption or modification is not warranted. If VA removed a presumption, Veterans and other beneficiaries who were receiving benefits based on that presumption would continue to receive such benefits.

The new 38 U.S.C. §1175 would allow VA to modify the process under which it conducts formal evaluations under §1173 and issues regulations under §1174.

VA would have to ensure the new evaluations cover the evidence, data and factors required by §1173(b).

VA would have to notify Congress and wait 180 days before implementing such changes.

VA also would have to seek to enter into an agreement with a nongovernmental entity or a Federally funded research and development center to conduct a review of the implementation of this subchapter.

The new 38 U.S.C. §1167 would require VA, whenever a law, regulation or Federal court decision established or modified a presumption of service connection, to identify all previously denied claims that were submitted to VA that might have been decided differently had the presumption been in effect at the time of the application.

VA would have to allow for the re-evaluation of such claims at the election of the Veteran.

Notwithstanding 38 U.S.C. §5110, VA would have to provide compensation with respect to claims approved pursuant to such reevaluation based on the date of the submission of the original claim.

VA also would have to conduct outreach to inform relevant Veterans they may elect to have a claim re-evaluated under this authority.

This section would apply to presumptions of service-connection established or modified on or after the date of enactment.

Title II also would amend 38 U.S.C. §1116 to require VA to ensure that any determination made on or after the date of enactment regarding a presumption of service connection based on exposure to an herbicide agent under this section would be made pursuant to the new authorities described previously.

In addition, title II would require VA to submit to Congress:

Not less frequently than annually, a publicly available report on recommendations for research and any recommendations for legislative or administrative action from the Committee established under §1172; VA would have to submit a publicly available report on the findings and opinions of VA with respect to the Committee's report.

Within 2 years of enactment, a report on the implementation of, and recommendations for, the new §§1171–1175. On a quarterly basis during the 2-year period beginning on the date of enactment, VA would have to provide to Congress a briefing on the implementation of these provisions.

Within 540 days of enactment, a report containing the review by the nongovernmental entity or Federally funded research and development center on the implementation of the new §§1171–1175.

IMPACT ON CARE AND BENEFITS

As the President said in the State of the Union earlier this month, VA already is pioneering new ways of linking toxic exposures to diseases, thus helping more Veterans receive their benefits. Based on a focused review of scientific and medical evidence related to exposure to fine particulate matter and the subsequent development of rare respiratory cancers, VA recently announced its intention to initiate rulemaking that would consider adding presumptions of service connection for several rare respiratory cancers for certain Veterans. This announcement follows VA's rulemaking action last year establishing a presumption of service connection for three chronic respiratory conditions, including asthma, rhinitis and sinusitis.

We appreciate that the bill, as passed, includes changes made in collaboration between VA and the House Committee on Veterans' Affairs. For example, removal of the Science Review Board and Working Group on presumptions of service connection would allow VA to implement an efficient, science-driven process. We are concerned, though, that the creation of a new Committee, particularly one subject to the Federal Advisory Committee Act, would likely slow existing mechanisms for proposing and conducting research.

Rather than using an advisory committee that would create significant administrative burdens and slow down the presumptive decision-making process, we recommend Congress consider requiring VA to publish in the Federal Register an annual list of conditions the Department plans to evaluate under VA's presumptive decision model, explain why the conditions were chosen for evaluation and seek input from the public on that list. This approach would enable transparency, intentionality and allow for public participation. It also would allow for a timelier decision-making process. We further recommend that Congress establish clear effective dates indicating when the proposed changes would take effect. VA recommends that sufficient time be given to allow it to implement this authority based on a variety of factors, including the regulatory development and public comment process, as well as the significant implementation requirements and dependencies (such as staffing and resources) associated with the bill as a whole.

We also are concerned that the current bill text is ambiguous, notwithstanding the four "strength of evidence" categories listed in proposed §1173, as to when a presumption is warranted. It remains unclear whether Congress intends for the Secretary to adopt the recommendations from the bill's proposed process as a matter of course. If Congress intends to allow VA to determine the applicable standards for creating a presumption, it would be helpful to make that clear and to provide specific guidelines for when VA must create or modify these presumptions. For example, if the strength of evidence for a particular condition falls in the category of "equipoise and above," it is unclear whether the Secretary would be required to establish a presumption or if the Secretary would have discretion in those instances. If Congress intends any specific, triggering standards governing these determinations, it would be helpful to clarify such standards in the bill. The court orders in the long-standing, complex class action litigation in *Nehmer v. U.S. Dep't of Veterans Affairs* (Nehmer) were based on a finding that, in creating presumptions based on herbicide agent exposure, VA applied standards inconsistent with Congressional intent. It would be helpful for the Committee to clarify Congressional intent on this point to avoid similar consequences with respect to this bill.

The new §1167 would impose a Nehmer-type effective date mechanism for new presumptions. We want to be clear to the Committee, though, that applying a Nehmer-like retroactive effective date provision in this instance would create a significant exception to the legal structure governing Veterans' benefits. Applying this standard makes it difficult to predict the consequences of this type of effective date provision. VA would be required to apply the provision in this new authority not only to the presumptions created in this bill but also to any future presumptions created by regulation, statute or court order. This requirement would present extraordinary workload challenges to the agency and unprecedented delays in the delivery of benefits to Veterans. For example, every previously denied claim for any of the presumptive conditions identified in or contemplated by this bill (out of the nearly 3.5 million Gulf War-deployed Veterans) would now be subject to a retroactive effective date as far back as 1991 for Gulf War I Veterans and 2001 for Global War on Terrorism Veterans.

We would welcome the opportunity to work with Congress to ensure that new authorities in this area support our ongoing work to help us make informed decisions as quickly as possible.

COSTS AND RESOURCES

VA is concerned that an extremely large and unprecedented disability claims backlog would be created if the Nehmer-like provisions in this bill are retained. Based on VA's previous experience in implementing similar retroactive effective date provisions, we understand this provision would result in complex and time-intensive claims processing procedures. In this case, claims processors would be required to review 20 to 30 years of evidence for a single issue. Considering that more than 1.9 million Gulf War-era deployed Veterans have filed disability claims in the past 30 years (over 900,000 of whom filed claims for respiratory issues), VA is very concerned about the impact of this provision. VA claims processors would be required to re-adjudicate hundreds of thousands of previously denied claims for earlier effective dates. Estimates from VA's initial technical assistance, without this provision, demonstrated a potential backlog increase to 1.5 and 1.8 million claims by the end of fiscal year (FY) 2023. Any further application of retroactive presumptions would drive further benefit delivery delays for all Veterans.

RESEARCH

Title II would establish a new Committee and institute new processes related to the identification of and support for research related to toxic exposures. As noted previously, we are concerned some of the specific provisions in this title would prove more onerous and less nimble than our current approach.

Mrs. BLACKBURN. Now, the reason I have paid so much attention to this backlog is because every single week the team that works with me in Tennessee handling these issues with our VSOs—our veterans service officers—keeps track of what we hear from the veterans.

Right now in Tennessee, I have veterans telling me they are waiting almost 100 days for a primary care appointment at the VA. Now, for many vets, this is just step 1. So once they contact the VA, it is 100 days. Think about that: 100 days before they get that primary care appointment, and that is if the appointment doesn't get

canceled or it has to be rescheduled. So that is an average to get to step 1—first step.

Across Tennessee, veterans are waiting yet another 39 days to get mental healthcare. Now, if they are needing dental appointments, dental surgery, or dental care, that is 44 days. If they go for that primary care appointment and they need to go see a cardiologist, that is 33 days; 28 days to see a gynecologist; 30 days to go talk to someone about chronic pain.

Look at what is happening. The VA cannot meet the load in front of them. Our veterans—our veterans who have defended our Nation's freedom—cannot get the care they need in a timely manner.

Now, we have done a lot of work over the years to help the VA help itself. We have given them support for hiring. We have given them support for retention. But, Madam President, it takes 90 days for this Agency, the VA, to hire one person—90 days. And think of the number of caseworkers they would have to hire to implement this. Throwing money at the problem isn't going to make these wait times and backlogs disappear.

It is imperative that we fix the PACT Act so it is not a false promise, so it is not false hope. If the PACT Act is going to work for our veterans, then the VA needs to embrace community care.

I proposed an amendment to the bill that would have eliminated arbitrary bureaucratic hurdles for toxic-exposed veterans who will inevitably face these long wait times. It would allow them to seek care in the community right there where they live if they could get it faster than they could from the VA.

I offered this amendment based on my conversations with Tennessee veterans who are chronically ill but cannot get in to the VA to see a doctor and get that primary care appointment so they can move on to specialty care. Many of them are deteriorating at an alarming rate, and they deserve access to care as soon as they can get it. The only way that access to care for them is going to happen is if we allow them community care. They have fought for this country. They deserve to have access to that care, but right now, they cannot get it.

Madam President, I know you more than most understand how imperative it is for veterans to have access to the care they need, that this government make good on its promise to our veterans, that we stop these long wait times, that we stop the delays, and that we allow them that access that they have earned and that they deserve.

There is a way to fix this bill. I know there are some who say: Well, we are afraid this will privatize the VA. That is their fear, and I understand that. But at some point, veterans want us to take that action to put them first—not the bureaucracy first, put the veterans first—allow the veterans to make that

choice if they cannot get to the VA in a timely manner. If the VA can't get them in for an appointment, let's open this up and let the veterans out into community care so their needs can be met in a timely manner.

A promise in a piece of legislation ought not to end up as a false hope when it comes to our Nation's veterans. The best way we can fulfill our promise to toxic-exposed veterans is to give this bill the time it needs for an amendment that will allow our veterans to access the care they need without having to wait on the VA to figure out how to implement this bill.

Surely, surely, we can do this. Let's have a vote on these amendments and fix this bill before it is signed into law.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SULLIVAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOREAN WAR VETERANS MEMORIAL

Mr. SULLIVAN. Madam President, I want to talk briefly about a very sacred place on our Nation's Mall, The National Mall, that I had an opportunity to visit yesterday. It is the Korean War Veterans Memorial that millions and millions of Americans have visited. Something happened last Wednesday that I wanted to talk about a little bit, a really important rededication of this very moving war memorial.

Now, I like to get out on The Mall most days, go for a run in the morning when I am in DC, and I love our memorials, like everybody in America does, particularly the memorials that are dedications to the service of our military members, our veterans. The Presiding Officer is a veteran, a war hero. I have a ton of respect for her and her service. But whether it is the World War II or the Vietnam Memorial, one of the most moving memorials that I like to visit is the Korean War Veterans Memorial. Why? Well, I think there is so much we can all learn from the Korean war.

In the Marine Corps, they really drill into you what happened during the Korean war. Unfortunately, not enough Americans know about the Korean war. But one of the big lessons is, you need to be ready. You need to be ready.

In 1945, the U.S. military was the most fearsome military in the world, probably in the history of the world, and in 1950, just 5 years later, we had a very difficult time stopping a third world army in the opening months of the Korean war. Now, we rebounded, as Americans always do, but that is a lesson. That is a lesson for our country. In my view, the uniformed civilian leadership of our military did not serve their country well, letting the state of our forces become very unready. That is