

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

one of the lessons of that very difficult, brutal war.

There is another lesson, and it is the nobility of service from our veterans that really is epitomized by service in the Korean war. The memorial has many beautifully engraved sayings, but one, when you think about it, is so moving and, in my view, depicts the nobility of American military service, particularly as it relates to that war.

It says:

Our nation honors her sons and daughters who answered the call to defend a country they never knew and a people they never met.

Think about that—young men and women in America sent to fight halfway around the world to defend freedom. That is exactly what they were doing. And they didn't even know whom they were defending. A lot of them didn't even know where they were.

To me, those words capture the essence of nobility, and so does the Korean War Memorial. You see part of it here. The centerpiece is nine large statues—soldiers, sailors, airmen, marines. They are grunts, infantry grunts on patrol. You can see there is a cold, wet wind whipping their ponchos. Their faces are full of fear, when you look at the statues, but also pride and determination. And all of this, in my view, captures the nobility of our service and our sacrifice as a nation in this war.

Now, historians have referred to the Korean war as the "forgotten war." I am kind of a Korean war history buff. I really, really dislike that term. I think we should just get rid of it. It is kind of a pejorative term in some ways. I have always thought it downplays the sacrifice and nobility and meaning of this very brutal conflict.

I have often thought and said that, instead of the forgotten war, we should call it the noble war because it was a noble undertaking. It was a noble undertaking. Anyone who knows the history of this war or visits the memorial or knows a Korean war veteran or their family members knows that this was a noble undertaking by our great Nation, saving a country—literally saving a country—and we sacrificed a lot for it.

That is the other thing that I think is very powerful on this memorial. Take a look at it—another depiction. You have heard it many times, but it is right there: "Freedom is not free." "Freedom is not free." Indeed, the freedoms that we enjoy in America, that so many countries around the world enjoy right now because of our military members over the course of history, decades—I always like to say, probably the greatest force in liberating mankind from oppression and tyranny in the world is the U.S. military. Think about it. Hundreds of millions of people. World War I; World War II; the Civil War, of course; but the Korean war, certainly. Over 37,000 Americans were killed in action, over 8,000 are still listed as missing in action, and over 103,000 Americans were wounded.

And, of course, the killed and wounded Korean veterans and military and civilians from that war are literally in the millions—in the millions. But what also resonates are the very, very tangible results of the war in terms of freedom.

Many of us have seen the famous satellite images at night taken over the Korean Peninsula—the whole peninsula. And if you look at the 38th parallel and what is north, it is literally dark and looks cold and looks lifeless. And if you look at everything south in that satellite picture, it is alive, bursting with life, and light.

In my view, there are very few better illustrations of the disparity between freedom and authoritarianism than the image of that Korean Peninsula at night with those two countries—one is bright and alive, and one is dark and literally dead. American citizens, American soldiers, American military kept an entire country free.

So what happened last week? I didn't think this war memorial, to be honest, could be improved—one of my favorites: powerful, as I have talked about; great words—but it was improved.

Last Wednesday, I had the opportunity to attend the dedication—really, the rededication—of the Wall of Remembrance that was added to the Korean War Memorial last week. The wall now has engraved on it the 36,573 Americans that were killed in action—every one of them—like the Vietnam wall.

This is an example of what you will see at the new memorial. I encourage everybody, every American, if you are in DC, go take a look; go pay your respects. It is so moving. It is dramatically improved, this memorial, which I didn't think could be improved upon.

Importantly, intermixed in the names of the Americans are also the 7,200 KATUSA soldiers. These were the Korean Army personnel who served with American forces, right alongside them. So they are just here. They are not divided by American and Korean. Those are just the ones who served with the Americans. Again, the Korean military—their killed-in-action numbers are way higher than even these.

And here is the other thing that is so moving about this memorial. The names are actually laid out by service—Army, Navy, Air Force, Marines. And they are actually listed according to rank. So if you look at the Vietnam Memorial, it is mixed in. It doesn't matter what service. And it is the date in which somebody was actually killed, chronologically.

This is by military service and their rank. Why does that matter? What does it mean? Well, I will tell you what it means. It depicts the sacrifice of war, regardless of what the war is. Wars throughout history, up until now, always fall upon the young men and women of our great Nation—the 18-, 19-, 20-year-olds. They are the ones who do the fighting, and they are the ones who do the dying.

So, for example, this is actually a picture of the section after section

after section after section, which is just U.S. Army Private First Class—U.S. Army PFCs. And it is just thousands, one group. Huge sacrifice. Huge sacrifice.

So I encourage everybody to go out, take a look at this newly improved Korean War Memorial that was dedicated last week. It was such a moving ceremony. It was made all the more moving by the beautiful voice of Miss America, Emma Broyles, who sang "God Bless America" in front of the thousands of veterans who were there—thousands—Americans, Koreans.

By the way, Emma is a constituent of mine. She is the first Alaskan to win Miss America, first Korean American to ever win Miss America. So she did a great job.

And the final thing I just want to mention—and I think the whole Senate—I am working on a Senate resolution, and I would love to get some of my colleagues here on the floor right now to join this resolution with me. It is a simple resolution saying thank you to the Korean government and the Korean people, because guess who paid for this memorial. It wasn't the American taxpayer. It was the Korean Government and the people of Korea. Over 22 million. We had tremendous support from our Korean war American veterans associations. They did a great job. But the vast, vast bulk of the funding for this new, incredibly moving Korean War Memorial was from the people of Korea and the Government of Korea. And they sent their defense minister, they sent their veterans affairs minister, they sent a huge delegation of members of their legislature all for this ceremony. So I want to thank all of them.

And I want to thank our veterans, our Korean War veterans, who served in the noble war—not the forgotten war, the noble war, a proud moment of history between our two great nations—a history that has bonded us—the Republic of Korea and the United States of America—for decades.

And now our Gold Star families and Korean War veterans can visit the names of their friends and families and loved ones who did this, as the memorial says:

Answered the call to defend a country they never knew and a people they never met.

That is why this should be called the noble war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Madam President, my remarks are coming about 6 minutes after I was intending to start. I would ask for permission to complete my remarks before the vote begins.

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

(The remarks of Mr. KAINE pertaining to the submission of S. 4688 are printed in today's RECORD under "Submitted Resolutions.")

Mr. KAINE. I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1068, Elizabeth Wilson Hanes, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Charles E. Schumer, Christopher Murphy, Tammy Baldwin, Tina Smith, Christopher A. Coons, Elizabeth Warren, Jeanne Shaheen, Jeff Merkley, Alex Padilla, Richard J. Durbin, Jack Reed, Gary C. Peters, Edward J. Markey, Sherrod Brown, Tim Kaine, Ben Ray Lujan, Mazie Hirono.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Elizabeth Wilson Hanes, of Virginia, to be United States District Judge for the Eastern District of Virginia, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Oregon (Mr. MERKLEY), the Senator from Vermont (Mr. LEAHY), and the Senator from Illinois (Mr. DURBIN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. HAWLEY), the Senator from Louisiana (Mr. KENNEDY), the Senator from Kansas (Mr. MORAN), the Senator from Nebraska (Mr. SASSE), and the Senator from Alabama (Mr. SHELBY).

Further, if present and voting, the Senator from Missouri (Mr. HAWLEY) would have voted "nay."

The yeas and nays resulted—yeas 56, nays 33, as follows:

[Rollcall Vote No. 275 Ex.]

YEAS—56

Baldwin	Heinrich	Romney
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Rounds
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Capito	Klobuchar	Shaheen
Cardin	Lujan	Sinema
Carper	Manchin	Smith
Casey	Markey	Stabenow
Collins	Menendez	Tester
Coons	Murkowski	Tillis
Cortez Masto	Murphy	Van Hollen
Duckworth	Murray	Warner
Feinstein	Ossoff	Warnock
Gillibrand	Padilla	Warren
Graham	Peters	Whitehouse
Grassley	Portman	Wyden
Hassan	Reed	

NAYS—33

Barrasso	Boozman	Cassidy
Blackburn	Braun	Cotton

Cramer	Inhofe	Rubio
Crapo	Johnson	Scott (FL)
Cruz	Lankford	Scott (SC)
Daines	Lee	Sullivan
Ernst	Lummis	Thune
Fischer	Marshall	Toomey
Hagerty	McConnell	Tuberville
Hoeven	Paul	Wicker
Hyde-Smith	Risch	Young

NOT VOTING—11

Blunt	Hawley	Moran
Burr	Kennedy	Sasse
Cornyn	Leahy	Shelby
Durbin	Merkley	

The PRESIDING OFFICER (Mr. HEINRICH). On this vote, the yeas are 56 and the nays are 33.

The motion was agreed to.

The PRESIDING OFFICER (Ms. SMITH). The majority leader.

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate consider the follow nominations: Calendar Nos. 1078 through 1093 and all nominations on the Secretary's Desk in the Air Force, Army, Marine Corps, Navy, and Space Force; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed, en bloc, are as follows:

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert A. Rasch, Jr.

The following named officers for appointment to the grade indicated in the United States Army indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Sarah K. Albrycht
Col. Kevin J. Lambert

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Tony D. Bauernfeind

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donna D. Shipton

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Andrew M. Rohling

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Thomas J. Anderson

IN THE SPACE FORCE

The following named officer for appointment in the United States Space Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Philip A. Garrant

IN THE AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Anne B. Gunter
Brig. Gen. Lynette J. Hebert
Brig. Gen. Constance L. Jenkins
Brig. Gen. Tanya R. Kubinec
Brig. Gen. John M. Olson
Brig. Gen. David W. Smith
Brig. Gen. Aaron G. Vangelisti

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Michael P. Cruft
Col. Heath D. Fowler
Col. Leslie S. Hadley
Col. Lori C. Jones
Col. William A. Matney
Col. Kelvin D. McElroy
Col. Andre A. McMillian
Col. Stephen J. Nester
Col. Shannon OHarren
Col. Kenneth J. Ostrat
Col. Sarah H. Russ
Col. Stephen E. Slade
Col. Dean D. Sniegowski

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Kevin D. Admiral
Brig. Gen. Robert L. Barrie, Jr.
Brig. Gen. Christopher G. Beck
Brig. Gen. Peter N. Benchoff
Brig. Gen. Trevor J. Bredekamp
Brig. Gen. Winston P. Brooks
Brig. Gen. Glenn A. Dean, III
Brig. Gen. David S. Doyle
Brig. Gen. Patrick L. Gaydon
Brig. Gen. Jered P. Helwig
Brig. Gen. James P. Isenhower, III
Brig. Gen. Ryan M. Janovic
Brig. Gen. John D. Kline
Brig. Gen. Gavin A. Lawrence
Brig. Gen. Kevin C. Leahy
Brig. Gen. Michael C. McCurry, II.
Brig. Gen. Scott M. Naumann
Brig. Gen. Christopher R. Norrie
Brig. Gen. Thomas W. OConnor, Jr.
Brig. Gen. Keith C. Phillips
Brig. Gen. Jeth B. Rey
Brig. Gen. Paul T. Stanton
Brig. Gen. David B. Womack

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Isaac Johnson, Jr.

To be brigadier general

Col. Noel F. Palmer

The following named officer for appointment in the United States Army to the grade