



LEGISLATIVE POINT PAPER

PACT ACT: IMPLEMENTATION & OVERSIGHT

BACKGROUND

In August 2022, after mounting congressional and grassroots efforts, the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022 was signed into law. The American Legion applauds Congress for passing this legislation which represents the largest expansion of services and benefits to toxic-exposed veterans in more than 30 years. Now, approximately five million newly eligible toxic-exposed veterans will have access to Department of Veterans Affairs (VA) care and benefits they need, deserve, and have earned. Shortly after the bill's signing, VA accelerated the timeline for veterans to receive their toxic-exposure benefits by implementing presumptive conditions that became effective August 10, 2022, instead of phasing it in. Additionally, VA noted they would be expediting benefits processing for veterans who are terminally ill, have cancer, are over the age of 85, are experiencing homelessness, and those who are Medal of Honor and Purple Heart recipients. The American Legion applauds VA's initial proactive response to implementation.

While the signing of the PACT Act is an extraordinary achievement, there is a long road ahead as this legislation is implemented - and Congressional oversight must remain transparent to the public and beneficial to the veteran. Particularly, as it pertains to Title II procedures to determine presumptions of service-connection based on toxic exposure; annual notices and opportunities for public comment and a formal evaluation of recommendations; oversight of Title IX mandates to improve VA workforce and address the forthcoming claims increase; and the establishment of a national rural recruitment and hiring plan for the Veterans Health Administration (VHA) that ensures the unique needs of rural veterans are taken into consideration.

VA estimates there will be approximately six to seven million new disability claims filed as a result of eligibility expansion under the PACT Act and anticipates the claims backlog will increase to about 450,000 by October 2023. While this may seem like a daunting task, VA has managed to reduce significant claims backlogs previously. In March 2013, the number of backlogged claims exceeded 630,000, and VA gradually reduced the number to about 68,000 by January 2020. The efforts put forth by the Veterans Benefits Administration (VBA) workforce to reduce previous claims backlogs in the past are admirable, but a substantial backlog of hundreds of thousands of claims due to PACT Act implementation is not acceptable. It is imperative VA fully leverage the resources made available in the

PACT Act and continue the modernization of VBA information technology systems, as well as the hiring of additional employees to ensure veterans claims are adjudicated in a timely manner.

KEY POINTS

- In August 2022, the *Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022* was signed into law.
- Approximately five million newly eligible toxic-exposed veterans will have access to VA care.
- VA accelerated the timeline for veterans to receive their toxic-exposure benefits by implementing presumptive conditions that became effective August 10, 2022, instead of phasing it in.
- VA is expediting benefits processing for veterans who are terminally ill, have cancer, are over the age of 85, are experiencing homelessness, and those who are Medal of Honor and Purple Heart recipients.
- VA estimates approximately six to seven million new disability claims filed as a result of eligibility expansion under the PACT Act and anticipates the claims backlog will increase to about 450,000 by October 2023.

WHAT CONGRESS CAN DO

- Comprehensively oversee the implementation of the PACT Act.
- Require VA to report to Congress on the internal statistics they have collected on PACT Act-related claims pertaining to approved and denied claims, benefits exam quality, length of claims application from start to finish, and quality of care.
- Fully support VBA by providing the funding necessary to counter the looming claims backlog.

RELEVANT RESOLUTIONS

- Resolution No. 35 (2016): [Agent Orange](#).¹
- Resolution No. 118 (2016): [Environmental Exposures](#).²
- Resolution No. 11 (2018): [Agent Orange and Kidney Disease](#).³
- Resolution No. 19 (2018): [Burn Pits and Environmental Exposures](#).⁴
- Resolution No. 21 (2022): [Amend the Radiation Exposure Compensation Act](#).⁵

¹ The American Legion Resolution No. 35 (2016): [Agent Orange](#)

² The American Legion Resolution No. 118 (2016): [Environmental Exposures](#)

³ The American Legion Resolution No. 11 (2018): [Agent Orange and Kidney Disease](#)

⁴ The American Legion Resolution No. 19 (2018): [Burn Pits and Environmental Exposures](#)

⁵ The American Legion Resolution No. 21 (2022): [Amend the Radiation Exposure Compensation Act](#)