

THE ARLA HARRELL ACT

Background

The U.S. military exposed thousands of servicemembers to mustard gas or lewisite through secret experiments during World War II. By the end of the war, 60,000 servicemembers had been exposed to mustard gas or lewisite, with an estimated 4,000 of them receiving high levels of exposure. The U.S. military did not fully acknowledge its role in the mustard gas or lewisite testing program until the last of the experiments was declassified in 1975. Many veterans did not come forward until the oath of secrecy was effectively lifted in 1991. As a result, **these veterans have endured chronic and debilitating diseases for decades** without acknowledgment or compensation.

Senator McCaskill has published a report detailing the federal government's efforts to provide appropriate compensation to these veterans as required by law. The report has six principal findings:

1. The U.S. Department of Veterans Affairs (VA) failed to adequately notify veterans exposed to mustard gas or lewisite of their eligibility for benefits;
2. The VA's list of eligible medical conditions is incomplete;
3. The VA relies on incomplete, conflicting data regarding veterans' mustard gas or lewisite exposure;
4. The VA's adjudication process for claims of full-body exposure is opaque;
5. Veterans are unable to prove exposure due to missing or inadequate records;
6. The VA has denied approximately 90% of applicants for benefits related to mustard gas or lewisite exposure.

The report also includes a case study of Arla Harrell, a veteran from Missouri; the case study illustrates many of the failings of the federal government's process to provide compensation for veterans.

Bill Specifics

As a result of this report, Senator McCaskill is introducing the Arla Harrell Act, which would require:

- The VA and the Department of Defense (DoD) to reconsider and make new determinations for all previously denied claims for benefits due to mustard gas or lewisite exposure. In making these determinations, the VA and DoD are instructed to presume a veteran's full-body exposure to mustard agents, unless either agency can definitively prove otherwise. The agencies may not solely rely on their existing data sources to make such a determination.
- The VA submit any reconsidered claims that are denied to Congress every 90 days.
- The VA and DoD jointly establish a new policy for the processing of future mustard agent benefit claims.
- That six months following the date of enactment, the Secretary of Defense will submit a report to Congress detailing: (1) a comprehensive list of testing sites where mustard agent testing occurred, using information from denied veteran applications and sites where the Army Corps of Engineers has uncovered evidence of testing, (2) the dates of all known mustard agent testing, and (3) the number of servicemembers that were exposed in each experiment. The Secretary of Veterans Affairs will have the same report requirement, although the VA's report will include: (1) an investigation of the actions taken by the VA to reach out to exposed veterans, (2) an investigation of the high rate of denials that exists in the benefit claims process, and (3) a comprehensive list of testing sites where mustard agent testing occurred.

Learn more at www.mccaskill.senate.gov/mustard-gas