



Pending Legislation

May 17, 2017

STATEMENT OF
KAYDA KELEHER, ASSOCIATE DIRECTOR
NATIONAL LEGISLATIVE SERVICE
VETERANS OF FOREIGN WARS OF THE UNITED STATES

BEFORE THE

UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS

WITH RESPECT TO

S. 23, S. 112, S. 324, S. 543, S. 591, S. 609, S. 681, S. 764, S. 784, S. 804, S. 899, S. 1024, S. 1094 and Draft Legislation

WASHINGTON, DC

Chairman Isakson, Ranking Member Tester and members of the Committee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, thank you for the opportunity to provide our remarks on pending legislation.

S. 23, Biological Implant Tracking and Veteran Safety Act of 2017

The VFW supports this legislation that would direct the Department of Veterans (VA) to implement a standard identification protocol for use in the tracking and procurement of biological implants. By implementing one standard for device identification and tracking medical devices, such as prosthetics, which is developed and approved by the Food and Drug Administration (FDA), VA will be better able to inventory, track expiration dates and flag devices nearing their expiration. This would also assist in ensuring women veterans are able to obtain gender-specific prosthetics in a timely manner.

In the past, the VA Office of Inspector General (VAOIG) has consistently reported on shortcomings within VA in regard to their management of prosthetics. The most recent audit -- Report No. 11-02254-102, published March 8, 2012 -- highlighted challenges the VFW still believes must be addressed. VAOIG suggested that VA better manage their

NATIONAL HEADQUARTERS

406 W. 34th Street
Kansas City, MO 64111
Office 816.756.3390
Fax 816.968.1157

WASHINGTON OFFICE

200 Maryland Ave., N.E.
Washington, D.C. 20002
Office 202.543.2239
Fax 202.543.6719

info@vfw.org
www.vfw.org

prosthetic inventories to avoid surplus spending and lack of patient access to prosthetics due to supply shortages. This excessive spending and prosthetic supply shortages are due to the lack of VA systems integrating with the prosthetic inventory system, which causes dilemmas between the two inventory systems.

S. 112, Creating a Reliable Environment for Veterans' Dependents Act

The VFW supports adding per diem reimbursement for those homeless veterans with dependents to the list of services available for veterans in need. The struggle for homeless veterans is enough of a burden as is, and providing some financial support for veterans with dependents while they seek help is something that the VFW sees as an important change. While the VFW supports this bill, we ask that some improvements be made. The language of the bill states that the recipient of the grant “may” receive per diem payments under this subsection. We would like to see this language changed to “shall”. This would ensure veterans in the greatest need will receive financial assistance.

S. 324, State Veterans Home Adult Day Health Care Improvement Act of 2017

The VFW supports this legislation, which would expand adult day health care benefits for veterans who are eligible for long-term inpatient care. Currently, veterans who are at least 70 percent service-connected are eligible to receive cost-free nursing home or domiciliary care at any of the more than 120 state veterans’ homes throughout the country. While nursing home care is a necessity for veterans who can no longer live in the comfort of their home, the VFW strongly believes veterans should remain in their homes as long as possible before turning to inpatient and long-term care options. This legislation would ensure veterans have the opportunity to receive adult day care so they can remain in their homes as long as possible.

S. 543, Performance Accountability and Contractor Transparency Act of 2017

The VFW supports the intent of this bill, but we do not believe this legislation is needed. There are a few sections of this bill that seem redundant with laws or practices already in place. We understand the effort to place VA officials, and not contractors, as the first in line for accountability for underperforming projects, but that seems to be an administrative issue. As for the penalties and website posting, we believe those already exist, and adding legislation to those would further obscure an already complicated system.

S. 591, Military and Veteran Caregiver Services Improvement Act of 2017

The VFW strongly supports this legislation, which would greatly enhance the services provided to caregivers of service members and veterans who were severely disabled in the line of duty. Family caregivers choose to put their lives and careers on hold, often accepting great emotional and financial burdens, and the VFW believes that our nation owes them the

support they need and deserve. This bill would accomplish this in a number of ways, including extending benefits to caregivers of veterans with service-connected illnesses, offsetting the costs of their child care, providing them with financial advice and legal counseling, expanding their respite care options, and requiring VA to report on the progress of the program.

This legislation would extend caregiver eligibility to severely injured and ill veterans of all eras. This is a desperately needed change that the VFW has long supported. Severely wounded and ill veterans of all conflicts have made incredible sacrifices, and all family members who care for them are equally deserving of our recognition and support. The fact that caregivers of previous era veterans are currently excluded from the full complement of program benefits implies that their service and sacrifices are not as significant, and we believe this is wrong. We support the five year phase-in plan, which would incrementally grant program eligibility based on the severity of the veteran's conditions, as we believe this would give VA the opportunity to responsibly expand and improve the program without compromising services to current beneficiaries.

The VFW hears from our members often about eligibility for VA's Program of Comprehensive Assistance for Family Caregivers and their message is clear: they strongly support expanding full caregiver benefits to veterans of all eras. As an intergenerational Veterans Service Organization that traces its roots to the Spanish American War, this is not surprising. Our members are combat veterans from World War II, the wars in Korea and Vietnam, the Gulf War, and various other short conflicts, in addition to current era veterans. They rightly see no justifiable reason to exclude otherwise deserving veterans from program eligibility simply based on the era in which they served.

This legislation would require an annual evaluation report to determine how many caregivers are receiving benefits, assess training that VA provides caregiver coordinators, and review outreach activities. The VFW believes Congress should also track the number of times and reasons why VA revokes the benefit from veterans. The VFW has heard from too many veterans that they were kicked out of the program despite still needing the assistance of a caregiver for daily living activities.

The VFW commends VA for recently extending the temporary suspension of revocations until it is able to properly address the inconsistent implementation of the program throughout the VA health care system. VA must make several improvements to the existing program including the appeals process when veterans disagree with the eligibility determination of their care teams, ensuring eligibility determinations are consistent throughout the system, and enhancing the off-ramp process to ensure veterans and their caregivers are given enough time and support to properly adjust before graduating from the program.

The VFW strongly believes VA must review previous revocations for accuracy and improve

the program, specifically instances of veterans whose eligibility was revoked despite being in the highest tier. However, the VFW does not believe that it is necessary to delay expansion of the program. The caregivers of pre-9/11 veterans have suffered long enough. It is time Congress properly recognizes their sacrifice and provides them the support they deserve.

S. 609, Chiropractic Care Available to All Veterans Act of 2017

The VFW supports this legislation which would provide chiropractic care and services to veterans receiving health care at VA. According to VA, musculoskeletal and connective tissue diseases are commonly diagnosed medical issues for Post-9/11 veterans, with nearly 200,000 of these veterans pursuing care at VA for these conditions since 2002. Our nation is also facing an opioid epidemic, with many Americans and veterans struggling with addiction to painkillers. This is why the VFW believes it is absolutely crucial that VA be able to provide access to chiropractic care to veterans in need. Studies have long proven chiropractic adjustments can reduce chronic pain, joint swelling and inflammation. Some studies even show chiropractic care can help reduce headaches and migraines. The VFW urges Congress to pass this legislation which would help improve the quality of care veterans receive at VA, as well as provide another avenue to combat opioid addiction for patients with chronic pain.

S. 681, Deborah Sampson Act

The VFW supports this legislation to improve VA benefits and services for women veterans. As the population of women veterans continues to be the fastest growing within the veteran community, the VFW has adamantly worked alongside Congress and VA to improve access, care and benefits to women veterans. In 2016, the VFW launched our In Their Words campaign which focused on the needs of women veterans. To evaluate whether VA is meeting the needs and expectations of women veterans, we conducted an extensive survey of nearly 2,000 women veterans. From that data, the VFW broke down the areas in most need of attention into four categories: health care, recognition, outreach and homelessness. The Deborah Sampson Act addresses all four of these critical areas, which is why we urge Congress to pass this legislation.

Title I – Peer-to-Peer Assistance

Peer-to-peer support has proven time and again to be invaluable to veterans and VA. This is why the VFW advocates so strongly for the constant expansion of peer-to-peer support programs. This legislation would greatly expand these programs for women veterans, providing them more peer and gender-based one-on-one assistance from others to whom they can relate and connect. This is extremely crucial in instances where a female may suffer from mental health conditions, but especially in instances where a female veteran is on the verge of homelessness. In our survey, 72 women reported being homeless or at risk of becoming homeless. Of those women, 38 percent reported having children. These women

face unique barriers to overcoming homelessness, and frequently commented on the lack of people who actually understand those barriers. By providing peer-to-peer support for women with others who have gone through the same hardships, VA would provide a level of understanding and trust they desperately need.

Title II – Legal and Supportive Services

Since President Obama and then Secretary Shinseki launched the campaign to end veteran homelessness, the VFW has been pleased to see the homeless veteran population nearly cut in half, as well as more attention brought to this important issue. That is not to say there are not more challenges ahead on the road to eradicating veteran homelessness. The VFW has long advocated for improvements to voucher programs for women veterans, as well as access to gender-specific, safe housing for those with families. This legislation would improve access to legal and supportive services, which is crucial in instances such as preventing homelessness, keeping families together and settling issues that may complicate veterans' abilities to find meaningful employment.

Title III – Newborn Care

Typically, in private sector health care, a new mother has a month to enroll her newborn child into an insurance program. Currently, VA only covers newborn care for seven days. This week of coverage is not enough to provide coverage if anything goes wrong — even in the not uncommon instance of false positive testing — nor is it enough to ease the new mother of unnecessary stress. Congress must expand coverage for newborn children.

Title IV – Eliminating Barriers to Access

Barriers to health care have not been shunned from the spotlight in regard to access at VA. This is all the more reason why VA must continue being more proactive than reactive when it comes to access to gender-specific care for women veterans. As the women veteran population continues to grow, VA must ensure it provides care and services tailored to their unique health care needs. Women deserve access to the best treatment and care this nation has to offer. That is why it is crucial VA outfit existing facilities with basic necessities, such as curtains for privacy, in women's clinics. These clinics also need to maintain at least one primary care provider with expertise in women's health who is able to train others. However, the VFW recommends removing the option of one part-time provider. A part-time provider would limit access to care for woman veterans and decrease the provider's ability to maintain gender-specific expertise.

Title V – Data Collection and Reporting

VA has an extensive history of not gathering data which would allow the statistical analysis necessary to better veterans' lives. This is why the VFW strongly urges Congress to pass this

legislation which would collect and analyze data by sex and minority status.

S. 764, Veterans Education Priority Enrollment Act

The VFW supports adding legislation that allows veterans using GI Bill benefits to enroll in classes before the standard enrollment date. Veterans have finite time to use their education benefits, and being locked out of required classes due to capacity issues is a real problem for student veterans. Many veterans take longer than the 36 months of GI Bill eligibility to complete their education due to a combination of factors such as the inability to enroll in the necessary classes because of capacity issues; limited offering of classes throughout the academic year; and restrictions on registration due to academic progress or transferal from another school. Therefore, the creation and implementation of a priority enrollment system — similar to other special college populations such as college athletes — as well as revised class enrollment and transfer policies, are necessary to ensure that veterans are able to complete their educational goals within the 36 months of benefits allotted by the GI Bill.

Priority enrollment for student veterans was an issue championed by a recent VFW-Student Veterans of America fellow Robert Davis. In his proposal, Veterans Priority Enrollment, Davis highlighted how this no-cost solution will enable veterans to complete their degrees in a more expedient fashion, so as not to waste any unnecessary education benefits while doing so. Veterans using the GI Bill have shown to be a great return on investment for this country, and we should do everything we can to enable their progress toward completion of their degrees.

S. 784, Veterans Cost-of-Living Adjustment Act of 2017

The VFW supports this legislation which would increase VA compensation for veterans and survivors, and adjust other benefits by providing a cost-of-living adjustment (COLA). The VFW is pleased to support any bill increasing COLA for our veterans, however, we would prefer to make COLA increases permanent and automatic.

Disabled veterans, along with their surviving spouses and children, depend on their disability compensation, plus dependency and indemnity compensation, to bridge the gap of lost earnings caused by the veteran's disability. Each year veterans wait anxiously to find out if they will receive a COLA. There is no automatic trigger that increases these forms of compensation for veterans and their dependents. Annually, veterans wait for a separate act of Congress to provide the same adjustment that is automatically granted to Social Security beneficiaries.

S. 804, Women Veterans Access to Quality Care Act of 2017

The VFW supports this legislation, which would improve health care for women veterans using VA. As the fastest growing demographic within the veteran population, women

veterans have long deserved access to high quality, equitable gender-specific health care. This legislation would prioritize integrated standards to determine funding to ensure VA facilities meet standard requirements of gender-specific care in areas such as gynecology.

When the VFW conducted its survey of nearly 2,000 female veterans in 2016, one of the most overwhelming open ended responses on how to improve women's health care in VA was by increasing the number of gynecologists. While VA offers gynecology, women veterans prefer seeing a gynecologist rather than their primary care provider for this gender-specific necessity.

This legislation would also greatly improve the quality of care available to women veterans by increasing the number of providers who specialize in gynecology, as well as thoroughly examining other areas of gender-specific need, such as women veteran wait times, health outcomes based on gender, and availability of gender-specific equipment.

S. 899, Department of Veterans Affairs Veteran Transition Improvement Act

The VFW supports the Veteran Transition Improvement Act, which would authorize service-connected disabled veterans to access care for their service-connected injury during their first year of employment with VA. Disabled veterans seeking federal employment are rightly given special preference during the hiring process. However, newly hired VA employees begin with a paid sick leave balance of zero. This means that within their first year of employment, newly hired disabled veterans must choose between taking unpaid leave to seek medical care for their service-connected conditions, or forego receiving care altogether. At this time, disabled veterans who work for VA are the only federal employees forced to make this choice, as recently enacted laws have permitted newly hired disabled veterans in other agencies the opportunity to receive care for injuries sustained during their military service. This legislation would increase the chances for a successful transition into the civilian workforce and eliminate a barrier to health care access.

S. 1024, Veterans Appeals Improvement and Modernization Act of 2017

The VFW supports this legislation to reform and modernize the VA claims and appeals process to better serve the needs of the veterans' community. Over the years, the VA claims and appeals process has morphed into a bureaucratic leviathan the average veteran cannot possibly understand. Moreover, for veterans who disagree with their assigned rating decision, they currently have no way to determine whether choosing to appeal is a reasonable course of action without seeking assistance from an accredited representative or legal counsel. Then, should veterans choose to appeal VA's decision, exercising their due process rights can take up to five years. To the VFW, this does not seem like a veteran-centric, non-adversarial process.

The goal of this legislation is to once again build a veteran-centric process that is easy to navigate and protects a veteran's rights every step of the way. Last year, the VFW was one of

more than a dozen veteran community stakeholders that convened to discuss the way forward in modernizing the VA claims and appeals processes. At the time, the acknowledgement was that the system was cumbersome and no longer satisfied the needs of veterans who rightfully expect timely and accurate rating decisions on the benefits they earned. The resultant product of these discussions is the framework included in this draft legislation, and the VFW is proud to support it.

Through this legislation, Congress will modify the options for veterans to pursue accurate rating decisions prior to filing a formal appeal, while simultaneously preserving their earliest possible effective date. This legislation also directs VA to improve its award notifications for veterans, outlining seven specific pieces of information each decision notice to a veteran shall include. Improved notification letters have been a top priority of the VFW and our partner organizations for years, and we are happy to see the Committee pursue this aggressively. To the VFW, inadequate notification letters have been a fundamental failure in the VA claims process for decades. In their current format, veterans have no reasonable way to understand how VA arrived at their benefit decision, meaning veterans have no way to reasonably conclude whether or not the decision is accurate and whether or not they need to pursue another avenue of recourse.

As accredited representatives, one of our top responsibilities is explaining rating decisions to veterans and deciphering which evidence was used to render a decision and how VA evaluated that evidence. Improved decision notices will put some of this power back into the veteran's hands, ensuring they are well informed of their rating and how VA arrived at its conclusion. This sets the veteran up for success in navigating the process and has the potential to cut down on appeals where the veteran simply may have misunderstood their rating decision.

Coupled with improved notifications, this legislation codifies three specific paths through which veterans can arrive at a fair and understandable rating decision, while preserving the earliest possible effective date. Two of these paths -- higher level review and supplemental claims readjudication -- offer recourse for the veteran without filing a formal appeal, offering the veteran and VA the opportunity to rectify discrepancies before the veteran formalizes an appeal.

Currently, when a veteran receives a rating decision, they must choose whether or not to formally file a notice of disagreement, kicking off a potential years-long process to arrive at a new decision, sometimes when only small matters of evidence or interpretation of the law need to be addressed. By redesigning appeal options, the process remains non-adversarial as long as possible, and also encourages VA to produce quality rating decisions at the local level, instead of punting more complicated cases for the Board of Veterans Appeals (BVA) to review.

Critics have called these two new paths at the regional office an "erosion" of veterans' due

process rights. This is an inaccurate assessment that fails to acknowledge that the VA claims process is supposed to be veteran friendly and easily navigable by any veteran who seeks to access his or her earned benefits. Moreover, the new framework actually expands veterans' due process rights by offering additional recourse at the local level, preserving routes to the BVA and the courts, and preserving a veteran's right to seek legal counsel after an initial rating decision.

Though the VFW always encourages veterans to seek professional assistance from an accredited representative whenever possible, a perfect system would be one where veterans do not need professional assistance, and certainly do not need to retain a lawyer, simply to claim an earned benefit. The VFW believes this proposed framework, if properly implemented, moves veterans closer to such a system.

The most critical new protection for veterans is the lane in which veterans can continually submit new and relevant evidence to VA within one year of a rating decision and receive a new rating decision on the evidence of record, preserving their original effective date. Coupled with improved notification letters, this option could be a game changer for veterans, resulting in more favorable decisions at the local level.

First, lowering the evidentiary threshold to receive a new rating decision to only new and relevant is an improvement for veterans. The old standard was new and material. While the VFW would prefer that VA only be required to consider new evidence, we support this change which would ease the evidentiary burden for veteran claimants, potentially resulting in more favorable decisions.

Key to the success of this lane is communication among VA, the veteran, and the veteran's advocate where applicable. If a veteran receives a clear and understandable rating decision, but notices that certain evidence was not contained in the record, they now have an opportunity to formally submit this and receive a new, timely rating decision, instead of pursuing years of a formal, contentious appeal. Moreover, accredited veterans' advocates now have a new tool to help resolve claims at the earliest possible time, ensuring that their clients receive every benefit they have earned.

To the VFW, this is the best possible outcome. According to VA's own data, more veterans are seeking our assistance every year to access their earned benefits. Last year, the VFW took on four new claimants for every claimant we lost. While we like to tout that this is a testament to the professionalism of our staff, we also know that this kind of growth means that we need to help VA get it right the first time. Prolonging a veteran's claim is bad all around. It puts unnecessary stress on the veteran and it makes VA look like an irresponsible steward of benefits. At a time when more veterans need access to benefits, the VFW supports offering more non-adversarial recourse at the local level to arrive at quality rating decisions. This is what our veteran clients expect, and this is why we support this new framework.

The VFW also supports the maintenance of two separate dockets at BVA to adjudicate new appeals, though we have persistent concerns about the timeliness of decisions in each docket and the potential disincentive for veterans to pursue an appeal with a hearing. That being said, the VFW supports docket flexibility so that BVA can properly manage its workload and provide veterans with timely decisions. However, in testimony earlier this year, VFW Commander-in-Chief Brian Duffy called for the simultaneous maintenance of five separate dockets at BVA to best reflect the legacy workload as well as the new system workload, including one docket for appeals with no new evidence and no hearing; one for appeals with new evidence but no hearing; and one for appeals with both new evidence and a hearing.

When the Committee first started discussing the concept of appeals reform for the 115th Congress, the VFW and several of our partner Veterans Service Organizations saw this as an opportunity to once again discuss potential conflicts that arose in the initial discussions in 2016. One significant conflict was the ability of veterans with appeals languishing in the legacy system to be able to opt into the new framework. In this legislation, we are pleased to see that the Committee addressed these concerns by articulating formal “off ramps” for legacy appeals to opt into the new system at critical decision points.

To the VFW, this is a benefit to affected veterans and to VA. First, veterans whose appeals have been mired in the old appeals system will have several opportunities to take advantage of new processes, such as submitting new and relevant evidence when their claims are remanded back to the Regional Office. This will allow veterans an opportunity to avoid another lengthy appeal process and allow VA to address the issues at the Regional Office in a timely manner. For VA, the VFW believes this will be a critical tool in helping to adjudicate the backlog of legacy appeals, resulting in more timely, favorable decisions for veterans.

The VFW understands that VA had some concerns about these off ramps and the strain on resources at the local level. The VFW does not share these concerns as VA has the responsibility to adjudicate its workload regardless of where the claim happens to be in the process. Moreover, this reinforces the VFW’s calls on Congress to properly resource the Veterans Benefits Administration (VBA) and BVA to manage their workload. Without proper resources, any claims and appeals framework will fall prey to dangerous backlogs, resulting in unacceptable benefit delays for veterans.

Since the first discussions on appeals reform with VA, the VFW has been very clear that any changes to the system must be coupled with aggressive initiatives to adjudicate legacy appeals in a timely manner through both legislative authority and proper resourcing. The VFW had asked for off ramps to allow veterans with legacy appeals to opt into the new process, and we thank the Committee for including these off ramps in this legislation.

The VFW must stress the importance of properly resourcing BVA and VBA to adjudicate the legacy appeals backlog and the potential influx of supplemental claims and higher level

review requests at the VA Regional Office. The VFW's former National Veterans Service Director, Jerry Manar, used to say that VA liked to play Whack-a-Mole with its pending workload. When initial claims were backlogged, they concentrated resources on initial claims. This has since set off a chain reaction that has resulted in a backlog of appeals and other claim actions at the Regional Office level. Every time there is a crisis, VA has the habit of reallocating its resources to address the latest crisis. This only leads to other crises. VA must be properly resourced to manage its workload if we expect this new framework to succeed.

The VFW was also happy to see that the Committee is asking for extensive reporting from VA on legacy appeals. The VFW supports many of these data points, and has had similar questions about the appeals process over the years, particularly the disaggregated time that VA waits for a claimant to take action and the time a claimant waits for VA to take action. We believe that this report will help to better understand the pitfalls that led to the appeals backlog and help avoid them in the new framework.

A modernized appeals system must be responsive to future needs of veterans. Veterans benefits date from the beginning of the United States, and our citizens and government have stepped up to care for veterans as the nature of war and society has changed. Judicial review of veterans' benefits decisions has been in place for almost thirty years, and a decision this past week by the Federal Circuit in *Monk v. Shulkin* recognized veterans have a right to aggregate their appeals into class actions. While this decision does not directly affect the modernized appeals framework, it will also help to eliminate the "hamster wheel" appeals process, and will affect regulations handling new procedural directives from the courts. Congress must maintain close oversight over the timely handling of appeals for veterans who have been waiting the longest.

At the same time, the modernized appeals system also needs the oversight of Congress to continually improve the process. We believe the changes proposed in the legislation being considered today would go a long way in forming a more veteran-centric process. But appeals do not exist in a vacuum, and the feedback we receive must drive improvements to the processes used by VA and stakeholders to obtain fair, accurate decisions at the earliest point possible, and improve the quality of life for veterans and their families.

The VFW is encouraged by the legislation you are considering today and strongly supports efforts to reform the claims and appeals system to build a more veteran-centric appeals process. For years, we have been stuck in the same place, afraid to take action out of fear we will make the wrong decision. The problem is that if we stay put, the situation will never improve. That is unacceptable for the veterans who deserve timely access to their earned benefits. The VFW believes it is time to improve this process. We encourage the Committee to include the VFW's recommendations when marking up this legislation, and we look forward to continuing to work with the Committee to advance these critical reforms.

S. 1094, Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017

The VFW believes that VA and Congress must ensure the Secretary of Veterans Affairs has authority to quickly hold employees accountable for wrongdoing which may endanger the lives of veterans. That is why we support this important legislation. However, we also believe it is as important to ensure VA can quickly fill vacancies within its workforce left open by removing bad actors within VA.

This important bill includes strong accountability reform for VA employees who do not live up to the standards that veterans deserve. Three years after the patient wait time manipulation crisis at the Phoenix VA Health Care System put a national spotlight on employee accountability, the Secretary of Veterans Affairs still lacks the proper authority to swiftly terminate workers who do not deserve to work at VA. The Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017 would improve the Secretary of Veteran Affairs' authority to discipline employees who commit malfeasances.

The VFW salutes Chairman Isakson, Ranking Member Tester, Senator Rubio and the House Committee on Veterans' Affairs leadership for reaching a bipartisan deal on this important bill which would better protect whistleblowers and hold employees accountable for their conduct or performance. The need for legislation follows a federal appellate court decision this past week that rendered unconstitutional the process used to fire the former director of the Phoenix VA Health Care System.

The VFW believes whistleblower protection is an essential addition to the accountability legislation. A federal survey shows that less than 50 percent of VA employees feel that arbitrary action, personal favoritism and coercion for partisan political purposes are not tolerated. More so, only 43 percent felt senior leaders maintain high standards of honesty and integrity; only 37 percent are satisfied with policies and practices of senior leaders; and only 36 percent feel senior leaders generate high levels of motivation and commitment in the workforce. These statistics are alarming and suggest that for a culture of accountability to be established, change must start from the top, not the bottom.

The VFW also believes VA needs improved authorities to hire high quality employees. In our report, *Hurry Up and Wait*, we highlight deficiencies in VA human resources practices, outlining several recommendations to improve the hiring process and customer service training. We feel that VA's hiring process moves too slowly. Northern Virginia Technology Council suggested that for VA to be successful, it should aggressively redesign its human resources processes by prioritizing efforts to recruit, train, and retain clerical and support staff. In today's economy, hiring the best people is extremely critical. In many cases, it is more effective to coach a current employee, even a poor performing one, than it is to find, interview, engage and train new employees.

We fear that VA's workforce productivity could decline due to staffing shortages and low employee morale if VA does not reform its hiring processes. The VFW looks forward to working with Congress to expedite passage of this legislation and find workable solutions to VA human resources' issues to ensure VA can move quickly to fire employees who put veterans at risk, and at the same time move quickly to hire the best applicants to set VA on a path to restore trust in the system.

Draft bill, Serving our Rural Veterans Act (Sullivan, Tester)

This legislation would allow for VA to make payments for the training of interns and residents at approved locations other than VA facilities and to establish a pilot program for additional training. The VFW supports this legislation. The use of Indian Health Service facilities and other approved federal locations is a common sense answer for VA to use in solving their need to train medical professionals. Those who participate in the program would spend time at an approved facility as defined in the legislation. This could be an opportunity to help solve a known problem and allow VA to recruit capable and dedicated medical professionals to care for those who have borne the battle.

Draft bill, Veteran Partners' Efforts to Enhance Reintegration Act (Blumenthal)

The VFW supports this legislation, which would require VA to integrate peer support specialists into Primary Care Patient Align Care Teams (PACT). Peer support specialists provide a valuable service to veterans coping with mental health conditions. Such veterans often look for guidance from fellow veterans who have successfully completed treatment and have learned to cope with conditions they are experiencing. While current law requires each VA medical center to hire a minimum of two peer support specialists, it does not require VA medical facilities to incorporate them into the clinical settings. As a result, many peer support specialists are not used to their full potential. Many peer support specialists currently lead successful mental health care programs and services. The VFW supports efforts to expand such best practices.

The VFW is glad to see this legislation would require each medical center that participates in the pilot program to consider the gender-specific needs of women veterans when carrying out the pilot program. In our survey of women veterans, survey participants identified the lack of gender-specific services as the greatest need in VA health care facilities. Survey participants also indicated their desire to select a provider of the same gender, specifically for veterans who have mental health conditions that may be a result of military sexual trauma. The VFW supports efforts to hire women peer support specialists to ensure women veterans have the opportunity to seek guidance from other women veterans who have learned to cope with mental health conditions related to military sexual trauma.

Mr. Chairman, this concludes my testimony. I am prepared to answer any questions you or

the Committee members may have.