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HOUSE VETERANS AFFAIRS COMMITTEE HEARING ON VA HEALTHCARE WAIT LIST

On 28 May 2014, the House Veterans' Affairs Committee (HVAC) held its hearing on the continued controversy of the Phoenix, AZ Veterans Affairs Health Care system wait list and discussed the Department of Veterans Affairs' (VA's) continued lack of compliance with the subpoena for requested documents. The witnesses present at the hearing were Dr. Thomas Lynch, Assistant Deputy Undersecretary of the VA for Health for Clinical Operations, Ms. Joan Mooney, Assistant Secretary of the VA for Congressional and Legislative Affairs, Mr. Michael Huff, VA Congressional Relations Officer, and Mr. Richard Hipolit, Deputy General Counsel of the VA for Legal Policy. HVAC began the hearing with opening remarks made by HVAC Chairman, Representative Jeff Miller (R-FL-01), and HVAC Ranking Member, Representative Michael H. Michaud (D-ME-02). Chairman Miller expressed his concern regarding the VA Office of Inspector General's (OIG) interim report that confirmed appointment scheduling manipulation and substantiated that significant delays and access to care had negatively impacted the quality of care at the Phoenix VA Medical Center.

FURTHER READING (*Full AUSN Transcripts & After Action Reports (AARs) available upon request*):

The Chairman confirmed that the OIG had expanded its investigation and that it had opened cases regarding 42 VA medical centers where now inappropriate scheduling practices are believed to be systemic throughout the VA. Ranking Member Michaud remarked that he was, "not completely satisfied with the VA's response to our inquiries and their compliance with the subpoena," but added that he felt there had been a shift in responsiveness by the VA. He added that, "a key takeaway will be hearing the VA response to our request for information and what the reasons are today for failing to do so in a timely manner." Chairman Miller questioned Dr. Lynch and the other witnesses regarding the reports of multiple waiting lists and scheduling practices not in compliance with VHA policy to which Dr. Lynch responded that, "we had little information to go on at the time," citing that the product used to identify Veteran appointments that had been canceled was used for the purpose of rescheduling those veterans and once the rescheduling was done the lists were destroyed due to containing private patient information. When questioned about the lack of documents provided by the VA, Dr. Lynch responded that all documents had been submitted to the Office of General Counsel to deliver upon receipt of the subpoena.

Following these opening remarks Chairman Miller turned to the Committee members for rounds of questioning. As the questioning began, Representative Doug Lamborn (R-CO-05) called for the resignation of the Secretary of Veteran Affairs, General Eric Shinseki, USA (Ret.) after the tragic possibility of Veterans dying on the waiting list, citing that these violations should not have happened on the Secretary's watch. He also questioned the lack of a system for fee-

based services if care is not available at the VA. Dr. Lynch assured the Committee that plans are in place to contact all Veterans still wait listed by Friday with fee-based services offered if appropriate. Representative Phil Roe (R-TN-01) addressed concerns over questions of employees receiving bonus benefits while Veterans were suffering, questioning whether or not these practices are true. Dr. Lynch stated that, "people lost sight of the real goal of the VA, which is treating victims and they began to focus on achieving care within 14 days," alluding to the problem of bonus benefits. Dr. Lynch and the witnesses emphasized that the Inspector General (IG) believes the waitlist problem to be a systemic issue not exclusive to Phoenix, and urged that the VA will be employing a call center in order to contact every veteran on the list to arrange the necessary care and to restore the credibility of the VA among veterans. The witnesses also stated that the VA is looking into hiring additional providers and physicians in order to alleviate the waitlist problem. After this hearing, however, by Friday, 30 May 2014, the Secretary of Veterans Affairs, General Eric Shinseki, USA (Ret.) formally resigned from the cabinet.

HOUSE VETERANS AFFAIRS, DISABILITY ASSISTANCE SUBCOMMITTEE HEARING ON TRANSITION

On 29 May 2014, the House Veterans' Affairs Committee (HVAC), Subcommittee on Disability Assistance and Memorial Affairs (DAMA) held a hearing on defining the expectations and evaluating the Department of Veteran's Affairs (VA) performance in the servicemember transition process. HVAC- DAMA Subcommittee Chairman, Representative Jon Runyan (R-NJ-03), gave an opening statement regarding recent issues in VA and expanded upon the purpose for the hearing: to evaluate the Department of Defense (DOD) and VA transitional programs, such as the Integrated Disability Evaluation System (IDES), the Benefits Delivery at Discharge (BDD), and the Quick Start Program. The Chairman expressed his concern for lengthy wait times for ratings from VA, and advocated for a better line of communication to be established between servicemembers and government departments. HVAC- DAMA Ranking Member, Representative Dina Titus (D-NV-01) then gave her opening remarks, agreeing with the Chairman that an evaluation of existing and suffering programs is necessary, and that more needs to be done for those Veterans who are forced to put their lives on hold due to long wait times for VA ratings. Next, the HVAC Full Committee Chairman, Representative Jeff Miller (R-FL-01), spoke regarding an amendment to the Fiscal Year 2015 (FY15) National Defense Authorization Act (NDAA) stating that its passage would add efficiency to the IDES by improving accountability and increasing transparency to servicemembers. He argued that the transition process is a Veteran's first exposure to the VA system.

FURTHER READING (Full AUSN Transcripts & After Action Reports (AARs) available upon request):

The first panel was then introduced by Chairman Runyan, which included Ms. Nancy E. Weaver, Deputy Assistant Secretary of Defense, Warrior Care Policy, and Ms. Diana Rubens, Deputy Under Secretary for Field Operations, Veterans Benefits Administration (VBA). Ms. Weaver gave her opening remarks on the servicemember transition process and cited several improvements the DOD has made in recent years to reduce claim wait time. Ms. Weaver additionally furthered that the continual implementation of policy mechanisms to enhance existing programs is necessary and already under development. Ms. Rubens presented her opening statement, which surrounded various goals and timelines set to improve VA programs, adding that many of these standards have already been met or are on track to be met.

Questioning began with Chairman Runyan who asked both representatives how communications with servicemembers has been improved. Ms. Weaver responded by displaying the increase in staff and trainings, which resulted in an 83% program participant satisfaction with the IDES. Ms. Rubens cited the VA's physical efforts to be more readily available, by having military service coordinators on-site to assist servicemembers with the transition and program processes. Near the conclusion of the panel questioning, Chairman Runyan asked the witnesses to elaborate on areas that may need improvement in the program since most data presented had been dubiously positive. Ms. Weaver stated that DOD will need to take a closer look at satisfaction surveys to identify where servicemembers are specifically having issues. Ms. Rubens expanded upon the concept of an electronic interface that would smoothen out the transferring of information between DOD and the VA. Next, Representative Gus Bilirakis (R-FL-12), Representative Paul Cook (R-CA-08), and Representative Beto O'Rourke (D-TX-16) all discussed the difficulty of program language, and stressed the need for greater simplicity when Veterans are going through the claims process.

Chairman Runyan then introduced the second panel, which included Ms. Linda A. Halliday, Assistant Inspector General for Audits and Evaluations at the VA Office of Inspector General (OIG). Ms. Halliday gave her opening remarks as an independent assessment of the Veterans Benefits Administration (VBA) by OIG. She began by discussing her

assessment of Veterans claims through IDES, BDD, and Quick Start, which analyzed data from 2009, 2011, and 2013, agreeing that there has been a slow improvement in wait time over the years. However, Ms. Halliday claims that more needs to be done in order to meet the Secretary's timeline and goals, which begin with a better allocation and use of resources, as well as staff quality reviews.

Chairman Runyan began the round of questioning by asking about the Servicemember Transitional Advanced Rehabilitation (STAR) program and questioned that, while timeliness may be improving, accuracy may be faltering. Ms. Halliday explained the discrepancy between the definition of error by OIG and VA. She further states that OIG does not feel that VA accounts for all STAR program errors by their standard. Ranking Member Titus pressed on this discrepancy later and Ms. Halliday elaborated that the difference is that Veterans recognize the beginning of their wait time on the day they file the claim. The VBA on the other hand begins wait time after upfront processing has been cleared. It is the opinion of OIG that the VBA become more Veteran experience centric. Representative Cook questioned the discrepancy, and asked further about the Under Secretary's disagreement with OIG recommendations, in regards to the Secretary. Ms. Halliday stated that she believed it was the responsibility of the Secretary to hold the opinion of Under Secretary Allison Hickey, Under Secretary of the VBA, and if the review is signed for the Secretary, it is then the Secretary's official opinion. Ms. Halliday added that OIG processes provide copies to the Secretary so that he remains informed. The witness concluded that quality reviews of staff and proper resource allocation and support is necessary in correcting the issues present with VA programs.

AUSN ANALYZES SENATE APPROPRIATIONS COMMITTEE MARKUP OF FY15 MILCON/VA BILL

*On 22 May 2014, the Senate Appropriations Committee (SAC) approved the Military Construction & Veterans Affairs (MILCON/VA) Appropriations bill for Fiscal Year 2015 (FY15). The bill, in the SAC marked up version of H.R. 4486, passed on a unanimous vote. The bill provides funding for the construction of mission critical and quality of life facilities for U.S. military personnel and their families serving around the world, including schools, hospitals, child care centers and family housing. The bill also provides funding for Veterans medical care and benefits, and for Department of Veterans Affairs (VA) facilities throughout the country. The related agencies funded in the bill include Arlington National Cemetery, the U.S. Court of Appeals for Veterans Claims, and the Armed Forces Retirement Homes. In total, the legislation provides **\$165.4 billion** for MILCON/VA for FY15. This figure includes **\$55.6 billion** in previously appropriated advances for Veterans medical care. This is a cut of **\$9.3 billion** less than the Fiscal Year 2014 (FY14) enacted level.*

FURTHER READING:

The SAC approved bill provides a total of **\$6.6 billion** for MILCON projects. The SAC recommends **\$6.6 billion** which is equal to the Congressional Budget Office's (CBO) re-estimate of the FY15 President's Budget (PB) request for military construction and family housing. This is **\$3.25 billion** below the FY14 enacted level. The funding provided will be used for both large and small construction and renovation projects on military bases within the U.S. and around the globe. In regards to Military Family Housing, the bill provides a total of **\$1.2 billion** to fund construction as well as Operation and Maintenance (O&M) of military family housing for FY15. This is **\$325 million** below the FY14 enacted level, due to savings from the privatization of family housing, a reduced need for new facilities, and no construction funding requests by the Air Force. The funding provided will ensure quality housing is continued for all 1.2 million military families currently served by the program. Finally, the bill includes **\$380 million** for the Base Realignment and Closure (BRAC) account, which would expedite, where possible, the environmental cleanup of closed bases.

The SAC approved bill provides, in Title II for Veterans Affairs, a total of **\$158.6 billion** for the VA for FY15. The total includes **\$93.5 billion** for mandatory programs, equal to the request and **\$8.8 billion** above fiscal year 2014 enacted. For VA discretionary funding the bill provides **\$65.1 billion** (this figure includes **\$55.6 billion** in previously advanced appropriations for Veterans medical care), **\$1.85 billion** above FY14 enacted level. The bill also includes **\$58.7 billion** in advanced appropriations for Fiscal Year 2016 (FY16) VA medical care. The legislation also includes provisions to increase oversight of taxpayer dollars at the VA, including providing an additional **\$5 million** in funding for the Office of Inspector General (OIG) to conduct a system-wide review of scheduling procedures, wait times for appointments, and management practices at VA medical centers across all Veterans Integrated Service Networks (VISNs). The bill also restricts the VA from awarding performance bonuses to medical directors, assistant medical directors, and Senior Executive Service employees of the VHA until the audit is complete, the OIG has provided Congress with a report on the findings, and the Secretary provides Congress an implementation plan to address the findings. The SAC markup also provides an increase of **\$30 million** above the budget request for a claims processing, hiring and training initiative, as well as **\$10 million** over the request to bolster the Veteran Benefits Administration's

(VBA's) migration to an electronic claims processing system, and **\$5 million** over the request for the Board of Veterans Appeals to address the backlog of pending appeals.

For more details, see [AUSN's Analysis of SAC Markup of FY15 MILCON/VA Appropriations](#).

AUSN ANALYZES HOUSE APPROPRIATIONS, DEFENSE SUBCOMMITTEE MARKUP OF FY15 DEFENSE BILL

*On 30 May 2014, the House Appropriations Committee, Subcommittee on Defense (HAC-D) approved, by voice vote without amendments, the Defense Appropriations Bill for Fiscal Year 2015 (FY15). In total, the HAC-D markup provides **\$570.4 billion**, of which **\$491 billion** is for the based budget, a decrease of **\$5 billion** below the Fiscal Year 2014 (FY14) enacted level and **\$4.6 billion** below the FY15 President's Budget (PB) request. It also includes **\$79.4 billion**, as a placeholder until the Administration provides additional details, for Overseas Contingency Operations (OCO) for Defense activities related to the Global War on Terror. Appropriators appear to have trimmed around the edges, essentially green lighting spending on programs such as the F-35 Joint Strike Fighter (JSF), for which the Defense Department requested **\$5.8 billion** for FY15. HAC-D also approved **\$91.2 billion** for equipment and upgrades to ensure military readiness and operation. This includes **\$14.3 billion** to procure 6 Navy ships, including **\$789 million** for the USS George Washington (CVN-73) Refueling and Complex Overhaul (RCOH).*

FURTHER READING:

Within the markup is an additional **\$1.2 billion** to fill readiness shortfalls, **\$721 million** to restore unrealistic reductions in the President's request to facility sustainment and modernization, and full funding for the Tuition Assistance Program (TAP)/ Transition Goals, Plans Success (GPS) at **\$475 million**. Additionally, the bill fully funds Sexual Assault Prevention and Response programs at **\$275 million**, an increase of **\$50 million** above the FY14 enacted level. Finally, the bill restores **\$100 million** to the Defense Commissary Agency (DECA) to provide reduced-price food and household goods for service-members and their families. For Military Personnel and Pay there is appropriated **\$128.1 billion** to provide for 1,308,600 Active Duty troops and 820,800 Reserves. This funding level is **\$669 million** below last year, due to the reduction in troop totals. The markup also includes a **1.8% pay raise for the military**, as reflective of the Employment Cost Index (ECI), instead of 1% as requested by the President, and provides funding to maintain 100% of troop housing costs through the Basic Allowance for Housing (BAH). For Defense Health and Military Family Programs, there is appropriated **\$31.6 billion**, which is **\$1.1 billion** below last year's level, and **\$360 million** below the FY15 PB request, for Defense health and family programs to provide care for our troops, military families, and retirees. Increases above the request included an additional **\$246 million** for cancer research, **\$125 million** for Traumatic Brain Injury (TBI) and psychological health research and, **\$39 million** for suicide prevention outreach programs

The HAC-D markup also included details on Navy equipment procurement appropriations. The allocation in the markup includes **\$5.8 billion** for 38 F-35 aircraft, **\$975 million** for 12 E/A-18G "Growlers" and **\$2.4 billion** for 87 UH-60 Blackhawk and 37 MH-60S/R helicopters. Additionally, the National Guard and Reserve Equipment Account (NGREA) was appropriated **\$2 billion** for Reserve Component equipment needs.

For more details, see [AUSN's Analysis of HAC-D Markup of FY15 Defense Appropriations Bill](#).

AUSN ON THE HILL

This week, only the Senate was in session while last week, only the House was in session, so this Legislative Watch will combine both this week's and last week's actions on Capitol Hill. In addition to monitoring Congressional hearings, AUSN has been busy taking analyzing the various Fiscal Year 201 (FY15) Appropriations and Authorization measures making their way from Subcommittee, Committee and eventually floor consideration in both chambers. In addition, AUSN held a meeting with a group of Social Networkers for Wounded Warriors about a potential future product as well as met with staff of Senator Patty Murray (D-WA) about pending Veteran concerns and mefloquine exposure our servicemembers.

Additionally, AUSN was part of discussions with Senate offices, and in particular the Senate Veterans Affairs Committee, along with our Veteran Service Organization (VSO) partners regarding the fall out of the resignation of Secretary Shinseki as Secretary of Veterans Affairs. Senators are working to find common ground on legislation to address healthcare shortfalls and alleged corruption at the Veterans Affairs Department which was part of the reasons Secretary Shinseki exited the Department of Veterans Affairs (VA). Already, there are two proposed bills in the Senate

that would address these concerns in different manners. The first is S. 2422, the Ensuring Veterans Access to Care Act, introduced by Senate Veterans' Affairs Committee (SVAC) Chairman, Senator Bernie Sanders (I-VT). Chairman Sanders' legislation calls for overhauling the VA appointment scheduling computer system, setting a deadline of the end of the first-quarter of 2016 to get that into place. It would also authorize 27 major medical facility leases at locations throughout the country as well as grant emergency authorization for funds to hire additional medical personnel to help address the claims backlog and the delays that Veterans have faced in getting access to health care services. On the other hand is a bill introduced by Senator John McCain (R-AZ) and Senator Richard Burr (R-NC), who is also SVAC Ranking Member. The McCain-Burr proposal, S. 2424, would allow Veterans to seek medical care outside of VA centers and also implement systemic changes to the VA. It also includes the bi-partisan House-passed measure from last month, H.R. 4031, which would give the VA greater authority to fire or demote senior executives for perceived performance problems. Additionally, the McCain-Burr proposal requires the VA Secretary to establish penalties and procedures for employees that falsify data and modify performance plans and consider outside reviews. As of Thursday, 5 June 2014, Senator Sanders and Senator McCain announced a bi-partisan compromise on S. 2422 and S. 2424 which combines parts of the two bills. The new negotiated bill, as of now unwritten and no title, includes accountability measures allowing immediate firing of VA officials, leases for 26 new VA major medical facilities, authorization to hire new doctors and nurses and, most notably, it would also allow Veterans to get private care if they are experiencing long wait times are more than 40 miles from a VA facility.

During deliberations on these two VA operations centric bills, the Senate is still also trying to pass Omnibus Veteran legislation after early this year, a previous Omnibus Veteran bill, S. 1982, failed to receive the needed cloture votes, 60, to proceed with a vote. Recently, SVAC Chairman Sanders introduced S. 2413, the Restoring Veterans Trust Act of 2014, in the Senate which would extend comprehensive services and benefits to the most severely injured pre-9/11 Veterans; standardize the process for sending patients to community health centers, military hospitals or other health care providers; and extend from five to 10 years access to VA health care for all recently-separated veterans. The bill would also provide help for Veterans who suffered significant spinal cord, reproductive and urinary tract injuries and who now want to have children and bolster the VA's ongoing effort to eliminate shrinking but still unacceptable backlogs in processing claims for disability benefits. Finally, the bill would make certain that all Veterans get in-state tuition rates for college costs covered by the Post-9/11 GI Bill and restore a 1 percent cut in retirement cost-of-living adjustments that Congress enacted for current military servicemembers. However, this bill does not have bipartisan support in which AUSN has urged SVAC staff to continue to seek input and work with members of the Senate on the other side of the aisle and not 'politicize' Veteran policy.

PRIORITY BILLS INTRODUCED THIS WEEK

S. 2425, (*Official title yet to be released*). Introduced by Senator Mark Begich (D-AK), the bill would require the Secretary of Veterans Affairs to carry out a pilot program to reduce the shortage of psychiatrists in the Veterans Health Administration of the Department of Veterans Affairs by repaying loans for certain psychiatrists, to carry out a pilot program to provide housing allowances to health care providers of the Veterans Health Administration who accept assignment at rural and highly rural clinics.

S. 2423, Veterans Access to Care Accountability Act. Introduced by Senator Jeanne Shaheen (D-NH), the bill would improve wait times for appointments for hospital care, medical services, and other health care from the Department of Veterans Affairs, and improve accountability of employees responsible for long wait times for such appointments.

S. 2419, (*Official title yet to be released*). Introduced by Senator Patrick Toomey (R-PA), the bill would protect America's Veterans from dishonesty and malfeasance in the delivery of medical services and to hold the Department of Veterans Affairs accountable to those they serve.

S. 2413, Restoring Veterans Trust Act of 2014. Introduced by Senator Bernie Sanders (I-VT), the bill would improve the provision of medical services and benefits to Veterans by giving the VA authority to immediately remove senior executives based on poor job performance, provide Veterans who can't get timely appointments with VA doctors the option of going to community health centers, military hospitals or private doctors and authorize emergency funding to hire new doctors, nurses and other providers in order to address system-wide health care provider shortages.

S. 2404, The Foreclosure Relief and Extension for Servicemembers Act of 2014. Introduced by Senator Sheldon Whitehouse (D-RI), the bill would make permanent the extended period of protections for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction.

S. 2396, Veteran Entrepreneurship and Training (VET) Opportunities Act of 2014. Introduced by Senator Mark Pryor (D-AR), the bill would establish the Veterans' Business Outreach Center program, to improve the programs for Veterans of the Small Business Administration.

S. 2393, (Official title yet to be released). Introduced by Senator Mark Pryor (D-AR), the bill would amend Title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services.

H.R. 4793, (Official title yet to be released). Introduced by Representative Patrick Murphy (D-FL-18), the bill would amend Title 38, United States Code, to include the cost of applying to an institution of higher learning as part of the benefits provided under the Post-9/11 Educational Assistance Program.

H.R. 4779, Veterans Need Timely Access to Care Act. Introduced by Representative Jeff Denham (R-CA-10), the bill would amend Title 38, United States Code, to ensure that veterans who experience extended waiting times for appointments at medical facilities of the Department of Veterans Affairs may receive care at non-Department facilities.

H.R. 4760, Veterans' Health Care Flexibility Act. Introduced by Representative Reid Ribble (R-WI-08), the bill would amend Title 38, United States Code, to improve the ability of Veterans to receive health care at private medical facilities.

H.R. 4759, Vets Health ID Act. Introduced by Representative Frank LoBiondo (R-NJ-02), the bill would direct the Secretary of Veterans Affairs to carry out a pilot program under which eligible Veterans may elect to receive hospital care and medical services at non-Department of Veterans Affairs facilities.

H.R. 4741, Surviving Spouses' Benefit Improvement Act of 2014. Introduced by Representative John Tierney (D-MA-06), the bill would amend Title 38, United States Code, to provide for an increase in the amount of monthly dependency and indemnity compensation payable to surviving spouses by the Secretary of Veterans Affairs.

In the advocacy section of the website, you can click on [Bills of Interest](#) to get daily revisions on Congressional action for all AUSN priority bills. We STRONGLY encourage you all to visit our [Advocacy](#) page, especially the [Capitol Hill Blog](#) which receives almost daily submissions when Congress is in session to see what AUSN is doing for you on Capitol Hill.

We also encourage you and your friends and family to visit the [AUSN FACEBOOK PAGE](#). If you have an account, please Login and "Like" us, which will allow you to see our [TWITTER](#) feeds and other updates from AUSN that shows us monitoring Capitol Hill on your behalf!

NEW LEGISLATIVE ALERTS

There was one new Legislative Alert sent this week based on hearings and interaction with Congressional staff, as well as traction on the issue. When these alerts are sent to your email, please click on the **TAKE ACTION** link that is at the top of the alert email to send a letter response to your Members of Congress. If you have not seen them, please go to the [Legislative Alerts](#) section on the AUSN webpage and/or check your e-mail for the following alerts which were titled:

Legislative Alert #113-43: SUPPORT H.R. 4504 & S. 2357, Department of Defense Suicide Tracking Act of 2014

NEXT WEEK OUTLOOK

Next week, both the House and the Senate will be back in session. Hearings will be held by the House Veterans' Affairs Committee, Subcommittee on Oversight regarding continued oversight of the Department of Veterans Affairs (VA) as well as by the House Veterans' Affairs Committee, Subcommittee on Economic Opportunity on Transition Assistance Programs (TAP) for returning servicemembers. In addition, the House Appropriations Committee will hold its Full Committee markup of the Fiscal Year 2015 (FY15) Defense Appropriations bill. Finally, AUSN will continue to be working on posting the analysis of the various bills making their way through each chamber in the coming days in our analysis section of our website.

QUESTIONS/COMMENTS/CONCERNS

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