

# HVAC OI Pending Legislation

Mar 30, 2022

Statement of

Patrick Murray, Director

National Legislative Service

Veterans of Foreign Wars of the United States

Before The

United States House of Representatives

Committee on Veterans' Affairs

Subcommittee on Oversight and Investigations

With Respect To

**Pending Legislation**

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Chairman Pappas, Ranking Member Mann, and members of the subcommittee, 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 legislation pending before this subcommittee.

### **H.R. 5776, Serving Our LGBTQ Veterans Act, and Discussion Draft, Improving VA Inclusion, Diversity, Equity, and Access Act**

The VFW supports these bills to establish an Office of Diversity and Inclusion and a Center for Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Veterans. Different veterans have different needs, especially when it comes to health care. Veteran organizations can advocate for specific changes that we may deem necessary, but having someone working inside the Department of Veterans Affairs (VA) who can focus on and champion those efforts is critical to ensuring success.

A VA entity that can make specific health recommendations, promote the use of benefits, and identify gaps in services for LGBTQ veterans is an important addition that will help make sure VA is fully taking care of all who have borne the battle. Additionally, ensuring there are adequate resources set aside for an Office of Diversity and a Center for LGBTQ Veterans will ensure the success of each entity. The diversity of our armed forces is one of its strengths and it remains the same for our veteran community. These are strengths that we should continue to recognize and amplify their importance with these additions to VA.

### **H.R. 6052, VA OIG Training Act**

The VFW supports this proposal to require each Department employee to receive training developed by the VA Office of Inspector General (OIG) for the reporting of wrongdoing, responding to requests, and cooperating with the OIG. The VFW believes the OIG performs a critical role in overseeing and investigating the practices of VA, and a vital

component of this role is employee input. Training the employees on the role, responsibilities, and legal authority of the Inspector General and the duty of employees for engaging with the OIG is important to accomplishing its mission.

This training would also empower the employees to identify the circumstances and mechanisms for reporting fraud, waste, and abuse, including making confidential complaints. It would help protect the men and women who help our service members, veterans, and families, every single day.

The VFW also believes any OIG proposals should include providing the OIG testimonial subpoena authority because the OIG performs a critical role in overseeing and investigating the practices of VA. In December 2020, the VA OIG produced a report titled *Senior VA Officials' Response to a Veteran's Sexual Assault Allegations*. In this report, the OIG stated, "The OIG's investigation was hindered by the refusal of several senior VA officials to cooperate with requests for follow-up interviews to clarify and resolve conflicts that arose when additional information was gathered after their initial interviews." Although authorized by statute and regulation to require VA employees to testify in its investigations, the OIG lacks independent authority to compel Department staff to appear for interviews. It depends on the cooperation of VA officials to hold employees accountable for meeting their obligations to cooperate in an investigation. This addition to this proposal would strengthen OIG's authority to subpoena certain individuals in order to properly perform its charged duties. This change would allow for OIG to ensure full completion of its critical role.

This change is especially timely considering the OIG filed a report just last week that detailed the challenges in completing its assigned duties due to lack of subpoena authority. VA's OIG was unable to examine the full scope of alleged ethics violations between a VA senior executive and the higher education advocacy group Veterans Education Success. Throughout the report were numerous mentions of the now-former VA employee and the president of the higher education advocacy group refusing to speak with the OIG. The OIGs of the Departments of Defense, Homeland Security, and Health and Human Services all have subpoena authority. This latest report further amplifies the need for VA's OIG to have authorities similar to other government agencies.

**H.R. 6638, To amend title 38, United States Code, to make certain improvements to the Office of Accountability and Whistleblower Protection of**

## **the Department of Veterans Affairs, and for other purposes**

The VFW supports this proposal to make certain improvements to the Office of Accountability and Whistleblower Protection (OAWP) of the Department of Veterans Affairs. The VFW strongly supported *the Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017* because we believed in order to properly serve our veterans, VA employees needed outlets and protections to identify and shield themselves when reporting fraud, waste, and abuse. Since the OAWP was established, there have been varying reports of the overall effectiveness of this office. This proposal would help make improvements to the OAWP to ensure it can perform its critical role to the fullest capabilities.

### **Discussion Draft, Faster Payments to Veterans' Survivors Act**

The VFW supports this proposal to help identify, locate, and pay hard-to-find survivors and beneficiaries, and to speed up the process through which beneficiaries are paid the funds they are due. We believe this proposal would help place undistributed funds of deceased veterans into the hands of family members in a faster and more efficient manner. Eligible beneficiaries should not have to wait long periods of time to recoup money that is deservedly theirs. We also are encouraged with the provision to provide outreach and information regarding this process. Far too many veterans are unaware of the Unclaimed Funds search tool, and this proposal would help improve awareness.

### **Discussion Draft, Improving Oversight of the Veterans Community Care Providers Act**

The VFW supports this proposal to improve the methods by which the Secretary of Veterans Affairs identifies health care providers that are not eligible to participate in the Veterans Community Care Program. The VFW believes community care is an incredibly important supplement to care provided through VA. Care at VA facilities and veterans care in the community are all critical forms of veteran care. We support robust oversight of the Veterans Community Care Program to ensure veterans who receive treatment in the community still receive world-class care.

## **Discussion Draft, VA Preventing Duplicate Payments Act**

The VFW supports this proposal to detect and prevent duplicate payments for the same medical services. We believe this is good governance of federal funds to ensure the Departments of Veterans Affairs, Defense, and Health and Human Services are not paying multiple times for the same services. Interagency cooperation should lead to more efficient spending and savings of taxpayer dollars.

## **Discussion Draft, Improving VA Workforce Diversity Through Minority-serving Institutions Act**

The VFW supports this proposal to direct the Secretary of Veterans Affairs to develop an employee recruitment strategy that includes partnering with minority-serving institutions to expand the diverse workforce of VA. Providers who are representative of the veterans they serve can facilitate a welcoming reception, specific health benefits, and positive emotional outcomes.

Recently, a black VFW Post Commander shared a story about using a medical provider search app to find a provider. One of the qualities he looked for was the race of the provider. He explained it was because he was looking for a comfort level and specific type of understanding that a medical provider with a similar background could provide.

Black veterans make up the second-highest percentage of veterans according to the Pew Research Center. This percentage is expected to increase to nearly fifteen percent of the total veteran population in the next two decades. Conversely, black physicians make up less than five percent, which is the fifth-largest cohort of medical providers in this category. The number of black doctors is not representative of the number of black veterans.

The VFW supports this proposal to partner with certain institutions to provide pathways to employment within VA. While we highlighted some possible benefits of medical providers

being representative of the veterans they serve, this proposal could help attract high-quality individuals in other fields to work at the Department of Veterans Affairs as well.

**Discussion Draft, To direct the Secretary of Veterans Affairs to establish a centralized database for demographic data and to improve the collection of demographic data of beneficiaries of the Department of Veterans Affairs**

The VFW supports this proposal to identify and collect certain demographic data of veterans utilizing VA care and benefits. The VFW believes detailed data collection and transparency of which specific veterans are affected by which specific issues will help determine how we should focus resources and attention in the future.

The *VA 2021 National Veteran Suicide Prevention Annual Report* acknowledges progress, identifying areas where the most recent picture of veteran suicide demonstrates statistical improvement. Though this should be lauded as a positive step, the VFW remains concerned that we do not have the complete picture of how this change occurred. The report, which has been issued by VA since 2014, continues to contemplate only the trends among veterans who either engaged with the Veterans Health Administration (VHA) within the past year or veterans who did not, which in our opinion seemingly presents veteran suicide as simply a crisis of health care and specifically a crisis of mental health. For years, the VFW has insisted that VA must stop viewing suicide simply as a mental health crisis and instead seek to better understand the underlying causes. While VA has done some research in this regard, the annual report continues to ignore the full scope of engagement that a veteran may have with VA, which includes every program under the purview of the Veterans Benefits Administration (VBA) as well.

The report in its current form does not capture social determinants of health, which VA's research indicates are often better predictors of suicide or suicidal ideation. Many VBA programs like disability compensation, GI Bill, or home loan guaranty are facets of critical social determinants of health such as steady income, workforce skill attainment, and stable housing. The VFW believes that VBA has significant data regarding recipients of these benefit programs and that VA should easily be able to cross-reference this data as it already has with VHA and now the National Cemetery Administration to produce the annual suicide prevention report.

We explained this shortcoming in recent conversations with VA. While we believe that community-centered engagements have changed the discourse in the veterans community on mental wellness—like the VFW's work with our partner Give an Hour on the Campaign to Change Direction—we are only speculating at this point that this works. The VFW believes this proposal would help collect and identify important demographic data to help VA better understand social determinates of health among its constituent population, better evaluate health equity across VA programs beyond merely VHA, and shape the path forward in suicide prevention efforts. Having a better understanding of the veteran population utilizing VA care and benefits would help better inform how and where to direct resources.

Additionally, besides helping shape suicide prevention efforts, we believe this proposal would help improve health outcomes for certain veterans using VA health care. According to the United States Government Accountability Office (GAO) October 2020 report titled *Better Data Needed to Assess the Health Outcomes of Lesbian, Gay, Bisexual, and Transgender Veterans*, VA's electronic health record lacks the standardized field for health care professionals to record a veteran's sexual orientation or self-identified gender identity. Until this is corrected, inconsistent data hinders proper and inclusive research. Also, excluding a veteran's sexual orientation or self-identified gender identity may affect a health care provider's ability to provide appropriate care.

Racial and ethnic disparities can also affect veterans' health care outcomes. According to the GAO report titled *Opportunities Exist for VA to Better Identify and Address Racial and Ethnic Disparities*, VA's action plan and advancing health equity is lacking performance measures and accountability.

Understanding a veteran's race and ethnicity can help health care providers address specific health care concerns for which the veteran may be at a higher risk. The VFW believes that VA should adopt a culture of trust and action to achieve positive health outcomes for minority veterans. To begin this process, VHA must first consistently collect the correct race, ethnicity, and sexual orientation data in the electronic health record system. Collecting basic demographic information is the first step in understanding the needs of a diverse veteran population. As the population of minority veterans continues to grow, VA must adapt to meet the need to access both benefits and health care services. Women, LGBTQ, and racial and ethnic minority veterans face barriers and challenges across different life domains. In 2014, less than a quarter of the total veteran population were minorities. This number is expected to increase to 35.7 percent in 2040.



While the number of minority veterans increases, so does their use of VBA benefits. In its 2018 annual report, the VA Advisory Committee on Minority Veterans recommended that VBA publish a report to identify and address potential award disparities in racial and ethnic groups. VA concurred with the recommendation in principle and stated that VBA data continues to have significant issues and voids, and that VA will continue to assess the available data but a statistically valid report would not be achievable. This legislation would provide valuable information to recognize and address potential disparities, identify improvement areas within VBA, and assist facilities with better data collection practices. Until this is corrected, the lack of data and inconsistency hinders proper and inclusive data, which could benefit all veterans and their families.

Although the VFW supports this draft proposal, we have a suggestion to improve it. H.R. 5295, *Every Veteran Counts Act of 2021*, seeks to collect data regarding the entire veteran population. This draft proposal seeks to collect data regarding veterans utilizing VA. We believe that these two efforts are complementary and should be combined to gain a full understanding of those veterans using VA, and those who are not. With this information, we can begin to identify gaps in care and direct resources toward those veterans who may need it the most.

### **Discussion Draft, To authorize the Secretary of Veterans Affairs to carry out an information technology system to manage supply chains for medical facilities of the Department of Veterans Affairs**

The VFW supports this proposal to modernize and update the Department of Veterans Affairs supply chain management system. VA needs to upgrade its supply chain management system in order to fully perform its critical mission. Recent attempts at modernizing have fallen short of expectations and according to the OIG, the Defense Medical Logistics Standard Support system did not meet more than forty percent of high-priority business needs that were deemed essential for that type of system. The men and women who serve our nation's veterans at VA need to be armed with the best tools available so they can properly perform their jobs. Having the necessary goods and supplies to perform these jobs is a must. A serious upgrade to the system is needed and the VFW hopes this proposal is a step toward ensuring efficient delivery of much-needed VA supplies to the employees.



Chairman Pappas, Ranking Member Mann, this concludes my testimony. I am prepared to answer any questions you may have.

**Information Required by Rule XI2(g)(4) of the House of Representatives**

Pursuant to Rule XI2(g)(4) of the House of Representatives, the VFW has not received any federal grants in Fiscal Year 2022, nor has it received any federal grants in the two previous Fiscal Years.

The VFW has not received payments or contracts from any foreign governments in the current year or preceding two calendar years.