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LEGISLATIVE HEARING ON H.R. 6452; H.R. 6531; H.R. 6538; H.R. 6874; H.R. 6947; H.R. 7342; H.R. XXXX; H.R. XXXX; AND H.R. XXXX

HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

OF THE

COMMITTEE ON VETERANS' AFFAIRS

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

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THURSDAY, MARCH 21, 2024

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
COMMITTEE ON VETERANS' AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

The subcommittee met, pursuant to notice, at 5:22 p.m., in room 360, Cannon House Office Building, Hon. Jen Kiggans [chairwoman of the subcommittee] presiding.

Present: Representatives Kiggans, Radewagen, Rosendale, Mrvan, Landsman, and Pappas.

Also present: Representatives Franklin, Stefanik, Valadeo.

OPENING STATEMENT OF JENNIFER A. KIGGANS, CHAIRWOMAN

Ms. KIGGANS. Good afternoon. Thank you to our witnesses for being here today. I would like to thank the members who have sponsored bills on today's agenda who will be joining us.

Before we proceed further I ask unanimous consent for Representatives Greg Landsman, Chairwoman Elise Stefanik, Representative Scott Franklin, and Representative David Valadao to participate in this hearing.

The purpose of this hearing is to learn from stakeholders with expertise on each of these proposals so that we can make informed decisions about whether to move this legislation forward to improve the delivery of services at the Department of Veterans Affairs (VA).

The invaluable insight provided by these members, stakeholders and agencies is essential to the work of this subcommittee.

In today's hearing we will examine a variety of bills including bills that impact the VA's accessibility, pay and accountability.

The agenda includes the Veterans Scam and Fraud Evasion Act, sponsored by Chairwoman Stefanik which would codify an office much needed to fight against scammers who target veterans, the VA Correct Compensation Act sponsored by Ranking Member Takano, which would attempt to ensure bureaucracy does not get in the way of paying medical professionals what they are legally owed, the Veterans Accessibility Advisory Committee Act sponsored by Representative Valadao, which would ensure veterans with disabilities have a seat at the decision-making table, and the VA Political Performance Disclosure Act sponsored by General Bergman,

which would ensure our committee has full oversight of VA political appointee performance.

I am eager to hear more from our members and witnesses about these bills and I want to thank our witnesses again for being here today and I look forward to our discussion.

Now I recognize Ranking Member Mrvan for his opening remarks.

OPENING STATEMENT OF FRANK J. MRVAN, RANKING MEMBER

Mr. MRVAN. Thank you, Chair Kiggans. I am pleased that the subcommittee is considering several pieces of key legislation that will take steps toward ensuring that the VA workforce is supported and has the tools they need to provide world-class care our veterans.

Today we are considering H.R. 6538, the VA Correct Compensation Act of 2023, a bill championed by Ranking Member and full committee Congressman Takano. I am proud to cosponsor this important piece of bipartisan legislation.

This bill protects Title 38 VA employees' right to collectively bargain over issues with their pay. For instance, currently if a Title 38 VA nurse works overtime and that overtime is not reflected on their paystub the VA can limit that nurse's ability to grieve that error through the bargaining unit.

The VA Correct Compensation Act is a critical tool to help with employee retention. Employees know they have the path to be made whole when there is an issue with the compensation.

For years we have been hearing from Title 38 nurses and other critical medical center staff about how they are denied the collective bargaining rights that their Federal health care worker counterparts are afforded under the law.

The last Congress, we came together to pass the VA Employees Fairness Act out of the House of Representatives. That bill addresses the limits the Secretary's authority to deny collective bargaining and grievance right for Title 38 VA medical professionals, including the employees who care for our veterans every day like Registered Nurses (RN) and Certified Registered Nurse Anesthetist (CRNA), physicians and physician assistants, dentists and more.

Currently these frontline employees are prevented from raising grievances about issues such as professional training and patient safety policies that undermine patient care.

There is still substantive policy disagreements among Members of Congress as to fixing this issue but I look forward to working with Ranking Member Takano to reintroduce the VA Employee Fairness Act soon and restore full collective bargaining rights for the VA Title 38 health care professionals.

In the meantime, the VA Correct Compensation Act is an opportunity to make a bipartisan meaningful impact on union rights for VA medical professionals in the near term.

What the VA Correct Compensation Act does is simple but incredibly important. This bill ensures there is a fair process that Title 38 VA employees can access to make them whole when there is an error in their pay. I appreciate the work done thus far from

our union partners on this bill as well as the support of the Veterans Service Organizations (VSO).

This bill is endorsed by the Service Employees International Union (SEIU), National Federation of Federal Employees (NFFE), the American Federation of State, County and Municipal Employees (AFSCME), the American Association of Nurses, and the Senior Executive Association.

I would like to specifically thank the American Federation of Government Employees or the AFGE for their support and continued partnership with our committee to bring us issues and solutions to those issues the VA employees face.

I would like to extend a warm welcome to Ms. Joycelyn Westbrooks, who is representative the AFGE today. Ms. Westbrooks has served as a registered nurse for the VA for 40 years. Thank you for caring for our veterans, thank you for advocating for your fellow VA staff and thank you for being here.

Throughout the AFGE's testimony we will hear that unfortunately errors in employee pay at the VA is a common problem and one that has affected far too many of their dedicated health professionals.

In many instances VA has miscalculated or failed to pay staff for overtime, holiday work, or weekend shifts. In some cases, it has taken months for VA to get those employees the pay they have earned and are rightly owed.

It is easy to imagine how errors in pay can affect an employee's livelihood and their morale. The VA Correct Compensation Act rectifies this inequity and I hope to see in advance—see it advance through this committee as soon as possible.

I am also glad we are considering H.R. 6531, the Train VA Employees Act, introduced by former chairman of this subcommittee, Representative Pappas. This bill will—would improve the substandard management—the sub-standardized management training to all levels of supervisors and executives across VA, one of the core deficiencies my staff identified throughout this committee's investigation into sexual harassment at VA.

I am proud to cosponsor the Train VA Employees Act and look forward to improving the text based on some of the testimony we received for this hearing. This committee has always held VA to the highest standard for the quality of care for veterans and should receive.

We must also push VA to provide these same standards for the quality of work of the workforce and environment of the workplace. VA employees, many of whom are veterans as well deserve these rights and resources. The VA Correct Compensation Act and the Train VA Employees Act are steps in the right direction.

As our recent joint VSO hearings highlighted education is a vital step in ensuring veterans and their families are aware of the resources available to them at the VA.

The Veterans Affairs Centennial and Heritage Act of 2024, H.R. 6947, is a step in the right direction as it creates a VA history office in Dayton, Ohio.

This bipartisan bill is cosponsored by my committee colleague, Representative Greg Landsman and would provide an outlet to rec-

ognize the critical work of VA and its employees over the last 100 years.

I want to mention my concerns with H.R. 7734, the Required Notation Investigation and Personnel File Act. This bill would completely evade due process by requiring VA to annotate the personnel paperwork for employees who resign from their position amid an investigation before the investigation concludes and findings are made.

By statute, VA is already required as all Federal agencies to permanently annotate a former employee's personnel file if that person leaves their position while under investigation and that investigation results in adverse findings. The current U.S. code also affords these former employees' appeal right as due process requires.

It is unclear to me why this bill takes such an extreme approach that would duplicate existing law and add language that would likely result in years of litigation. Chair Kiggans, I hope our staffs can work together to address policy concerns with these pieces of legislation. I hope can advance the other bipartisan bills we will consider today.

I yield back.

Ms. KIGGANS. Thank you, Ranking Member Mrvan. Before we get to testimony I will introduce the witnesses on today's panel.

On today's panel representing the Department of Veterans Affairs we have Mr. John Boerstler, VA's chief veterans experience officer. He is accompanied by Ms. Tracey Therit, VA's chief human capital officer, Mr. David Perry, chief officer for workforce management and consulting within the VA's Veteran Health Administration and Mr. Charles Worthington, chief technology officer for the VA's Office of Information Technology.

Also, on our panel representing the America Federation of Government Employees we have Registered Nurse Joycelyn Westbrooks who is both the Secretary and Treasurer for AFGE Local 1633.

I will ask the witnesses in our panel to please stand and raise your right hand to be sworn in.

[Witnesses sworn.]

Thank you. Let the record reflect that all witnesses answered in the affirmative. You may be seated.

Mr. Boerstler, we will start with you. You are recognized for 5 minutes to provide your testimony.

STATEMENT OF JOHN BOERSTLER

Mr. BOERSTLER. Well good afternoon and howdy. Thank you, Chairwoman Kiggans, Ranking Member Mrvan, and members of the committee. I appreciate the opportunity to represent the Department of Veterans Affairs and appear before you today to discuss these 9 bills.

I am accompanied today by Ms. Tracey Therit, chief human capital officer, Human Resources and Administration/Operations, Security, and Preparedness, Mr. David Perry, chief officer workforce management and consulting, Veterans Health Administration, and Mr. Charles Worthington, chief technology officer, Office of Information Technology.

We have provided detailed comments in the full testimony to include areas of support and concern noting certain provisions that could benefit from certain—from some clarification or amendment. We are thankful for your time today and look forward to working with the committee on these important bills.

VA supports H.R. 6452 with amendments and subject to the availability of appropriations. This bill compliments the Veteran Scam and Fraud Evasion or VSAFE task force, an administration—which is an administration initiative launched in December 2023. Our suggest, our suggested amendment would support standing up a VSAFE office versus the creation of just one VSAFE officer billet.

In line with H.R. 6452, VA announced our Fiscal Year 2025 legislative proposal that seeks to codify the larger Veterans Experience Office, otherwise known as VEO, within which the VSAFE program operates.

Codifying VEO permanently within statute would ensure that the veteran has a voice in policy formation and the decision-making process permanently. VA supports H.R. 6531, the Train VA Employees Act subject to amendments and availability of appropriations.

VA cites concerns with H.R. 6538, the VA Correct Compensation Act of 2023, but would be happy to work with the committee on an alternative approach that would require VA to establish an internal process whereby Title 38 employees could pursue allegations of compensation errors in violation of the law, rule, regulation, or policy outside the scope of collective bargaining.

VA appreciates the intent of H.R. 6874, the VA Web Act, but cites concerns. While VA supports the intent of this bill, we believe that many have—many performance accountability mechanisms are in place already and that the types of system monitoring required by the bill are a natural part of software development.

We are concerned with the implications of some of the bill's definition and reporting requirements which are discussed further in our written testimony.

VA supports H.R. 6947, subject to the availability of appropriations. This bill could codify VA's establishment of a history office and provide clear authorities and statute that advance VA's effort to preserve its history formally to this office.

VA does not support H.R. 7342, the Veterans Accessibility Advisory Committee Act of 2024. We believe this effort is duplicative of the efforts of numerous existing VA advisory committees. VA would welcome the opportunity to work with the committee to determine how we would address Congress's underlying concerns in the existing Federal advisory committees.

VA supports the draft VA Medical Center weapons detection technology bill which would authorize the Secretary to carry out a pilot program to use weapon detection technology at the primary entrance of VA medical centers subject to the availability of appropriation.

The VA supports the draft Required Notation of Investigation in Personnel Record File Act if amended and subject to appropriations. The bill would require a notation in the personnel record file of VA employees who resign from government employment prior to the resolution of associated personnel investigation.

Our suggested amendments would seek to clarify and conform which employees are covered by the bill and to ensure that the required due process and appeal rights are afforded.

Last, VA does not support the draft Reporting Performance Plans for VA Political Appointees Act, which would require the blanket submission of political appointee performance plans.

VA administers a performance management system that holds all political appointees accountable for individual and organizational performance. We are concerned with this bill's exclusive focus on political appointees as well as the challenge of balancing accountability with the confidentiality of personnel records. We welcome the ability to have further discussions with Congress to meet your needs while balancing these requirements.

The Department of Veterans Affairs remains steadfast in our commitment to keep veterans and their families at the center of everything we do. Thank you all for the opportunity to discuss the legislation before the committee. We look forward to working with you and to addressing any questions you may have.

[THE PREPARED STATEMENT OF JOHN BOERSTLER APPEARS IN THE APPENDIX]

Ms. KIGGANS. Thank you, Mr. Boerstler.

The written statement of Mr. Boerstler will be entered into the hearing record. Ms. Westbrooks, you are now recognized for 5 minutes to provide your testimony.

STATEMENT OF JOYCELYN WESTBROOKS

Ms. WESTBROOKS. Good afternoon, Chairwoman Kiggans, Ranking Member Mrvan, and members of the subcommittee, thank you for inviting AFGE to today's hearing. My name is Joycelyn Westbrooks and I am the secretary-treasurer for AFGE Local 1633 at the Michael E. DeBakey VA Medical Center in Houston, Texas.

For the past 40 years I have had the honor of serving our Nation's veterans as a registered nurse at the VA, the Nation's best healthcare system. On behalf of AFGE and its national VA council representing over 300,000 VA employees including 75,000 Title 38 employees, I am here today to strongly endorse H.R. 6538, the VA Correct Compensation Act, or VACCA. This bipartisan bill is also endorsed by our sister unions NFFE, SEIU, and AFSCME, as well as the nurse anesthetists and our VSO partners, Disabled American Veterans (DAV), Paralyzed Veterans of America (PVA), and the American Legion.

The legislation will limit the agency's power to deny grievances challenging routine payroll errors affecting Title 38 clinicians. Since the enactment of 7422 in 1991, the VA has used this authority to deny grievances related to the establishment, determination, or adjustment of employee compensation.

For years, this committee has examined ways to amend 7422 including the VA Employee Fairness Act. I raised this bill because through spirited debate a census—consensus emerged that the VA has misused its authority under 7422 to routinely not pay payroll errors.

Chairman Bost and Ranking Member Takano have built on that common ground and crafted a bill that we can enact this Congress. The fruit of that labor is VACC, a technical correction to the 7422

statute that defines the compensation exception in 7422 and explicitly prevents the VA from denying grievances contesting that a covered employee has received a correct compensation as required by law, rule, regulation, or binding agreement.

This commonsense bill will allow employees to file a grievance and have a fair process to make themselves whole. Unfortunately, payroll errors are a common problem at the VA.

Too often the VA fails to accurately calculate if a covered employee worked overtime, the night shift, weekend shift or holiday. If the affected employee is a Title 38 hybrid, that employee could easily file a grievance and receive the money they are owed under the law.

However, if an employee is a pure Title 38 employee the VA threatens and does invoke 7422 to deny the grievance with the employee losing the ability to receive the compensation they are rightfully owed.

In practice that means that an RN does not have the rights as an Licensed Practical Nurse (LPN), an optometrist does not have the same rights an audiologist, and a psychiatrist does not have the same rights as psychologist. Beyond this inequality over 30 years the VA's use of this authority has discouraged employees from even filing grievances to correct their pay and that harms retention.

A clear example of this arises from the Asheville, North Carolina VA where AFGE filed a grievance on behalf of the nurses claiming the VA failed to pay the nurses night differential and weekend pay. An arbitrator ruled in favor of AFGE but the VA refused to pay citing 7422. The undersecretary for health reaffirmed its use of 7422 denying the grievance.

In 2007 the VA failed to accurately pay for overtime in Buffalo, New York. The VA chose nurse practitioners to work eight Saturdays to address a backlog. That year United American Nurses (UAN) and National Nurses United (NNU) filed a grievance alleging that management owed the employees Saturday premium pay in addition to the overtime pay. The VA invoked 7422 denying the grievances.

Beyond these examples I want to share why this bill hits home for me. My dad was a decorated Army veteran. He passed away at 52 from cancer. My family and I forever appreciate the VA for the instrumental part it played in his final days. When my dad needed more intensive care then could be provided locally, they VA airlifted him to a regional hospital to receive that care. Those nurses and doctors who cared for him are our sheroes and heroes.

Title 38 staff in VA hospitals across America are answering the call for so many families in meeting the demands and needs of our veterans. We have a basic responsibility to correctly compensate these providers as we do other staff. Congress never intended for 7422 to permit the VA to deny grievance over routine payroll errors and unlawfully without the compensation due to its employees.

When I grew up you pay people what they are owed for an honest day's work. This is not Democratic or Republican, but American, and not complicated, but common sense. By passing the VA Correct Compensation Act, Congress can prevent problems and

force the VA to pay Title 38 clinicians what they are owed under law. Thank you and I am happy to answer any questions.

[THE PREPARED STATEMENT OF JOYCELYN WESTBROOKS APPEARS IN THE APPENDIX]

Ms. KIGGANS. Thank you, Ms. Westbrooks.

The written statement of Ms. Westbrooks will be entered into the hearing record.

We will now turn to questions and I yielded to Chairwoman Stefanik 5 minutes.

Ms. STEFANIK. Thank you, Chairwoman Kiggans, for the opportunity to join the VA committee today for this important legislative hearing and while I do not serve on this committee, this hearing as all VA hearings are critical for veterans both across my district in New York 21, home to the largest number of veterans in New York State and across this country.

My bill is one of the bills under discussion today and it addresses a matter that affects all of our Nation's veterans, the rise of fraud and scams targeting those who have bravely served our country. The statistics are staggering and we have worked with many constituents who have faced these frauds and scams.

According to the Federal Trade Commission (FTC), over 74,000 military retirees and veterans reported instances of fraud or identify theft in 2023 alone, resulting a collective loss of 350 million hard-earned dollars. These scams came in various forms including fake debt collectors, credit card fraud, benefits fraud, and fake job opportunities just to name a few.

Criminals often exploit veterans trust by impersonating government officials or representatives of well-known financial institutions making it difficult for our veterans to discern the truth from deceit. We must act to better protect our veterans against these malicious actors.

That is why I introduced the bipartisan Veterans Scam and Fraud Evasion Act knows as the VSAFE Act. I appreciate those supportive comments, Mr. Boerstler. This significant bill aims to permanently establish an office within the VA dedicated to leading all fraud prevention efforts.

Currently the VA lacks a centralized approach codified in law to combat fraud with various offices operating in a decentralized manner. My VSAFE Act bill will rectify this by providing oversight and coordination of all fraud prevention efforts within the VA ensuring these activities are coordinated across the entire department.

My bipartisan bill, H.R. 6452, the VSAFE Act represents a crucial step toward safeguarding our Nation's veterans from fraudulent activities by codifying into law a dedicated organization within the VA and fostering collaboration across government agencies. We can and we will better protect those who have sacrificed so much for our country.

I thank the Chair for holding this hearing and I urge my colleagues to support this bipartisan bill as we work it through the legislative process through the committee and on the floor.

My question is for you, Mr. Boerstler. Can you tell me why the VSAFE Act that I have introduced, why it is important to have a one stop shop for veterans where they can go to in times of crisis as they are facing this unprecedented threat of frauds and scams?

Mr. BOERSTLER. Well yes, and thank you, Congresswoman, for your support and for introducing the bill. I think it is incredibly important and for many different reasons and the $350 million metric you mentioned a second ago, that is just what has gone reported. We have no idea how many more millions have impacted our military, our veterans and——

Ms. STEFANIK. Good point.

Mr. BOERSTLER [continuing]. families. We do need a centralized effort here not only within the Department of Veterans Affairs but within the broader Federal landscape because there are many different agencies that have enforcement authorities and reporting authorities and we want that one central phone number for veterans and their families to call, one website to go to so that they cannot only identify ways to protect themselves against different scam and fraud efforts but also report these efforts so that we can track them down and prevent it from happening to other veterans and families.

Ms. STEFANIK. Well thank you. Thank you for your support of the legislation. I know you have some recommendations from the VA. We look forward to working with you on some of those recommendations as we move this process forward. With that I yield back.

Ms. KIGGANS. Thank you, Chairwoman Stefanik. I will now yield myself 5 minutes for questions.

Mr. Boerstler, this question is for you. As a geriatric nurse practitioner, it was not uncommon for me to hear about patients and veterans who were targeted by fraudsters and it was very stressful for these guys. They had a hard time using computers anyway or using their phones or tablets and when they were victim to a—either a phone call or something that appeared on their, on their computer it was very stressful and often times resulted in the loss of a lot of money and an invasion of their privacy.

How will the VSAFE office, which I am very excited about and very supportive of specifically combat fraud against older veterans and how will you be able to get that message of what you are offering in that office, you know, to your patients and to our veterans?

Mr. BOERSTLER. Well, thank you, Chairwoman, and especially our elderly veterans and their families are being specifically targeted by many of these predatory actors and we have identified many different types of pension poaching or identity theft or romance schemes that have specifically targeting them.

What we are planning to do and we are already doing is not only identifying which offices can provide more information to these individuals but more specifically reach out in the channels that are available to us via letter, via phone call, via text message, via email, however we can it in the hands of our veterans and their caregivers and families.

It is critically important that they know not only as I mentioned a second ago how to identify these types of scam and predatory actors and attempts but where to report, to which Federal agency has which—has jurisdiction and they should not have to figure that out themselves. We should make it much easier for them.

I think the VA and having VA.gov especially as a, as a trusted website that veterans already go to and 1–800-MYVA411 is a trust-

ed number for veterans to call and their families to call. We want to be that coordination entity and help our Federal partners in engaging and protecting more veterans.

Ms. KIGGANS. Thank you. A good PR campaign enlisting local media and let us know how we can help spread that word so they know that resource is available to them too.

Mr. BOERSTLER. Thank you.

Ms. KIGGANS. For me living in the Commonwealth of Virginia and representing Virginia Beach, we have so much great history especially in the Commonwealth and I am a history buff. I am also the wife of an Ohio Navy veteran, so I am very excited the VA is planning to preserve our Nation's history in Ohio. Mr. Boerstler, how does the VA's history office plan to collect and preserve artifacts?

Mr. BOERSTLER. We are—we have done a tremendous amount in the past many years of collecting and preserving artifacts and I think we have bolstered those efforts with the VA history office in particular by hiring folks that have these specific skillsets and to really bring it up to par to other Federal agencies and their permanent, permanent history offices.

I think the fact that the museum itself will be eventually located on campus at the Dayton, Ohio VA Medical Center, and it, throughout its history is one of the National Old Soldiers homes is incredibly important and so the—Mike Visconage and the VA History Office team has already done a great job to collect and identify these artifacts.

More importantly preserve them for future generations of not only veterans but Americans and I think and it cannot be understated how important this is for employee experience, for us as VA employees and the many, many hundreds of thousands who serve our veterans and families can see themselves reflected in this effort.

Ms. KIGGANS. Very much so. When I worked at the VA hospital in Hampton, Virginia for a short time I remember on my lunchbreak I would go to the front to—we had a very old part of the hospital was a Civil War hospital and they had a very small, just a museum but it was fascinating to see the pictures and to recognize the different parts of the hospital that were still there and to have that history preserved. Thank you very much for preserving that for us.

Mrs. Therit, as chairwoman of the subcommittee I witnessed instances where VA employees have prioritized politics over serving our veterans. How is the Department making sure that political appointees annual performance plans keep them accountable to the veterans they serve and keeps hyper partisanship out of serving our veterans?

Ms. THERIT. Chairwoman Kiggans, thank you for that question. VA looks forward to working with the committee on the political performance plan bill and making sure that we strengthen the bill to ensure that it reflects the work that we are doing to make sure political appointees as well as career senior executives are held to the same performance standards.

Currently we have 38 USC 725. In that bill we are required to make sure that our Schedule C appointees as well as our political

appointees are on performance plans. We use an enterprise-wide performance management Information Technology (IT) system to track those plans, to track the evaluations that our careers and our politicals receive.

We are also under OPM regulations, the Office of Personnel Management to have a certified performance management system that meets all the criteria for General Schedule (GS) as well as political appointees. We have a lot of internal controls in place.

We are making sure that political appointees are held to the same standards as our career employees. You have two examples sitting in front of you. Mr. Boerstler is a non-career Senior Executive Service (SES). I am a career SES.

We go through the same process. Our plans, our end of year appraisals go to a performance review board and then they go to the secretary of the Department of Veterans Affairs for approval. We have internal controls. We follow the guidance from the Office of Personnel Management to make sure that those processes are in place and that they are fair and equitable and everybody is being held accountable.

Our concern with the bill as drafted—and we welcome the opportunity to discuss these concerns—is the exclusive focus on political appointees. We want to be able to balance the need for accountability with the need for protecting the confidentiality of these personnel records that are private and sensitive in nature.

We look forward to working with the committee to ensure that the intent and the goals that you have whether through data, through reports or other mechanisms are met by the Department of Veterans Affairs.

Ms. KIGGANS. Thank you for comments. My time has expired and I now yield to Ranking Member Mrvan for 5 minutes.

Mr. MRVAN. Thank you, Chairwoman. Ms. Therit or Mr. Perry, thank you for your testimony on the VA Correct Compensation Act ensuring VA Title 38 employees have access to the same collective bargaining rights as their hybrid VA other Federal agency employee peers is a priority for me.

VA's testimony states that you are actively focused on correctly paying employees and plan to seek input from labor partners on a new internal process.

Can you please describe what this internal process will be and how it will be different or it will differ from the current grievance procedure for hybrid employees?

Mr. PERRY. Thank you, Representative Mrvan for that question. The internal process that we are referring to would be a new process to establish a review to allow us to address errors when they do occur.

Title 38 as you mentioned is covered currently under 7422, which does not have that ability now. This process would be a joint effort that increases the transparency so when errors do occur that are pay impacting we have that review process that gets adjudicated to ensure that those corrections do occur.

Title 38 hybrids do cover—or fall under the GS or the general schedule provisions now so they do have the ability to grieve errors which is different than what the Title 38 employees currently have.

This internal process seeks to address that to give more parity along with fixing errors when they do arise.

Mr. MRVAN. How does the VA position on the VA Correct Compensation Act square with the statement of the administration policy issued by President Biden in 2022 in support of the VA Employees Fairness Act?

Mr. PERRY. I think our position on that bill is again, we seek for the same goal. We do want to make sure that we do not allow errors to occur and when they do we get those fixed promptly.

I think the legislation that we are seeing—that we have in front of this draft we support the intent, like I mentioned, but we do need some modifications and want to work with the committee on those modifications.

As written now it actually allows for the negotiability and grievance of pay setting and pay change, so when we make changes to rates of pay. That is different than when errors occur and so that is what we want to work with the committee on to get those modifications addressed so we can get to the intent of what this legislation is seeking to fix which is the pay errors that need to be corrected.

Mr. MRVAN. Just off the cuff, the new process in what you—what you are speaking of, nurses who are working overtime who are not paid, what does that mean to them as far as the timeline, even though you have this new process and you use term promptly, what should they be looking at as far as when that will be corrected and when they will actually get paid?

Mr. PERRY. Yes, sir, and I think that is where we are looking to work collaboratively with our labor partners to establish what those timelines should be so that it is done expeditiously. I think we want to get them fixed as quickly as possible.

As Ms. Westbrooks had testified to, we absolutely know that employees deserve to be paid and compensated for the work they have done and so we want to work collaboratively to set up what that timeframe should be to get to the resolution of pay errors.

Mr. MRVAN. Okay. Ms. Westbrooks.

Ms. WESTBROOKS. Yes.

Mr. MRVAN. Thank you again for being here today and for your tireless commitment to caring for our Nation's veterans as the VA nurse.

In recent congresses this committee has taken up pieces of legislation that would ensure key bargaining rights to the Title 38 VA medical staff. Some members of this committee have argued that providing these rights would affect patient care. However, I am glad that many of us on both sides of the aisle agree that the VA medical professionals deserve the pay that they have earned.

Can you describe the impact the VA Correct Compensation Act will have on the VA's ability to recruit and retain the best workforce to care for our Nation's veterans and does this issue matter to your membership?

Ms. WESTBROOKS. Thank you Ranking Member for that question, Mrvan, thank you so much. Yes, actually this is very important to our clinicians, our Title 38 at our VAs. I understand what you are saying about another process, but we are asking that the process be the process that is already in place for the hybrid Title 38s.

I have nurses that onboard, physicians, physician assistants that onboard with the wrong salaries, with—they do not get their—the nurses they do not get their differentials, their holiday pay, their weekend pay and presently they do not have the ability to grieve these instances as the hybrid Title 38s.

Unfortunately, some will stay. We try to work with the agency to work through them. The process can be sometimes a year or 2 years getting settled because nurses, doctors, physician assistants, hybrid practice, podiatrists, they have many, many choices. A lot of times they will not stay.

This is what I say. I have been with the VA a long time and I believe in its mission but if we say that we want to take care of America's heroes then we have to retain the best and the brightest.

You will never pay them what they are worth. There is no salary. They should be paid what they are due. They should be paid what is—what we say that we owe them and they should not have to fight about it.

I understand about doing things expeditiously but that does not happen unfortunately. We lose wonderful staff because of it and I have seen it over these 40 years time and time again.

Mr. MRVAN. Thank you, Ms. Westbrooks. With that I yield back.

Ms. KIGGANS. Thank you, Mr. Mrvan. The chair now yields 5 minutes to Representative Rosendale.

Mr. ROSENDALE. Thank you very much, Chairwoman Kiggans for holding this hearing. During the 118th Congress in my role as the chairman of the Technology Modernization subcommittee, we have had two hearings on the problems with VA.gov. They were major problems and we have had to shed light on the negative impacts they have caused for our veterans

In January 2023, the VA notified the Veterans Affairs Committee that roughly 31,000 veterans had been identified whose disability compensation claims submitted to the VA.gov were rejected due to processing errors going back to November 2018.

Worse yet the website did not notify the veterans of their failed submissions leaving them in them in the dark about not receiving their benefits. It is actually quite disappointing that the veterans would wait so long, months, 6 months, a year, not even recognizing that their benefits had not been registered for because they are so conditioned to having these delays to receive any kind of information, communication, or benefit from the VA. Think about that. That is how conditioned that the veterans have become. That is disappointing.

During the week of August 7, 2023, approximately 5,600 veterans received an error message on VA.gov that their submissions did not go through. This was the last week for the veterans to submit intents to file under the The Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act that we had a lot of discussion about earlier today. Upon learning of this I immediately worked with Secretary McDonough to move back the deadline a week allowing more veterans to get the retroactive benefits that they deserve.

On September 5, the VA disclosed that roughly 56,000 veterans request to add or remove dependents were not processed poten-

tially causing them to be underpaid or overpaid going back to 2011, causing major problems in either direction.

These errors by the VA are unacceptable and have caused a lot of stress to veterans and their families. Our veterans should not be having difficulty accessing benefits that they have earned because of failures by VA.gov.

My bill H.R. 6874, the Watching Over Electronic Benefits Act, would address these problems by requiring the VA to implement a process to actively monitor the VA.gov website for any adverse events that would impact the facilitation, maintenance, or receipt of the VA benefits. The legislation would ensure that the errors are identified and improve Congress's ability to conduct proper oversight.

Additionally, my legislation would require a testing strategy by the VA to reduce the number of adverse events that happen by improving testing for each modification or software update to anything that might impact the facilitation, maintenance, or receipt of the benefits. This would get to the crux of the issue by preventing problems before they occur and create the potential harm for our veterans. We owe it to our Nation's heroes to have the VA.gov website that is easy to use and mistake free.

Mr. Worthington, it is good to see you again here today. I am glad the VA supports the intention of my bill and I am willing to work with you to refine the definitions and refine these timeframes to make sure that we can find something that actually works.

The testimony provided by the VA states in part, the Department has many performance accountability mechanisms in place but we still have a lot of errors that are going on. Do you think the current mechanisms are adequate or is there room for improvement helping us to reduce these errors which deny the benefits delivery?

Mr. WORTHINGTON. Thank you, Congressman, for the question. As you know we definitely agree with you that the errors encountered earlier this year are unacceptable and we are working hard to make sure that nothing like that would happen again.

I think that the—we would love to work together on refining those definitions. I think that the ability to identify problems is much stronger than it was earlier this year in part thanks to the oversight work that you all did with us. I think that the main, as you mentioned, the main concerns we want to work through with you are refining those reporting requirements so that we are really focusing our teams on those most important issues that are really impacting veterans as they were by those earlier incidents.

Mr. ROSENDALE. Okay. Again definitions to me are critical. In any kind of legislation that we develop at all, it really needs to be, to be a very objective and refined to the point that everybody understands that they are talking about the same thing and the timeframes again I am willing to work with.

Identifying a problem, this timeframe should be very, very short. Notifications should be very, very short and then response, we have to, have to work on. Thank you very much. Madam Chair, I yield back.

Ms. KIGGANS. Thank you, Mr. Rosendale. The chair now yields 5 minutes to Representative Landsman.

Mr. LANDSMAN. Thank you, Madam Chair, for this hearing and the opportunity to participate. I want to thank my neighbor and colleague, Representative Mike Turner, who represents the future VA history center in Dayton. He introduced this legislation on the House side. He has done a lot of work as you all know in securing the funding and private sector support to allow the project to succeed.

I just wanted to say a few words on behalf of the bill. I also want to thank Senator Sherod Brown for taking the lead on the Senate side along with Senator Vance and for always keeping us organized and working together for Ohio.

The Dayton VA is one of three historic VAs in the country. It was one of the branches of the National Home for Disabled Veteran Soldiers and is older than the VA itself, the Department of VA. In fact, several of the buildings were actually built by Union war veterans who lived there after the war.

Today the facility serves thousands of veterans on its unique campus including many of my constituents in Warren County. Many additional constituents of mine travel from the district to work at the Dayton VA campus.

Once completed the history center will house a VA museum, event center, education center, archives, and research facility.

The VA Centennial and Heritage Act would ensure that VA employees, veterans and their families have access to Southwest Ohio's rich history with the VA for years to come. It is a bipartisan, bicameral bill and it would establish a veterans affairs history office within the VA to coordinate and build ongoing—this ongoing effort.

The bill gives the secretary of the VA also—it also gives the secretary of the VA the authority to accept gifts and donations and work with nonprofits to help fund the office and carry out its mission.

It is my hope that the VA history center will help educate Americans on the history of the VA and remind them of the importance of delivering for those who have served our country. I also hope that the centralized archives will serve as a helpful resource for veterans and those who have loved ones who served and have enrolled in the VA system.

Ultimately we believe that this will help increase awareness of VA programs and benefits and will help bring more and more VA—veterans into the VA family and being the VA closer to communities and with that I just want to say thank you again, Madam Chair and I yield back.

Ms. KIGGANS. Thank you, Mr. Landsman. The chair now recognizes Representative Franklin for 5 minutes.

Mr. FRANKLIN. Thank you, Madam Chairman. My bill H.R. 7734, requires transparency in how the VA records disciplinary action against retiring or resigning personnel under investigation for inappropriate behavior. Specifically, it directs the VA to make permanent notation of any investigation and its findings in the permanent record of employees.

This is especially important in cases involving staff who resign or retire to avoid scrutiny or evade repercussions. In 2016, House Veterans Committee hearing, this panel discussed a troubling re-

curring practice at the VA. The VA often enters settlement agreements with resigning employees or those under review for disciplinary actions instead of following established procedures through completion.

Between 2014 and 2016, the committee reviewed more than 200 settlements provided by the VA of personnel who resigned while under investigation. Shockingly in 96 percent of these settlements, the disciplinary action proposed or taken against the employee did not appear anywhere in their permanent record form.

More recently in September 2023, my colleagues and I learned of allegations of sexual misconduct at the VA by credible whistleblowers who did not trust the VA's internal investigations process. On November 13, 45 days after the committee initially contacted Secretary McDonough about these allegations, the alleged perpetrator and staff believe to have knowledge of the incidents were either reassigned by the VA or allowed to retire. That is unacceptable.

The VA staff should never be allowed to hide behind settlement agreements, resign or retire to evade accountability for their misconduct. I fully believe in due process but the VA is not exercising due process. Cutting deals sweeps potential wrongdoing under the rug. Our veterans and all Americans certainly deserve better than that and I urge colleagues to support my bill to close this loophole and hold VA personnel accountable. Thank you, Madam Chair and I yield back.

Ms. KIGGANS. Thank you, Representative Franklin. The chair now yields 5 minutes to Representative Radewagen.

Ms. RADEWAGEN. Talofa, thank you, Chairwoman Kiggans, and Ranking Member Mrvan for holding this hearing. Thank you to the panel for your testimony.

Ms. Westbrooks, what challenges and problems do you hear from your members about the management style of their supervisors? Do you believe the workplace culture is dependent on good leaders?

Ms. WESTBROOKS. Thank you for that question. Some of the challenges that we face with supervisors and managers is that we need to do more joint trainings, more partnerships so that everybody understands the master agreement, we are all in congruency with how things are supposed to go because that makes for a better working atmosphere.

At the end of the day, AFGE as well as the agency wants the veteran to have the best experience that they can have. I believe that we have the same mission but a lot of times we get supervisors that are not trained, that do not know anything about the procedures and policies of the VA or the master agreement and so it creates an atmosphere that does not have to exist because we are on the same page, if we can stay on the same page. Sometimes they do not know where the page is and so that is where we come into play.

I—at Houston I can tell you though our leadership, they are partners with us. We have a partnership across the board and then we even have a nursing partnership there. We are very proactive but that is not the case across the Nation. I think a lot of times we get a lot done.

Houston is large. We are complex. We understand, you know, that there are going to be issues but we also want to come to the table to resolve the issues at the lowest level possible and to make sure that the veteran is always the center of what we do. That is what I tell the staff. We are going to always do what is best for that patient.

Ms. RADEWAGEN. Thank you. Ms. Therit, does VA often suspend an investigation when the subject of that investigation resigns or retires? Mr. Franklin talked about that a little bit.

Ms. THERIT. Representative Radewagen, VA supports the bill on annotating personnel records when an individual is under—during a personnel investigation. We currently are looking at ways that we can work with the committee to strengthen the bill as well as to look at the legislation, regulations, and statute that is currently on the books.

We mention 5 USC 3322. That is currently in place and how that works is that when an individual resigns during a pending investigation as defined in the legislation an annotation is made in their record.

We also have mechanisms that the Office of Personnel Management has given us to the question that you mentioned about suspensions. If a suspension or a removal is proposed there are ways that an individual's record can be coded with an lieu of involuntary action coding.

When we look at the bill as it is written we want to make sure that we clarify the intent and understand how it compares to things that we already have in place or how it adds to those things that we have in place.

Some of the ways in which we would identify strengthening the current bill are making sure that it covers hybrid Title 38 employees, making sure that it covers senior executives as written. We also acknowledged that I think as written it covers resignations. We also want it to reflect retirements and transfers between Federal agencies.

Ms. RADEWAGEN. Right.

Ms. THERIT. And the due process provisions that are in 5 USC 3322 as well.

We also want to make sure that we are clear in terms of what personnel investigations would fall under the legislation so that we can comply and we can meet the intent of the law with the resources that are needed to be able to do that.

Ms. RADEWAGEN. If ongoing investigations are not annotated in an employee's permanent file is not there a risk that the employee could come back to VA or another Federal agency a few years after they have resigned or retired?

Ms. THERIT. I know as a hiring manager I would want to know that information as I am considering someone for a position. I think the key is to be able to understand as Representative Rosendale mentioned earlier, what is the definition of a personnel investigation? What is the expectation of the VA in annotating that record either during the investigation or after an adverse action has been proposed or after somebody leaves the agency, so I think seeking clarification so that we are clear in the law as written and

that we can meet those expectations that you and the other members of the committee have.

Ms. RADEWAGEN. Thank you, Madam Chairwoman. Yield back.

Ms. KIGGANS. Thank you, Mrs. Radewagen. The chair now recognizes Representative Valadao for 5 minutes.

Mr. VALADAO. Thank you, Chairwoman Kiggans, Ranking Member Mrvan and all members of the subcommittee for your time today.

Our veterans sacrifice so much for our Nation and we owe it to them to provide the highest quality of care. Sadly, many of our disabled veterans in my district and across the country are facing barriers in accessing the critical services they need.

From struggling with physical infrastructure at VA facilities to navigating the red tape in the benefits process, disabled veterans are getting left behind. Doorways are too narrow, elevators that are constantly out of service and exam rooms that are not big enough to accommodate wheelchairs are just a few of the obstacles veterans face when trying to receive care.

Serving disabled veterans is a critical part of the VA's mission but they need to do more to ensure unique needs of disabled veterans are being heard. By establishing a permanent advisory committee within the VA, this bill ensures disabled veterans have a seat at the table in providing feedback so they can easily access the benefits, services, and facilities they have earned.

We cannot leave our disabled veterans behind. I urge all members of this committee to support this legislation. Thank you.

Ms. KIGGANS. Thank you, Mr. Valadao. The panel is now excused from the witness table and let us see, thank you again to our witnesses for being here today. I ask unanimous consent that all members shall have 5 legislative days in which to revised and extend their remarks and include any extraneous materials. Hearing no objections so ordered, this hearing is now adjourned.

[Whereupon, at 6:15 p.m., the subcommittee was adjourned.]

A P P E N D I X

PREPARED STATEMENTS OF WITNESSES

Prepared Statement of John Boerstler

Good afternoon, Chairwoman Kiggans, Ranking Member Mrvan, and Members of the Subcommittee. I appreciate the opportunity to appear before you today to discuss pending legislation affecting a wide variety of administrations and program offices at the Department of Veterans Affairs (VA). Accompanying me today are Ms. Tracey Therit, Chief Human Capital Officer, Human Resources and Administration/Operations, Security, and Preparedness; Mr. David Perry, Chief Officer, Workforce Management and Consulting, Veterans Health Administration; and Mr. Charles Worthington, Chief Technology Officer, Office of Information and Technology.

H.R. 6452 – Veterans Scam and Fraud Evasion (VSAFE) Act

H.R. 6452 would establish a Fraud Evasion Officer within the Department of Veterans Affairs. This position would be responsible for scam and fraud prevention, reporting, and incident response plans at the Department.

VA supports this bill, if amended, and subject to the availability of appropriations.

VSAFE has existed as a cross-enterprise project team since January 2023. At that time, it was recognized that there are a number of offices all doing great work in the Veteran targeted fraud space. However, there was opportunity for coordination of efforts, cross-pollination, and partnered response both within VA and in conjunction with Federal, State, local, tribal and community partners.

Examples of this work include robust consumer protection outreach efforts in all formats by the Veterans Benefits Administration, the Veterans Health Administration, Office of Technology, and Office of the Inspector General. This includes electronic media, print media, targeted outreach events, sharing of resources with community partners to get the word out, and a dedicated call center for reporting. Larger outreach campaigns, conducted nationwide and in concert with our partners, can reach up to 31 million Veterans.

VA fraud protection and response groups also engage in advanced detection capabilities and proactive response wherever possible. A good example of proactive response comes from the Veterans Benefits Administration, which sent email notifications via GovDelivery to 587,720 Veterans within 24 hours of a change being made to their direct deposit banking information in Fiscal Year 2023. Such alerts tell Veterans what to do if they did not make these changes. They also investigated 12,474 referrals for potential benefits fraud and provided one-on-one remediation support for payment redirect fraud to 1,164 victims, protecting $847,494 of Veterans benefits from being stolen by fraudsters through prevention or recovery (returned by Treasury from the fraudulent bank account).

The same is true for our fellow VSAFE Federal partners, to include the Department of Education, Department of Justice, Department of Defense, Social Security Administration, Internal Revenue Service, Federal Trade Commission, Federal Communications Commission, and Consumer Financial Protection Bureau. Ongoing conversations and partnering have resulted in simplifying navigation for Veterans and their families as well as creation of the "no wrong door approach". The goal has been to amplify the efficacy of outreach, detection, and shared response to Veteran targeting attempts by "bad actors." Several prime examples include the most recent socialization of the combined tool kit resource, several jointly developed one-page consumer protection fliers, and jointly released blogs. These materials were force multiplied by sharing them with over 400 community partners, through the same channels just mentioned, and with Federal and community partners. Ongoing collaborative work will continue to hone this "no wrong door" and "easy to find" front door for Veterans and their families to find the information and support they need to recognize predatory activity, to protect themselves, and to get help when, where, and how they need it.

While VA appreciates H.R. 6452 and its codification of a permanent Veteran Scam and Fraud Evasion or "VSAFE" program office function, VA seeks to further expand

the language to increase the success of the program office and would support the bill if amended as described below.

The recommendations are based in the foundational tenets of VSAFE, which are to simplify and coordinate the navigation of resources, and to enhance backstage partnership for detection and response regarding Veteran targeted predatory activity. It is recognized in all sectors that fraud is continually evolving and is more prevalent than ever. It is critical for organizations like VA to act as force multipliers to effectively fortify Veterans, their families, and caregivers against such predation. With that in mind, VA suggests the following revisions:

- VA recommends that the bill require the Fraud Evasion Officer to report to the Chief Veterans Experience Officer within the Veterans Experience Office. This placement would ensure appropriate prioritization of coordinated and unified fraud prevention and response internal and external to VA. Furthermore, the position would support partnership engagement to increase access, build trust, and participate in conversation at the appropriate high-level decisional tables needed for the program to effectively carry out initiatives across VA, including setting strategy, framework, policy, and other guidance for the Department.
- VA recommends that the Fraud Evasion Officer lead the recent VA-established VSAFE Program, which also resides within the Veteran Experience Office. This program was formally established as a permanent program by VA leadership on December 19, 2023.
- VA recommends that, in Section 2, the Veterans Scam and Fraud Evasion Officer work with all VA offices to effectively coordinate and disseminate Veteran fraud prevention messaging and resources.
- VA recommends that, in Section 5, the Veterans Scam and Fraud Evasion Officer develop comprehensive curriculum and training materials for Department employees. In VA we feel that it is all employees' responsibility to be able to recognize potential vulnerability factors, to actively monitor for any predatory activity, and to know when, how, and where to connect Veterans, their families, and caregivers with appropriate and correct support resources.
- VA recommends that, in Section 7, Tribal governments be included among the list of non-Federal Governments as valued partners.
- VA does not believe the authorization for only one person to serve the function of the VSAFE office will be sufficient; instead, we recommend that, in Section 7(c), up to and no more than five (5) full-time employees be authorized to successfully manage the VSAFE operations in VA and across partnering Federal agencies. Given the number of partners involved and the need to develop strong collaboration as well as backstage intervention strategies, a significant investment of time, attention, and expertise will be required. While a single officer may have significant expertise, a team will be needed to be able to forge the deep partnerships, insights, and robust communications necessary for the success of this program.

Costs associated with H.R. 6452 – to cover salaries, administrative contract costs, travel, Government-furnished equipment, and miscellaneous expenses – are estimated to be $1.2 million in the first year, $6.1 million over 5 years, and $12.2 million over 10 years.

H.R. 6531 – Training Responsible and Informed National (TRAIN) VA Employees Act

H.R. 6531 would require VA to develop a training program after consulting with heads of at least three other Federal Departments and agencies, including the Department of Defense, and requires all supervisors to complete the training no later than 18 months after enactment. The bill also requires VA to develop a refresher training program that supervisors would complete every 2 years. The bill requires the training be delivered by an instructor and in-person. The training shall focus on performance management, mentoring and engagement and managing misconduct and poor performance, addressing harassment, collaborating with human resources on hiring and recognition, and the overall duties and responsibilities of a supervisor.

VA supports this bill, if amended, and subject to appropriations. VA takes seriously the responsibility to develop supervisors and leaders to manage the workforce to best care for our Veterans. In alignment with the Secretary of Veterans Affairs' priorities to invest in our workforce and retain the best talent in the marketplace, VA offers an array of training and development opportunities, including mandatory supervisor training. VA requires all new supervisors to complete 7 hours of training that focuses on many of the subjects covered in this bill ("Super U for New Supervisors") supplemented by learning opportunities on a collaborative learning

site for supervisors. There are segments that are asynchronous and self-paced online, a virtual instructor-led segment, and training that ends with a week of instruction for an in-person segment. VA also requires supervisors to complete refresher training every 4 years ("Supervisor Manager Refresher Training"). The training is delivered online and tracked in VA's Talent Management System to ensure compliance. The training satisfies the Office of Personnel Management's new supervisor requirements and complies with Federal mandates (5 C.F.R. § 412.202).

VA supports continuing to require that supervisors complete training within 12 months of appointment to a supervisory position and can modify the requirement for refresher training from every 4 to every 2 years consistent with this bill. As a standard practice in developing training, VA benchmarks with other agencies to research/share best practices, training models, and related information. In evaluating the training VA will benchmark with other Federal agencies and industry to ensure this training aligns with these findings as is practicable.

VA supports the position that investing in developing our supervisors is critical to the organization's mission, as outlined in VA Handbook 5015, Employee Learning and Professional Development, and Veterans Health Administration (VHA) Directive 1052, Appropriate and Effective Use of VHA Employee Mandatory and Required Training. VA requests that continued flexibility in our methods of delivery be maintained (particularly for the refresher training requirement). The funding needed to meet the requirements as stated in the bill would be excessive and place an undue burden on the administration if enacted.

VA further suggests strengthening legislation in this area around reporting, benchmarking, and evaluation. VA can provide the Committee with suggested language for Sections 2(a), (b) and (e) to clarify and strengthen these requirements but allow VA the flexibility to implement.

If VA is required to change the delivery of current new supervisor and refresher training from online to in-person, appropriations would be needed to cover the costs of salaries, benefits, and travel to deliver the training to VA's more than 50,000 supervisors nationwide. In the absence of the appropriations to deliver in-person training, VA would propose that a test-out option be made available in place of the full refresher training.

VA estimates the mandatory costs for H.R. 6531 of $4.7 million in the first year, $27.4 million over 5 years, and $64.4 million over 10 years. In order to limit the travel associated with each participant, these costs are based on the use of decentralized teams of instructors who would deploy regionally, conducting training 48 weeks each fiscal year. There would be 4 teams comprised of a Senior Training Specialist and 2 Junior Training Specialists, with each team conducting 3 classes of up to 100 participants per week. There are no discretionary costs associated with the bill.

H.R. 6538 – VA Correct Compensation Act of 2023

Under current law in section 7422(b) of title 38, collective bargaining (and any grievance procedures provided under a collective bargaining agreement) for certain employees described in section 7421(b) may not apply to any matter concerning or arising out of the "establishment, determination, or adjustment of employee compensation" under title 38. H.R. 6538 would amend section 7422 to provide for a definition of "establishment, determination, or adjustment of employee compensation". Currently, that phrase is understood to include all kinds of compensation decisions, including the initial setting of rates of pay, the determination of awards, adjustment of compensation such as physician market pay reviews , and other compensation determinations.. The proposed definition would be limited to the setting of a rate of pay as required by applicable law, rule, or regulation. The proposed definition would further specify that the term would not include a grievance challenging whether an employee described in section 7421(b) of title 38 has received "the correct compensation as required by law, rule, regulation, or binding agreement."

VA cites concerns with the bill and suggests replacing the proposed text with a requirement to establish an internal process through which title 38 employees can challenge compensation errors in violation of law, rule, regulation, and policy. This new internal process would provide an enforcement mechanism for compensation errors for title 38 medical professional employees while preserving VA's statutory authority for compensation decision-making.

VA is fully invested in paying all of its employees timely and accurately and demonstrates this commitment by the fact that it is currently developing an internal process for title 38 medical professional employees to utilize when they believe they have not been paid correctly, in violation of law, rule, regulation, or policy. VA takes proactive steps analyzing data from our human resources (HR) system to identify systematic data issues which could cause employee pay errors. We also have quality

review and auditing processes at the national and servicing HR level to proactively find data issues which may cause employee pay errors. When there are compensation errors that are brought forward to HR and leaders, we work to correct these errors and prevent future occurrence. Finally, it should be noted that title 38 employees have access to other enforcement processes such as FLSA claims.

The proposed modification of 38 U.S.C. § 7422 would have far-reaching, negative consequences on VA's ability to adjust clinicians' salaries in response to market conditions at the appropriate speed. In an ultra-competitive health care market, VA needs to retain the ability to be flexible and maintain independence to compete for top-level talent in direct patient care positions while operating in the current VA policy framework for title 38 compensation. The proposed definition of exclusions from collective bargaining for title 38 medical professional employees is limited to setting a rate of pay for an employee pay. Given the limited definition, this bill would, therefore, result in VA being required to bargain over the "determination" and "adjustment" of title 38 medical professional employee compensation which would make decisions of management discretion in compensation—such as the bi-annual salary adjustment amount for a physician—negotiable and likely place such decisions in front of external impasse panel members and arbitrators. Currently, the bi-annual salary review process relies on prescribed salary ranges based on provider specialties and takes into account individual provider skills and market factors. This change could result in all facets of this process, to include salary ranges, being negotiable. It would also allow unions and employees to grieve their compensation, as well as management's decisions concerning employee compensation, which is not linked to setting a rate of pay for an employee as required by law, rule, or regulation. This is problematic because this would give title 38 employees more rights than are currently provided for title 5 employees within VA. Unlike title 5 pay setting, title 38 pay setting is not standardized – and not specifically governed by law, rule, or regulation – in order to provide flexibility given the varying market conditions and skill levels of title 38 medical professionals. The flexibility within the current statutory framework also addresses the individual circumstances of a medical center and the healthcare field generally. Additionally, the phrase "rate of pay" could be interpreted to solely mean an employee's rate of basic pay—which would significantly expand topics for negotiation and grievances.

Consequently, the proposed definition would require bargaining and allow for grievances over myriad pay setting and compensation decisions for title 38 employees that are not specifically governed by law like title 5. For instance, when a physician is brought on board, the initial salary is set considering rates paid in the local labor market to the same specialty, rates paid internally to the same specialty, board certifications the provider may hold, and any additional skills that will be utilized in position. Holistic compensation reviews, like those undertaken under title 38, do not have rigid outcomes. The specific framework of laws, rules and regulations in title 5 is replaced with analysis flexible enough to meet the varying circumstances of medical centers across the country. Because of this approach to title 38 compensation, the definitions in the associated bill do not specifically address the underlying premise of the bill – namely, compensation errors for title 38 employees.

Moreover, limiting the proposed definition of "establishment, determination, or adjustment of employee compensation" to pay-setting situations limits the bargaining and grievance exclusion for compensation matters to situations where VA is solely establishing or setting pay for title 38 medical professionals and does not address the clear current statutory exclusion of the "determination" and "adjustment" of title 38 medical professional "compensation" from bargaining and the negotiated grievance process in 38 U.S.C. § 7422(b)(3). After the initial onboarding of an employee, decisions to adjust and determine title 38 employee compensation are performed on a regular basis when determining promotions, awards, schedule adjustments, and numerous other management decisions under title 38. Implementing the proposed definition of compensation as drafted would require VA to bargain and engage in the negotiated grievance process over tens of thousands of routine compensation decisions. These provisions would impact the compensation strategy development and delivery across title 38 market-based pay systems. They could result in grievances that then go to arbitration regarding each of the approximately 31,000 compensation reviews conducted at least biannually for physicians and the approximately 6,000 Title 38 Locality Pay schedules reviewed annually.

In addition to decreasing and correcting pay errors, VA is committed to proactively managing pay for title 38 employees. The James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 requires Medical Center Directors to ensure competitive compensation for nurses and physicians assistants. Competitive pay reviews for all remaining title 38 occupations have been proactively directed through VHA's Hire Faster and More Competitively initiatives. We have also in-

vested in additional technology and are actively working on the development of a compensation analytics module within our personnel system to assist approving officials in ensuring vital health care staff are compensated commensurate with market trends. Last year, VA invested in improvements to our personnel systems to automate the pay schedule development, approval, and processing timeframes for title 38 locality pay schedules. This allowed VA to reduce the wait time for employees to see pay increases in their checks from 4 months down to 2–3 weeks. We have concerns that adding additional process steps will further delay employees from receiving appropriate compensation.

VA is actively focused on correctly paying employees and will seek input from its labor partners on an internal process being developed for title 38 medical professional employee compensation claims resulting from law, rule, regulation, or policy violations. This new internal process will provide transparent accountability and an enforcement mechanism for compensation errors for title 38 medical professional employees while preserving VA's interest in keeping our statutory authority for compensation decision-making, which includes the establishment and the determination and adjustment of employee pay. It would also provide trackable metrics for complaints and outcomes and allow VA to take a proactive approach to solving recurring issues. For instance, this process will cover situations such as a nurse not being paid time and a half overtime per the statutory requirement found at 38 U.S.C. § 7459. It will also cover a nurse being paid incorrect night differential per policy or any loss of pay resulting from an untimely promotion for a nurse. These employees would be able to submit a claim to correct these pay issues through this new process that VA is currently developing.

VA believes that the internal process will meet the proposed legislative intent in creating a transparent accountability and claims process for our title 38 employees when they encounter compensation errors. Therefore, VA recommends an amendment to the proposed legislation which requires VA to establish an internal process for employees to pursue allegations of compensation errors in violation of law, rule, regulation or policy, outside of the scope of collective bargaining.

VA cannot project the cost impact due to the complexity of potential complaints and uncertainty regarding the frequency and required review time. VA would establish and implement the process at national, regional, and local levels, but VA does not currently track the data for title 38 employees that would be required to develop a cost estimate.

H.R. 6874 – Department of Veterans Affairs Watching Over Electronic Benefits (VA WEB) Act

H.R. 6874 would require VA to ensure the collection of select information about the use of VA's main website, provide notice to Congress within 30 days of a significant adverse event involving the website, and provide a detailed report to Congress within 30 days of a request about any adverse event. It would also require VA to provide Congress with a comprehensive testing strategy for all systems that support the website.

We have a number of concerns about this bill. VA supports the intent of this bill to ensure that Congress is timely informed of significant Veteran-impacting adverse events that occur on VA's main website. With that purpose in mind, the Department has many performance accountability mechanisms in place, and the types of system monitoring required by this bill are a natural part of software development. However, **VA cites concerns with several specific elements of the bill**.

As written, the definition of "adverse event" in Sec. 2(f)(1) may be overly broad and include events which do not have a negative impact on Veterans' use of a covered feature. For example, insufficient storage in a system component does not necessarily negatively impact Veterans' use of a covered feature if appropriate system redundancy measures are put in place. To ensure VA focuses its effort on Veteran-impacting events, we recommend amending the definition of "adverse event" to "(1) The term "adverse event" means, with respect to the covered website, Veteran-impacting issues with covered features, such as—".

The definitional threshold for "adverse event" provided in section 2(f) of the bill could be implicated if a single Veteran encountered an issue and, upon request, would require a detailed report to be provided. By defining an adverse event in this manner, incident reporting would be magnified and would likely encompass matters not generally intended to be considered "adverse" in terms of overall impact.

In section 2(c)(1), the bill requires VA to provide notice to Congress of any significant adverse event within 30 days of the event's occurrence. However, in some cases it may not be possible to comply with this requirement as a significant adverse event may not be discovered until more than 30 days after its occurrence. It would be more effective to align the reporting requirement to the discovery of a significant

adverse event, rather than an occurrence. In addition, 30 days will often be insufficient time to determine the scope of any adverse event, determine if it meets the notice thresholds set in this bill, and draft and approve the appropriate notice to Congress. We believe 60 days would allow VA to accurately identify, analyze, and prepare notice for significant adverse events.

In section 2(c)(2), the bill requires VA to provide a report to Congress on any adverse event within 30 days of request by Congress. It can take more than 30 days to gather the kinds of information required in this section, and this is more likely to be the case for instances of adverse events that did not trigger the significant adverse event notice requirement under section 2(c)(1). VA believes that 90 days would be a more achievable timeframe to respond to these requests.

VA notes that the definition of "significant adverse event" provided in section 2(f) of the bill is sufficiently broad that VA may be obligated to report dozens of times per month on issues involving temporary unavailability of specific covered features, typically due to intermittent or temporary issues in a downstream system or in VA's networking infrastructure. Such events may be outside the core interest of the bill's intent. Changing the definition of "significant adverse event" to a higher volume threshold such as "10,000 or more users", or by time such as "over a continuous period of more than 24 hours" will allow VA and Congress to focus oversight and reporting on more significant or impactful adverse events.

VA additionally notes that many features of the VA website are periodically unavailable when downstream systems are undergoing scheduled maintenance. Reporting on periods of unavailability due to schedule maintenance appears to be outside of Congress's intent with this bill. Therefore, VA recommends Congress exclude these periods of unavailability of covered features if this unavailability is due to planned maintenance, by amending the definition of a "system outage" as defined in section 2(f)(1)(B) to read "system outages, excluding outages caused by planned maintenance."

H.R. 6947 – Veterans Affairs Centennial and Heritage Act of 2024

H.R. 6947 would codify the recent establishment of the VA History Office within the Department. Headed by the Chief Historian, the office would be supported by professional and administrative staff as determined necessary by the Secretary to carry out its purposes. The bill also provides additional gift acceptance authorities, enhanced funding mechanisms, and additional lease authorities for the Secretary, and it establishes an internal coordination group comprised solely of VA employees which will provide a logical governance protocol for what will likely be a VA-wide initiative (the centennial) and for management and resourcing decisions related to an enterprise asset (the VA History Office (VAHO) and National VA History Center (NVAHC)). Not later than 180 days following enactment, the Secretary of Veterans Affairs would be required to submit a report to the Senate and House Committees on Veterans' Affairs detailing the operations of VAHO and the activities that will mark the centennial. The Chief Historian would also be required to submit yearly reports to the Senate and House Committees on Veterans' Affairs through December 31, 2030, detailing VAHO progress.

VA supports this legislation, subject to the availability of appropriations, as development of VAHO and NVAHC are ongoing projects of importance to the Department. The upcoming centennial celebration will draw positive attention to the Department through outreach, events, and permanent exhibits emphasizing the Department's role in assisting our Veterans throughout our Nation's history.

Since publication of VA Directive 7777, Implementation of the VA History Program, VA has undertaken the establishment of VAHO and has begun work on building a history of the Department to ensure that the Department, and the Veterans that we serve, are recognized and celebrated. The Department welcomes the opportunity to engage with Congress to continue to ensure that both the centennial celebrations in 2030 and the ongoing activities of VAHO and NVAHC continue to celebrate the important role of Veterans to this country and the support that the Department has provided to those Veterans.

By statutorily establishing VAHO, which encompasses the National VA History Center, Congress is recognizing the historical accomplishments of the Department. Authorizing the Department to "collect, preserve, and provide access to relevant historical records, artifacts, and cultural resources of the Department [will] tell a comprehensive story of the Department and its predecessor organizations to Veterans, Government agencies, and the public." The bill also allows VA to engage in public outreach, advertising, and publication, and to participate in and host centennial events and public activities. VA Directive 7777 establishes VAHO, and this bill provides statutory authorities that will allow it to fully execute its stated mission.

H.R. 6947 provides the Secretary of Veterans Affairs the authority to enter into partnerships and cooperative agreements; additional gift acceptance authority; and enhanced lease authorities in support of the bill's purposes. This language provides a clear path for VA to accept funds donated by the 501(c)(3) NVAHC Foundation for the NVAHC project and any donation that may be provided directly to VA for the purposes and activities of VAHO, which is not an uncommon process for Federal agency history/heritage center projects like the NVAHC. (VA does request clarification as to what type of Treasury fund is to be established. Knowing whether it would be a revolving fund, whether funds will remain available until expended for these purposes, and whether the established Treasury fund is anticipated to be the sole source of VA funding for the VAHO/NVAHC project will allow the History Office and the Department to fully exercise these authorities.)

H.R. 6947 also provides additional construction and land acquisition authorities that allow for construction, renovation, repair, operation, and maintenance of facilities used for the preservation, restoration, and public access to Department historic materials, archives, and artifacts. These authorities are needed to execute the 2017 Memorandum of Agreement between VA and Dayton stakeholders regarding the development of plans, partnerships, and a pathway for development of the NVAHC. This language will allow VA to commit resources to VAHO and the NVAHC project without concern for violating existing regulations or statutes and would provide agreement on proceeding with certain planning and developmental tasks.

The mandatory reporting requirements, while creating an additional administrative burden, will provide a consistent, scheduled reporting process on VAHO and the NVAHC progress, and we look forward to working with Congress to achieve the objectives of the VA History Office.

Costs associated with H.R. 6947 represent funds actually spent from Fiscal Year (FY) 2020 to Fiscal Year 2023 ($3.6 million) as well as estimates for Fiscal Year 2024 to Fiscal Year 2030 based on the baseline functions and tasks outlined in the bill and the duties already specified in VA Directive 7777. Future costs are estimated to be $3.0 million for Fiscal Year 2024, $32.2 million over 5 years, and $47.9 million through Fiscal Year 2030. Note that these cost estimates do not include some key components such as construction of the museum building, final renovation cost of associated historical buildings, or additional centennial-specific costs, which we will not be able to accurately estimate without further time, research, and information.

H.R. 7342 – Veterans Accessibility Advisory Committee Act of 2024

H.R. 7342 would establish within the Department an advisory committee on matters related to accessibility of the Department for Veterans with disabilities. This committee would be subject to the provisions of the Federal Advisory Committee Act, 5 U.S.C., Ch. 10. The committee would be comprised of 15 voting members and 4 *ex officio* members.

VA does not support this bill. There are several existing advisory committees that focus on disability accessibility to VA services, benefits, and facilities, as well as multiple entities within the Department that already address accessibility to benefits, technology, services, and facilities.

The bill requires the Department to abolish a discretionary committee that is currently inactive, consolidate two discretionary committees, or submit to the Senate and House Committees on Veterans' Affairs a recommendation to abolish an existing non-discretionary committee established by an Act of Congress that is also inactive. The Department is already required to evaluate all existing discretionary committees to determine an existing need for continuation and engages in this process biennially. Discretionary committees are terminated when no longer valid. The nine active discretionary committees have all been determined to provide necessary insight and advice to Department operations. There are no discretionary committees that would currently meet the requirements for abolishment.

Combining an existing committee with this committee comes with related feasibility concerns and efficiency concerns. Existing committees are already providing invaluable assistance to the Department with their guidance and recommendations. Combining committees would require either including members of the current committee into the makeup of this committee, or completely reconstituting a single committee and releasing those members already serving on a committee. Both eventualities could impact the membership balance and make it more difficult to constitute the membership. Further, while there is admitted crossover between the work of existing committees and this committee, expanding the responsibilities of an existing committee, or incorporating the scope of work into a single committee, would risk diluted recommendations owing to the increased areas of concentration of the committee.

The estimated cost of establishing the committee is approximately $600,000 per year and $6,000,000 over the initial proposed 10-year period of existence, unless extended by Congress.

H.R. XXXX – To authorize the Secretary of Veterans Affairs to carry out a pilot program to use weapon detection technology at medical centers of the Department of Veterans Affairs.

This draft bill would authorize the Secretary of Veterans Affairs to carry out a pilot program to implement the use of weapon detection technology at the main entrance of VA medical centers.

VA supports this bill, subject to the availability of appropriations, which presents a crucial opportunity to enhance the safety and security of VA facilities. The safety of Veterans, their families, VA staff, and visitors is of paramount importance, and the implementation of weapon detection technology can play a vital role in mitigating potential threats and preventing violent incidents within VA medical centers.

Supporting this bill aligns with the VA's mission to provide a safe and welcoming environment for Veterans to receive quality health care services. By deploying advanced weapon detection technology, the VA can bolster security measures and better protect the individuals who rely on VA facilities for their medical needs. This proactive approach to security aligns with the best practices of other health care facilities and demonstrates a commitment to ensuring the well-being of our Veterans, staff, and visitors.

The proposed bill to authorize a pilot program for weapon detection technology at VA medical centers would merit strong support from police services. By prioritizing safety and security, the VA can create a safer environment for Veterans and health care providers while upholding its commitment to delivering world-class care.

VA notes that while the Federal Acquisition Regulation (FAR) contemplates and permits procurements both contingent upon Support Anti-Terrorism by Fostering Effective Technologies (SAFETY) Act designation pre-award, and presuming SAFETY Act designation post award, such contingencies are not preferred. FAR 50.204(a)(3) states that "Agencies should not mandate SAFETY Act protections for acquisitions because applying for SAFETY Act protections for a particular technology is the choice of the offeror." There are additional factors required if a solicitation is contingent upon either pre-or post-solicitation compliance with the SAFETY Act designation. The Department seeks clarification as to section (e)(3)(B) to ensure compliance with the will of Congress as well as FAR and contracting requirements.

VA estimates the cost for equipment and personnel for the 1-year pilot program to be $3.1 million.

H.R. XXXX – Required Notation of Investigation in Personnel Record File Act

Similar to 5 U.S.C. § 3322, Voluntary separation before resolution of personnel investigation, the draft "Required Notation of Investigation in Personnel Record File Act" requires VA to make a permanent notation in the official personnel record file of an employee who is the subject of a personnel investigation and who resigns from Government employment prior to the resolution of such investigation. The bill also requires an additional notation if any of the allegations of the investigation are substantiated.

VA supports this bill, if amended, and subject to availability of appropriations. VA recommends making clarifying amendments to the bill to improve its applicability. Specifically, the bill does not exempt VA employees from the mandatory – and more comprehensive – provisions of 5 U.S.C. § 3322. Therefore, it appears that both mandatory laws will continue to apply to VA employees in the competitive and excepted service. Further, pursuant to 38 U.S.C. § 7403(f)(3), VA is required to apply the provisions of Title 5 to employees appointed under 38 U.S.C. § 7401(3), known as "hybrid Title 38 employees," in specific circumstances. VA recommends clearly addressing the applicability of this law to hybrid Title 38 employees. Further, the bill does not include Senior Executive Service (SES) employees because it only covers competitive and excepted service employees. Additionally, the Bill does not apply to situations in which a covered employee retires; it only applies to those who resign. VA recommends the language in the Bill be modified to include SES employees and situations in which an employee retires or transfers to another Federal agency.

VA is concerned that this bill, if not applied in conjunction with 5 U.S.C. § 3322, does not afford employees due process or appeal rights. An annotation, especially if the allegations are not substantiated, has the potential to impact an employee's

constitutional rights. Thus, VA is concerned the bill will be found deficient as written.

Additionally, in paragraph (b) of the proposed 38 U.S.C. § 729, an annotation will be made in the employee's record if it is determined the allegations in the investigation would have been substantiated. This deprives the employee of an opportunity to present a defense to an action that can impact future employment. Therefore, VA suggests providing the due process and appeal rights as provided for in 5 U.S.C. § 3322, with modification to the timeframes.

Of note, if VA is required to query offices internal and external to VA at the time an employee resigns to determine if there is a pending investigation and to obtain the results to ascertain if any allegations were substantiated, this will require staff and technology to manage. Further, when an employee moves to another Federal agency or leaves Federal service, VA no longer has access to the official personnel record file. Determining where the record is located and how to make a notation in the file will require coordination in these instances and other options for complying with the intent of the Bill need to be considered when the record is no longer within the control of VA.

VA looks forward to working with Congress on this bill, to include providing technical assistance review, and ensuring VA efficiently and effectively implements the levels of accountability sought.

Given the many uncertainties associated with determining the presence of pending investigations and their outcomes, both internal and external to VA, for employees who have resigned before resolution of a personnel investigation (and the uncertainty of how many times such a scenario will occur), we are unable to provide a meaningful cost estimate.

H.R. XXXX – Reporting Performance Plans for VA Political Appointees Act

The draft "Reporting Performance Plans for VA Political Appointees Act" would amend section 725 of title 38 by requiring VA to submit to the Committees' on Veterans Affairs of the House and Senate the annual performance plans of covered political appointees in VA.

VA does not support the bill, and has a number of concerns.

VA administers a performance management system for non-career SES members and Schedule C employees. VA's performance management system holds these individuals accountable for individual and organizational performance and ensures "accountability for honest, economical, and efficient Government." 5 U.S.C. § 3131.

The VA Choice and Quality Employment Act of 2017 added section 725 to title 38 and defined which political appointees shall receive an annual performance plan and the minimum contents of the plan. Further, VA's SES performance appraisal system is certified by the Office of Personnel Management with concurrence from the Office of Management and Budget. Certification criteria require that all SES members' performance plans be aligned to the agency's mission, strategic goals, program/policy objectives, and/or annual performance plan and budget priorities and that the annual summary rating be based on individual and organizational performance 5 U.S.C. § 4311, *et seq*.

VA has concerns with the annual performance plan submission requirements of this bill because of the exclusive focus on political appointees. VA welcomes the ability to have further discussions on this bill and to work with Congress on the best way to balance accountability and confidentiality of personnel records.

Conclusion

Chairwoman Kiggans, this concludes my testimony. My colleagues and I are prepared to respond to any questions you or other Members of the Committee may have.

Prepared Statement of Joycelyn Westbrooks

Chairwoman Kiggans, Ranking Member Mrvan, and Members of the Subcommittee:

Thank you for inviting the American Federation of Government Employees (AFGE) to participate in today's Subcommittee Hearing on "Pending Legislation." My name is Joycelyn Westbrooks, and I currently serve as the Secretary-Treasurer for AFGE Local 1633 at the Michael E. DeBakey VA Medical Center in Houston, Texas. Most importantly, for the past 40 years, I have had the honor of serving our Nation's veterans as a Registered Nurse at the VA.

On behalf of AFGE, its National Veterans Affairs Council, representing over 750,000 Federal and District of Columbia Government workers, including 300,000

employees at the Department of Veterans Affairs, it is a privilege to offer insights to the Oversight and Investigations (O&I) Subcommittee on several of the bills it is considering today with a focus on H.R. 6538, the "VA Correct Compensation Act."

H.R. 6538, the "VA Correct Compensation Act"

The primary reason I come before the committee today is to express AFGE's strong endorsement of H.R. 6538, the "VA Correct Compensation Act" or "VACCA." This bi-partisan legislation is also endorsed by our sister unions the National Federation of Federal Employees (NFFE), the Service Employees International Union (SEIU), and the American Federation of State, County and Municipal Employees (AFSCME), as well as the American Association Of Nurse Anesthesiology, and our VSO partners the Disabled American Veterans (DAV), Paralyzed Veterans of America (PVA), and the American Legion. This legislation will help the VA with retention by limiting the agency's power to unfairly deny grievances challenging routine payroll errors affecting frontline Title 38 healthcare professionals. Across the VA, AFGE and NVAC represent more than 75,000 Title 38 employees.

Since the enactment of the Department of Veterans Affairs Health-Care Personnel Act of 1991 (P.L. 102–40) over 30 years ago and the establishment of 38 U.S.C. 7422 (7422), the VA Secretary has used this authority to liberally deny collective bargaining and grievances related to "(1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation."

For years, this committee has examined various bills to amend 7422 and limit its use. Last Congress, this committee considered H.R. 1948, the "VA Employee Fairness Act" (117th Congress), which passed the House of Representatives, but was not considered in the Senate. During the spirited debate of that legislation in this committee, in the Rules Committee, and on the floor of the House of Representatives, while there were substantive disagreements on policy, there was agreement that the VA had misused its authority under 7422 as it relates to routine payroll errors for Title 38 Employees.

At the beginning of the 118th Congress, Chairman Bost and Ranking Member Takano built on that common ground, rolled up their sleeves, and worked together to craft a bill that could be enacted in 2024. The fruit of that labor is H.R. 6538, the "VA Correct Compensation Act," a technical correction to the 7422 statute that provides a definition for the compensation exception in 7422, and explicitly prevents the VA from denying grievances contesting that a covered employee has "received the correct compensation as required by law, rule, regulation, or binding agreement." This is commonsense legislation that will give employees the opportunity file a grievance and have a fair process to make themselves whole and help with retaining clinicians at the agency.

Unfortunately, payroll errors are a common problem at the VA. All too often, the VA fails to accurately calculate if a covered employee worked overtime, the night shift, weekend shift, or on a holiday. If the affected employee is a Title 38 hybrid appointed under 38 U.S.C. 7401(3), that employee could easily file a grievance and receive the money they are owed under the law. However, if an employee is appointed as a pure Title 38 under 38 U.S.C. 7401(1), the VA can and does invoke its 7422 authorities to deny the grievance, with the employee losing the ability to receive the compensation they are rightfully owed. In practice, this means that a Registered Nurse does not have the same rights as a Licensed Practical Nurse, an optometrist does not have the same rights as an audiologist, and a psychiatrist does not have the same rights as psychologist. Beyond this inherent inequity, over 30 years, the VA's use of this authority has discouraged employees from even filing grievances to correct their pay, which harms morale around the country.

A clear example of this arises from the Asheville, North Carolina, VA Medical Center.

In the facts shared by the VA:

> On February 1, 1999, the American Federation of Government Employees (AFGE) filed a grievance on behalf of the Operating Room Nurses of VAMC Asheville, North Carolina, claiming entitlement to premium pay. More specifically, the Union complained that the Medical Center failed to pay the Operating Room Registered Nurses night differential when called in to work overtime during the hours of 6 p.m. and 6 a.m., and weekend pay differential when called in to work overtime on Saturday or Sunday. The periods of work at issue in the grievance were outside the nurses' regular work schedule or tour of duty.

On December 29, 1999, an arbitrator ruled in favor of AFGE and "granted the union's request for payment of night differential and weekend pay for OR nurses

for these instances." In response to the arbitrators ruling, "[m]anagement refused to comply with the award stating that this is a matter to be decided by the Secretary and is not itself subject to collective bargaining (38 U.S.C. 7422)." In response to this, on March 5, 2001, the Undersecretary for Health decided that "Under the authority in 38 U.S.C. 7422(d), I find that the arbitrator's decision and subsequent ULP concerns the establishment, determination, or adjustment of employee compensation." He also wrote that "Under the authority in 38 U.S.C. 7422(d), I find that the payment of night differential and weekend premium pay to OR nurses for periods of overtime work concerns or arises out of a matter or question of the establishment, determination, or adjustment of employee compensation under title 38." This was the final step in the denial of the grievance for correctly paying these operating room nurses.

Similarly, in 2007, the VA failed to accurately pay for overtime in Buffalo, New York. In Buffalo, "[i]n an attempt to reduce a backlog of work at the Olean Community Based Outpatient Clinic (CBOC), the management of the VA Medical Center Buffalo, New York (VAMC) asked for volunteers to see patients at the CBOC on Saturdays." The VA chose three Nurse Practitioners who proceeded to work on eight separate Saturdays. "The CBOC is generally open Monday through Friday and has no established Saturday tour of duty. All three of the employees who volunteered to work the Saturdays identified above were paid overtime for the extra work or given compensatory time in lieu of overtime." However, this was not the totality of what was owed. "On March 9, 2007, the United American Nurses (UAN) [which has since merged with National Nurses United (NNU)] filed a grievance alleging that management violated 38 U.S.C. 7453(c) and VA Handbook 5007/6, Part V, chapter 6, paragraph 1.b. by failing to pay the three nurse practitioners Saturday premium pay in addition to the overtime pay they received for working on Saturdays." Despite the Union filing a grievance that was escalated, the VA in its recommended decision stated "[t]hat the grievance over three nurse practitioners' entitlement to Saturday premium pay for Saturday work at a CBOC having no established Saturday tour of duty is excluded from collective bargaining as a matter or question that concerns or arises out of the establishment, determination or adjustment of employee compensation within the meaning of 38 U.S.C. 7422(b)." In turn, the VA denied the grievance and the nurses were not correctly paid the weekend shift differential pay they were owed under law.

The VA is the Nation's best and largest health care system. VA must continue to recruit and retain the best employees to care for our Nation's heroes. Congress never intended for 38 U.S.C. 7422 to permit the VA to deny grievances over routine payroll errors, thereby unlawfully withholding the compensation due to its employees. By passing H.R. 6538, the "VA Correct Compensation Act," this committee can prevent future examples of this occurring and force the VA to give Title 38 clinicians the opportunity to ensure they are paid what they are owed under the law.

H.R. 6531, the "TRAIN VA Employees Act"

AFGE supports the intent of H.R. 6531, the "TRAIN VA Employees Act." The underlying goal of this legislation is to improve the performance of supervisors at the Department of Veterans Affairs, both in helping employees excel and following existing law in how to correctly, when appropriate, discipline employees. This would further improve consistency throughout the agency when it comes to evaluating employee performance, and help employees throughout the VA. As the committee studies this bill and potentially considers it in a markup hearing, I would like to make two recommendations to improve the clear goals presented in the legislation.

The first is that in addition to supervisors, the agency allow AFGE officials to also receive this training, as if both employer and employee representatives are being trained together by the same trainers, all parties will be on the same page when it comes to their understanding and expectations of supervisors managing their employees and help avoid obstacles in any potential disciplinary processes.

Second, AFGE recommends that the bill add a new component to the training identified in subsection (e) of the bill requiring managers receive training on the "fundamentals of the collective bargaining agreement in the Federal Government and employee rights to union representation." This new component would give supervisors a better understanding of the legal role unions have within the agency, including in disciplinary proceedings. Furthermore, this improved understanding would lead to fewer supervisory errors, and hopefully, fewer union grievances needing to be filed.

Draft Legislation, the "VA Security Screening Pilot Program Act"

AFGE supports the intent of the "VA Security Screening Pilot Program Act." This bill, in the wake of violence occurring at VA facilities, is a strong proposal designed

to prevent violence at Veterans Medical Centers and protect veterans and the employees who serve them. To improve the effectiveness of this pilot program and avoid any possible unintended consequences, AFGE has several suggestions to improve the scope and practice of this pilot program.

First, AFGE suggests the bill include a provision on the training of the VA personnel who will operate this technology to protect veterans. Additionally, as the bill alludes to VA Police Officers when discussing which facilities should be used for this pilot program, the only personnel who should be authorized to operate this technology are VA Police Officers, who have undergone crisis intervention training required by statute, and not third-party contractors.

Second, as the VA determines which facilities are being used for a pilot program, AFGE hopes that the VA casts a broad net and is not only limited to Medical Centers. As the VA utilizes larger Community Based Outpatient Clinics (CBOCs), it is worth including them within the pilot to gather a broad cross-section of data. Additionally, while most VBA facilities have security, not all are administered by VA. Including a VBA Regional Office or other VBA facilities that do not have weapons detection technology or whose technology is equal to or less secure than this technology would also provide valuable data about the technology proposed in this pilot.

Third, AFGE strongly encourages that in sites where this technology is being piloted, there are either separate screening lines or reserved entrances for staff. AFGE is concerned that if separate lines or entrances are unavailable and staff must stand in line with patients at a busy time, this can delay employees to arriving at work at the beginning of their shifts, inadvertently delaying patient care.

H.R. 6947, the "Veterans Affairs Centennial and Heritage Act of 2024"

AFGE supports the intent of H.R. 6947, the "Veterans Affairs Centennial and Heritage Act of 2024." If enacted, this bill would create a VA History Office in Dayton, Ohio. This would recognize the critical work of the VA over the past 100 years, including the critical contribution of VA employees. The only additional comment AFGE wishes to make on this bill, is that as the staffing model is created to determine what permanent staff is required for this museum, is that these employees are part of the bargaining unit and receive the same protections as other VA employees throughout the Nation.

A Draft Bill to require a notation in the personnel record file of certain employees of the Department of Veterans Affairs who resign from government employment under certain circumstances.

AFGE opposes this draft legislation in its current form. Specifically, AFGE has significant due-process concerns with this draft bill, which would require the VA to permanently annotate the personnel records of employees who leave government during pending personnel investigations, including a unilateral and unappealable determination by the Secretary whether any allegations "would have been substantiated." Such speculative and potentially biased findings should not be included in the official personnel files without the investigative, disciplinary, and appellate processes running their course.

Prepared Statement of American Association of Nurse Anesthesiology

AANA
American Association of
NURSE ANESTHESIOLOGY

Statement for the Record to the House Committee on Veterans' Affairs Oversight & Investigation Subcommittee

Legislative Hearing

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Introduction

Chairwoman Kiggans, Ranking Member Mrvan, and Members of the Subcommittee, thank you for the opportunity to offer this statement for the record. The American Association of Nurse Anesthesiology (AANA) is the professional association for Certified Registered Nurse Anesthetists (CRNAs) and student registered nurse anesthetists, with membership that includes more than 61,000 CRNAs and student nurse anesthetists representing almost 90 percent of the nurse anesthetists in the United States. CRNAs are advanced practice registered nurses (APRNs) who provide acute, chronic, and interventional pain management services. In some states, CRNAs are the sole anesthesia providers in nearly 100 percent of rural hospitals, affording these medical facilities obstetrical, surgical, trauma stabilization, and pain management capabilities.

The AANA applauds the subcommittee for holding a hearing on important legislation, including H.R. 6538, the *VA Correction Compensation Act*, as well as legislation to protect VA employees from retaliation, and to protect veterans from predatory scams. These are important issues that affect frontline healthcare providers and the veterans they serve.

H.R. 6538 – VA Correct Compensation Act

We appreciate Chairman Bost and Ranking Member Takano introducing H.R. 6538, the *VA Correct Compensation Act of 2023*. CRNAs and other nurses working in the VA are classified as Title 38 employees, and as such are subject to VA's overly expansive interpretation of its authority under 38 USC 7422. This interpretation means that CRNAs and other Title 38 employees have been prevented from remedying routine payroll errors through grievance procedures. This is an unfair and highly problematic practice, and we strongly support this bipartisan legislation to remedy it. We encourage the Committee to move this legislation forward this session.

The VA misuse of the 7422 exclusions to deny the efforts of Title 38 employees to ensure the accuracy of paychecks, including the correct calculation of overtime pay and various shift differentials, is particularly problematic for CRNAs and other healthcare providers who are often subject to overtime and other pay differentials. The issues surrounding pay have weakened employee morale and exacerbated longstanding problems recruiting and retaining VA medical professionals including CRNAs, who are already one of the more difficult providers to recruit. These issues are worsened by ongoing issues related to the aggregate pay limit for CRNAs that unfairly delays pay for overtime and shift differential to the following calendar year. Some CRNAs even hit the aggregate pay limit within the first few months of the calendar year. We urge VA to address the aggregate pay issue.

Retaliation Issues

The AANA also commends the Committee for reviewing legislation to ensure that VA employees are properly trained on a number of issues through H.R. 6531, *TRAIN VA Employees Act*. In particular, the AANA supports the legislative requirement that such training include a focus on "addressing reports of a hostile work environment, retaliation, or harassment of, or by, another supervisor or employee."

Unfortunately, many CRNAs working in the VA face retaliation and hostile work environments created by physician anesthesiologists. The AANA is aware of multiple reports of physician anesthesiologists retaliating against CRNAs who are engaged in research within the VA and who advocate for their profession outside of their VA employment. This is part of a culture of fear that, sadly, many CRNAs face within the VA in efforts to silence them and to protect physician interests. It is imperative the VA do more to protect their employees from retaliatory actions and hostile work environments. Creating a stable and positive working environment is critical to ensuring a robust healthcare workforce is available to care for our veterans.

We thank you for your time and attention to these important matters. If we can be of any help, please contact Matthew Thackston, AANA Director of Federal Government Affairs at mthackston@aana.com or (202) 741-9081.

Sincerely,

Dru Riddle, PhD, DNP, CRNA, FAAN
President
American Association of Nurse Anesthesiology (AANA)

Prepared Statement of United Nurses Associations of California/Union of Health Care Professionals

UNAC/UHCP
United Nurses Associations of California/Union of Health Care Professionals
UNAC/UHCP is affiliated with NUHHCE, AFSCME and the AFL-CIO
955 Overland Court, Suite 150, San Dimas, CA 91773-1718
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March 18, 2024

The Honorable Jen Kiggans, Chairwoman
The Honorable Frank Mrvan, Ranking Member
Subcommittee on Oversight and Investigations
Committee on Veterans' Affairs
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairwoman Kiggans and Ranking Member Mrvan:

On behalf of the 32,000 members of the United Nurses Associations of California/Union of Health Care Professionals (UNAC/UHCP), which is part of the National Union of Hospital and Health Care Employees (NUHHCE) and is affiliated with the American Federation of State, County and Municipal Employees (AFSCME), I request this letter be included in the record for the March 21 hearing on pending legislation.

UNAC/UHCP is proud of our nurses who care for veterans and military personnel at the Jerry L. Pettis Memorial VA Medical Center in Loma Linda, CA and the Naval Medical Center in Balboa Park, CA. **We support "VA Correct Compensation Act of 2023" (H.R. 6538) because it will provide registered nurses and others at the VA access to negotiated grievance procedures to correct inaccuracies in their pay.**

Collective bargaining is the process in which working people, through their unions, negotiate contracts with their employers to determine their terms of employment, including pay, benefits, hours, leave, job health and safety policies, ways to balance work and family, and more. Congress has long denied VA nurses the full scope of collective bargaining, including the ability to challenge whether they received the correct compensation as required by law, rule, regulation or binding agreement. This bill is a crucial step toward correcting this longstanding problem. When the VA unfairly denies nurses their shift premium pay or overtime pay, this bill would provide them the right to use the collective bargaining process to grieve and correct their earned pay.

We urge you to pass the VA Correct Compensation Act of 2023.

Sincerely,

Charmaine S. Morales

Charmaine S. Morales, RN
UNAC/UHCP President

Prepared Statement of National Federation of Federal Employees, and Service Employees International Union

Statement for the Record
from the
National Federation of Federal Employees (NFFE-IAM), and
Service Employees International Union (SEIU)
for the
Subcommittee on Oversight and Investigations
Committee on Veterans Affairs
U.S. House of Representatives
Hearing on Pending Legislation

March 21, 2024

Chairwoman Kiggans, Ranking Member Mrvan, and Members of the Subcommittee:

As the union representatives for tens of thousands of employees within the U.S. Department of Veterans Affairs (VA), we, the undersigned labor unions, are grateful to the Subcommittee for considering pending legislation which will not only benefit our VA professionals, but also the veterans which they have the critical responsibility to care for. We appreciate the opportunity to share our opinions with the Subcommittee as it considers pending legislation that will have a significant impact on the union members which we represent.

The VA Correct Compensation Act of 2023 (H.R. 6538)

Both NFFE and SEIU, along with our union colleagues at the American Federation of Government Employees (AFGE), endorse H.R. 6538, the VA Correct Compensation Act of 2023, introduced jointly by House Veterans Affairs Committee Chairman Bost (R-IL) and Ranking Member Takano (D-CA).

Many of our union members are appointed under 38 U.S.C. 7401(1), who are known as "Title 38" employees. Individuals in these positions work as registered nurses, physicians, physician assistants, dentists, among other professionals within the VA. Since 38 U.S.C. 7422 was established in 1991, Title 38 employees have been unfairly prevented from collectively bargaining over workplace issues related to "the establishment, determination, or adjustment of employee compensation." Unfortunately, this broad language has allowed the VA to deny Title 38 employees the option to file grievances through their union in the event of payroll errors or other administrative mistakes, leading to unjust wage losses.

The VA Correct Compensation Act seeks to clarify that the limitation on grieving issues related to compensation does not preclude employees from grieving routine payroll errors. This technical correction to current law will maintain that VA employees cannot substantively negotiate compensation, but that they do have the ability to file grievances when the VA pays them incorrectly, like all other VA and federal employees. This will increase accountability and transparency within the VA, benefiting both VA clinicians and the patients they proudly serve.

H.R. 6538 is a simple, bi-partisan fix to an easily resolvable issue within the VA. The legislation will help with recruitment and retention of world-class healthcare professionals, at a time when the VA is facing significant challenges with vacancies and attrition. The VA Correct Compensation Act ensures that proud VA employees are properly compensated for the essential services they provide to our nation's veterans.

We thank the subcommittee for the opportunity to submit this statement for the record, and we anxiously await swift action within the U.S. House of Representatives for passage of the VA Correct Compensation Act.

Respectfully submitted,

National Federation of Federal Employees (NFFE), IAMAW, AFL-CIO
1225 New York Avenue NW, Suite 450
Washington, D.C. 20005

Service Employees International Union (SEIU)
1800 Massachusetts Avenue NW
Washington, D.C. 20036

Prepared Statement of Paralyzed Veterans of America

Paralyzed Veterans of America

1875 Eye Street NW, Suite 1100,
Washington, DC 20006
(O) 202.872.1300
www.PVA.org

501(C)(3) Veterans Non-Profit

March 20, 2024

The Honorable Jen Kiggans
Chairwoman
House Veterans' Affairs Committee
Washington, DC 20515

The Honorable Frank Mrvan
Ranking Member
House Veterans' Affairs Committee
Washington, DC 20515

Dear Chairwoman Kiggans and Ranking Member Mrvan:

On behalf of Paralyzed Veterans of America (PVA), I want to express our support for H.R. 7342, the Veterans Accessibility Advisory Committee Act of 2024, which directs the Department of Veterans Affairs (VA) to create an advisory committee on issues relating to the accessibility of VA benefits, services, and facilities for veterans and employees with mobility, hearing, visual, cognitive, or other disabilities.

Few veterans have a greater reliance on VA benefits and services than veterans with a spinal cord injury or disorder (SCI/D). Because of the complex nature of SCI/Ds, our members utilize health care services at a much higher percentage than any other veteran group. For most, it is a lifetime partnership, beginning immediately after injury or diagnosis and continuing through rehabilitation and periods of sustaining care. So, anytime there is a problem accessing VA benefits or services, it tends to adversely impact our members the most.

Over the last five decades, Congress has passed several bills to improve disability access both in the VA and in the community. These include the Architectural Barriers Act of 1968 (ABA), the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA). The ABA requires buildings and facilities that are built, altered, or designed after August 12, 1968, using federal funds or that federal agencies lease be accessible. The Rehabilitation Act includes protections against disability discrimination in federal agency programs. The prohibition also extends to entities that receive federal funds, federal employment, and federal electronic and information technology. The ADA provides protections from discrimination at the state and local government levels, as well as by private entities that provide public accommodations. Taken together, these laws provide protections to people with disabilities when interacting with all levels of government and many everyday accommodations like medical offices, grocery stores, and hotels.

Despite these comprehensive legal requirements, PVA members routinely face accessibility barriers when it comes to accessing care at the VA and within the community. In one VA SCI/D outpatient clinic, not all of the exam rooms are physically accessible. It also doesn't have an

accessible restroom. In another VA facility, PVA members have relayed that they must wait and check in and out in hallways because spaces designated for those tasks are too small to accommodate their wheelchairs, meaning privacy isn't possible. We've also heard of VA women's clinics that have examination rooms that are too small for veterans who use wheelchairs or lack overhead patient ceiling lifts.

PVA members also report issues with automatic doors that need servicing and are inoperable, making them far too heavy for a veteran with SCI/D to open. Several members have also complained of doorways being too narrow and causing significant damage and scrapes to their equipment and wheelchairs, which might not sound like a big deal until that veteran needs to battle with their prosthetics office to get repairs. And at several locations, veterans have encountered out of order elevators that often take days to repair. For SCI/D veterans who use wheelchairs, scooters, or other assistive devices, elevators are critical in getting to their appointments, particularly appointments within the VA that are in other departments and clinics outside the SCI/D system of care.

Veterans also encounter inaccessible medical diagnostic equipment (MDE). MDE includes equipment like medical examination tables, weight scales, dental chairs, x-ray machines, mammography equipment, and other imaging equipment. In 2017, the U.S. Access Board, published new accessibility standards for MDE. As soon as the new standards were issued, the VA proactively said they would adopt the new standards to ensure that the needs of disabled veterans were met. Since that time there has been no update from the VA on the status of implementing the MDE accessibility standards, and we have been unable to determine the extent of the department's progress.

Although VA has worked to address access barriers for disabled veterans, there is more work to do. Establishing a Veterans Accessibility Advisory Committee would help ensure the VA is meeting the needs of veterans, by allowing disabled veterans, experts, employees, and veterans service organizations to identify problems and offer solutions via a formal committee whenever the VA is "missing the mark." We believe that the ongoing existence of access barriers points to the need for more focused, collaborative efforts with the VA.

Passing this legislation would help ensure VA's facilities and programs are better prepared to welcome, accept, and care for disabled veterans and employees by beginning with accessibility at the forefront of their mind. The time is now for action and we call on Congress to pass this legislation as soon as possible.

Sincerely,

Heather L. Ansley, Esq., MSW
Chief Policy Officer

Prepared Statement of Senior Executives Association

SENIOR EXECUTIVES ASSOCIATION

The voice of career federal executives since 1980

March 20, 2024

The Honorable Jen Kiggans
Chairwoman
Subcommittee on Oversight and Investigations
Committee on Veterans' Affairs
Washington, DC 20515

The Honorable Frank Mrvan
Ranking Member
Subcomm. on Oversight and Investigations
Committee on Veterans' Affairs
Washington, DC 20515

RE: SEA comments for Legislative Hearing on Pending Legislation

Dear Chairwoman Kiggans, Ranking Member Mrvan, and Members of the Subcommittee:

On behalf of the Senior Executives Association (SEA) – which represents the interests of career federal executives in the Senior Executive Service (SES), those in Senior Level (SL), Scientific and Professional (ST) and equivalent positions and other senior career federal leaders, including our members at the Department of Veterans Affairs (VA) – I write to provide SEA's comments on four bills that will be considered at the Subcommittee's March 21 legislative hearing.

H.R. XXXX, Required Notation of Investigation in Personnel Record File Act

SEA has concerns with this bill as drafted. Congress, led in part by this Committee's prior leadership, passed a law nearly a decade ago, requiring a permanent notation in the Official Personnel Record of any federal employee who voluntarily separates before the resolution of a personnel investigation when an adverse finding is subsequently made. That law, 5 USC §3322, unlike this proposal, provides due process to the employee by giving them advance notification of the resolution of the investigation and an opportunity to respond to its findings.

If Congress is still concerned about this issue, it could use its oversight authority by seeking information from the VA and the Office of Personnel Management (OPM) about 5 USC 3322's implementation.

H.R. XXXX, Reporting Performance Plans for VA Political Appointees Act

SEA believes that political leaders play a critical role in the successful management of federal agencies and should be held accountable for their performance. Congress recognized the importance of this for the VA when it approved specific elements of political appointee performance plans around the employee talent development lifecycle. 38 U.S.C. § 725

While we appreciate the spirit of this proposal – seeking to validate if and how the Department is following through implementing the law, and what other priorities appointees of the agency have and how they would be rated on their performance - but question whether this is the best approach.

In soliciting feedback on this proposal from our membership, concerns were expressed about Congress micromanaging performance plans by reviewing each and every one which could cause appointees to set lower metrics and goals to ensure expectations can be met.

There may be better options for Congress to perform its oversight function than to review individual performance plans. Federal agencies, including VA, report publicly on Performance.gov their agency priority goals, their strategic plans, learning agendas, performance plans and quarterly reports. To strengthen its oversight capabilities, Congress should seek to understand how the Secretary and Departmental leadership are using performance information to hold its appointees accountable for serving Veterans. This may be a topic that would be ideal for study by the National Academy of Public Administration (NAPA), or a similar independent and well-respected non-profit.

H.R. 6531, TRAIN VA Employees Act

SEA believes that supervisor and executive development is critical and often overlooked. However, this bill should be reconsidered before advancing in an amended form.

SEA believes a better strategy would be to focus on the desired outcomes and associated measures of effectiveness, and leave the implementation process to the VA. As written, there is a high likelihood this bill will produce check-the-box training (albeit expensive, in-person training) because the only accountability seems to be "did you do it" not "was it effective." Moreover, some of these training topics are already covered by existing law and available from OPM.

H.R. 6538, VA Correct Compensation Act

SEA supports this bipartisan bill which would amend existing law to allow for certain healthcare providers at the VA to grieve errors in their compensation. All VA employees have a right to their full paycheck, and we commend the leaders of this Committee for working together to close this loophole.

If you wish to further discuss SEA's views, we would be pleased to meet. Please contact SEA Director of Policy & Outreach Jason Briefel at Jason.Briefel@seniorexecs.org, who can coordinate such a discussion.

Sincerely,

Marcus L. Hill
President

Prepared Statement of Matt Cartwright

Thank you, Chairwoman Miller-Meeks, Ranking Member Brownley, and members of the House Veterans' Affairs Subcommittee on Health, for allowing me to submit a statement in support of critical legislation that would benefit our Nation's Veterans. I write today in support of my bipartisan bill, H.R. 5247, the Expedited Hiring for VA Trained Psychiatrists Act, which would increase access to mental health services for our Veterans—to whom we owe a great debt.

The Department of Veterans Affairs (VA) psychiatrists diagnose mental, emotional, and behavioral conditions, and provide treatment to our Nation's heroes after they've answered the call to uniformed service. Everyone knows the sobering statistic that the rate of suicide among veterans is almost 60 percent higher than that of civilians. Whether a Veteran is struggling with the aftereffects of military combat, adjusting to civilian life, or facing a mental illness such as PTSD, having access to a psychiatrist at a VA facility could make a world of difference in a Veteran's journey to mental health and well-being.

While the VA has prioritized hiring new medical staff at an unprecedented rate, it is still difficult to hire and retain psychiatrists at a level sufficient to meet the needs of our Veterans. The Government Accountability Office (GAO) has previously found that the VA does not have proper staff levels for its suicide prevention teams, and efforts to fill these vacancies have been significantly hampered by a long recruitment and hiring process. Furthermore, the GAO has repeatedly reported that demand for Veterans mental health services will only increase, exacerbating staffing shortages.

The practical impacts of understaffing include excessive wait times, lack of proper follow-up care, and Veterans' inability to schedule appointments in a timely manner. These unnecessary hurdles to accessible, reliable care and treatment can have terrible consequences.

The Expedited Hiring for VA Trained Psychiatrists Act would tackle the VA understaffing problem by codifying the VA Secretary's ability to hire psychiatrists who have completed their residency at a VA facility if a position has gone unfilled for at least thirty-five days.

Many aspiring psychiatrists do at least part of their residency in a VA facility. These trainees gain valuable experience working with Veterans and are already familiar with the issues specific to this community. By giving the Secretary the ability to directly convert psychiatric residents to full employment with the VA – pending satisfactory completion of both the residency and all credentialing requirements – Congress can help make the VA a more attractive place for these residents to begin their careers. By reducing the time it takes to fill critical psychiatrist positions, my bill would reduce the wait times for Veterans seeking to access mental health services.

Ensuring timely access to quality mental health care for all Veterans should be a priority for everyone, regardless of party. The Expedited Hiring for VA Trained Psychiatrists Act is commonsense, bipartisan legislation that would provide a fast track hiring process for qualified psychiatrists who train at VA facilities. I am grateful to my colleagues on both sides of the aisle for their support of this important legislation.

Chairwoman Miller-Meeks, Ranking Member Brownley, and members of the Health Subcommittee, I offer my sincere thanks for your consistent prioritization of the issue of Veteran mental health.

Prepared Statement of Brandon Williams

I would like to introduce H.R. 7765, the VA Security Screening Pilot Program Act. This legislation directs the Secretary to select one of its networks (VISN) to carry out a pilot program to use new weapon screening technology at the primary entrance of each VA medical center no later than a year after the legislation's enactment.

For too long, outdated security equipment has placed unnecessary strain on police working at VA medical facilities nationwide, who often already face staffing shortages and daily challenges. The logistical difficulties that accompany outdated security tech force some facilities not to use any screening at their entrances. This combination of antiquated equipment and logistical difficulty puts employees and veterans alike at increased risk, should an emergency situation occur.

And we know that, all too often, these situations do occur. Violent crime has more than doubled on VA medical center campuses in the last few years, and the tragic occurrence of veteran suicide has persisted over the same period of time. When I think about how much our Nation's veterans have done for the United States, and

then I see the conditions they endure well after their service has concluded, it's clear to me that there's much more to be done. This hits me personally, as a veteran, myself.

This bill will make sure that the VA has the resources it needs to protect its facilities from bad actors by allowing them to test security tech, refining their approach with feedback from security personnel and veterans alike, to reach an informed decision on what measures would be most effective in securing their campuses.

Our veterans gave their best to this country. This country owes every single veteran its very best in return. It is unacceptable that instances of violent crime have increased so drastically in VA facilities, and tragic that suicide on VA campuses is as common as it is. Congress has a long way to go in doing right by the men and women who have served our country in uniform—this bill is a necessary step in the right direction.

Prepared Statement of Michael Turner

I am proud to be leading the House effort to codify the National VA History Center (NVAHC) within the U.S. Dept. of Veterans Affairs. H.R. 6947, the Veterans Affairs Centennial and Heritage Act of 2024, would codify this institution and ensure the story of America's veterans and the VA is preserved for future generations. This legislation is bipartisan and bicameral. I want to thank Rep. Landsman for his work on this issue, as well as Ohio Senators Vance and Brown for their work on the Senate companion bill.

For decades, the Dayton VA has served the healthcare needs of over 40,000 veterans in our community, going above and beyond to provide our service members with the benefits that they earned protecting our freedoms.

The Dayton Veterans Affairs Medical Center is among the finest facilities for veterans' services in the United States, and I am pleased that it is the home for the future museum and archives for VA history. The National VA History Center currently exists only pursuant to VA Department Memoranda, but this legislation would codify the center through an Act of Congress.

Once complete, the NVAHC will be the central location for seminal artifacts and archives of historic significance from across hundreds of VA locations. The site will provide storage, preservation, and access to these materials, as well as a museum and education center. The project will include robust online access to digitized materials for researchers, writers, and scholars, and virtual museum exhibits available to the public.

Located on the Dayton VA Medical Center campus, the NVAHC will include multiple historic buildings: the Old Headquarters, the Clubhouse and the Putnam Library. These buildings are some of the oldest on the 450-acre campus, dating to 1871, 1881 and 1880, respectively.

The Veterans Affairs Centennial and Heritage Act will preserve the Department of Veterans Affairs' history of outstanding work and document the special relationship between the United States and our veterans. I thank you for the opportunity to speak today and welcome any questions.