

**** OPENING STATEMENT ****

- Thank you, Mr. Chairman.
- Mr. Byrne - I appreciate your willingness to perform the duties as Deputy on an interim basis since last summer.
- Our job today is to determine whether you are up to the task of serving as the permanent #2 at VA.
- Given that you are already performing most of these duties and have served as General Counsel, my expectations for you during this hearing will be different.
- You come here not only as a newly-nominated individual, but as a representative of the Department who has had a key role in the development and rollout of a number of significant programs.
- I need to know whether you have the proper temperament and judgment, and will do what's best for veterans.
- For example, you served as General Counsel when the Secretary was contemplating whether to recommend that the Justice Department challenge the Blue Water Navy case on VA's behalf.
- Earlier this week, the House of Representatives unanimously passed – 410 to 0 – legislation that's in keeping with a recent court decision.
- You served as General Counsel in June of 2018 when VA picked a needless fight with the Office of Inspector General - denying basic information to the office entrusted with independent oversight.

- The following week, this body unanimously approved an amendment to the FY2019 VA Appropriations bill to prevent the denial of such information. After all, **despite** what VA leadership may have thought or been advised, it *was not* and *is not* above the law.
- And now, in just 3 short weeks, VA will “go live” with its implementation of the MISSION Act.
- I want to know what your role has been in implementing that law, and whether you believe the VA will be ready to go on June 6.
- Your testimony points to a recognition that the Human Resources apparatus at VA needs to be modernized.
- So I know you understand that VA has more work to do to improve the processes involved in hiring and related tasks.
- However, the inability of the Department to address recruitment and retention issues in places like Montana, coupled with the Department’s gutting of the agreement with Labor that has been in place since 2011, gives me concern – to say the least.
- VA management absolutely needs to get along with employees.
- Unfortunately, VA’s unwillingness to work well with others doesn’t end with its workforce.
- We continue to hear concerns that VSOs aren’t being asked for input on important decisions being made at VA.
- We hear that VA now doesn’t want to sit on the same witness panel for Congressional hearings as the IG’s office.

- And when all 8 of the VA authorizers and appropriators from both parties and both chambers send a letter to VA asking for more timely, accurate and consistent information, VA countered with it is the most transparent agency anyone has ever seen.
- The VA simply cannot continue treating its partners as adversaries and its key stakeholders as bystanders.
- Yesterday we found out that a lawsuit has been filed in which you are a party of interest. I believe that you were unaware of this lawsuit until Tuesday night, and I appreciate you being very forthcoming since that time.
- In my view that lawsuit really boils down to the fact that you refuted an investigation carried out by the IG.
- Whether or not you appropriately decided that particular action lends itself to whether you have good judgment.
- But to the larger point - the trend from this Agency to undercut everyone charged with oversight of the Agency – whether it’s Congress or the IG’s office - needs to stop right now.
- There are too many critical issues that require us all to work together –
 - whether it’s the epidemic of suicide that ends the lives of too many veterans every day,
 - the ongoing struggle of veterans – particularly rural and women veterans - to access the care they need,
 - or the IT setbacks that have hindered or delayed critical initiatives.

- I need to know that you are committed to priorities such as these, and that – at the end of the day – you have the temperament and judgment to do this job.
- Thank you again for your willingness to serve on behalf of our nation's veterans and their families.
- And I thank you, Mr. Chairman.