

BUSINESS MEETING

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Thursday, February 16, 2023

U.S. Senate
Committee on Veterans' Affairs
Washington, D.C.

The committee met, pursuant to notice, at 9:46 a.m., in Room 418, Russell Senate Office Building, Hon. Jon Tester, Chairman of the Committee, presiding.

Present: Senators Tester [presiding], Murray, Blumenthal, Hirono, Sinema, Hassan, King, Moran, Boozman, Rounds, Tillis, Sullivan, and Tuberville.

1 OPENING STATEMENT OF SENATOR TESTER

2 Chairman Tester. I will call the executive committee
3 meeting to order. We need 10 folks, and as soon as we get
4 10 bodies we are going to rock pretty fast. There we go.
5 We are getting there.

6 I do want to just say a few words about the agenda, for
7 the folks that are here. I am incredibly proud of what this
8 Committee accomplished last Congress in a veteran-centric
9 and bipartisan manner, including the passage of the PACT
10 Act, but we are not finished yet. As an oversight entity we
11 need to ensure that prior legislation is implemented as we
12 intended it and that the VA has the tools it needs to
13 deliver the new benefits as well as the old benefits in a
14 timely manner. Where we can, I am going to move quickly to
15 address any shortcomings and authority that prevents
16 veterans from timely access for the health care and the
17 benefits that they have earned.

18 Today's markup is an example of that. It represents a
19 list of priority bills agreed upon by Senator Moran and
20 myself. Every single bill on this agenda has an opportunity
21 for scrutiny through a solicitation of view from both
22 Administration and advocates, and in most cases these bills
23 have been introduced over multiple congresses.

24 We also have preliminary CBO estimates for all the
25 items on today's agenda, and I hope this Committee will move

1 forward aggressively yet deliberately to ensure that the
2 vets get the benefits that they have been promised and that
3 they have earned as quickly and as efficiently as possible.

4 One, two, three, four, five, six, seven, eight. We are
5 getting close.

6 Senator Sinema. What do you need?

7 Chairman Tester. We need 10. So we need one more past
8 Jerry.

9 Senator Tillis. You realize I am not wearing a tie so
10 I might need to excuse myself.

11 Chairman Tester. So we can put a tie on?

12 Senator Tillis. No.

13 [Laughter.]

14 Chairman Tester. I would open it up at this time if
15 other people have comments. Even Tuberville? Just kidding.
16 If you have any comments, Senator.

17 Senator Tuberville. Thank you, Mr. Chairman. I would
18 just like to respectfully ask for a roll call vote on S. 10
19 only. S. 10.

20 Chairman Tester. Okay.

21 Senator Tuberville. Thank you.

22 Chairman Tester. That is perfect. It is perfect.

23 Now we need one more, Senator.

24 Senator Moran. I heard that.

25 Chairman Tester. If we have one more then we are ready

1 to rock. Any other comments? Yeah, go ahead.

2 Senator Tillis. Yeah, just a quick comment. I have
3 got a Finance Committee meeting and I need to check in. I
4 am also going to be questioning the nominee. But, Mr.
5 Chairman, I understand on S. 10, in particular, that we are
6 going to talk about work that we need to get done, and with
7 those sorts of commitments, you know, I am prepared to
8 support moving forward with it. But I do believe there is a
9 process that we need to follow which also includes maybe a
10 markup in this Committee or discussion in this Committee,
11 and I hope that we can get that commitment.

12 Chairman Tester. Yeah, commitment done, and
13 absolutely, unequivocally important. You know, these are
14 big issues, and it is a different way of doing business.

15 Senator Hirono. Mr. Chairman?

16 Chairman Tester. Go ahead.

17 Senator Hirono. Sorry. Very briefly, I am supporting
18 all these bills but I wanted to particularly note S. 106,
19 which is the Senator Baldwin bill, and S. 175, which is a
20 Rounds bill. And I just wanted to commend the introducers
21 for making sure that Native Hawaiian issues are addressed in
22 both of these bills. I thank them for that.

23 Chairman Tester. You bet. Other comments?

24 Senator Moran. Did you do your opening statement?

25 Chairman Tester. I did my opening statement. Would

1 you like to give yours?

2 Senator Moran. That would be fine.

3 Chairman Tester. Okay. Senator Moran.

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1 STATEMENT OF SENATOR MORAN

2 Senator Moran. Chairman Tester, thank you. I am
3 pleased to start the 118th Congress and get to work with you
4 and our Committee. We have been able to pass significant
5 legislation last year. Now it is our job to see that the VA
6 faithfully implements the laws that we passed, as Congress
7 intended, and consider further legislation to improve the
8 lives of servicemembers and veterans.

9 I also want to note the spirit of cooperation that
10 continues to drive our Committee's work. We are all here to
11 help secure the best outcomes possible for our veterans. As
12 we do our work in this Committee we must make certain we are
13 receiving the best input possible from the VSOs, from the
14 VA, and other Federal agencies and our stakeholders.

15 To that end, I am glad the Chairman has renewed our
16 agreement from last Congress to always have at least a
17 preliminary estimate of costs from CBO for any legislation
18 this Committee is voting on. The preliminary cost estimates
19 for today's agenda make clear that several items will
20 require more input from CBO and more work to address the
21 cost before full consideration by the Senate.

22 Veterans and taxpayers are counting on us to make good
23 use of their money. We all have to do our part to achieve
24 fiscal responsibility. That is why the version of my bill,
25 the Elizabeth Dole Home Care Act, that we are marking up

1 today, does not include provisions to raise expenditure cap
2 for non-institutional alternatives to nursing home care.
3 While this is a policy I continue to support, I wish we
4 could pass it. It carries a CBO score of several billion
5 dollars, which we are not prepared today to offset. I look
6 forward to working with my co-sponsors, Senator Tester and
7 Senator Hassan, to find a fiscally sound way to move this
8 important provision forward.

9 I am also grateful to Senator Tester for working with
10 me on the bill I introduced called the RESPECT Act. This
11 bill was born out of conversations I had with Kansans who
12 were caring for veterans and need and deserve more support
13 themselves. The RESPECT Act would allow these caregivers to
14 seek mental health support outside the VA in settings where
15 they have told me they feel much more comfortable. It also
16 improves the VA's family caregiver program for veterans with
17 neurological disorders, mental health issues, and are at
18 risk for suicide.

19 Chairman Tester and Senator Boozman worked with me on
20 their VA CAREERS Act, and I am pleased we could build on the
21 VA's proposals to add common-sense guardrails on the
22 increased pay authorities they are seeking for doctors and
23 medical center directors.

24 I am tired of complimenting you. Who wrote this?

25 [Laughter.]

1 Chairman Tester. I am starting to blush myself.

2 Senator Moran. I appreciate that Chairman Tester has
3 committed to hold another hearing on the additional
4 flexibilities the VA has asked for. More public discussion
5 and more stakeholder feedback will help improve these
6 proposals. But I also want the VA to better explain why it
7 cannot properly implement the VA Accountability and
8 Whistleblower Protection Act. If VA is going to have the
9 flexibility they need to hire the best people they need the
10 same flexibility to let employees go when they are not a
11 good fit.

12 Finally, I want to note our ongoing work with Senator
13 Brown on his transition and suicide reduction bill.
14 Reducing veteran suicide by improving transitions out of the
15 military remains one of my top priorities, but I do not
16 believe this bill, as written, fully addresses the problem
17 the DoD inspector general identified with the lack of
18 necessary mental health screenings prior to discharge and no
19 warm handoff between DoD and the VA for those who need
20 mental health care. We have heard it time and time again
21 about the failure of the DoD to hand off its servicemembers
22 to the VA as they become veterans.

23 Additionally, this bill would add yet another
24 requirement for the transition period when DoD still is
25 incorrectly implementing changes required in the 2019 NDAA.

1 Chairman Tester has committed that we will work with DoD and
2 the Senate Armed Services Committee to amend the bill so
3 that it better addresses these problems for our
4 servicemembers before it is considered by the full Senate.

5 And I thank you.

6 Chairman Tester. Thank you, Senator Moran, and I
7 appreciate all the compliments very much. Does anybody else
8 have a comment?

9 Senator Boozman. I will give you some more
10 compliments. We do appreciate you all's work on this. The
11 CAREERS Act, I think, is being worked on by really everyone
12 in this Committee for the last couple of years, to finally
13 come forward.

14 One of the problems that we have got is in recruiting,
15 and I think that is especially true in our rural areas. As
16 I go around the country, whether it is rural Arkansas or
17 rural wherever, it is simply difficult to get any sort of
18 health care professionals, much less at the VA. So this is
19 something that is important.

20 The other issue that is part of this is the thing that
21 we came up with called the VACANT Act, and in Fayetteville,
22 Arkansas, we went more than 18 months without a director.
23 Leadership makes the difference, and so as a result what
24 this would do is say, look, you know, within 180 days you
25 need to get somebody in there permanent that can get the job

1 they need to prioritize, making sure that we do have good
2 leadership.

3 We have got some room to work on these things. They are
4 not perfect right now, so I appreciate you all's willingness
5 also as we kind of move forward, but again, agree as we work
6 to get these things in even better shape so that we can get
7 them passed and continue to do great things for veterans.

8 Chairman Tester. Absolutely, Senator Boozman. We
9 appreciate your work on this. Look, everybody on this
10 Committee has been great, and for the good of the order you
11 probably noticed Senator King has been added to the list.
12 Otherwise everybody else is the same. And in that regard of
13 transition that was brought up between the active military
14 and VA, that is something that Senator King has expressed to
15 me as a high priority for him too, so he will fit right in.

16 I do not know if we are going to get anybody else. Do
17 you guys know of anybody else that is coming?

18 Ms. Melendrez. Senator Blumenthal should be on his
19 way, but what we could do is we could ask all these members
20 to stay and ask for a U.C. to recess, and then start the
21 nomination hearing.

22 Chairman Tester. When is Blumenthal going to be here,
23 because Boozman has to get to a committee, she has to get to
24 a committee.

25 Ms. Melendrez. Go ahead and recess and start the

1 nomination hearing.

2 Chairman Tester. Okay. So is Blumenthal coming?

3 When?

4 Ms. Melendrez. We do not know.

5 Chairman Tester. Okay.

6 Senator Tillis. I will call him right now.

7 Chairman Tester. Everybody that wants -- because the
8 truth is, as Senator Boozman has already talked to me, I
9 think, Tillis, you have got something going on, and I think
10 you have got. So I think we are going to have to probably
11 can the executive session for a later date.

12 Ms. Melendrez. -- off the floor at 11:30.

13 Chairman Tester. Oh, can we do that? We'll do an off-
14 the-floor at 11:30, executive session? Okay. Let us move
15 on to the general business meeting then.

16 [Recess.]

17 Chairman Tester. Seeing that we now have a quorum of
18 10, let us move on to the 9 agenda items. Before we move to
19 the 9 bills on today's agenda I will open it up for any
20 comments or debate. I believe Senator Tuberville has
21 remarks he would like to make on Agenda Item 1, the VA
22 CAREERS Act.

23 Senator Tuberville. Thank you, Mr. Chairman. I would
24 like to respectfully ask for a roll call vote on S. 10.

25 Chairman Tester. Any other debate on Agenda Item 1?

1 [No response.]

2 Chairman Tester. If there is no further debate, we
3 will move to a roll call vote on Agenda Item 1, the VA
4 CAREERS Act. The Clerk will call the roll.

5 The Clerk. Mrs. Murray?

6 Chairman Tester. Aye by proxy.

7 The Clerk. Mr. Sanders?

8 Chairman Tester. Aye by proxy.

9 The Clerk. Mr. Brown?

10 Chairman Tester. Aye by proxy.

11 The Clerk. Mr. Blumenthal?

12 Senator Blumenthal. Aye.

13 The Clerk. Ms. Hirono?

14 Senator Hirono. Aye.

15 The Clerk. Mr. Manchin?

16 Chairman Tester. Aye by proxy.

17 The Clerk. Ms. Sinema?

18 Senator Sinema. Aye.

19 The Clerk. Mr. King?

20 Senator King. Aye.

21 The Clerk. Mr. Moran?

22 Senator Moran. Aye.

23 The Clerk. Mr. Boozman?

24 Senator Moran. Aye by proxy.

25 The Clerk. Mr. Cassidy?

1 Senator Moran. No by proxy.

2 The Clerk. Mr. Rounds?

3 Senator Rounds. Aye.

4 The Clerk. Mr. Tillis?

5 Senator Tillis. Aye.

6 The Clerk. Mr. Sullivan?

7 Senator Sullivan. Aye.

8 The Clerk. Mrs. Blackburn?

9 Senator Moran. No by proxy.

10 The Clerk. Mr. Cramer?

11 Senator Cramer. Aye.

12 The Clerk. Mr. Tuberville?

13 Senator Tuberville. No.

14 The Clerk. Mr. Chairman?

15 Chairman Tester. Aye.

16 The Clerk. On this vote the yeas are 16, the nays are

17 3, and the item is agreed to.

18 Chairman Tester. Agenda Item 1, the VA CAREERS Act,

19 has been ordered reported.

20 We will now move to Agenda Items 2 through 9. Any

21 discussion on those items?

22 [No response.]

23 Chairman Tester. If there is no further debate I will

24 invite a motion that the Committee vote en bloc to favorably

25 report Agenda Items 2 through 9.

1 Senator Moran. So moved.

2 Chairman Tester. Is there a second?

3 Senator Hassan. Second.

4 Chairman Tester. The vote is on the motion that the
5 Committee, en bloc, favorably report Agenda Items 2 through
6 9 on today's agenda.

7 All those in favor, say aye.

8 [Chorus of ayes.]

9 Chairman Tester. All those opposed, say no.

10 [No response.]

11 Chairman Tester. The ayes appear to have it. The ayes
12 do have it. Agenda Items 2 through 9 are ordered reported.

13 I ask unanimous consent that in preparing the agenda
14 items for reporting the Committee staff be authorized to
15 make any required clerical, technical, and conforming
16 changes.

17 If there is no remaining business to come before the
18 Committee, I hereby adjourn.

19 [Whereupon, at 11:40 a.m., the committee was
20 adjourned.]

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