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BUSINESS MEETING

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WEDNESDAY, DECEMBER 15, 2021

United States Senate,
Committee on Veterans' Affairs,
Washington, D.C.,

The Committee met, pursuant to notice, at 3:01 p.m., in Room SR-418, Russell Senate Office Building, Hon. Jon Tester, Chairman of the Committee, presiding.

Present: Senators Tester, Murray, Sanders, Brown, Blumenthal, Hirono, Sinema, Hassan, Moran, Boozman, Rounds, Cramer, and Tuberville.

OPENING STATEMENT OF CHAIRMAN TESTER

Chairman Tester. I call the hearing to order.

Today we are going to consider Kurt DelBene to be Assistant Secretary for Information and Technology, as well as 25 bills on behalf of veterans and their families.

While we are waiting for a quorum--I do not know how many we need for a quorum, but they will tell me--I want to say a few words about the bills on today's agenda.

While there is no silver bullet solution to claims backlog, the bill that I have worked on with Ranking Member Moran, the Veterans Benefits Improvement Act of 2021, attacks the backlog from multiple angles.

Also with Ranking Member Moran, the RURAL Exams Act

1 authorized the VA to incentivize contract examiners to offer
2 better service to rural and housebound veterans and improves
3 transparency of the medical disability examination program.

4 The Ranking Member also joined me in introducing the
5 Rural Veterans Travel Enhancement Act of 2021, making
6 critical transportation programs permanent and removing
7 barriers to mental health care.

8 The VA Information Technology Reform Act of 2021 will
9 improve internal VA management of information technology
10 projects and increase reporting to Congress for oversight
11 purposes.

12 The Strengthening Oversight for Veterans Act of 2021
13 will provide the VA Inspector General with the important
14 investigative tools to strengthen the IG and Congress'
15 oversight of the VA.

16 My bill with Senator Boozman, the MAMMO for Veterans
17 Act, will improve access to mammography and top-notch breast
18 cancer care for veterans across the country.

19 The Servicemembers and Veterans Empowerment and Support
20 Act makes common sense changes to ensure the disability
21 claims of those who have experienced military sexual trauma
22 are fairly considered and that all former Guard and Reserve
23 members can access MST care from the VA.

24 I was proud to work with Ranking Member Moran to
25 introduce the Post-9/11 Veterans' Mental Health Care

1 Improvement Act which will improve veteran's access to
2 mental health care, bolster VA's workforce, and strengthen
3 mental health and suicide prevention research for this
4 latest generation of veterans and beyond.

5 The number of bills on today's agenda is a reflection
6 of the hard work of the members of this Committee and the
7 bipartisan manner in which we do business.

8 As we wrap up this year and head into 2022, I would
9 like to report that we are close to finalizing an omnibus
10 package of veterans bills that include priorities from each
11 of you and we are close to taking a major bipartisan step on
12 behalf of toxic exposure veterans.

13 I just want to say one thing on bill number 3021, which
14 will be handled separately, it deals with MST. The Ranking
15 Member and myself have talked and we are going to make sure
16 this accurately reflects and codifies what the VA is
17 currently doing. 3025, I should have said.

18 Senator Moran. Mr. Chairman, it is nice of you to
19 indicate that you are going to work with me on a bill number
20 that we do not have.

21 Chairman Tester. I always do.

22 Senator Moran. But assuming that you are indicating
23 you will work with us on 3025.

24 Chairman Tester. That is it.

25 Senator Moran. Thank you.

1 Chairman Tester. That is what I said, I thought.
2 Okay, well, that was just because I was thinking about
3 something else.

4 At any rate, toxic exposure, as you all know, is a high
5 priority. It is a high priority for the VSOs. It is a high
6 priority for us. We are working on a way to get that bill
7 to prime time in total or in sections.

8 So with that, I am going to turn it over to you,
9 Senator Moran.

10 OPENING STATEMENT OF SENATOR MORAN

11 Senator Moran. Mr. Chairman, thank you. Thank you for
12 your outline of today's legislative agenda and the
13 nomination on the executive calendar. And again, thank you
14 for your commitment to work with us on 3025.

15 I will save my remarks in that regard for discussion of
16 that bill.

17 Chairman Tester. Do we have enough? Do we have a
18 quorum?

19 Ms. Melendrez. We need one more.

20 Chairman Tester. Well fancy that, we have got one
21 more.

22 Seeing that we now have a quorum, let us do the
23 nomination.

24 Is there any discussion on the nomination of Kurt D.
25 DelBene to be Assistant Secretary for Information and

1 Technology?

2 [No response.]

3 Chairman Tester. I am just going to tell you
4 something. I think this guy is top flight and I think if we
5 can get him in the VA, good things are going to happen.

6 If there is no objection, we will go with a voice vote.

7 All in favor of the nomination of Kurt D. DelBene to be
8 Assistant Secretary for Information and Technology, say aye.

9 [Chorus of ayes.]

10 Chairman Tester. Opposed, nay.

11 [No response.]

12 Chairman Tester. The ayes have it. Agenda item one is
13 ordered favorably reported.

14 I guess I turn it over to you now, Senator Moran.

15 Senator Moran. Mr. Chairman, I assume that we are
16 calling up Senate Bill 3025. And if that is the case, then
17 I call up a Moran amendment to modify Section 101 of that
18 bill.

19 This amendment modifies Section 101 by focusing the
20 required gap analysis on military sexual trauma victims.

21 [Pause.]

22 Senator Moran. Mr. Chairman, my understanding is that
23 our agreement as further--I was going to offer an amendment
24 and withdraw an amendment based upon our agreement. But
25 with regard to that agreement, I will just express my

1 concerns about the provisions of the bill and my
2 understanding is that we will then vote on the bill by voice
3 vote.

4 So I and my colleagues on the Republican side support
5 many of the improvements this bill makes to ensure the VA is
6 fairly processing claims related to military sexual trauma.
7 The men and women who have served our Nation in uniform
8 deserve our utmost respect and the benefits they have earned
9 through their service. No one, especially not a member of
10 the military, should ever face sexual trauma and we should
11 work to make certain that victims of military sexual trauma
12 receive the care, support, and help that they need to heal.

13 Chairman Tester, what you have indicated with this bill
14 is to codify the improvements the VA has made to how it
15 processes military sexual trauma claims and I support
16 codifying what the VA currently does via regulation.

17 However, as it is written, this bill goes beyond what
18 the VA currently has in its regulations and changes how the
19 VA would consider evidence in MST-related cases.

20 The VA testified before this Committee two months ago
21 that this bill would lower the standards for MST-related
22 claims in comparison to other related claims of PTSD.

23 I agree with the VA, and with members of this
24 Committee, that mental health conditions related to military
25 sexual trauma pose challenges to how the VA adjudicates

1 disability claims.

2 So Mr. Chairman, the crux of this is I think it is your
3 intention to codify what the VA currently has in
4 regulations. It is my belief, the VA's belief, and many of
5 the members of this Committee on this side of the aisle,
6 that the legislation goes further than that.

7 We look forward to working with you to see if we can
8 resolve that gap difference between what we think you
9 intended and what the bill actually does. I think the issue
10 is we want--I know what the issue is. The issue is we want
11 to make sure that there is a level playing field, regardless
12 of the claim, that all claimants for medical conditions,
13 particularly mental health conditions, are treated the same.

14 And so with your assurance, Mr. Chairman, I look
15 forward to working with you on behalf of all of the members
16 of this Committee and certainly on our side of the table, to
17 see that we accomplish our goal.

18 Chairman Tester. I do not think there is any argument
19 on either side of the aisle that MST is very, very
20 important. And I think that the goal of this bill, as you
21 pointed out, Senator Moran, was to make sure we codify what
22 the VA is currently doing. So that if a new Secretary comes
23 down the line, regardless of administration, cannot start
24 changing the program. Because I think it is important. So
25 you have my commitment on that. The two staffs know our

1 commitment. You heard it today. And they will go to work
2 and we will get this ironed out.

3 Any more discussion?

4 [No response.]

5 Chairman Tester. All those in favor, say aye.

6 [Chorus of ayes.]

7 Chairman Tester. Opposed nay.

8 [No response.]

9 Chairman Tester. Motion carried.

10 We will now turn to the remaining agenda items, items
11 two through 21 and items 23 through 26.

12 Before we dispose of those items, I would ask unanimous
13 consent that we waive the rules for agenda item 11 so that
14 we may consider that naming bill. The individual is still
15 alive so we need to waive the rules in order to consider
16 him.

17 Is there any objection to waiving the rules for agenda
18 item number 11?

19 [No response.]

20 Chairman Tester. Hearing none, all those in favor of
21 agenda item two through 21 say aye.

22 [Chorus of ayes.]

23 Chairman Tester. Opposed nay.

24 [No response.]

25 Chairman Tester. Motion carried.

1 All those for items 23 through 26, say aye.

2 [Chorus of ayes.]

3 Chairman Tester. Opposed nay.

4 [No response.]

5 Chairman Tester. Motion carried.

6 With that, I think we are done.

7 I ask unanimous consent that, in preparing the agenda
8 items for reporting, the Committee staff be authorized to
9 make any clerical, technical, or conforming changes that may
10 be required.

11 If there is no remaining business to come before the
12 Committee, we are adjourned.

13 Senator Sinema. Mr. Chairman.

14 Chairmen Tester. We are not adjourned.

15 Senator Sinema.

16 Senator Sinema. Mr. Chairman, I just wanted to say
17 thank you to the Committee and to everyone for supporting
18 our bipartisan Long-Term Care Veterans Choice Act. I just
19 wanted to express my gratitude to everyone and say thanks.
20 I am glad we are getting this moving. I appreciate it.

21 Chairman Tester. Thank you. Anybody else?

22 [No response.]

23 Chairman Tester. Then we are adjourned.

24 [Whereupon, at 3:11 p.m., the Committee was adjourned.]

25