

STATEMENT OF
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BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE

WITH RESPECT TO

Pending Legislation

WASHINGTON, D.C.

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Chairman Isakson, Ranking Member Blumenthal and members of the Committee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I would like to thank you for the opportunity to testify on today's pending legislation.

S. 2106, Wounded Warrior Employment Improvement Act of 2015

The VFW supports this legislation, which would require the Department of Veterans Affairs (VA) to create an action plan to improve the Vocational Rehabilitation and Employment (VR&E) program. Similar to education programs, such as the GI Bill, VR&E offers disabled veterans access to education and training in order give them the skills necessary to transition to civilian life. Additionally, it provides other support, such as counseling and assistance finding jobs that are suitable for their disabilities. VR&E must be viewed as a cornerstone of VA services. Veterans who have been wounded or injured, or have fallen ill want to be productive members of society. VR&E is the bridge to get them there. Still, there are certain improvements to the program that should be made.

This bill would require VA to conduct an analysis of and develop a plan to remedy VR&E workload management challenges. Recent figures indicate that the workload for VR&E counselors at many Regional Offices often exceeds the VA standard of one counselor to every 125 veterans. The VFW believes that VA must hire additional counselors to meet this standard and then evaluate if 1:125 is truly an effective ratio, especially for counselors who assist veterans with severe cases of Post-traumatic Stress Disorder and Traumatic Brain Injury. VR&E must focus on building careers for veterans – not just placement into jobs. To do this, counselors must be able to invest the time necessary to achieve a higher standard of success. The VFW also believes that VA must change its current veterans' success rate tracking model from the current 60-day threshold to the end of the veterans' probationary period.

VA would also be required to conduct an analysis on why a higher percentage of disabled veterans choose to use their GI Bill benefits over VR&E and to conduct outreach for the VR&E

program. The VFW supports this provision, believing that it would be helpful in identifying other weaknesses in the program, such as barriers to entry and lack of awareness.

S. 2134, Grow Our Own Directive: Physician Employment and Education Act of 2015

This legislation would build on the success of the Intermediate Care Technician (ICT) Pilot Program. Launched in December 2012, the ICT pilot program recruited transitioning veterans who served as medics or corpsmen in the military to work in VA emergency departments as intermediate care technicians. The ICT program offered transitioning medics and corpsmen who have extensive combat medicine experience and training the opportunity to provide clinical support for VA health care providers, without requiring them to undergo additional academic preparation.

This legislation would go a step further by affording transitioning medics and corpsmen the opportunity to become physician assistants. With the end of the wars in Iraq and Afghanistan and the expected drawdown of military personnel, more medics and corpsmen will be leaving military service and transitioning into the civilian workforce. The VFW strongly supports efforts to leverage their medical knowledge and experience to meet the health care needs of our nation's veterans.

While the VFW supports the pilot program this legislation would establish, we believe that new funding should be authorized for new programs, so that existing care and services are not diminished.

S. 2170, Veterans E-Health and Telemedicine Support (VETS) Act of 2015

The VFW supports this legislation, which would allow qualified VA physicians to provide telehealth services to veterans across state lines, removing the requirement that both be located in a federally owned facility. This would be especially helpful for veterans who do not live in the same state as the facility in which they are enrolled.

With geographic distance remaining a significant barrier to care for many veterans, the use of telemedicine technology has emerged as a highly effective method of providing veterans with timely and convenient care. Current law, however, restricts VA health professionals from practicing telemedicine across state lines unless both the provider and the veteran are located in federally owned facilities. Consequently, veterans who are enrolled in out-of-state VA Medical Centers may be forced to travel significant distances to access telehealth services. By allowing VA health care professionals to practice telemedicine across state borders, a veteran's physical location would no longer be a limiting factor in his or her ability to take advantage of telehealth services.

Draft Legislation, Department of Veterans Affairs Veterans Education Relief and Restoration Act of 2015

The VFW strongly supports this legislation, which would authorize VA to restore GI Bill benefits for student veterans who receive no course credit or lose training time due to permanent closure of their educational institutions. We are pleased that this authority would be made retroactive for fiscal year 2015, covering veterans who were impacted by the recent closure of Corinthian Colleges. The VFW notes that the Department of Education has established a debt

forgiveness program for students who were attending Corinthian on federal student loans, and we believe that it is equitable for student veterans to receive similar relief.

Veterans who attend schools using their GI Bill benefits are limited to 36 months of assistance, with the assumption that this is the amount of time necessary to complete a four year degree attending classes at the full-time rate. Veterans who lose a semester of benefits due to an unexpected school closure are put at a disadvantage, since they may no longer have enough time to complete their educational goals. While the VFW realizes that veterans have the responsibility to be informed consumers when choosing where to use their education benefits by using resources like the GI Bill Comparison Tool, we believe it is unreasonable for veterans to anticipate that the schools they currently attend will close mid-semester. For this reason, we believe it is fully justified that their GI Bill benefits be restored in those cases, allowing them to complete their courses of education at another school before their benefits are exhausted.

Draft Legislation, Veterans Affairs Retaliation Prevention Act of 2015

The VFW strongly supports this legislation, which would offer significant protections to VA employees who step forward to identify wrongdoing within the Department. These employee whistleblowers are the first line of defense against mismanagement, abuse, and other actions that put veterans in danger. Although they should be commended for their actions, they sometimes suffer reprisal from supervisors who would rather cover up problems than fix them. The VFW strongly believes that whistleblowers must be protected.

There has been much emphasis lately on increasing employee accountability at VA. The VFW supports these efforts, believing that VA must have the authority to swiftly discipline or terminate any employee whose actions endanger veterans. Still, enhanced firing authority could be used by managers to eliminate whistleblowers if proper protections are not in place. For this reason, we strongly supported the whistleblower protection provisions that were added to H.R. 1994, the VA Accountability Act, before it passed the House. This legislation contains similar whistleblower protections, and we urge this Committee to consider it as a compliment to the Senate version of the VA Accountability Act, S. 1082.

This legislation defines a whistleblower complaint as “a complaint by an employee of the Department disclosing, or assisting another employee to disclose, a potential violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.” It creates a reporting system that protects employees from retaliation by immediately involving higher level management and the central whistleblower office, which will be responsible for investigating all complaints. If a positive determination is made that the complaint is valid, the whistleblower will be given the option to transfer. VA will be required to develop a whistleblower complaint form and conduct training on how to file whistleblower complaints and on whistleblower rights. The VFW thinks these protections are necessary and appropriate.

Supervisors found to have engaged in retaliation in accordance with section 2302 of title 5 will be suspended for at least 12 days for the first offense and terminated on the second offense. Whistleblower compliance will be added to supervisors’ performance evaluation criteria, and bonuses will be prohibited or clawed back for any supervisor who engages in whistleblower retaliation. The VFW believes these provisions will act as an effective deterrent, allowing whistleblowers to come forward with confidence that they will not suffer reprisal.

This legislation would also require the Inspector General to submit to Congress and make public any report that makes a recommendation or suggests corrective action. The VFW supports this provision, however, we suggest that any report that substantiates an allegation should also be made public. This will promote greater transparency in cases where the IG makes no recommendations because it believes that VA has already taken corrective action before the report is published.

Mr. Chairman, this concludes my testimony and I will be happy to answer any questions you or the Committee members may have.