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United States Senate

COMMITTEE ON VETERANS' AFFAIRS

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February 28, 2022

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

I write to urge you to nominate candidates to critical positions at the Department of Veterans Affairs (VA) and the Asset Infrastructure Review Commission without further delay. Delays in filling these positions may have a negative impact on the quality and timeliness of care and benefits veterans receive, and their continued vacancies risk stalling bipartisan modernization efforts aimed at improving outcomes for veterans.

First, I ask you to prioritize and expedite the selection process for the Under Secretary for Health (USH) of the Department of Veteran Affairs. The USH is an integral position within the Department, serving as the head of the Veterans Health Administration (VHA) with a direct responsibility for policy implementation and daily operations within VHA. Additionally, the USH is responsible for managing VHA's annual budget (currently over \$90 billion) and overseeing care delivery to more than 9 million enrolled veterans.

The USH position has been vacant since 2017, with the vacancy now spanning two Administrations. As VHA continues to operate without an appointed USH, the mounting negative effects are clear at every level. For instance, it is irrefutable that promoting patient safety should be a basic fundamental practice for any healthcare system. However, reports from VA's Inspector General indicate a common theme of disjointed patient safety schemes that ultimately create an adverse environment for veterans treated at VHA facilities. While VA has been working to address these issues with the creation of a standardized patient safety handbook, it is my understanding that officials are delaying the publication of the handbook until a permanent USH is appointed.

Additionally, Congress has passed several pieces of landmark legislation related to veteran health care—such as Public Law 115–182, the VA MISSION Act of 2018 (MISSION Act) and Public Law 116-171, the Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019— since 2017 and will continue to pass key legislation aimed at transforming VHA into a modernized health care system. The USH is responsible for ensuring proper implementation of these laws across the VHA enterprise and thus, plays a critical role in the success of these reformative laws. I, and many in the Veterans Service Organization (VSO)

community, are concerned that the Administration's inability to find a suitable USH candidate will severely hinder the implementation of current laws and future legislation.

Second, the Under Secretary for Benefits (USB) is another key position that must be filled without further delay. The USB is responsible for administering over \$150 billion in benefits to more than 6 million veterans and dependents. The Veterans Benefits Administration (VBA) routinely processes roughly one million benefits claims per year, and has been increasing its output to address a growing backlog of claims due to delays caused by the pandemic and increased benefit applications related to illnesses caused by toxic exposures.

Congress, VA, and VSOs are all in the midst of deliberations on how best to address illnesses caused by toxic exposures, and VBA plays a significant role in the delivery of benefits for impacted veterans. A permanent USB is needed as part of these ongoing discussions and will be critical in delivering timely benefits following badly needed reforms to the process for determining presumptions of service connection for toxic exposed veterans.

Lastly, I ask you to nominate any individuals for the Asset and Infrastructure Review (AIR) Commission who have been vetted by your Administration and meet the requirements of the MISSION Act. The MISSION Act requires you to appoint nine AIR Commissioners with the advice and consent of the Senate, no later than May 31, 2021. The AIR Commission's mission is to recommend, for your approval, VA facility modernization actions which take into account demographic changes, the exigencies of modern medicine, and complementary community care networks. Needless to say, this effort will shape the face of care for veterans for decades to come.

The MISSION Act prescribes specific criteria for the commissioners. It directs you to consult with the bipartisan leadership of Congress and congressionally chartered, membership-based VSOs concerning these appointments. Given the establishment of the AIR Commission is several months behind the timeline required by the MISSION Act, I ask that any nominations be made as soon as possible, regardless of whether or not all nine are ready. This will allow our Committee and the Senate to begin the necessary process of reviewing the nominations. The law directs the AIR Commission to conduct its work and report to you nearly a year from today, on January 31, 2023. With this pressing schedule before the Commission, the nomination process must proceed without further delay.

Our nation invests tremendous resources in VA to make certain that veterans have every opportunity and resource they need to achieve success after their service. With a budget and workforce second in size only to the Department of Defense, our nation and our veterans deserve a VA that produces meaningful outcomes for the veterans it serves and does so as a good steward of tax dollars. VA must have permanent leaders, with the backing of the Senate and your administration, to implement the reforms and effect the outcomes that Congress intends. We have provided VA with the financial resources and legal authorities needed to deliver the best outcomes for our nation's veterans. Please provide us with the leaders we need to see these improvements implemented and to work with us as partners as we continue to modernize VA for the needs of current and future generations of veterans.

Sincerely,

Handwritten signature of Jerry Moran in blue ink.

Jerry Moran
Ranking Member

CC: Chairman Jon Tester