

DEMOCRATS

MARK TAKANO, CALIFORNIA, CHAIRMAN

JULIA BROWNLEY, CALIFORNIA
KATHLEEN M. RICE, NEW YORK
CONOR LAMB, PENNSYLVANIA
MIKE LEVIN, CALIFORNIA
ANTHONY BRINDISI, NEW YORK
MAX ROSE, NEW YORK
CHRIS PAPPAS, NEW HAMPSHIRE
ELAINE G. LURIA, VIRGINIA
SUSIE LEE, NEVADA
JOE CUNNINGHAM, SOUTH CAROLINA
GILBERT R. CISNEROS, JR., CALIFORNIA
COLLIN C. PETERSON, MINNESOTA
GREGORIO KILILI CAMACHO SABLAN, NORTHERN MARIANA ISLANDS
COLIN Z. ALLRED, TEXAS
LAUREN UNDERWOOD, ILLINOIS

RAY KELLEY
STAFF DIRECTOR

REPUBLICANS

DAVID P. ROE, TENNESSEE, RANKING

GUS M. BILIRAKIS, FLORIDA
AUMUA AMATA COLEMAN RADEWAGEN, AMERICAN SAMOA
MIKE BOST, ILLINOIS
NEAL P. DUNN, FLORIDA
JACK BERGMAN, MICHIGAN
JIM BANKS, INDIANA
ANDY BARR, KENTUCKY
DAN MEUSER, PENNSYLVANIA
STEVE WATKINS, KANSAS
CHIP ROY, TEXAS
W. GREGORY STEUBE, FLORIDA

JON TOWERS
REPUBLICAN STAFF DIRECTOR

U.S. House of Representatives

COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED SIXTEENTH CONGRESS
B-234 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
<http://veterans.house.gov>

October 20, 2020

The Honorable Robert Wilkie
Secretary
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, DC 20420

Dear Secretary Wilkie:

The Department of Veterans Affairs recently advised my staff of its intention to shutter the compensation and pension (C&P) examination program at the Veterans Health Administration (VHA) and shift to the use of private contractors. As a global pandemic has caused a backlog of 350,000 C&P examinations and concerns of the Government Accountability Office (GAO) are still unresolved, I am concerned about VA's ability to adequately oversee the program. Considering VA's announcement, I need your commitment that VA will ensure all contractors provide timely, high-quality C&P examinations to our disabled veterans.

During last year's Subcommittee hearing on contract C&P examinations, VA testified that contract exams were intended to supplement the existing VHA C&P program, providing local examinations to rural veterans and prompt appointments when VHA facilities had long wait times. Now, VA says full migration of C&P examinations to contractors was always the plan. VA privately advised my staff of the decision after it was made, without a press release or communication to the affected veterans, advocates, or labor representatives. Such a consequential decision should have been communicated directly to the Chair and Ranking Member of this Subcommittee and should not have moved forward during the turbulence of the pandemic.

The timing and circumstances of the decision to fully migrate to contract examiners could create hardships. The COVID-19 pandemic caused a backlog of 350,000 C&P examinations that has lingered since in-person examinations resumed, without appreciable improvement. Despite this, VA is actively eliminating VHA C&P examiner jobs. Without an alternate plan to reduce this backlog, VBA has tied one hand behind its back as it forges ahead on its decision. I am also concerned that eliminating the VHA C&P program will endanger federal jobs while millions of Americans struggle with unemployment. As VA retires the VHA C&P program, it should carefully consider other opportunities within VA for affected employees.

Last year's Subcommittee hearing examined VBA's quality review process for vendors in its contract examination program based on a GAO report from October 8, 2018. In that report, GAO provided four recommendations to improve oversight over contract vendors, focusing on quality, timeliness, and training. More than two years later, VBA has not fully implemented these recommendations it agreed were necessary for proper oversight. For instance, VBA's Exam Management System still cannot synchronize with contractor systems to properly invoice or calculate examination timeframes. VBA also has not yet implemented its training management system, which allows for better data collection on the effectiveness of training. VBA's failure to implement these recommendations raises concerns about its ability to oversee contractors as they increase their workload from 60% of C&P examinations to nearly 100%. VBA needs a plan and timeline for implementation of GAO's recommendations as it migrates all C&P examinations to contractors. Further delays endanger the program's success, especially as it undergoes rapid expansion.

For many veterans, thorough and accurate C&P examinations are crucial to securing service-connected benefits. VA's quiet decision to carry out a major reorganization of its C&P program without a plan to make key improvements, reduce backlog, or retain employees is unlikely to deliver the high-quality results we expect. Considering these challenges, I would like commitments and answers to the following questions:

1. Please provide a plan and timeline for complete implementation of the recommendations in GAO's October 2018 report, VA Disability Exams: Improved Performance Analysis and Training Oversight Needed for Contracted Exams.
2. What steps, if any, have been taken to notify VA C&P examination providers of their opportunities to continue to work at VA in the event their jobs are under consideration for elimination and what are those opportunities?
3. How many C&P examination staff positions does VA expect to eliminate in the migration to contract examinations, including any frontline scheduling staff?
4. Please provide a list of the C&P examinations that will continue to be performed by VHA staff and whether VA has considered the value of having VHA examiners conduct specialty examinations for Gulf War Illness and other toxic exposures, Military Sexual Trauma, and Traumatic Brain Injury?

Please respond to this letter by no later than Monday, November 16, 2020. If you have any questions, please contact Julie Turner, Staff Director of the Disability Assistance and Memorial

The Honorable Robert Wilkie

October 20, 2020

Page 3

Affairs (DAMA) Subcommittee at Julie.Turner@mail.house.gov. Thank you for your assistance with this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eluria", is centered below the word "Sincerely,".

Elaine Luria

Chair

Subcommittee on Disability Assistance and Memorial
Affairs

Committee on Veterans' Affairs