



CONGRESSIONAL TESTIMONY

STATEMENT FOR THE RECORD

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

PROVIDED TO THE

HOUSE COMMITTEE ON VETERANS' AFFAIRS

HEARING ON

PENDING LEGISLATION

JULY 23, 2020

Chairman Takano, Ranking Member Roe, and Members of the Committee, the American Federation of Government Employees, AFL-CIO (AFGE) and its National Veterans Affairs Council (NVAC) appreciate the opportunity to submit a statement for the record on the bills before the Committee today. AFGE represents more than 700,000 federal and District of Columbia government employees, 260,000 of whom are proud VA employees. In our comments on the bills before the Committee today, we will discuss how these proposed pieces of legislation will impact the frontline workforce and the veterans they serve every day. We hope that you find our recommendations reasonable, and we stand ready to work with the members of the Committee to make adequate changes as highlighted below.

H.R. 6039, A bill to require the Secretary of Veterans Affairs to seek to enter into an agreement with the city of Vallejo, California, for the transfer of Mare Island Naval Cemetery in Vallejo, California, and for other purposes

AFGE takes no position on this legislation.

H.R. 6082, Forgotten Vietnam Veterans Act

AFGE supports H.R. 6082, the “Forgotten Vietnam Veterans Act.” AFGE believes that all veterans who served in Vietnam during the early years of the Vietnam War should receive the same benefits as those who served later in the war, and that veterans should not be deprived of specific benefits because of inconsistencies in federal statute. This legislation corrects an unfair discrepancy in the law by changing the definition of a Vietnam Veteran to match the definition used by the Department of Defense, and would allow early Vietnam Veterans who served between 1955 and 1961 to receive the benefits to which they are entitled.

H.R. 4908, Native American PACT Act

AFGE takes no position on this legislation.

H.R. 2791, Department of Veterans Affairs Tribal Advisory Committee Act of 2019

H.R. 2791 would require the VA Secretary to establish an advisory committee to provide advice and guidance on matters relating to Indian tribes, tribal organizations, and Native American veterans.

AFGE represents employees of the Indian Health Service (IHS) and the VA, including many veterans. AFGE plays an important role in safeguarding the rights and working conditions of frontline IHS and VA employees who see firsthand management practices that may undermine the agency's mission. In turn, federal employees should be eligible and encouraged to apply to serve as voting members of the Advisory Committee and should not be expressly prohibited by the bill. In addition, AFGE believes that representatives of unions can play a valuable non-voting advisory role similar to that of federal agencies and urge their inclusion as meeting attendees. Therefore, AFGE

urges the Committee to consider amending this bill to allow federal employees to be eligible to serve as voting members of the Advisory Committee and allow a representative designated by AFGE as a non-voting meeting participant.

AFGE also recommends that subsection (j)(B) of the bill be amended to make sure the definition of “appropriate committees of Congress” includes the House Committee on Natural Resources, and in turn its Subcommittee on Indigenous Peoples of the United States, similar to the bill’s reporting requirement for the Senate Committee on Indian Affairs.

H.R. 4526, Brian Tally VA Employment Transparency Act

AFGE takes no position on this legislation.

H.R. 3582, Discussion; and legislation to clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights.

AFGE takes no position on this legislation.

H.R. 96, To amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish dental care in the same manner as any other medical service, and for other purposes.

AFGE takes no position on this legislation.

H.R. 4281, Access to Contraception Expansion for Veterans Act

AFGE takes no position on this legislation.

H.R. 3010, Honoring All Veterans Act

AFGE takes no position on this legislation.

H.R. 7163, VA FOIA Reform Act of 2020

AFGE takes no position on this legislation.

H.R. 7111, Veterans Economic Recovery Act of 2020

AFGE takes no position on this legislation.

H.R. 2435, Accelerating Veterans Recovery Outdoors Act

AFGE takes no position on this legislation.

H.R. 7287, To clarify the licensure requirements for contractor medical professionals to perform medical disability examinations for the Department of Veterans Affairs

AFGE strongly opposes H.R. 7287, a bill to clarify the licensure requirements for contractor medical professionals to perform medical disability examinations for the Department of Veterans Affairs. This legislation is not a clarification bill as its title suggests, but is instead a vehicle to legitimize, after the fact, contracts the VA already has with third party contractors who provide Compensation and Pension (C&P) exams that were at the time of their drafting, and remain today, contrary to federal law.

Currently, Pub. L. 104–275, title V, § 504, appearing at 38 U.S.C. § 5101 note, provides that only physicians may administer contract C&P exams. The statute defines “physician” by stating that “A physician described in this paragraph is a physician who— (A) has a current unrestricted license to practice the health care profession of the physician.” The statute is clearly limited to “physicians,” which it defines narrowly, and is meant to require a specific standard for those administering C&P exams.

Despite this requirement, the VA has entered into agreements with contractors, including QTC Medical Services (QTC), to administer C&P exams with personnel who, in many instances, are not physicians. By endorsing this legislation, the Committee would simultaneously allow the VA to ignore practice eligibility requirements specified in statute and allow contracted medical professionals who are not physicians to make medical assessments that will largely determine a veteran’s disability rating and benefits.

AFGE has advocated over many years for the VA to recognize that veterans medicine is itself a specialty, and the importance of the training and expertise required to conduct high-quality C&P exams. For decades, VA C&P personnel have built extensive experience in both observing specific veteran health care conditions and developing the ability to easily recognize and observe other veteran centric medical conditions the veteran is displaying at an exam, and advise the veteran to file additional claims. VA C&P practitioners should be the primary individuals responsible for examining veterans’ disability claims, and if the VA has to use contractors to supplement VA C&P practitioners, they should follow the law and only contract with physicians. AFGE strongly opposes this bill.

H.R. 3228, VA Mission Telehealth Clarification Act

AFGE takes no position on this legislation.

H.R. 6141, Protecting Moms Who Served Act

AFGE supports H.R. 6141, the “Protecting Moms Who Served Act.”

The number of female veterans needing services at the VA continues to grow and they have earned the right to comprehensive healthcare, including help for pregnant veterans and newborn mothers. H.R. 6141, the “Protecting Moms Who Served Act” would “improve maternity care coordination for women veterans throughout pregnancy and the one-year postpartum period beginning on the last day of the pregnancy.”

H.R. 6493, Veterans Benefits Fairness and Transparency Act

AFGE takes no position on this legislation.

H.R. 7445, to expand eligibility for home loans from the Secretary of Veterans Affairs to certain members of the reserve components of the Armed Forces

AFGE takes no position on this legislation.

Draft Legislation, the Burial Equity for Guards and Reserves Act of 2020

AFGE takes no position on this legislation.

Draft Legislation to amend title 38, United States Code, to extend certain employment and reemployment rights to members of the National Guard who perform State active duty, and Discussion

AFGE takes no position on this legislation.

Draft Legislation to clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights.

AFGE takes no position on this legislation.

AFGE thanks the Committee for considering our views on these important issues and we look forward to working with Members of the Committee to improve the delivery of health care services and benefits to our nation’s veterans.