



WRITTEN TESTIMONY

OF

MR. JAMES WHALEY

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MISSION ROLL CALL

TO THE

HOUSE VETERANS AFFAIRS COMMITTEE

UNITED STATES HOUSE OF REPRESENTATIVES

ON

“Legislative Hearing on: H.R. 472, The Restore VA Accountability Act of 2025; H.R. 1041, Veterans 2nd Amendment Protection Act; Discussion Draft: To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from transmitting certain information to the Department of Justice for use by the national instant criminal background check system; H.R. 740, Veterans’ ACCESS Act of 2025; and Discussion Draft: Student Veteran Benefit Restoration Act of 2025.”

February 25, 2025

Good afternoon Chairman Bost, Ranking Member Takano, and distinguished members of the House Veterans Affairs Committee. On behalf of Mission Roll Call and the 1.4 million veterans whose voices we amplify, thank you for the opportunity to testify today on the important subjects under consideration at today’s hearing.



At Mission Roll Call we strive to amplify veteran voices to policymakers and the public at the national, state, and organizational levels. Our sophisticated polling tools are targeted to the veteran community and their loved ones, the core constituency whose input truly matters. Mission Roll Call uses this polling data in several meaningful ways: to inform lawmakers and officials with ground truth on issues directly impacting veterans; raising public awareness through discussions on national and local news outlets; and incorporating the data into substantive research articles designed to help readers understand the issues of significance within the veteran community. Using this data, we advocate for meaningful improvements to help better the lives of all veterans and deliver the care and services they have earned through their dedicated service to our great nation.

HR 740: Veterans ACCESS Act of 2025

Mission Roll Call has long focused on community care as an area in need of improvement among veterans. The MISSION Act of 2018 made appreciable improvements in the VA's community care efforts, yet our polling indicates there is more work to be done to ensure veterans are afforded care in a manner that meets their needs. Mission Roll Call supports the Veterans ACCESS Act of 2025 to continue to build a community care system around the needs of the veteran.

In a Mission Roll Call poll¹ conducted in December 2024 of over 2500 veterans and their family members:

- 44% reported experiencing a delay or postponement of health care within the past year.

¹ See attached, "Polling Results Addressing Community Care," summarizing Mission Roll Call polling between 2021 and 2024 on the topic of Community Care.

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- 27% did not receive a referral from the VA to a health care provider in the community after a delay in receiving care.
- 31% experienced a problem scheduling services through the VA.
- 12% were denied authorization to use a community care provider.

In this same poll, when asked what type of support would most benefit the veteran and their family, 31% responded that better access to healthcare would be most beneficial. This was second only to the 39% that responded that improved financial assistance and resources would most benefit their lives.

These findings underscore Mission Roll Call's position that significant improvements are still needed to ensure veterans receive care that meets their health care requirements. In particular, access standards based on time and distance should be a key determinant of a veteran's eligibility for community care. Our polling supports this, as 92% of respondents believe the VA should be mandated in law to have requirements that ensure veterans can access care within a certain time and distance of their home.

The Veterans ACCESS Act of 2025 includes a host of positive measures designed to improve the care veterans receive and address many of the issues veterans share with us in our polling:

- This act makes significant strides in incorporating reasonable travel time, distance, and wait time standards to help define when a veteran can access community resources for either primary care or specialty care.
- This act gives the veteran a voice to weigh in on the acceptability of telehealth as a means of providing care and incorporates the veteran's preference for where, when, and how to seek hospital care, medical services, or extended care services.
- This act clarifies the date of calculating wait times as being the original, canceled appointment.



- Perhaps most importantly, this act prioritizes priority admission to a covered treatment program for veterans in certain high-risk categories, including a high-risk for suicide.

HR 1041, Veterans 2nd Amendment Protection Act and Amending Title 38

As we have done in the past, Mission Roll Call continues to support HR 1041, the 2nd Amendment Protection Act, and to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from transmitting certain information to the Department of Justice for use by the national instant criminal background check system.

No American citizen, including veterans, should lose their constitutionally enshrined rights without proper judicial process. Unfortunately, the VA has taken an overly broad view of their responsibilities to assist veterans who either require or request a fiduciary to manage their financial affairs related to VA benefits, conflating this status with an administrative determination that they are mentally incompetent. Under this administrative determination, the VA is reporting veterans using a fiduciary to the FBI's NICS database at rates far greater than other agencies.

The VA's statistics on this category of reporting to the NICS list is staggering in scope. According to the FBI², as of December 2023, the VA has reported nearly 270,000 veterans to the NICS database under the category "adjudicated mental health" since the creation of the NICS database in 1998. The next highest federal agency's reporting figure over the same timeframe is the FBI itself with fewer than 2,000.

This disparity and the VA's frequent use of this administrative determination and subsequent reporting to the NICS list has a dampening effect on the veteran population's willingness to seek mental health care from the VA. Many veterans fear that mere mention in a VA-controlled

² FBI Criminal Justice Information Services Division, National Instant Criminal Background Check System (NICS), Active Entries in the NICS Indices as of December 31, 2023
<https://www.fbi.gov/file-repository/download-active-entries-in-the-nics-indices-as-of-december-31-2023.pdf/view>



clinical environment of struggles related to Traumatic Brain Injury (TBI) or PTSD or other mental health-related symptoms risks being reported to the NICS list and losing their 2nd Amendment rights. Comparatively, mental health clinicians in a non-VA facility do not have similar administrative and reporting tools that might land a patient on the NICS list.

This is not to say that no veteran should be on the NICS list for reasons associated with use of a fiduciary. Rather, it is imperative that where loss of a constitutionally protected right is concerned, there must be a judicial process involved to help ensure the system is being implemented in a fair and transparent manner. This is consistent with the principles under which veterans volunteer to defend and protect the constitution of the United States. Veterans should be afforded all protections their civilian counterparts enjoy.

The substance of this legislation was incorporated into the Fiscal Year 2024 Appropriations Bill. That provision sunset on September 30, 2024. Mission Roll Call believes this legislation should be made permanent during the 119th Congress.

Acknowledging the Challenges the VA Faces

The VA manages the largest integrated health care network in the United States, serving over 9 million veterans annually. When it comes to delivering health care services, the scale of the VA's mission is unmatched. Challenges in administering a program of this size are to be expected to some degree. However, when these challenges begin to overwhelm the VA's ability to deliver care to veterans in a timely and efficient manner, maintaining the veterans' needs and preferences as the overriding consideration, more must be done to effect positive change. The reality is that while the VA effectively meets the needs of millions of veterans, at the same time it falls short for millions of others. Mission Roll Call is particularly focused on the 30% of veterans who report needing improved access to care. These veterans deserve solutions that prioritize their health care requirements over institutional bureaucracy.



HR 472 Restore VA Accountability Act of 2025

As our polling shows, several million of the veterans the VA serves feel the VA could be doing a better job of delivering health care services to veterans, both in terms of required wait times as well as fair notification of being afforded access to community care options. The VA's Access to Care website shows critically long wait times in many health care categories at facilities all over the country. Despite the bipartisan passage of The VA Accountability and Whistleblower Protection Act of 2017, all indications are further improvements need to be made within the VA's culture to help motivate positive improvement in a veteran-centric capacity.

If there is something all veterans can identify with, it's the role rigorous standards play in achieving excellence. Given this, Mission Roll Call endorses the Restore VA Accountability Act of 2025. This act places a premium on results-driven outcomes and reduces the ever-growing bureaucracy that makes it challenging to replace underperforming employees. Serving veterans through the VA is a privilege, and every day, the VA's workforce should strive to provide care that meets the highest standards.

Common to any large organization, a measurable percentage of employees will fail to meet expectations, and at the VA, this means a failure to deliver the best services and care possible to the 9 million veterans the VA serves. Underperforming employees should be afforded opportunities to correct their performance within a reasonable period and to receive substantive review without excessive means by which to stymie the system. The VA needs the agility to release underperforming employees quickly and replace them with higher performers in order to deliver the best care possible to veterans. This act provides VA leadership the flexibility to meet both competing requirements.

Discussion Draft: Student Veteran Benefit Restoration Act of 2025

Last, but by no means least, Mission Roll Call endorses the Student Veteran Benefit Restoration Act of 2025. This simple yet important piece of legislation helps ensure veterans do not lose any or all of their VA educational benefit under those circumstances where the educational institution



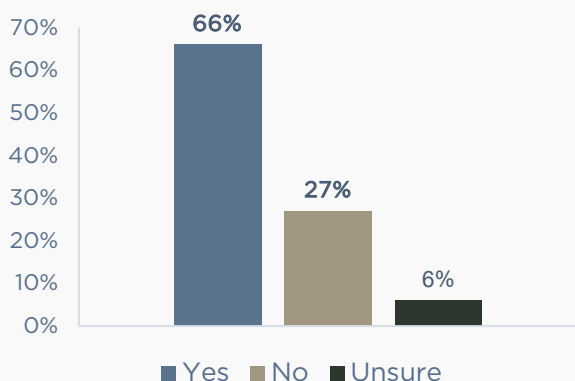
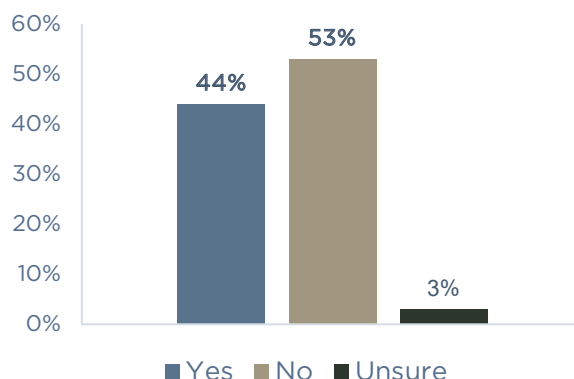
selected either does not have State approval or has their approval revoked. The earned VA educational benefit is simply too important to the long term professional and financial success of veterans to be placed at risk through no fault of the veteran themselves.

Myself and the team at Mission Roll Call appreciate the opportunity to weigh in on these important issues and appreciates the hard work of this committee to craft solutions to these challenges.

POLLING RESULTS ADDRESSING COMMUNITY CARE

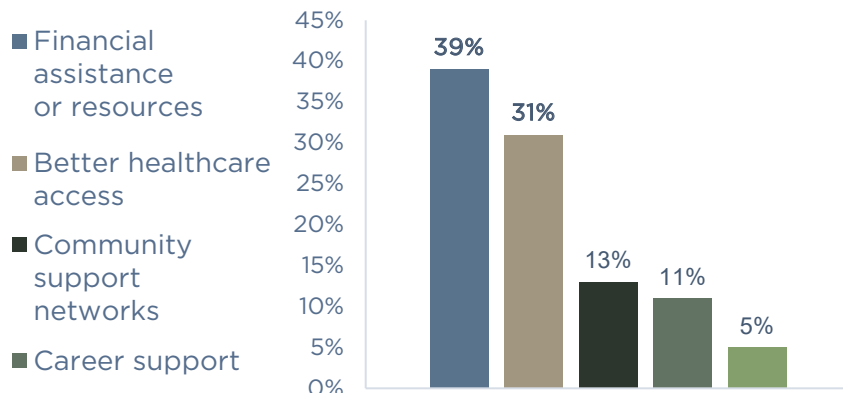
The following are recent and historic poll results Mission Roll Call has conducted that directly or indirectly speak to the issue of the VA and community care. Polling results from December 2024 are based on an online survey of a sample of 2,583 U.S. adults who are Veterans (2,080) or have Veterans (503) as immediate family members. This poll's margin of error is 2%.

In the past year, have you or the veteran in your family experienced a delay or postponement related to health care services at a VA facility?



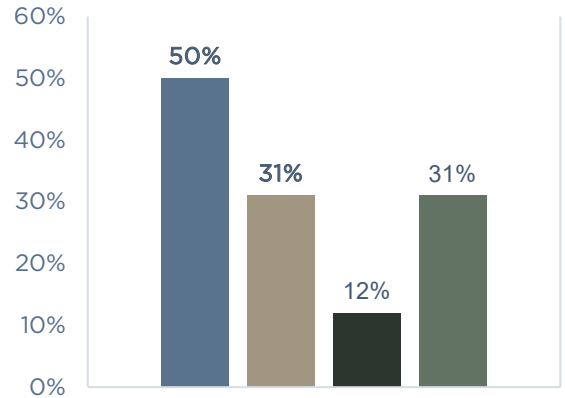
Following a delay in receiving care at a VA facility, the VA is required to offer a referral to a health care provider in the community. Did the VA make you (or the veteran in your family) aware of this policy?

As a veteran or military family, what type of support would most benefit your family?



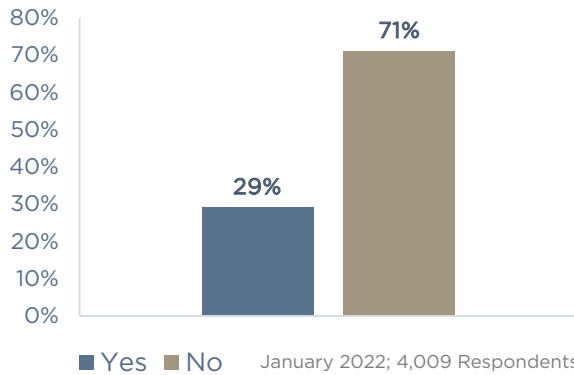
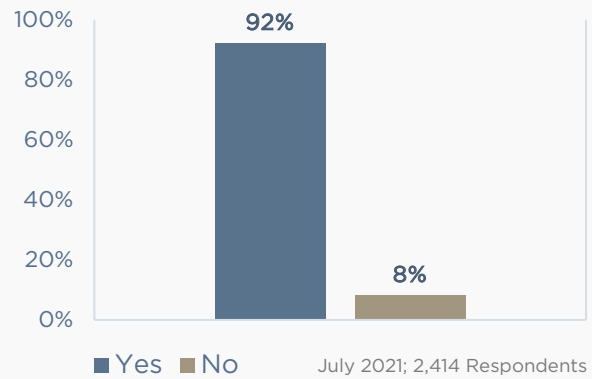
Have you or a loved one...
(select all that apply)

- Been offered VA telehealth services
- Experienced a problem scheduling services through the VA
- Been denied authorization to use a community provider
- None of these



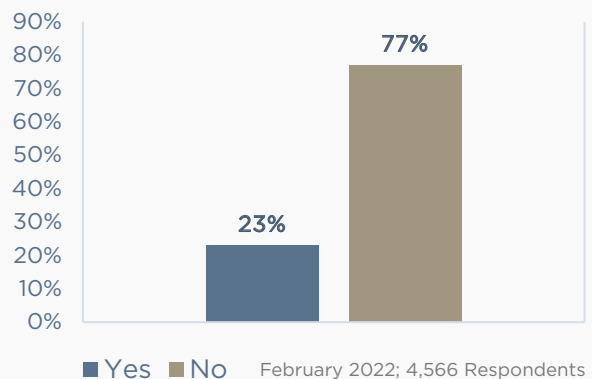
The following are older polling results from **2021 through 2022**

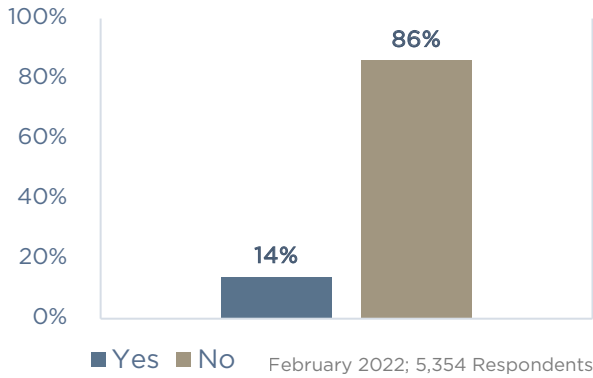
Should the VA be mandated in law to have requirements that make sure veterans can access care within a certain time and distance of their home?



Following a delay in extended services such as inpatient or outpatient mental health care, residential substance use treatment, or other specialty care at a VA facility, has your VA provider referred you for treatment in the community?

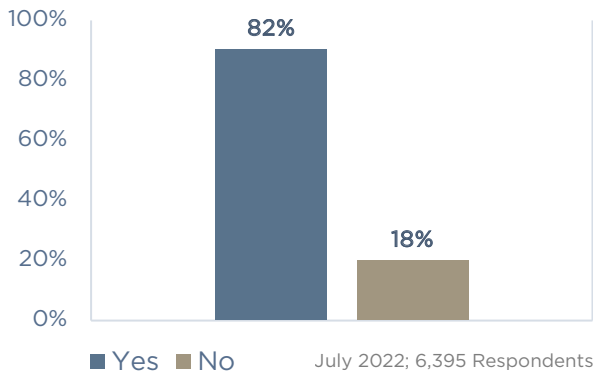
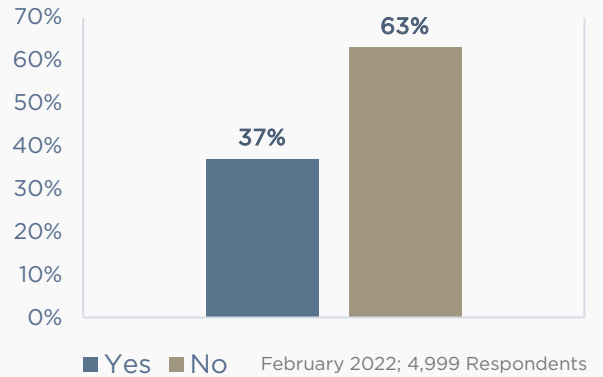
Have you experienced a problem scheduling community care services through VA, or getting denied authorization to use the community provider?





In the past year, has the VA referred you to healthcare providers in the community under best medical interest but your referral was later denied by administrative staff upon review?

In the past year, have you or a veteran you know experienced a delay or postponement of any healthcare at a VA medical center?



VA Secretary Denis McDonough recently testified that the cost of veterans seeking healthcare by private providers outside of the VA system now accounts for 33% of the VA's total healthcare budget. Because of this, the VA has said it may alter the rules for accessing community care, effectively making it harder for veterans to get the care they need in a timely fashion. Should Congress make the current rules permanent before the VA tries to make changes to access standards?

Mission Roll Call believes that Veterans deserve the best care possible and that includes better access to community care. In line with this belief, we strongly support Congress' efforts to strengthen community care access through legislation.

For further information on this subject please email **Mike Desmond** at mdesmond@missionrollcall.org

