



**TESTIMONY  
OF  
COLE T. LYLE  
DIRECTOR  
LEGISLATIVE DIVISION  
THE AMERICAN LEGION  
BEFORE THE  
HOUSE COMMITTEE ON VETERANS' AFFAIRS  
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
LEGISLATIVE HEARING  
ON  
"PENDING LEGISLATION"**

**MARCH 25, 2026**

**EXECUTIVE SUMMARY**

<b>LEGISLATION</b>	<b>POSITION</b>
H.R. 6654: The Veterans Affairs Management and Oversight of Software Assets Act (Mace) <i>Pg. 3</i>	Support w/ Amendments
H.R. 7280: The Veteran DATA Act (Budzinski) <i>Pg. 4</i>	Support w/ Amendments
H.R. 7319: The VA Bonus and Relocation Recovery Act (Self) <i>Pg. 6</i>	Support w/ Amendments
H.R. 7683: The VA Fiscal Management Modernization Act (Bergman) <i>Pg. 7</i>	Support
Discussion Draft: The Vets CLEAR Act <i>Pg. 8</i>	Support w/ Amendments
Discussion Draft: The Veterans Affairs Subcontractor Competition and Opportunity Network Act (King-Hinds) <i>Pg. 9</i>	Support w/ Amendments
Discussion Draft: To amend title 38, United States Code, to require that certain sterile processing technicians of the Veterans Health Administration hold appropriate professional certifications, and for other purposes (Kiggans) <i>Pg. 11</i>	Support w/ Amendments
Discussion Draft: To prohibit the downgrading of law enforcement positions in the Department of Veterans Affairs, and for other purposes (Budzinski) <i>Pg. 13</i>	Support

The provisions of the following legislation on the agenda fall outside the scope of established resolutions of The American Legion. As a member-driven and resolution-based organization, The American Legion takes positions on legislation based on resolutions passed by membership. Therefore, we have no position on the following:

<b>LEGISLATION</b>	<b>POSITION</b>
Discussion Draft: to amend title 38, United States Code, to modify the rate of pay for care or services provided under the Community Care Program of the Department of Veterans Affairs based on the location at which such care or services were provided, and for other purposes	No Position
Discussion Draft: To establish an entitlement to a supplemental period of unpaid parental leave for employees of the Department of Veterans Affairs	No Position
Discussion Draft: To deem certain individuals as parents of Department of Veterans Affairs employees for purposes of determining entitlement to certain family and medical leave for such employees	No Position
Discussion Draft: To amend title 38, to establish the Office of Congressional and Legislative Affairs in the Department of Veterans Affairs, and for other purposes	No Position

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OF  
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DIRECTOR  
VETERANS' AFFAIRS AND REHABILITATION DIVISION  
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Chairwoman Kiggans, Ranking Member Ramirez, and distinguished members of the subcommittee, on behalf of National Commander Dan K. Wiley and more than 1.5 million dues-paying members of The American Legion, we thank you for the opportunity to offer our written testimony regarding proposed legislation.

The American Legion is guided by active Legionnaires who dedicate their time and resources to serve veterans, service members, their families, and caregivers. As a resolution-based organization, our positions are directed by more than 107 years of advocacy and resolutions that originate at the post level of our organization. Every time The American Legion testifies, we offer a direct voice from the veteran community to Congress.

**H.R. 6654: The Veterans Affairs Management and Oversight of Software Assets Act**

*To amend title 38, United States Code, to require the Secretary of Veterans Affairs to establish and implement a comprehensive policy for managing software assets throughout the Department, and for other purposes.*

The Department of Veterans Affairs (VA) uses a wide variety of software to support its daily operations, ranging from standard Microsoft Office products to the Oracle Cerner software modernized electronic health record (EHR) system suite. These software licenses, services, and systems cost VA, through the Office of Information and Technology (OIT), approximately \$21 billion from fiscal year (FY) 2022 through 2024.<sup>1</sup> A May 2025 VA Government Accountability Office (GAO) report found “For its most widely used software, VA didn't track the number of licenses in use to compare to the number purchased. As a result, VA could be buying too many or too few licenses and incurring unnecessary costs. VA did not have guidance for effectively managing the effects of restrictive licensing practices.”<sup>2</sup>

In response to the GAO findings and the lack of oversight, the Veterans Affairs Management and Oversight of Software Assets (VAMOS) Act seeks to save money in VA software spending by

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<sup>1</sup> “Veterans Affairs: Actions Needed to Address Software License Challenges.” US Government Accountability Office, May 19, 2025. <https://www.gao.gov/products/gao-25-108475>.

<sup>2</sup> Ibid

requiring VA to create a complete, thorough inventory of software and software licenses, as well as flag redundant purchases for elimination. This will ensure that VA is not inadvertently overspending on licenses, allow VA Central Office (VACO) to be aware of the assets currently in their possession, and centralize software acquisitions through VA Chief Information Officer (CIO) to help reduce future redundancies. Annual training for VA employees involved in software procurement and management would be required, with a completed annual report provided to Congress outlining the program's costs and potential savings. Additionally, GAO must conduct an audit of the program within three years.

The implemented changes would require significant investment in staff time and administrative effort to effectively inventory software assets and eliminate redundancies before any resultant cost savings is realized. Therefore, it would be helpful to identify the most appropriate and efficient pipeline for this information to flow to the VA CIO's office. Based on The Legion's System Worth Saving (SWS) and Regional Office Action Review (ROAR) program site visits, it would be unwise to prescribe a specific title of individual at every location, due to differences in operational management, but the GAO report should include a detailed explanation of this effort to give Congress a best practice for such a large data pull at VA. Overall, the legislation would lead to long-term cost savings for VA, making the effort worth the staff investment.

The American Legion can support this legislation through Resolution No. 25: Reviews of the Department of Veterans Affairs Programs. Resolution No. 25 states in the interest of "minimizing fraud, waste, and abuse in [VA] programs, activities and functions" that The American Legion should monitor GAO reports and make recommendations.<sup>3</sup> The American Legion believes the legislation reduces waste at VA and will benefit the veteran community.

### **The American Legion supports H.R. 6654 with amendments.**

#### **H.R. 7280: The Veteran DATA Act**

*To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from entering into a contract pursuant to which the contractor may sell sensitive personal information maintained by the Secretary and to ensure the protection of personal information in certain contracts of the Department.*

Data privacy is a key concern among Americans in the information era. VA's data privacy standards are outdated, with the most important ones being from *The Privacy Act of 1974* and the *Health Insurance Portability and Accountability Act (HIPAA)*.<sup>4</sup> Unfortunately, these have not kept up with the demands of the digital era. While VA has more modern data privacy guidelines in place, many of these guidelines are set by "Principles" and not codified into law.<sup>5</sup> This creates a

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<sup>3</sup> "Resolution No. 25: Reviews of the Department of Veterans Affairs Programs." The American Legion, 14 October 2015. <https://archive.legion.org/node/3314>

<sup>4</sup> "What VA Is Doing to Protect Your Privacy." US Department of Veterans Affairs, October 2, 2025. <https://department.va.gov/privacy/fact-sheet/what-va-is-doing-to-protect-your-privacy/#:~:text=Also%2C%20the%20HIPAA%20Privacy%20Rule,known%E2%80%9D%20is%20a%20privacy%20violation.>

<sup>5</sup> "§ 0.605 Ethical Framework Principles for Access to and Use of Veteran Data." Federal Register. Accessed March 12, 2026. <https://www.ecfr.gov/current/title-38/chapter-I/part-0/subpart-A/section-0.605>.

gap in oversight whereby a veteran's data could be shared with third-party vendors and subsequently transferred or commercialized beyond the original intent. We have seen evidence of companies allegedly exploiting systems that allow patient medical records to be shared across healthcare providers to claim they needed access to records for treatment purposes. Instead, the information was sold by a subcontractor for uses by the company. Further, AI has demonstrated an ability to identify specific names and associated records within anonymized data sets. A 2022 GAO report on data privacy in the US highlighted "The U.S. doesn't have a comprehensive privacy law governing the collection, use, or sale of personal data. Existing federal consumer protection laws may not be enough. Our past reports include recommendations for consumer data collection and associated growing privacy risks."<sup>6</sup> More recently, a 2026 VA OIG report found that VA's National Cancer Prevention, Treatment, and Research Program had improperly shared a data file containing a "significant amount of data containing protected health information" with non-VHA investigators, further highlighting data privacy concerns at VA.<sup>7</sup>

Data privacy is an ever-evolving challenge, and VA must remain vigilant to protect veteran data against bad actors. The American Legion spoke to this subcommittee about this issue in June of 2025. In an exchange regarding the increased sophistication and complexity of scams against veterans, The American Legion replied with the following:

*"...the FTC has noted a recent uptick in identity theft and other forms of financial crimes in the military and veteran communities. I will also just note that per the Consumer Sentinel Network Data Book, most recent report released this year, the military community lost 25 percent more by scammers for year 2024 than the year before, totaling up to a \$584 million loss."*<sup>8</sup>

The American Legion believes partnership with leading industry partners is essential to innovate and create better systems for improved access and quality of healthcare and benefits for veterans, but it should not be at the expense of the veterans themselves. The Veteran Data Accountability for Third-party Actors (DATA) Act protects medical data by requiring VA to update all contracts with vendors to include a clause that prohibits veteran data from being monetized, sold, or misused by any contractor. It also requires VA to establish guidelines for employees and contractors on how to identify breaches in this policy. Finally, it requires a report on the program by the VA Secretary to the House and Senate Veterans' Affairs committees.

The American Legion appreciates the intent of the proposed legislation. However, our underlying assumption was if VA enters into contractual agreements with companies there would have been a stipulation that clearly prohibits the use of veteran data and the trends discovered therein for

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<sup>6</sup> "Consumer Data: Increasing Use Poses Risks to Privacy." US Government Accountability Office, September 13, 2022. <https://www.gao.gov/products/gao-22-106096>.

<sup>7</sup> "Review of Data Security and Oversight Processes of a Veterans Health Administration National Cancer Prevention, Treatment, and Research Program." Department of Veterans Affairs, January 29, 2026. <https://www.vaog.gov/reports/national-healthcare-review/review-data-security-and-oversight-processes-veterans-health>.

<sup>8</sup> "Testimony of Cole T. Lyle, Director, The American Legion Hearing of the Committees on Veterans' Affairs Subcommittee on Oversight and Investigations, United States House of Representatives." Legion.org. The American Legion, June 11, 2026. <https://www.legion.org/getmedia/9898caf9-ea48-4fa3-aca7-b57e15188f1b/20250611-HVAC-OI-TAL-Testimony.pdf>

monetary gain. If VA provides evidence these contracts include such protections under existing law, forcing VA to renegotiate all existing contracts to ensure compliance would be unnecessary.

The American Legion can support this bill through Resolution No. 15: Protecting Privacy of Veterans' Personnel Files and Records. Resolution No. 15 supports strict enforcement of all existing federal regulations and rights concerning data privacy.<sup>9</sup> This legislation would codify VA internal rules and regulations to protect veteran data privacy.

### **The American Legion supports H.R. 7280 with amendments.**

#### **H.R. 7319: The VA Bonus and Relocation Recovery Act**

*To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to recoup amounts of awards, bonuses, and relocation expenses paid to former employees of the Department of Veterans Affairs under certain conditions.*

Under Section 721 of Title 38, VA can recoup bonuses paid to employees if it later discovers misconduct or poor performance. However, the statute only applies to current VA employees.<sup>10</sup> As a result, VA is unable to recover improperly awarded bonuses from employees whose performance or misconduct led to their termination. The statute also leaves VA unable to recover awarded bonuses from employees who voluntarily separate before the misconduct is known.

The VA Bonus and Relocation Recovery Act would amend Title 38 to make it clear that VA can recoup bonuses and relocation expenses from former employees. VA would have power to recoup relocation expenses or benefits from separated employees, so long as the Secretary has determined the previously made payment(s) would not have been made if the individual's misconduct or poor performance had been known at the time of the payments.<sup>11</sup> The statute of limitations for VA recouping bonuses would fall under Title 28, which sets the limitation for such actions at six years.<sup>12</sup>

The American Legion is mildly concerned about the potential misuse of this authority, as there is no appeal mechanism or protection for the individual who received the bonus before being referred to Treasury Cross-Servicing for debt collection. The American Legion recommends amending the legislation to include clear and straightforward standards to ensure there is due process and appropriate protections for employees. Additionally, the six-year statute of limitation to adjudicate wrongdoing is unreasonably long. The American Legion recommends adding an amendment to clearly outline a more appropriate time restriction, such as two to three years.

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<sup>9</sup> "Resolution No. 15: Protecting Privacy of Veterans' Personnel Files and Records." The American Legion, October 12, 1966. <https://archive.legion.org/node/2687>.

<sup>10</sup> "38 U.S. Code § 721 - Recoupment of Bonuses or Awards Paid to Employees of Department." Legal Information Institute. Accessed March 12, 2026. <https://www.law.cornell.edu/uscode/text/38/721>.

<sup>11</sup> "H.R.7319 - VA Bonus and Relocation Recovery Act." Congress.gov, February 2, 2026. <https://www.congress.gov/bill/119th-congress/house-bill/1974/text/ih?overview=closed&format=xml>.

<sup>12</sup> "28 U.S. Code § 2415 - Time for Commencing Actions Brought by the United States." Legal Information Institute. Accessed March 13, 2026. <https://www.law.cornell.edu/uscode/text/28/2415>.

The American Legion can support the proposal using Resolution No. 22: Department of Veterans Affairs Executive Bonus Accountability. Resolution No. 22 states VA should “revamp their executive bonus program, providing reasonable bonuses only for recruiting purposes or quantifiable improvements, including, but not limited to, improvements to veteran health, VA processes and for judicious allocation of resources.”<sup>13</sup> The American Legion also supports the legislation using Resolution No. 20: Improved Oversight, Accountability and Transparency of the Department of Veterans Affairs, which states that Congress should ensure proper oversight and accountability at VA, including holding employees swiftly accountable.<sup>14</sup>

### **The American Legion supports H.R. 7319 with amendments.**

#### **H.R. 7683: The VA Fiscal Management Modernization Act**

*To amend title 38, United States Code, to clarify and expand the authority of the Assistant Secretary for Management of the Department of Veterans Affairs, and for other purposes.*

VA has historically struggled with financial management. For years, auditors from OIG and GAO have flagged material weaknesses in VA's financial statements, and Congress has grown increasingly frustrated with the quality and reliability of budget data produced by VA. A contributing factor to these challenges lies within the authority of VA's Chief Financial Officer (CFO). Under existing law, VA's CFO is limited to two statutory duties and is not provided with a formal organizational structure to operate.<sup>15</sup> Legislation was passed to address these limitations in 2020, but key provisions were written to sunset, thereby undermining potential for meaningful reform.<sup>16</sup>

The proposed legislation officially names VA's Assistant Secretary for Management as the CFO, clarifying their authority and removing potential misinterpretation. The legislation expands the CFO's statutory authority from two duties to seven, adds two Deputy Assistant Secretary positions to the Office of Management, and creates a Legislative and Congressional Budget Office with full-time staff. Perhaps most importantly, the legislation would require all lower-ranked CFOs VA-wide to report directly to the VACO CFO, instead of reporting to the leadership within VHA and VBA.

A VA that cannot accurately track and report its own finances will keep falling short in planning and delivering the care and benefits that veterans have earned. It is vital that VA's CFO has the proper authority and resources to carry out its responsibilities and remain financially solvent. Inaccurate budget data can lead to inadequate funding for programs that provide vital services for

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<sup>13</sup> “Resolution No. 22: Department of Veterans Affairs Executive Bonus Accountability” The American Legion, 8 October 2025. <https://archive.legion.org/node/17166>

<sup>14</sup> “Resolution No. 20: Improved Oversight, Accountability and Transparency of the Department of Veterans Affairs” The American Legion, 8 October 2025. <https://archive.legion.org/node/17164>

<sup>15</sup> “38 U.S. Code § 309 - Chief Financial Officer.” Legal Information Institute, n.d. <https://www.law.cornell.edu/uscode/text/38/309>.

<sup>16</sup> Public law 116–315—Jan. 5, 2021 Johnny Isakson and David P. Roe, M.D., n.d. <https://www.congress.gov/116/plaws/publ315/PLAW-116publ315.pdf>.

the veteran population. Real people rely on these resources, and it is imperative that Congress is operating from accurate data to equip VA to be effective and fiscally responsible.

The American Legion can support this legislation through three resolutions: Resolution No. 1: Department of Veterans Affairs Quadrennial Plan for Budget, Resolution No. 194: Department of Veterans Affairs Veteran Integrated Service, and Resolution No. 178: Assured Funding for VA Medical Care. Together, these resolutions call for careful and transparent management of the VA budget. A CFO with clearly defined statutory authority, a properly structured chain of command over subordinate financial officers, and a dedicated office to provide certified budget data to Congress form the institutional foundation necessary for VA to make accurate and reliable budget requests; and to ensure that assured funding commitments are meaningful.

**The American Legion supports H.R. 7683 as written.**

**Discussion Draft: The Vets CLEAR Act**

*To amend title 38, United States Code, to improve the efficiency of the recovery and collection of revenue for the Department of Veterans Affairs Medical Care Collections Fund, and for other purposes.*

The VA Medical Care Collections Fund (MCCF) is one of the primary mechanisms for VA to bill private insurance, third-party coverage, or collect copays for care provided to veterans. If a veteran with private insurance goes to a VA medical center for treatment regarding a non-service-connected injury, VA is authorized to bill the veteran's insurance to recover costs for services rendered. In FY2021, the fund had outlays that exceeded \$250 million and ended the year with an unobligated balance of \$56 million from these dual revenue streams.<sup>17</sup> Since FY2021, the MCCF has maintained an unobligated balance of \$16,860,735, which has been carried over to this year.<sup>18</sup> Presumably, the Secretary had authority to use these funds under Public Law No: 116-136, the *Coronavirus Aid, Relief, and Economic Security Act* or CARES Act of 2020, with sunset provisions in place disallowing the Secretary to obligate the approximately \$17 million left in the MCCF.

The American Legion supports the intent of this legislation, and welcomes the inclusion of litigation settlements recouped into the MCCF, but the draft text leaves more questions than answers. Primarily, Section 2(c)(1) reads, "*Notwithstanding any other provision of law, funds directed to the 'medical services' account to reimburse such account for the costs of care provided under the following authorities may, at the discretion of the Secretary, be deposited in the Medical Care Collections Fund: (A) Section 1781 of this title. (B) Section 8111 of this title.*" The phrasing of this section could be interpreted in the following ways:

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<sup>17</sup> "Medical Care Collections Fund, Veterans Affairs." USASpending.gov, U.S. Department of Treasury [https://www.usaspending.gov/federal\\_account/036-5287](https://www.usaspending.gov/federal_account/036-5287)

<sup>18</sup> Ibid

1. The costs for any medical care, services, or medications provided through CHAMPVA or TRICARE that could otherwise been covered through a third-party payer can be recouped and placed into the MCCF, or
2. The costs for any medical care, services, or medications provided through VA that could otherwise been covered through a third-party payer can be recouped, placed into the MCCF, and allocated specifically to CHAMPVA and TRICARE.

Additionally, the phrase ““medical services’ account” in Section 2(c)(1) could be more clearly assigned to a specific program or medical services appropriations line item, such as general “Medical Services,” or “Medical Community Care,” and specify if the money will go to clinical staff salaries, pharmacy, prosthetics, or medical equipment. The American Legion highly recommends that the subcommittee clarify this section of the proposal so that there is no room for misinterpretation, considering recouped funds could exceed \$100 million or more.

Another more concerning aspect of the proposal surrounds the seeming lack of authority to spend the additional revenue from Sections 1781 or 8111. The American Legion understands there is clearly a challenge in obligating funds from this account, since it has been sitting untouched for over five years, but we cannot surmise from the language provided how the proposal aims at solving the problem.

Again, The American Legion supports the intent of the proposal and want to ensure that VA has avenues to offset costs from services rendered but highly recommends amendments to the language to ensure that the aim of the proposal is clear.

The American Legion supports this legislation through three resolutions. Resolution No. 27: The American Legion Policy on the Department of Veterans Affairs Billing of Private Insurance, Resolution No. 138: Support Medicare Reimbursement for the Department of Veterans Affairs, Resolution No. 372: Oppose Closing or Privatization of Department of Veterans Affairs Health Care System.

**The American Legion supports this draft legislation with amendments.**

**Discussion Draft: The Veterans Affairs Subcontractor Competition and Opportunity Network (VA SUBCON) Act**

*To amend title 38, United States Code, to require the Secretary of Veterans Affairs to establish and maintain a database of certified veteran-owned small businesses and service-disabled veteran-owned small businesses to assist the Department of Veterans Affairs in meeting its subcontracting goals, and for other purposes.*

The American Legion supports the underlying intent of H.R. 7795, the *Veterans Affairs Subcontractor Competition and Opportunity Network (VA SUBCON) Act*. As noted in our March 2026 testimony, Congress must hold agencies accountable for meeting prime and subcontracting procurement spending goals. We recognize that prime contractors often need practical tools to formulate their required small business subcontracting plans, and this legislation seeks to help bridge that gap.

According to the FY 2024 Small Business Administration scorecard, the federal government awarded 5.14 percent of contracts to service-disabled veteran-owned small businesses (SDVOSBs).<sup>19</sup> While this narrowly meets the newly raised 5 percent government-wide goal established by section 863 of the FY 2024 NDAA, The American Legion's National Commander, Dan K. Wiley, informed Congress during annual testimony that SDVOSB contracting performance remained uneven across federal agencies and that more consistent implementation was needed to ensure fair access to sole-source opportunities.<sup>20</sup>

The proposed legislation would require the Secretary of Veterans Affairs to establish a database intended to improve visibility and use of veteran-owned and service-disabled veteran-owned businesses in VA subcontracting. The bill specifically contemplates making that database available to other than small business offerors on Department contracts, including subcontracts, at appropriate stages of the acquisition process so prime contractors can use it when formulating required small business subcontracting plans. Not later than 180 days after the database is established, the bill would also require a report on the use and outcomes of that database. In addition, the bill would exclude firms participating in mentor-protégé programs or joint ventures, as well as firms that have not received at least two prime contracts with a rating of "satisfactory" or better in the Contractor Performance Assessment Reporting System (CPARS). The VA SUBCON Act proposes more than a simple directory; it would create a targeted, performance-screened database designed to give prime contractors a narrower pool of veteran firms for subcontracting. While that may improve confidence in the firms included, it may also limit access for newer veteran-owned businesses that have not yet developed a sufficient past performance record.

The American Legion supports this legislation with amendments to maximize its impact. We do not believe this tool should be housed with primary jurisdiction at VA. Instead, we urge the Committee to revise the bill so VA utilizes, and potentially augments, the Small Business Administration's existing database. As currently drafted, the bill is structured around offerors on Department contracts, so its practical use is limited to VA procurement unless Congress broadens the bill's scope. Since SBA already administers veteran business certification and maintains related contractor search and procurement infrastructure, this approach would reduce duplication and better align the bill with the current federal small business framework.

Finally, we must express our concern regarding the implementation requirements of the current draft. The bill directs VA to establish and maintain this new database using only existing personnel, systems, and funds, while prohibiting any additional appropriations. If the previously mentioned revision is not made, creating and maintaining a highly specific database is a significant undertaking, and this unfunded mandate may hinder the agency's ability to build and manage the system effectively.

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<sup>19</sup> U.S. Small Business Administration. *FY24 Scorecard: Service-Disabled Veteran-Owned Small Businesses (SDVOSB) Factsheet*. 2025.

<sup>20</sup> "Testimony Dan K. Wiley, National Commander, The American Legion Joint Hearing of the Committees on Veterans' Affairs United States Senate and United States House of Representatives." Legion.Org. The American Legion, March 4, 2026. <https://www.legion.org/advocacy/legislative/legislative-testimony>.

We are also concerned that the bill’s exclusion of mentor-protégé participants, joint ventures, and firms without at least two satisfactory prime contract ratings may limit visibility for some veteran-owned businesses at the subcontracting plan development stage, which could in turn reduce their likelihood of being considered for future subcontracting opportunities. For that reason, we support the bill’s intent, but believe targeted amendments are necessary to ensure the tool is effective, scalable, and inclusive.

The American Legion can support the legislation through Resolution No. 21: Support Reasonable Set-Aside of Federal Procurements and Contracts<sup>21</sup> and Resolution No. 22: Federal Procurements and Contracts for Veteran-Owned Business.<sup>22</sup>

### **The American Legion supports the draft legislation with amendments.**

#### **Discussion Draft:**

*To amend title 38, United States Code, to require that certain sterile processing technicians of the Veterans Health Administration hold appropriate professional certifications, and for other purposes*

The importance of sterilization in hospitals, especially surgical equipment, cannot be overstated. When reusable medical equipment (RME) is not properly cleaned between procedures, the consequences can be dire. One in 31 hospital patients have at least one Healthcare-Associated Infection (HAI), and in 2015 about 72,000 hospital patients with HAIs died during their hospitalizations.<sup>23</sup> The US hospital system has had tremendous improvements in recent years in preventing HAIs, and in 2024, the rate of HAIs were reduced by up to 11 percent depending on the strain of infection.<sup>24</sup> To address these serious risks, this draft proposal requires sterile processing technicians of the Veterans Health Administration (VHA) to hold independent professional certifications.

The modern VHA policies regarding sterile processing began in 2009 when it was discovered that VAMCs located in Murfreesboro, TN and Augusta, GA exposed at least 10,555 veterans to Reactive Infectious Mucocutaneous (RME) infections. Of those veterans, at least 17 contracted serious illnesses, including Hepatitis B, Hepatitis C, and HIV.<sup>25</sup>

The GAO report following the incident found systemic problems within the VA sterilization program stemming from a decentralized approach, allowing each VAMC to dictate their own

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<sup>21</sup> “Resolution No. 21: Support Reasonable Set-Aside of Federal Procurements and Contracts” The American Legion, 17 October 2018. <https://archive.legion.org/node/3433>

<sup>22</sup> “Resolution No. 22: Federal Procurements and Contracts for Veteran-Owned Business” The American Legion, 4 May 2022. <https://archive.legion.org/node/7913>

<sup>23</sup> Centers for Disease Control and Prevention. “Data Portal: Healthcare-Associated Infections (HAI).” Centers for Disease Control and Prevention, <https://www.cdc.gov/healthcare-associated-infections/php/data/index.html>. Accessed 11 Mar. 2026.

<sup>24</sup> Ibid

<sup>25</sup> U.S. Department of Veterans Affairs, “VA Continues Notification Process for Veterans Affected by Reprocessing Issues,” press release, April 3, 2009, <https://news.va.gov/press-room/va-continues-notification-process-for-veterans-affected-by-reprocessing-issues/>.

standards.<sup>26</sup> The lack of standardization led to inconsistent sterilization procedures within the VA system. GAO made several recommendations, including a centralized training program and oversight by the Under Secretary for Health.<sup>27</sup> VA implemented all recommendations and developed the Office of Sterile Processing (OSP).

Through OSP, VA offers internal certification for Sterile Processing technicians, detailed in VHA Directive 1116(2).<sup>28</sup> The directive requires non-entry level sterile processing technicians to obtain either internal VA certification or independent accredited certification. If implemented, the draft bill would require the VA to either eliminate their internal certification or seek external accreditation for the program. If VA does not pursue accreditation, the program could be salvaged as a training and standardization program.

Externally verified certification is important for three primary reasons: transparency, portability, and accountability. The current requirements of the VA certification program are not publicly accessible and require a VA login to view. In contrast, information on the leading accredited certification through the Healthcare Sterile Processing Association is freely available.<sup>29</sup> In addition, VHA certification is non-transferable, and employees who rely on the certification for their employment can only be employed by VA. Finally, without independent review, it is not possible to confirm if the VHA program is consistent with current best practices.

Regardless of the need for sterilization staff, the reality is that the starting salary for sterile processing technician positions is \$27,708 per year.<sup>30,31</sup> It is unrealistic to require low-wage employees to fund the certification that is required upon employment and create a financial barrier to entry. While most VA facilities will reimburse certification, it is not required. In addition, this certification is not required by most states, and enacting a national requirement through VA will inadvertently reduce the candidate pool in areas with different certification requirements. Current VA directives provide new employees with a one-year period to obtain certification. These barriers to certification, combined with low salaries, are the primary reason VHA internal certification is necessary and should not be removed without careful consideration.

The American Legion strongly recommends the inclusion of the following amendments:

1. The Secretary shall pay, or reimburse expenses of, such certification under 5 USC §4109: Expenses of training, or another identified mechanism, with an additional service requirement.
2. Certification shall be obtained within one year of employment, and not as a condition of employment.

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<sup>26</sup> “VA Health Care: Weaknesses in Policies and Oversight Governing Medical Supplies and Equipment Pose Risks to Veterans’ Safety”, GAO-11-391, May 3, 2011.

<sup>27</sup> Ibid

<sup>28</sup> “VHA Directive 1116(2): MANAGEMENT OF CRITICAL AND SEMI-CRITICAL REUSABLE MEDICAL DEVICES”, Veterans Health Administration, July 17, 2023.

<sup>29</sup> “Certification Overview”, Healthcare Sterile Processing Association, accessed March 12, 2026, <https://myhspa.org/certification/certification-overview/>

<sup>30</sup> U.S. Office of Personnel Management, “Medical Supply Aide and Technician Series, 0622,” General Schedule Qualification Standards, accessed March 13, 2026

<sup>31</sup> General Schedule Salary Tables, U.S. Office of Personnel Management, accessed March 13, 2026

Sterilization technicians are a critical and necessary part of modern medical care, and the practice deserves as much attention as other healthcare positions which require professional accreditation. The American Legion can support this legislation through Resolution No. 20: National Standards of Practice which requires the evaluation and application of NSPs to be consistent with providing the best care possible to veterans.

**The American Legion supports the draft legislation with amendments.**

**Discussion Draft:**

*To prohibit the downgrading of law enforcement positions in the Department of Veterans Affairs, and for other purposes*

VA has struggled with the recruitment and retention of critical employees across multiple veterans' healthcare administration (VHA) facilities. The Office of Inspector General's (OIG) 11th report, identifying occupational staffing shortages found that VHA facilities reported 2,959 severe occupational staffing shortages in fiscal year (FY) 2024.<sup>32</sup> Of the top five occupational VHA shortages, law enforcement positions rank third, with a 43% Shortage rate in 2024.<sup>33</sup>

VA has seen a rise in safety-related incidents. Most recently, a VA employee was tragically killed during a shooting at the VA Clinic in Jasper, GA. Law enforcement was critical in responding to the scene, neutralizing the shooter, and preventing further loss of life. VA has also seen an increase in incidents of violence, sexual harassment, and sexual assault on campus.<sup>34</sup> In 2023, The American Legion testified before the House Committee on Veterans' Affairs Subcommittee on Oversight and Investigation in support of legislation mandating increased reporting on safety incidents at VA, specifically citing severe staffing issues related to VA police.<sup>35</sup> At the time, a 33 percent vacancy rate for police officers across 70 medical facilities was a major cause for concern.<sup>36</sup>

The draft legislation will prohibit any attempt to propose, initiate, or carry out a position downgrade for VA positions that carry out law enforcement functions. This includes, but is not limited to, a reduction in salary or grade to better align with the Office of Personnel and Management's standards for a comparable equivalent. VA facilities are struggling to compete with comparable private sector law enforcement positions and any reduction to VHA law enforcement salary would only further exacerbate ongoing recruitment and retention challenges. Should VA be forced to eventually rely on local municipalities or counties for security, it would likely cost VA more money, and those authorities would not have the same level of training or the authority to

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<sup>32</sup> VA OIG Determination of Veterans Health Administration's Severe Occupational Staffing Shortages Fiscal Year 2023, 12 August 2025. <https://www.vaog.gov/sites/default/files/reports/2024-08/vaog-24-00803-222.pdf>.

<sup>33</sup> Ibid

<sup>34</sup> Annual Report to Congress on Reporting and Tracking Harassment, Sexual Assault Incidents, and Other Safety Incidents Occurring in Facilities of the Department. *U.S. Department of Veterans Affairs*. March 2024 <https://drive.google.com/file/d/199GA44WhRRQMEUMPF61BDAKpocSSggys/view>

<sup>35</sup> The American Legion, Legion Voices Heard In New Congress, April 03, 2023, Accessed March 18, 2026. <https://www.legion.org/information-center/news/legislative/2023/april/legion-voices-heard-in-new-congress>

<sup>36</sup> VA OIG Determination of Veterans Health Administration's Severe Occupational Staffing Shortages Fiscal Year 2023, 12 August 2025. <https://www.vaog.gov/sites/default/files/reports/2024-08/vaog-24-00803-222.pdf>.

intervene with veteran patients in the same manner as VA police. If VA wants to remain the center of care for the veteran community, it needs to be a safe and welcoming environment. VA police, most of whom are also veterans, provide expertise and professionalism essential to creating such an environment. VA police save lives and need Congress's investment now more than ever.

The American Legion supports this legislation through Resolution No. 20: Oppose Efforts to Downgrade Low-Level Wage Positions within the Department of Veterans Affairs.<sup>37</sup>

**The American Legion supports this legislation as currently written.**

### **CONCLUSION**

Chairwoman Kiggans, Ranking Member Ramirez, and distinguished members of the subcommittee, The American Legion thanks you for your leadership and for allowing us the opportunity to provide feedback on legislation.

The American Legion looks forward to continuing this work with the Committee and providing the feedback we receive from our membership. Questions concerning this testimony can be directed to Bailey Bishop, Deputy Legislative Director, at [b.bishop@legion.org](mailto:b.bishop@legion.org).

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<sup>37</sup> "Resolution No. 20: Oppose Efforts to Downgrade Low-Level Wage Positions within the Department of Veterans Affairs." American Legion - Digital Archive, n.d. <https://archive.legion.org/node/3351>.