

STATEMENT OF
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BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

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Chairman Buyer, Ranking Member Filner, Distinguished Members of this Committee:

About a month ago, I stood before the delegates of the Veterans of Foreign Wars National Convention having been elected Commander-in-Chief. Now as then, it is a tremendous honor to be here representing my great organization and our 2.4 million members from around this wonderful nation. As this nation's largest organization of combat veterans, we are dedicated to helping one another, working as a team, and doing what is right for all who have worn the uniform in the past, as well as for all who proudly wear it today.

I have charged the VFW with a mission of putting "Veterans First". It's a mission you well understand. This Veterans' Affairs Committee is the only Congressional Committee with a distinct constituency. You serve not the government or private business, but actual men and women, men and women who bravely served this country, protecting everything that America stands for. It's an important mission. It's a sacred mission. It's one that we must all take seriously. For what you do, the votes you take and the bills you write, affects over 25 million special individuals and their families.

It's hard to truly fathom how many people that is. So I ask you to look around this room. Think about loved ones who are serving. Think about the military units in your district. Or even imagine the proud face of a flag-waving veteran at your state's Memorial Day ceremonies. Think of the soldiers and marines in combat even as we speak here today. We all know many of those 25 million. That is who you serve.

Looking back over the last year, I see many good things, but there have also been some huge bumps in the road.

First, let's look at the good. After the funding problems of the previous fiscal year, in which VA ran out of money due to poor budgetary modeling, the Administration stepped forward and recommended a sufficient amount of money for veterans programs.

Also, as your Committee formulated its budget recommendations, we were pleased that you listened to what we had to say. You used our funding levels from the *Independent Budget* as part of your baseline. We didn't get everything that we wanted, but it was a very good step, and we appreciate the serious consideration you gave to our views and your demonstrated commitment in moving them forward. I should mention, however, that we look forward to a change of heart with this Committee's decision to curtail the decades-long tradition of joint hearing with the Senate Veterans' Affairs Committee.

Despite the Committee's and Administration's attention, VA still does not have its budget for a fiscal year that begins in a few days. This unfortunately is nothing out of the ordinary. It has been the better part of a decade since VA has had a budget on time. This is a major and continuous failure of Congress.

Mr. Chairman, you rightly want VA to operate more like a business, using best practices to efficiently care for veterans in a cost effective way. Yet, how is VA to operate that way when the managers can't properly plan for the coming year? No business, let alone one as large as VA, can function without knowing their budget. Yet year after year, Congress asks VA to do that. That's directly at odds with how all of us want VA to operate.

We have in the past called for changes to VA's funding mechanism. The discretionary process as currently implemented does not work the way it should. How can we accept that? If this Congress is going to fail to live up to its obligation to provide VA sufficient money on time, then we need to modify the current funding process. It's clearly broken, and we expect it to be fixed so that veterans may truly be put first.

One of the highest priorities of the VFW is the health care and well-being of those men and women returning from conflicts overseas. While the battles are ongoing, the actual individuals fighting are constantly changing, and each day sees the creation of hundreds of new veterans. We have long argued that their care is part of the ongoing cost of war. That fulfillment of that cost – a national obligation – is what this Committee is charged with overseeing.

One of the VFW's greatest concerns is the mental health of these returning service members, and the effects it can have on their families. VA claims that they are making substantial progress in this area, but it's something that needs to be continuously monitored. Many recent surveys have indicated that this problem could be a ticking time bomb, and we need to disarm it now. Making sure that these men and women get the counseling and services they need to transition back into society and to lead productive

lives has a big up-front cost, but it's something that, if left unchecked, will create many more problems down the road. Many of these problems, such as homelessness or mental illness, are things that no veteran should suffer from, especially because we can tackle it today. We need a VA that adapts with a smart business plan to deal with the thousands of returning veterans returning with even slight problems. The scars of war may be hidden away, so we must tackle these issues head-on.

Another important area that deserves increased attention is care related to blast injuries. Improvements in technology have proven to be a mixed blessing. Thanks to improvements in armor, men and women are surviving injuries that would've killed them ten years ago. This survival, though, is coming at the price of an arm, a leg, or even severe burns. In the bigger picture, that's a price worth paying, but it means that we must redouble our efforts in prosthetic research and servicing, and also on VA's polytrauma centers.

We also strongly believe that more research and time must be spent on traumatic brain injuries. The force of these blasts sometimes circumvents helmets causing concussions and other types of brain trauma. VA must pay special attention to these unique injuries. We must learn more about these injuries and be mindful that some of these symptoms might not appear immediately. We must be attuned to any long-term physical or mental impairments that these blasts create. We must give these servicemen and women every tool they need to heal and become whole.

Recent reports that the Defense and Veterans Brain Injury Center is subject to budget cuts in the Appropriations bill before you is an example of the problems we face. How can these cuts, for a joint program that studies the types of injuries that are dramatically on the rise with current servicemembers, be reconciled with everyone's stated goal of giving the troops everything they need? It cannot. This fails to put "Veterans First," and to recognize that the cost to help these brave men and women is as much a cost of national defense as guns and tanks. America's fighting men and women need for you to restore funding, and to even give them an appropriate funding increase for the essential work this program does. This is not an earmark, Mr. Chairman, as some have cynically described it. It is a necessary expense for keeping us free and fighting America's battles.

This past September 11, I had the distinct honor of meeting with some true heroes, the men and women at Walter Reed Medical Center. The spirit and dedication that these servicemen and women show is an inspiration to us all. It highlights everything that makes our Armed Forces so effective. While there, I talked to a great number of patients, not just about their experiences overseas, but about their experiences with the health care system. I heard a great number of wonderful stories, but also some distressing ones that emphasize another one of the VFW's greatest concerns: that our men and women in uniform have a truly seamless transition to veteran status.

Some spoke of how medical treatments were scaled back prior to their medical review boards, where they would almost certainly be retired from active status. If true, this does

not bode well for the state of the system, especially if those with the most severe wounds are not being properly taken care of, and transitioned properly.

That the VFW can come before this Committee year after year after year, emphasizing the need for a seamless transition is a disappointment. I'm not sure that we can even point to signs of progress. What's being done? Where are the roadblocks? We need you, using the oversight powers of this Committee, to give us answers to these questions. We know that you share our frustration, and we urge you to make this a priority for the coming year.

What we're asking for, though, isn't just the mere ability of VA's computers being able to speak to DOD's computers – that's certainly an essential part – but it's more about giving these men and women a hand, and a seamless transition back into productive society -- back into their proper roles as providers for their family, and with the skills and training they need to be the leaders of tomorrow. That's going to require emphasis on education and training for real-world jobs.

At a hearing earlier this year, I am told that you offered to look into improving the benefits provided under the Montgomery GI Bill (MGIB), but as of today, nothing has been passed into law. As we look ahead, it's important that we focus on the benefit being provided to our Reservists, especially as they continue to carry a large share of the burden of fighting in Iraq and Afghanistan. Under current law, these service members are not allowed to use their education benefits after separating from the reserves, and this prohibition even extends to the enhanced educational benefits the Congress passed a few years back. These men and women are fighting as Active Duty troops, and there's certainly no time for study on the battlefield. We need to give them a benefit that recognizes their contributions by allowing them to take their MGIB benefits with them when they separate. Their contributions transcend previous wartime commitments. Their GI Bill should reflect this.

Another important area that's integral to a seamless transition is an effective Vocational Rehabilitation office. Advances in technology are creating a generation of wounded warriors who, in previous eras, would have died from their wounds. While we are thankful that they were spared, the influx in service-disabled veterans creates new challenges, especially when it comes to vocational rehabilitation and employment.

We applaud the efforts to focus this program on its end goal of employment for these veterans, but we need a program that looks to the future. We need to train these men and women, and help them receive the education and care they need to overcome and lessen the effects of disability, so that they will be employable for employment beyond the entry level. These skills and tools must look for the future and not just for the quick fix today.

A truly effective program will be focused on a goal of avoiding disability-related unemployability later in life, and that will allow the disabled veteran to build a career to provide for him or her as well as the veterans' family. We envision a comprehensive program that truly meets our disabled veterans' needs, and we welcome the opportunity

to work with you to make this a program that truly works. We envision a program that will create skills that will help these heroes, who have sacrificed body and mind, to overcome these obstacles over a lifetime of employment, not just to launch them with a few years of jobs.

Unfortunately, I must turn to an issue which has taken up much of this Committee's time, and which is of utmost concern for our 2.4 million members. The recent failure of VA to adequately secure veterans' sensitive financial and medical data is disgraceful. To say that we are disappointed with the leadership of VA is an understatement. This has been a major institutional failing from the top on down, and not something that can solely be pinned on one employee -- a fact that even the VA's own Inspector General noted.

Business schools across the country, I am sad to say, could use VA's response to this incident as a case study in how not to handle a crisis. It all boils down to a lack of strong leadership and management within the Department. For a Department that serves a clear constituency, and which relies on the trust of those it serves, the delays and excuses in revealing what information was stolen, and what veterans needed to do to protect themselves and their families was inexcusable. It has been several months, and we are still waiting for a full explanation of what was going on at VA.

Instead of putting "Veterans First," they let personal squabbles, partisan politics, and their own job security get in the way. They lost focus of what their true mission is, a damning indictment of VA's leadership.

With additional reports that a VA contractor has lost yet another computer, this one with health care information on it, what are this nation's veterans supposed to think? It's especially distressing for our service members fighting overseas to know that they and their families may be in financial harm because of this mishandling of sensitive personal data. The last thing they need to be worrying about on the battlefield is if their families are going to be ok, and if their credit is going to be ruined by thieves.

This is why we are very disturbed by the withdrawal of the Administration's offer to provide one year of credit monitoring services. It is outrageous that the government would not err on the side of caution with potentially 27 million veterans and family members at risk, and a litany of data breaches coming to light. The Administration contends that the FBI says that the files were not accessed, but computer security experts, in great numbers, were quick to point out that they could not rule it out with 100% confidence. No veteran or service member should have to spend one minute or one dollar worrying about or taking care of their credit because of a mess they didn't create. This is VA's fault. It is the government's responsibility to fix the problem, and to hold those responsible accountable for their actions.

We've heard the excuse that Congress isn't going to correct the situation because the Administration is no longer requesting the funding. This is a dereliction of duty. If Congress doesn't think that veterans need credit monitoring services, then tell us, and tell

us why. But if it is something you think those in uniform need -- a position we hold firm to -- then stand up to the Administration and put "Veterans First."

Assuring our veterans that their credit records are safe is just the first part of this. It's a band-aid on the wound. We of the VFW are most gratified with how seriously this committee has taken the problem, and that your series of hearings have focused on getting to the root of the problem and providing permanent solutions. We would urge that you not relent in this most important effort.

Looking forward, VA needs flexibility, the ability to adapt and change as technology transforms. This does not mean that you should be hands off; the Department itself needs to lead the way in this effort. This Committee clearly needs to exercise rigorous oversight of VA to ensure that these sorts of disgraceful problems do not occur in the future, but oversight does not automatically mean micromanagement. If you are confident with the leaders in place -- that they understand VA's needs, industry-wide best practices, and have the ability to navigate through the institutional bureaucracy of VA -- then let them do their job.

We do not want to be an adversary in this endeavor. We want to work with the Committee and VA to ensure that the situation is made better for veterans and military personnel. If things are on the right track, we are right there applauding. What it boils down to is that no one should go to war and have to worry about the safety and security of their family or personal information. Unfortunately, VA has failed in this. Together, I hope we can ensure that that does not repeat in the future.

As we look forward, another major challenge confronting VA for the coming year, as has been the case for a number of years now, is the effective operation of the Veterans Benefits Administration (VBA). How many of you have toured a VBA facility? How many of you have seen the room where they store the cases? It's a massive room with thousands upon thousands of files, each one representing a veteran with a serious problem that needs VA attention. Each file is a person. It's likely that you know someone who has one of those files, someone who has been waiting months or longer for a decision. This could be someone whose access to health care could be curtailed by VA's inability to manage this problem.

The claims backlog is a persistent problem, something my predecessors have highlighted every time they come before this committee. That I can still sit here, citing an ever-growing number of cases highlights VA's inability to develop and implement a proper plan to tackle this problem.

We frequently focus on VBA's backlog, but that is just part of the problem. VFW witnesses have always stressed that VBA's problem is, at its core, a problem with the quality of their decisions. By their own measurement, VBA commits serious errors on over 100,000 cases every year. These are not minor errors; they can affect the quality of the future lives of veterans and their families. VBA has no plan to address this problem,

and we urge you to make it a focus of your oversight this year. Do not permit VBA to claim that their only issue is the backlog, as significant as that might be.

Nearly 750,000 of these cases are for disability compensation. Compensation is intended to improve the quality of life for disabled veterans and their families. These delays in adjudication affect real people, real veterans, and their families.

Despite best efforts and intent, VA has been unable to manage this caseload, and the backlog swells daily. As the number of pending claims increases, the difficulties of managing the backlog and implementing solutions increases. VA asserts that the complexity of these claims is the chief reason why there has been an increase in the backlog. We would certainly agree that claims are complex, but that's just a symptom of a larger problem. VA does not have adequate resources and the current discretionary process creates problems with proper planning. It is inadequate for VA to complain that veterans present complex claims. VA must learn to budget for them, and how to deal with them. General Omar Bradley said it best: "We are dealing with veterans, not procedures – with their problems, not ours."

VA tells us that it takes several years for a new employee to get up to speed with the adjudication process. There are many complexities and technicalities, which make immediate mastery difficult. Speed and accuracy come with practice. Yet, there is little continuity of funding within VBA. The threat that today's employees might be cut in next year's budget keeps VA from hiring enough people. While VBA can bring people on board, there is no guarantee that they will be able to keep them next year, creating a nightmare for those in charge of how to best allocate manpower resources.

In the past few years, we've seen cuts and increases in VBA staffing levels bandied about in an attempt to balance budgetary accounts in other areas.

It is no wonder the backlog grows. Would your offices function as efficiently if there weren't some assurance that you'd have money for a scheduler or a committee counsel next year? It's unlikely. So why do we ask VBA, the agency in charge of making veterans whole, to do that? It's unfair, it's dysfunctional, and until this Congress and this Administration are willing to make a true commitment to VBA, the problem is unlikely to be fixed.

The failure to address the long-term even precludes VBA from using all the resources you make available, threatening VBA with the inability to maintain new staff in the face of proposed future year budget cuts.

What's the goal to make VA better? What are the plans? It isn't just enough to throw money at these issues, a sentiment I'm sure you on this Committee share. But, the problems VA faces do, by and large, relate to funding. We're not asking you to throw money into a pit. Instead, we ask for VA to be run efficiently with proper oversight. That's not too much to ask. Above all, veterans must come first.

Before I conclude, I'd like to discuss one related issue that's before your committee, the *Veterans Choice of Representation Act*. This bill would allow veterans to hire lawyers when first filing a disability compensation claim, something that they're prevented from doing now. At first blush this sounds like a great idea, but it is something that the VFW is greatly concerned with. In fact, at our recent National Convention, our membership voted in strong opposition to this proposal. Some suggest that this is just a veterans organization protecting its turf. That's preposterous. What we are concerned with is not "turf", but with doing what is best for America's veterans. And the consequences of this bill are that the backlog and complexity of the cases pending before VBA is going to precipitously grow.

Before embarking on the path which has brought me to this office, I served as a service officer in Alaska for over twenty years. It's a profoundly rewarding job, and one that I look back on with great fondness. There's a lot of satisfaction in helping a disabled comrade get treatment and compensation for his or her injuries. I fear that passage of this bill would dramatically change the non-adversarial relationship for the worse. The system, while not perfect, is intended to serve veterans sympathetically and efficiently at this initial level. This law, we fear, would result in less timely service of claims, and would provide program administrators with justification to ratchet back the service and assistance they provide, harming veterans who choose not to or cannot afford to spend money on a lawyer.

The problem with the current system and the backlog is not because of the lack of legal representation, but because a lack of funding. The numbers we toss around for funding or caseload aren't just numbers. They're real people, people who have worn the uniform of this great nation, their survivors and their dependents. It's sometimes hard to keep this fact in mind.

That's exactly why I've charged my organization with putting "Veterans First." Everything the VFW does, and everything that this Committee undertakes must be done with this in mind. It's going to be a challenging year, but we want to be there working with you, keeping our hearts and minds on that goal.

I challenged the great men and women of the VFW to put "Veterans First," and I charge you with the same, for that is who we truly serve, and who we must put first in our hearts and priorities.