TRIALS IN TRANSPARENCY: AN ANALYSIS OF VA COOPERATION WITH CONGRESS IN MEETING ITS OVERSIGHT RESPONSIBILITIES ON BEHALF OF VETERANS

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TRIALS IN TRANSPARENCY: AN ANALYSIS OF VA COOPERATION WITH CONGRESS IN MEETING ITS OVERSIGHT RESPONSIBILITIES ON BEHALF OF VETERANS

Thursday, September 19, 2013

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C.

The Committee met, pursuant to notice, at 10:00 a.m., in Room 334, Cannon House Office Building, Hon. Jeff Miller [Chairman of the Committee] presiding.

Present: Representatives Miller, Lamborn, Bilirakis, Roe, Flores, Denham, Runyan, Benishek, Huelskamp, Amodei, Coffman, Wenstrup, Cook, Walorski, Michaud, Brown, Takano, Brownley, Titus, Kirkpatrick, Ruiz, Negrete McLeod, Kuster, O'Rourke, Walz.

OPENING STATEMENT OF CHAIRMAN MILLER

The CHAIRMAN. This hearing will come to order as we continue to adjust staff back to their seats. Thank you, everybody, for bearing with us while we were able to produce the 113th Congress official photograph of the Veterans Affairs' Committee here in the House.

Ms. Mooney, welcome to you.

We are breaking ground here, I think, as most Members already know. This is the first hearing that I can recall that actually examines the relationship between our Committee and the Office of Congressional and Legislative Affairs which Ms. Mooney leads.

I called this hearing in response to a growing frustration among Members in getting from your office what we need to do our work, whether it is the timely receipt of hearing testimony, responses to requests for information, or the quality of the information provided, we have concerns all the way across the board. Let me start with hearing testimony.

Prior to an oversight hearing being called, it has long been a standing practice to provide the Administration with a minimum of two weeks advanced notice of the hearing topic and to request that testimony be delivered no later than 48 hours prior to that hearing.

Receiving testimony 48 hours in advance permits the Members of this Committee and the staff the time to minimally look at that, gather the information that they need to carefully go through and read that testimony, and also to craft thoughtful questions.

But whether VA has provided two weeks notice or two months notice, it seems that timely receipt of testimony is completely arbitrary. For example, you knew more than a month in advance that we were having a joint hearing with the Armed Services Com-

mittee on servicemember transition issues back in July, yet the testimony was received late in the afternoon on the day before the hearing.

The fact that your testimony was received in a timely fashion today, two days ago, is a good first step, but of course, it is not surprising given the topic of this hearing, but from here we have got to have a 100 percent track record on getting testimony in a timely fashion. That should be the standard.

Let me in turn, now, focus on information requests. We have grown so frustrated with the timely receipt of quality responses from VA, that we have had to taken extraordinary steps to ensure accountability. First, the Ranking Member and I launched a Trials in Transparency page on the Committee's Web site, detailing the number of outstanding VA requests.

Second, I send weekly letters to the department, namely the Secretary, reminding them of all the pending requests. In total, we now have seventy, some of which remain well over a year old. What is more troubling is that many of the pending requests relate directly to ongoing Committee investigations into life safety issues at VA facilities. For example, on January 18th, 2013, I requested emails and documents pertaining to a deadly legionella bacteria outbreak at the Pittsburgh VA Medical Center. As of September 17th, no emails have been provided. Worse, I learned that the media was provided some of the same emails that I had requested in as few as twenty days.

The days where VA is more responsive to the media than a Congressional Oversight Committee has to end, and if necessary, I will subpoena that information instead of going through the normal channels in trying to get that information from the central office.

Given that five veterans are dead as a result of the outbreak, which VA's own Inspector General attributed to VA mismanagement, the Committee is engaged in an investigation into this matter to determine what went wrong and to ensure that it never happens again. Unfortunately, we haven't seen a similar sense of urgency from VA to help us with our investigative efforts. Rather, VA's reluctance to provide us with the information we have requested is actually impeding that process.

Now, look, I understand that many of the delays we experienced are out of your office's control, but whether some other office within VA or OMB is to blame, your office exists as the first point of accountability. If there is a problem somewhere else, it is your job, Ms. Mooney, working with the Secretary, if necessary, to ensure that those problems are fixed.

One final point before I conclude. Your testimony outlines the volumes of Congressional inquires your office responds to on a regular basis, but your office has also received a forty-one percent increase in budget authority and a forty percent increase in staff since 2009. Resources have been provided, yet frustration persists on a bipartisan and a bicameral basis.

If things don't improve materially, and I would like to work with you to develop some expectations moving forward, this Committee will have no choice but to reconsider the funding that your office receives. VA owes it to America's veterans and taxpayers to engage

in an honest conversation about its past mistakes, the future challenges it faces and its capabilities for overcoming those challenges.

Giving Congress timely access to the information it requests is an important part of that conversation. When VA drags its feet in providing information requested by Congress, it inhibits our ability to ensure that America's veterans are receiving the care and benefits that they have earned. Our veterans deserve a VA that sets the standard for openness, honesty and transparency. When the department fails to do so, it must answer for that failure. That is what today's hearing is all about.

And now, I recognize the Ranking Member, Mr. Michaud, for his opening statement.

[THE PREPARED STATEMENT OF CHAIRMAN MILLER APPEARS IN THE APPENDIX]

OPENING STATEMENT OF HON. MICHAEL H. MICHAUD

Mr. MICHAUD. Thank you very much, Mr. Chairman.

As a title of this unusual hearing makes clear, Members of this Committee are frustrated and unhappy with VA's legislative affairs approach. That the Committee feels compelled to hold this hearing today should send a clear signal that the status quo is unacceptable.

I am certainly aware that the VA receives a large number of Congressional inquiries and understand that VA is challenged in responding to over 435 Members of Congress and the Delegates that represents their respective territories.

The high workload is not an excuse for the current situation which has gone on since 2009, which simply must change. If VA needs additional funding for more staff, we need to know about it. If VA needs to move around some of the 300,000 employees it currently has, we must know about. If the VA needs to streamline the process in which it operates responding to a request, we need to know about it.

We all want to do what is best for our veterans and in order to do the best job that we can, the Committee and the VA simply must have a relationship of trust and cooperation where we inform one another what our needs are to make sure that there is a flow of information quickly and is easily between us.

It is my hope that this hearing will result in VA understanding our level of frustration with the current relationship, and that we seek real commitment from the VA to improve and change that relationship. I am hopeful that working together, we can chart a new course forward. For our part, the Committee must prioritize requests, accept some flexibility for achievable deadlines. We must recognize that from time to time, there might be a legitimate disagreement between the Committee and VA about the appropriate degree or scope of disclosure of request information. When such disagreements arise, it is incumbent upon VA to set forth its concerns in a timely manner and for us to listen with an objective mind.

To set a new course forward, the VA's Office of Legislative Affairs need to make a real commitment to customer service by adopting a yes-we-will, rather than no-because attitude. VA OCLA needs to provide regular and ongoing communications regarding

the status of our request. There is nothing more frustrating than having to keep checking back with VA on when we expect to get an answer from requests that we have had and the VA hearing, you know, if they don't give us any information at all.

Realistic deadlines that are met by the VA are essential. I am willing to negotiate some due dates when, you know, time is critical for the VA to get more information, but we have to know that.

Finally, moving forward, I would like to see VA OCLA adopt the rules of facilitator rather than a filter. There is a perception across the Congressional staff and, according to some reports, VA staff, that direct communication is taboo and everything must go through OCLA, and I can give you a personal example. Actually, one of my staffers spent two months over at the VA medical facility here in DC, and I just wanted to relay to Under Secretary Petzel that he received extreme, you know, excellent care. Unfortunately, when we try to get a hold of Dr. Petzel, we got to find out why do you want to talk to him, and it was just a simple thank you.

And those are some of the things that we shouldn't have to go through, a lot of red tape, to be able to get that, you know, information over to the VA, and I do not discount the value a broad department-wide perspectives can add to a conversation. I do understand and agree that formal department-level positions should be coordinated by OCLA. However, subject matter experts on both sides should feel free and comfortable to discuss their general basic issues, and I stand ready, and I know my colleagues on this Committee stand ready to sit down with VA and address our overdue requests and work together to come up with a real framework to govern our relationship going forward.

This frameworks needs to be built around three goals—customer service, timeliness and access. Those are the three goals, I think are important for an ongoing working relationship between this Committee, Congress, and the Department of Veterans Affairs.

And once again, Mr. Chairman, I want to thank you for having this hearing today, and I yield back the balance of my time.

[THE PREPARED STATEMENT OF HON. MICHAEL MICHAUD APPEARS IN THE APPENDIX]

The CHAIRMAN. Thank you very much. With us this morning, Members, is the Honorable Joan Mooney, Assistant Secretary for Congressional and Legislative Affairs with the U.S. Department of Veterans Affairs.

Your complete statement will be entered into the record as a part of this hearing. And Ms. Mooney, you are now recognized for five minutes.

STATEMENT OF THE HONORABLE JOAN MOONEY, ASSISTANT SECRETARY FOR CONGRESSIONAL AND LEGISLATIVE AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Ms. MOONEY. Thank you, Chairman Miller, Ranking Member Michaud, Members of the House Committee on Veterans Affairs.

I appreciate the opportunity to testify today on VA's work to provide Congress with the information needed to fulfill its oversight responsibilities. VA and Congress share the same goal, to do every-

thing we can to improve the health care, benefits, and other services delivered to our Nation's veterans, their families and survivors.

Over the last few years, Secretary Shinseki and other senior VA leaders and I have welcomed the opportunity to meet with Members of this Committee and other Members of the House and Senate in your offices or back home to hear directly about your concerns and work together to provide better benefits and services.

I recognize the frustration that Committee Members and staff sometimes feel regarding timely responses for requests for information and testimony. In many instances, I share this frustration. I respect the important oversight role that this and other Congressional committees play in our great democracy.

Prior to coming to VA, I served on Capitol Hill for nearly two decades, including as chief of staff for a senior Member of this Committee. For that reason, I am uniquely aware of the demands placed on Members of Congress who seek to best represent their constituents and the responsibilities that come with their oversight.

VA engages with Members of Congress on many fronts, as you know, at our VA medical facilities, benefits regional offices, and cemeteries across the Nation. There are VA staff who respond to local requests for information, site visits and VA participation at town halls and outreach events.

VA's Office of Congressional and Legislative Affairs is staffed today by 46 dedicated professionals, up from 34 in 2009, half of whom are veterans, a high priority of mine, that help facilitate one of the busiest Congressional Affairs offices in the Federal government.

As the second largest Federal agency after the Department of Defense, VA provides care to approximately 6.3 million veterans and other beneficiaries, has 1800 points of health care, provides 3.6 million veterans with disability compensation and employs over 330,000 people. In short, VA touches every Congressional district in a way that is unique among Federal agencies.

While we can and will do better, the Office of Congressional and Legislative Affairs has provided an incredible amount of information to Members of Congress. During the last three fiscal years through August of this year, the Office of Congressional and Legislative Affairs has supported over 80,000 requests. Those include VA officials testifying at over 260 Congressional hearings, conducting over 2,000 Congressional briefings or meetings, responding to over 4,700 questions for the record, managing nearly 300 GAO engagements, and facilitating over 75,000 Member inquiries.

During the last 1.5 fiscal years, VA has responded to over 4,700 formal policy-related requests for information and technical assistance on legislation. This includes 2,000 responses in the first month of this fiscal year alone.

Moving forward, VA is committed to looking for ways to improve performance in all its work.

Internally, I have been meeting with senior leaders in order to find ways to better prioritize and expedite processes. We can, we must, and we will do better.

Let me also offer some additional thoughts on how VA and the Committee can work better together to support veterans. We meet

regularly with your staff to discuss ways to improve collaboration with the Committee, and I believe that these interactions have been productive. Here are some additional suggestions on how we can work better together. First, early collaboration between our staffs, both parties would benefit from discussion at the outset of the hearing process or a complicated information request. Second, a little bit of advanced knowledge of the Committee's overall agenda. Having a refined agenda on legislation would help VA prioritize requests and discussion on that is critical. Third, discussion on complexity of requests, sometimes a very large scale data request comes in and can be complex and may require extra time. In many cases, a slightly modified request can result in a faster, more accurate response, as well as manage expectations. Fourth, prioritization of those requests most important to this Committee. Unfortunately, sometimes the sheer volume of work that we receive impedes our ability to provide complete answers in a timely way. When that occurs, we want and need your input on which requests are most important to the Committee.

While timeliness is an important metric, we believe that accuracy in the information we provide to Congress is at least as important. It is important for us to work together to ensure that requests are clear and focused, realistic timelines are set and adjustments are made to facilitate accurate and appropriate information delivered to this Committee.

Regarding testimony timelines, while VA strives to meet the Committee's 48-hour advance submission rules, we cannot at times meet that deadline, most notably when a hearing is called with short notice or covers a complex subject. Hearings on policy or legislation can raise important, multifaceted and often new issues that require careful consideration by VA, and in some case, other agencies.

In closing, VA and Congress share the same goal—to do everything we can to improve the health care benefits and other services delivered to our Nation's veterans, their families and survivors. This is what guides our work in providing an incredible volume of information to Congress on a daily basis. We can and must and will do better.

VA will continue to look for ways to improve our efficiency and performance in responding to Congress, and I appreciate the opportunity to testify and am prepared to answer your questions.

[THE PREPARED STATEMENT OF JOAN MOONEY APPEARS IN THE APPENDIX]

Mr. CHAIRMAN. Thank you very much. Your statement gives me many more questions to ask, but let me start off with just a couple for now.

You have been the head of the Office of Congressional and Legislative Affairs for over four years, right?

Ms. MOONEY. Yes, sir.

Mr. CHAIRMAN. All right. So I think it is safe to say that you have put your stamp on that office and the processes which that office follows, so let me quote excerpts from your confirmation hearing in the Senate, and then get your response to some of those statements.

When asked what your office's role would be in the preparation of testimony for Congressional hearings, you responded that, "It is my understanding that OCLA staff responsibility is to ensure that testimony is delivered in advance in a timely fashion."

Now, after frustration had been brewing for months for this Committee, we began formally tracking the testimony that has come to this Committee since April. Testimony has been delivered on time only eleven times out of twenty-one hearings that we have held. So first, I want to say, how would you rate OCLA's performance in this area?

Ms. MOONEY. I think the overall performance in the department on this area needs great improvement.

Mr. CHAIRMAN. Who is responsible for the late testimony?

Ms. MOONEY. I take responsibility for testimony, sir.

Mr. CHAIRMAN. Okay. Before you were confirmed, Secretary Shinseki had established a goal to respond to Congressional inquiries within two weeks, so when asked what you thought a reasonable timeline was, you indicated that, "Standard response goals should range from the same day to two weeks."

How would your rank OCLA's performance in this area?

Ms. MOONEY. My office does not manage Congressional correspondence. We do have a twenty-four hour turn on our review of them.

Mr. CHAIRMAN. Now, this is request for information.

Ms. MOONEY. Okay. On requests for information, I would say we provide a large amount as quickly as we can, and——

Mr. CHAIRMAN. But how do you respond to the fact that the Secretary set a goal of two weeks, and we are far beyond that on many, many requests for information?

Ms. MOONEY. On correspondence and items that require ——

Mr. CHAIRMAN. No, this is request for information. This should be relatively easy to churn out and give to the Committee.

Ms. MOONEY. On easy requests for information, that's true, sir. On more complicated requests that require interdepartmental concurrence or with our partners at Labor or Department of Defense, sometimes responses can take longer and that adds to the complexity.

Mr. CHAIRMAN. A year? As long as a year?

Ms. MOONEY. Sometimes there are complex situations. If I can answer any specific questions or take them back, I am happy to do that.

Mr. CHAIRMAN. I apologize. It is on our Web site and you get a copy of the letter that I send to the Secretary every week. You know what the outstanding requests are. Is it acceptable? Would you allow an employee within your purview to go as long as a year to give you the necessary information that you need to do your job?

Ms. MOONEY. I understand and appreciate your frustration and we work as hard as we can to move those responses out of the program offices and administrations and to you.

Mr. CHAIRMAN. Okay. So you wouldn't take any action on an employee that went as long as a year to provide you the information you needed to do your job?

Ms. MOONEY. I understand your frustration, sir. I see it clearly.

Mr. CHAIRMAN. Okay. Your testimony doesn't mention any metrics for how you evaluate whether or not you are achieving the two-week goal that you shared with the Secretary, nor does your budget submission for your office. And you mentioned at your confirmation hearing that one of the steps you would take is to establish a good tracking system of following up with people.

So how long does it take on average to respond to requests for information according to your tracking system?

Ms. MOONEY. Our tracking system doesn't track time to respond. It tracks what items are outstanding at this point in time, and we work with the Committee as we can, Committee staff, to prioritize those requests. First priority is the Chairman and the Ranking Member and then other Members of the Committee, then other Members of the Congress.

Mr. CHAIRMAN. On January 18th of 2013, we asked for documentation, including emails regarding the legionella outbreaks in Pittsburgh. As of this morning, very little information has been provided, and we received no emails. Yet, it is clear from newspaper reports and other news outlets that media received emails regarding the outbreak through the Freedom of Information Act. Why is the media receiving information, the same information we have asked for, quicker than this Oversight Committee?

Ms. MOONEY. Mr. Chairman, the media should not receive it quicker than you receive it. I don't know the nature of that data call, whether it was different or the same as this. I do know that the large scale data call that came in on emails was brought and we worked with your staff to scope it down. I know the work is in progress and the information should be forthcoming soon.

Mr. CHAIRMAN. Okay. The fact remains that we have received no emails and the media got the information that they requested.

Mr. Michaud.

Mr. MICHAUD. Thank you, Mr. Chairman. Thank you, Ms. Mooney, for being here.

As you indicated in your testimony, you have had the advantage of working on both sides of this issue. For those of us who have never worked in an executive agency, have never worked for a large bureaucracy, will you please briefly describe VA's process for responding to formal inquires from Congress. Walk us through what happens from when a request originally comes in, to when a response goes out.

Ms. MOONEY. Yes, Mr. Michaud, I will be happy to do that. A request comes in frequently to my office, or it comes, in general, to the Office of the Secretary or to any of our program office leads or Under Secretaries. It generally goes to their executive secretary to begin to process the request. Subject matter experts do the drafting, and then, if it requires any interagency, intra-agency coordination, it is done. My office signs off just to make sure it meets the intent of the letter, basically, and then the Office of General Counsel reviews for legal issues, the Office of Management may review for budget issues, and then the principal reviews and signs it.

Mr. MICHAUD. And we often refer to formal and informal inquiries. Would you please describe what, you know, forms from your viewpoint, differentiates the two, formal versus informal?

Ms. MOONEY. Well, I would say, overall, having been on Capitol Hill, a two-week response to a letter is more reasonable. That was my vantage point then. Because a Member of Congress makes a statement, they may not require more information to answer a response.

Here at VA, things require legal review, sometimes budget review, sometimes other reviews within the agency.

Mr. MICHAUD. But what is the difference between a formal and informal? Is everything a formal request or ——

Ms. MOONEY. No. We handle, you know, as I said, 70,000 requests for information over the last three-and-a-half-plus fiscal years through August of 13. A lot of those, many of those can be handled very quickly.

One of the things that your staff and mine have worked on is briefings. Informal discussions and briefings are good. VA has gone from an, let us see, fiscal year 2010, 322 engagements with Members of Congress and their staffs to this fiscal year, through August, 891. Those informal conversations are very helpful.

I also know that many of your staff have direct contact with folks in the field and throughout VA central office, and those provide informal communications as well.

Mr. MICHAUD. Understanding that each request is unique, generally speaking, what is a reasonable timeframe for us to expect a response to formal requests and what about informal requests.

Ms. MOONEY. Informal requests I tried to hold to, since we are talking about my confirmation hearing, the oft repeated phrase in our office is what Senator Burr asked me, which is "will you try to tell me what I can have rather than tell me what I can't have?" The goal is to get you as much as we can as easily as possible. So we will work towards briefings, et cetera.

On a formal response, it depends on the subject matter and it depends on the prioritization of Committee rank. The Chairman letters go first, both for the House and the Senate.

Mr. MICHAUD. Thank you, Mr. Chairman. I yield back.

Mr. CHAIRMAN. Mr. Flores.

Mr. FLORES. Thank you, Mr. Chairman.

Secretary Mooney, thank you for joining us today.

I will try to get through three questions really quickly. You described a process a minute ago, as to when a request comes in, what happens inside your office—well, actually inside the administration, to get answers.

Just roughly, how many layers of concurrence does a typical question from a Congressional office go through in preparing a response?

Ms. MOONEY. As I noted, within VA, the subject matter expert looks at it. Then, somewhere within that office, probably someone looks at it then. If it is Congressional, you know, I just look at it; the Office of Management, if it is a fund-related request; for legal issues, the Office of General Counsel pretty much signs off on everything; and then that is pretty much layers.

Mr. FLORES. Okay. It is my understanding that many of the questions that come to the Hill that go through your office are sent by your staff out to the Legislative Affairs offices in each of the three VA administrations. What is your opinion about taking all

those separate legislative teams and putting them together under one umbrella. Would that make the process more efficient?

Ms. MOONEY. Well, those folks that work legislative programs for offices and administrations, those are the people that help us collect the information in response to your questions, and we rely on their expertise. This office kind of serves a unique role, so let me take a familiar subject, CBOCs, right. If you call and ask me about a CBOC in your district, that is not just VHA. It is the Office of the Management, the Office of Acquisition, Logistics and Construction, of course, General Counsel for legal matters. So working together in collaborative session, we are able to expedite responses, so if there is a high priority and the Chairman articulates it, and he says it is his number one priority, we work to move that information as quickly as possible.

Mr. FLORES. Okay. And then you touched on this in general in your testimony. How do you triage a request that comes in, in terms of ranking it for the timeliness of the response?

Ms. MOONEY. We try to handle all of them as fast as we can. We prioritize certain requests, particularly requests from the chairs of Committees, but we prioritize them, we try to work the easy ones as quickly as possible. The more complex ones, we try to work with Congressional staff on the Committees to see if we can break it down into manageable pieces.

Mr. FLORES. Okay. And then the last question is, I mean, we have seen numerous incidents throughout the executive branch as a whole, as to the impact of politics and responses, and dealing with Congress, and dealing with the outside world. Tell me, has your office ever been asked by any senior leadership or by the White House to delay or to modify the response to request before an election or within six months of an election?

Ms. MOONEY. For my office, I am generally the final sign off for matters. You know, there are, as you know, OMB circular A19 requiring OMB review as well, but I know that on a regular basis, I work through deliverables, if not every day, almost every day, moving them through. If I don't do it, someone else in my office does it.

Mr. FLORES. Has the White House ever asked you to—have they ever edited one your responses to Congress?

Ms. MOONEY. Not to my knowledge.

Mr. FLORES. Thank you. I yield back.

Mr. CHAIRMAN. Ms. Brownley.

Ms. BROWNLEY. Thank you, Mr. Chair. And thank you, Secretary, for being here.

I am a new Member of the Committee, a very proud Member of the Committee, and I just wanted to add my voice to what the Chair and the Ranking Member and their opening comments, I wanted to add my voice to their comments in terms of sharing a level of frustration about our oversight ability and working together.

And as a new Member of Congress and a new Member of this Committee, I feel like I am in a Committee where both Democrats and Republicans are working very closely and collaboratively together for a common cause. And I know you and the leadership of the VA shares the same objectives. And it seems to me as though

we should be the most productive Committee, in terms of getting to our goals, because we are all here sharing the same goals and working collaboratively. And as a consequence, sometimes it becomes, I think, frustrating. And Mr. Michaud's construct of what an effective VA department could be in terms of being customer service, being timely and being accessible, I think, are great parameters and goals of which we need to work towards, in order to ensure that we are servicing each and every one of our veterans, and all of their individual needs with kid gloves and with great care.

So having said that, I had just a specific, a very specific question to you. I know a while back I wrote to the Under Secretary, Allison Hickey, with several of my colleagues actually from this Committee requesting the VA match California State's Joint Claims Initiative dollar for dollar. This is something that the state of California had proposed which would help tackle the over 60,000 pending claims in California.

We sent that letter on June the 13th of 2013, and yet, we still have not received a response.

I am sorry, I can't quite see you. I apologize for that.

And my staff has contacted the VA, but we still haven't received a response yet, and the VA did indicate that they were still working on it, but it has been well over three months. And it puts me in a precarious situation, since I am trying to represent my state and their issues that—and they inquire with me, and I have to say, well, I have inquired with the VA, but I still, you know, haven't had a response.

And so, you know, I guess the question is why. And the next question would be, is there anything that we as Members of Congress should do to help the VA to expedite this process?

Ms. MOONEY. I would say on this subject, I know it is of high interest to you. I will take it back to the Under Secretary. My sensing maybe it is a complex subject matter. It obviously involves resourcing issues, and so I will take it back to Under Secretary Hickey and ask for a quick response.

Ms. BROWNLEY. Well, I thank you for that and appreciate that very much.

Secondarily, I know back on July 10th I think maybe the chair may have alluded to this, but on July 10th, the House Veteran Affairs Committee and the House Armed Services Committee held a hearing on DoD and VA collaboration to assist servicemembers returning to civilian life, and in the past, at least I have been told, that this has been a priority for both the Secretary of Veteran Affairs and the Secretary of Defense, but yet in that Committee hearing they were asked to attend and didn't attend, and sent some members of their staff to testify on their behalf. And that particular hearing was frustrating to me because the folks that did attend really couldn't address the questions that we were asking because we really needed the decision-makers, you know, at the table to be able to respond to some of our questions.

And so I was wondering if you could explain the process by which the department really chooses who will testify on behalf of the agency, and what sort of preparation takes place in order to appropriately answer the questions for the Committee.

Ms. MOONEY. As you know, we do want to send the best witnesses and the most appropriate witnesses to answer your questions. First and foremost, when it involves programs within VA, we look to the best people to represent, also understanding our mission and ensuring that people who testify, as a small part of their duties, can actually continue to serve and do things. And the specific example that you offered, we at VA, when it involves interagency testimony at VA, our practice is to match witnesses. And I think, as you know, the Secretary is very dedicated to the issues at hand here and welcomes the opportunity to testify at any time.

Ms. BROWNLEY. Thank you. Thank you, Mr. Chair. I yield back.

Mr. CHAIRMAN. Mr. Runyan.

Mr. RUNYAN. Thank you, Mr. Chairman and Secretary Mooney. Thanks for your testimony.

I will start off with a personal experience, actually chairing on the Subcommittee and sitting in that chair where Chairman Miller is sitting holding the gavel, and going through a hearing without testimony, going through a markup without testimony and actually having to ask unanimous consent to the other side, to allow it to go forward, until we get the information from you, so we can sit down with CBO, to get a score to see if it is even feasible to move the bill forward, and when you tie all this together and you start looking at everything we are talking about, it parallels all the other issues and the claims backlog in the VA. It is the same issue. Do you need more staff? Is it getting done right? Well, it is complicated. It is not getting all the way done. And it is, frankly, you have us waiting the same way you have a lot of veterans hanging out there. So it is something in the DNA in the VA.

One question I have, can you provide—and this is about workload with your staff. How many inquiries, briefings, and hearings, does a representative usually have assigned to them at one time?

Ms. MOONEY. Oh, how many briefing hearings do you all have? Multiple ones——

Mr. RUNYAN. Does your staff have assigned to them, at one time, workload basically?

Ms. MOONEY. Well, in terms of legislative hearings, that is an interesting viewpoint. I know in the case that you reference on DAMA, we have shorter notice than we normally have, and on legislative hearings, we have a team of about three people doing the work.

Largely, our legislative views are managed through the Office of General Counsel, and our staff helps facilitate that activity. So with that, we know that there were—our statistics have fifty-three bills total, we are offered at eight legislative hearings, thirty-three completed on time or 62 percent. If partial views are views without costs considered, VA, the total goes up to ninety of the bills. Of the fifteen bills in the category, fourteen needed cost only and five needed to be completed.

The work on legislation is cyclical, and it depends on Congressional action. David Ballenger and Joanna Glaze of my office, do their best to manage these items with one program analyst, as well as my deputy, Bill Delaney, and myself, with our Office of General Counsel.

The issue of legislative testimony delays and views and costs are something that we have discussed. They involve General Counsel, the Office of Management for us within VA and we know there is a challenge there. I have recently engaged, after this last round of bills, with the Office of General Counsel, with the General Counsel himself and his deputy to find a way to improve this process or to consider what changes need to made within the agency to facilitate faster views and costs.

Mr. RUNYAN. Is there someone, either you or someone under you, that actually shepherds the request through the process, through all the different departments, or is it just put on someone else's desk and hope they get to it?

Ms. MOONEY. It is not that kind of issue. The legislative views are a little different. On oversight matters, we do shepherd every issue. On legislative items, that goes to our Office of General Counsel, where they collaborate with all the internal entities within VA to get it done. We set project management deadlines for them generally of when this is needed, but sometimes requests with short notice on legislative views that require either intra or interagency collaboration are challenged. We understand and recognize the big challenge this last summer, and we are working to change that process.

Mr. RUNYAN. One last thing, talk a little bit about training, communication and professionalism. My staff has told me numerous times there are certain people that are awesome at getting back, responding, and there are other people that totally ignore phone calls, voice mails, emails. Is there a training regime you go through and how are these people being held accountable, and would they be held accountable if we were to turn their names over to you?

Ms. MOONEY. Absolutely. You know, we are a customer service organization. We serve the Secretary, but we also serve Members of Congress. So if there are issues with any members of our staff, I personally would like to know about them.

Mr. RUNYAN. Thank you. Chairman, I yield back.

Mr. CHAIRMAN. Ms. Negrete McLeod. Mr. O'Rourke.

Mr. O'ROURKE. Thank you, Mr. Chair, and thank you for holding this hearing today. Appreciate that, and I want to thank the Secretary for being here.

And I wanted to start out on a positive note. We have had numerous positive interactions with the VA and one that comes to mind is Steve Muro who is the Under Secretary for the Cemetery's Administration. We had a very detailed request related to the Fort Bliss Cemetery and he was incredibly responsive, and not just in a timely fashion, but in terms of the scope of his response. It was very helpful to us in getting back to our community because we are trying to hold you accountable. We are held accountable by our constituents, and I think that is where a lot of this is coming from.

And I also wanted to single out your office and General Hickey who worked with Congressman Flores and myself as we met with the Texas delegation to address long wait times out of the Waco and Houston regional offices for service-connected disability claims, and I thought that was a productive meeting, responsive to our request and, again, a very positive example of how we can work together.

To turn to the frustration that we have had in our office, and I want to address this in a cooperative, constructive fashion, we filed a bill that really followed the lead that the VA had set. It is called the Faster Filing Act, and it is a way to encourage, at no cost to the VA or the Federal Government, veterans to file fully developed claims online. It saves you money, the VA, in processing those claims, and it saves the veteran hundreds upon hundreds of days in getting a more timely response, and starting last month, a full year's retroactive benefit. So it is a win for everybody.

We introduced the legislation in April. We met with a VBA Congressional liaison before we introduced it to vet it with them. We met with them through the process. When it came to Subcommittee for markup, there were no comments from the VA. When it went to Full Committee for markup, there were no comments from the VA.

Along the process, because it is a no-cost solution that is going to improve things for everyone involved, we asked the VA to consider implementing the bill administratively.

We got a response back to our request. So we introduced it on the 26th. Congressman Cook and I sent a letter June 19th, asking it be adopted administratively. We got a response back from the VA on September 10th, the day before a hearing where we were to discuss these issues with Tom Murphy, the director of Compensation Services.

So that was frustrating in and of itself, the delay. What added insult to injury was the response said that your bill will add undue administrative burdens, it will delay our ability to get a veteran a timely response on their service-connected disability claim. It will, in essence, make those veterans wait longer in line. It made no logical sense. It was given after the eleventh hour. It was incredibly unhelpful.

So in the spirit of cooperation, how could we have handled that process better? What could we have done to get a response in a more timely fashion and to work through some of these issues before finding out after the fact that you all had a problem with it?

Ms. MOONEY. When we know things are going to be on the schedule for consideration, we should work together. I think in this case, we were challenged with a number of bills in the Senate and in the House at the same time, and we can and will do better on legislative views.

Mr. O'ROURKE. I appreciate hearing that. And I also wanted to follow up on one other thing that you said. You referred to yourself as a customer service organization, and I really like to hear that because I think that is the approach the VA should take with its constituents. It is the approach that we take in our office in El Paso, and we track every single constituent case that comes in the door. We age it immediately from the moment that we received that phone call or the person walks in requesting help. And then we hold, I hold, my staff accountable: Why has this been out there for ninety days, what are we doing, how do we escalate this, how do we get somebody's attention on this, why have we not been able to get back to this person with an answer?

You said earlier that you do not have a tracking system. Is that something you are open to? I am a big believer that those things

that we measure tend to improve. If you are not measuring response times, how do you expect it to get better?

Ms. MOONEY. We do measure response times on many items on requests for information. We have a knowledge management system where we do track them. We look at the date it came in, and regularly, we have collaborative sessions within VA to make sure regularly, on an almost daily basis, to make sure items are moving along.

Mr. O'ROURKE. So earlier you said you do not have a tracking system, but it sounds like you do.

Ms. MOONEY. No. I apologize for that. It is Congressional Knowledge Management System. It doesn't have all the features that I would like it to have and we are working to get to that point but, yes, on occasion, I do share printouts of our Congressional Knowledge Management System items with the staff directors of the Committee.

Mr. O'ROURKE. Okay, thank you.

Thank you, Mr. Chairman.

Ms. MOONEY. Thank you.

Mr. CHAIRMAN. Dr. Benishek.

Mr. BENISHEK. Thank you, Mr. Chairman. I appreciate your calling upon me here now.

Ms. Mooney, who in your department is in charge of making sure that you are in compliance with the 48-hour rule for getting the testimony before our Committee?

Ms. MOONEY. On the testimony, I am, sir.

Mr. BENISHEK. You know, according to the information we have here, only like eleven of the twenty-one hearings have had their testimony brought in, you know, with the 48-hour rule in tact. So you don't have that task assigned to anyone else to be sure that these things occur?

Ms. MOONEY. The Congressional relations officer that manages the particular hearing does have a project management timeline at——

Mr. BENISHEK. Is there not one person in your department that is in charge of making sure that, other than you, that is in charge of these things are done on time, somebody bird dogging these people to make sure that the testimony had gone on time?

Ms. MOONEY. I think that there are a number of people that do the bird dogging along the way, sir.

Mr. BENISHEK. I know, but the problem to me is—see, this is all a management problem. Your department, as far as I am concerned, is not being managed properly because half the time you can't get your stuff done on time and there is nobody responsible for it except for you. I don't understand that. I mean, this is the problem we keep coming up against with the VA time and time again, that you acknowledge that there is a problem but, you know, we're working on it, but still it doesn't produce, and there is nobody responsible but you.

Let me ask you another question. Have you had a bonus in the last year?

Ms. MOONEY. No, sir.

Mr. BENISHEK. I am glad to hear that because I don't like the fact that there seems to be, you know, non-performance. I mean,

if I were you, I would say that there should be somebody in my office who demands that the people get these testimony to our Committee on time. I mean, you are in charge of Congressional liaison. That should be your number one priority, is making sure that the stuff is here on time.

Ms. MOONEY. If I may, sir. So we do have people, my deputies, Chris O'Connor and Bill Delaney, work with directors and the Congressional Relations Officers. There are a number of people working very hard to ensure that concurrence and collaboration happens so that we get these through the appropriate Office of General Counsel, Office of Management if it has budget implications, and a few concurrences.

Frankly, where we are challenged is, and all testimony needs to go to the Office of Management and Budget per OMB Circular A11, but I do want to emphasize, they are not generally——

Mr. BENISHEK. Are you saying that is the problem is those guys?

Ms. MOONEY. No, sir. No, sir. They are not. They are partners in this. Not at all.

Mr. BENISHEK. It sounds like there is too may partners there that you just can't do it because to me, you know, half-time performance is not, you know, anything to be proud of that you can sit there and tell us how, yeah, we are working on it and there are all these things happening, but you know, we just can't, you know, it is just not happening.

Ms. MOONEY. Well, what I appreciate, Congressman, is Congressman Michaud's statement, Congressman Miller and others to work together to see if we can set realistic deadlines. Understand sometimes two-weeks notice and forty-eight hours advanced submission of testimony, if there is a chance that we can get a little more time on some hearings, I recognize that even sometimes on complex hearings that require interagency collaboration, it may require a little bit more time, but working together, we can get this done, I think.

Mr. BENISHEK. Well, I appreciate what you are saying, but you know, my confidence is not that if we made it three weeks, then it would be all done on time. See, I don't have that confidence level from, what, you know, what I am seeing here since I have been here.

Mr. Runyan was talking about, you know, trying to get some legislative hearing, important stuff done, and we don't have the information.

Ms. MOONEY. I understand, sir. In the past we have had—in the past few years even, we have had good records on on-time testimony and we will work to achieve that again.

Mr. BENISHEK. I yield back the remainder of my time.

Mr. CHAIRMAN. Mr. Walz.

Mr. WALZ. Well, thank you, Mr. Chairman and to the Ranking Member and Ms. Mooney. I thank you both for bringing us together on this. I think our constituents know that when we work together for a common goal, that is the way it is supposed to be and I can say, and I think everyone in here can say, there are very few places left that it works like this. We are partners for a common goal. Many of us share and work on legislation together. Many of us are friends, not all, but many of us are working together and get it

done, but I can tell you, something happens in here, I can request something from the minority staff if I have a question or need something, I request it from the majority staff and they return it immediately as if it is a request from a veteran directly, and I know that is your goal, too. And I know there are so many good things that go on, but as I have always said, I am also, I will stand at the VA as your staunchest supporter, but your harshest critic when the time comes to get that.

And this issue, if I could, like Mr. O'Rourke I think did a nice job, offering from some of the constructive criticisms. Mr. Runyan's point about many of the issues we are dealing with are echoed by our veterans the same way, and I think that is an interesting one, and I would just like to tell you this one. I introduced a bill with Senator Frank and they held a hearing over there on June 12th, and we were trying to get feedback from that. That was over three months ago. I got that feedback from your office on Tuesday. I got to be honest. I think it would have been better if you had not given it to me on Tuesday because I am somewhat skeptical of why I got it before this hearing.

And I don't even care about the time to be honest with you. I understand, and you are telling us the constraints you have. What I am most concerned about is, is the lack of communication and expectations, and it is the same thing my veterans say. We don't know what is going on. We don't know what you are going to say, and I don't know when to expect it, so I am not complaining about the time. You are managing your workload. I would like to get it sooner, but it's kind of like, wow, it showed up this week, that's awesome. Well, it didn't help me.

And then, I think a more pressing problem on this is, I could have written the response I was going to get because I knew what you were going to say and I don't think anybody listened to what we were putting out. This piece of legislation, by the way, is to speed the backlogs of claim. Everybody is trying to do this.

I don't write these things just myself. The folks sitting behind you represent millions of people. They help me write it. The comments that I send and ask of you are coming from my veterans and they don't believe they are being heard. This piece of legislation came out of roundtables, facility tours and everything else, and let me give you an example here. Section 2 H.R. requires the VA to forego unnecessary disability rating examinations when sufficient medical evidence has already been submitted such as when a veteran submits a DBQ. You know that the rating examination is at the bottom there. It is one of the biggest ones that is causing us problems.

But here is what the VA response says—well, this is totally unnecessary and duplicative. VA is already allowed to adjudicate a claim without an examination of evidence provided by that claim and its adequate for rating purposes.

I know that. You are not doing it. That is why we put it in to make it a requirement. So the feedback came, nope, already got it covered, no problem with this, and it went on.

Three months is one thing, but it was three months for an expectation I got that everything is just peachy. I didn't think of this idea. Millions of veterans over thirty years thought of the idea and

I was dismissed three months later as that it was nothing, and I think—here is where I take issue with it. It appears to me totally disregarded or acknowledged that there are things that we can do better.

Now, I know that goes beyond where you are sitting. The issue here is that the expectations, the information, the flow and all that. But just like Mr. Runyan said, it sets up the expectations to me I am being stonewalled, you know what is best, my veterans don't know, take this and we will get it to you when we can get it.

I got to tell you, as someone I hope has developed a reputation for trying to get problems on this, is, that is a horrible precedence and put me in a position where I am really irritated that that would happened. I didn't know it was going to get there. When it got there, I expect that you are going to say we already got this and it is going.

So I would just encourage, and on different hearings of trying to get things back to us, the Chairman, Ranking Member and other Members here are right. What we have to do—and again, I want to acknowledge this. There is incredible work happening at the VA. There are incredible things happening for our veterans, and I do not question anyone's commitment to getting it right for veterans, but something is not working in managing those expectations, getting information back.

There are incredible things happening for our veterans, and I do not question anyone's commitment to getting it right for veterans, but something is not working in managing those expectations, getting information back.

And I could have accepted this, if I would have thought someone actually looked at it; they did not. And my veterans, you go out right now, go out and every one of these members here, go on and ask your veterans if they think the VA is taking in private medical evidence to help speed their claim on that. They will laugh at you. They know that that is nonsense, and yet, I was told, no, no, don't do it.

So now the problem is, I didn't get it in time. I don't get a hearing. There is no chance to vote on it. And here we are wondering what can we do about the backlog of claims? It is not my idea. It is the idea of the veterans who brought it forward.

So I would just encourage us to figure out a better way to go about this. I think it—when I hear this folks here—when this—I have been in other Committees where people—it is disingenuous, Members of Congress complaining that we are not working together. I know that is an oxymoron to the public. I know they think that. That is not true in this place. Everyone in this room wants to work together. You and all of your staff wants to work together. So when we are telling you these things, they are in the spirit of constructive criticism to serve veterans.

And I thank the Chairman and Ranking Member for making that available. I yield back.

The CHAIRMAN. Thank you, Mr. Walz.

Mr. Huelskamp, thank you for yielding your position in the questioning to Mrs. Walorski. She needs to leave and she has a specific question that she would like to ask. You are recognized.

Mrs. WALORSKI. Thank you, Mr. Chairman.

Thank you.

My question has been consistent. So I have been here nine months this month, and the question I had of Secretary Shinseki in January, February, was about a CBOC in my second district of the State of Indiana. Fifty-four thousand veterans in our district and I asked for the status of the CBOC, he looked at the guy next to him and he said, you know what, it is on time. And I said, can I have that in writing with a timeline?

We have been waiting for eight months for that timeline and we have put repeated requests in through the staff of this Committee, through my office, and through our staff as well, and all we received last week was an amazing letter that now this whole project is delayed because an archaeological problem in the State of Indiana. And I can assure you there are no cities beneath the farmland in the State of Indiana. And then, I find out last week, the Governor's Office, the State of Indiana, has never been contacted about this NEPA permit that is holding up the process.

So I am asking you today again in front of CSPAN and the veterans that are sitting in my district that need help and that need health care, when is this CBOC going to be built and when can we receive a timeline? Can I get a timeline by the end of close of business today?

Ms. MOONEY. Congresswoman, I will work to get you a timeline as quickly as possible.

Mrs. WALORSKI. I have been waiting eight months.

Ms. MOONEY. I will work to do that today.

Mrs. WALORSKI. And when will I receive the timeline?

Ms. MOONEY. I can't guarantee that I will have it today, but today I will——

Mrs. WALORSKI. When will I receive it? Just give me a—will it be next week? Will it be Monday of next week? Will it be Friday of this week? When will I get a written timeline?

Ms. MOONEY. On the overall project, I will say——

Mrs. WALORSKI. On the completion date and why there is a delay.

Ms. MOONEY. How about if I offer you why there is a delay, Congresswoman?

Mrs. WALORSKI. How about when the completion of the project will be a timeline? It can't be that difficult. There is nothing in the soil in the State of Indiana that has anything other than farmland.

Ms. MOONEY. Congresswoman, we will make sure that we get something to you and I will personally call you and follow up on that.

Mrs. WALORSKI. By?

Ms. MOONEY. If I can do it by mid-next week.

Mrs. WALORSKI. Thank you.

Thank you, Mr. Chairman.

Thank you.

The CHAIRMAN. Mr. Ruiz?

Mr. RUIZ. Thank you, Mr. Chairman.

Assistant Secretary Mooney, thank you for being here. I am going to take this opportunity to ask you some questions because you oversee the legislative staff, and I want to be able to ask you directly.

This summer in my district, California's 36th District in the Coachella Valley area, eastern Riverside County, we launched a veterans initiative. We had multiple problem-solving veterans forums with hundreds of veterans coming together to talk about their issues, their priorities, and solutions, and what we can do together to implement those solutions.

And during the veterans forums, I was informed that veterans had problems accessing VA medical services at other hospitals outside their region or their state. One anecdote shared at a forum was of a veteran who was in Las Vegas and could not receive services from the local VA hospital without first going through the cumbersome process of re-registering to receive services at the Las Vegas VA hospital.

Can you tell me why a veteran would have to re-register? Is this VA established policy or is this required by actual law?

Ms. MOONEY. Congressman, I am happy to take that for the record and get you a full response from the Department.

Mr. RUIZ. Okay. I appreciate that.

And also in these veterans forums, one of the most common themes that I heard from my veterans is their lack of access to their health care records. My constituents are confused that very little is being done to address this, and one of the recommendations that was made, which would also address the claims backlog, is that the VA and the Department of Defense work together in some fashion to provide, as an exit consultation, the recent veteran, a disk of their medical records that they can have and present and work with the VA to have it done. Is anything of that sort being looked at, at this point and what do you recommend that we can do to work together to make that happen?

Ms. MOONEY. I am sorry, sir. Could you repeat that?

Mr. RUIZ. So many of my constituents said they have difficulty acquiring their health care records. One, can the VA provide them a disk with their updated VA medical records upon request? Two, is oftentimes, when they leave the Department of Defense, become veterans, it takes a long time to get those records from the Department of Defense. Is there any work that we can do so the VA and the Department of Defense can ensure that the men and women in uniform who are going to become veterans receive their medical information in a disk?

Ms. MOONEY. I will get you a response for the record. Veterans can download some of their health care information through Blue Button and some other initiatives that VA has might help the veteran.

And then on the other question with DoD, we work with our partners in the Department of Defense and I am happy to get you a response to an interagency request.

Mr. RUIZ. I appreciate that. Thank you very much.

Ms. MOONEY. Thank you.

Mr. RUIZ. I yield back my time.

The CHAIRMAN. Are you next?

Mr. Huelskamp?

Mr. HUELSKAMP. Thank you, Mr. Chairman.

A very quick question. Madam Secretary, how do you decide which request—which information request to simply ignore?

Ms. MOONEY. Requests are not ignored, Congressman.

Mr. HUELSKAMP. Wouldn't you consider a 52-week non-response probably ignoring the question?

Ms. MOONEY. Congressman, I know there is a response—I think there is a response forthcoming to your letter.

Mr. HUELSKAMP. Which letter do you refer?

Ms. MOONEY. I know you have a letter that is outstanding, sir.

Mr. HUELSKAMP. Fifty-two weeks, is there—can you explain why you have ignored that question for—well, fifty-one-and-a-half weeks, perhaps, Madam Secretary?

Ms. MOONEY. Congressman, I know that issue—that correspondence is being worked within the Agency and there will be a response forthcoming.

Mr. HUELSKAMP. What is the topic that you are referring to, because there are a couple of different things out there?

Ms. MOONEY. Sir, I know that they are working to move all correspondence.

Mr. HUELSKAMP. Can you explain why you wait 52 weeks? Seriously, 52 weeks, that is ignoring the response—that is ignoring the question, excuse me.

Ms. MOONEY. Congressman, sometimes responses have complex subjects and——

Mr. HUELSKAMP. How much did you spend on the 2011 Golden Games? That is a figure; that is a dollar figure. Why have you chosen to ignore that question until maybe sometime in the future?

Ms. MOONEY. Congressman, we owe you a response to your request and I will make sure that happens.

Mr. HUELSKAMP. Can you describe again—please, just answer the question. Why have you not answered that question for 52 weeks and a list of numerous others? Have you just said, you know what, we don't like that question or we don't like—take your pick. I am just trying to get some insight of why you will ignore a very basic budget question and just say we don't care; is that the answer?

Ms. MOONEY. Congressman, we are working all the requests that are in front of us right now.

Mr. HUELSKAMP. Ma'am, you have told me that for about 11 months. Eleven months you have had people come over and tell me and tell the Committee and say we are working on those. Fifty-two weeks we have talked over and over about working together and I just wish you would admit to the Committee why you are refusing to answer that question——

Ms. MOONEY. Congressman——

Mr. HUELSKAMP. —and that has to do with the Golden Age Games.

And something more recently that you have ignored is about 100 days ago, questions that came up in a Subcommittee hearing about data insecurity at the VA, a very serious question, a hundred days I asked specifically who violated the security, what did you know about it?

As you know, the VA was not forthcoming. It took a whistleblower to tell us what was going on there. But 100 days, is that—is a data insecurity that puts the data, personal, private, banking,

and private health care information, makes that open to the world, is that something you can ignore for 100 days?

Ms. MOONEY. Congressman, we will work to get you a response to your request. I understand and hear your frustration.

Mr. HUELSKAMP. Do you not know the reason why you waited 100 days or you are just not willing to share that with the entire Committee? I not only want a response, I want to know why you are ignoring the issue.

Twenty million veterans had their private health care information breached and the Committee asked questions and the Subcommittee Chairman right here, no response, no answer. My constituents want to know. They are shocked and outraged by this occurrence, and it continues, it continues to grow, and they worry about what is going on at the VA where they won't even answer basic questions about that data insecurity.

So your response is we will get to you or we will get to that?

Ms. MOONEY. Congressman, we will get you an answer to your——

Mr. HUELSKAMP. Can you explain why you won't answer the question for 100 days or 52 weeks? I mean we have been trying to talk about what is the reason for this, rather than the basic questions. I don't understand how you can be in charge of a shop that can wait 52 weeks on something, basic budget matters, or 100 days on something as critical as private, personal, medical information breached by potentially nine foreign agents in numerous countries and no response, or do you know the answer to that and just can't share that here?

Ms. MOONEY. Congressman, I think as I mentioned earlier, my office does not manage correspondence. I am happy to take your requests back.

Mr. HUELSKAMP. This is an information request, came from the Committee. It is on the Web site. The public, the world knows that you are ignoring the question, and I am just very frustrated that not only will you not answer the question, but you continue to give the same responses, we are going to get to it sometime in the future. You won't tell any of my colleagues when we are going to answer your questions. You won't even give us the courtesy of saying why you are refusing to answer those. It is the same old denial, and how can we work together? I mean, that is your responsibility, to answer these questions, and I guess you will sit here today to say, we will get back to you on that.

So what I see coming out of this Committee hearing is another set of questions, another maybe a year before you respond. At the end of the day, 20 million veterans have their data breached and we have no answers on that and that is very serious. I think that is probably the most serious matter in here that is sitting in their unanswered questions by a multitude of folks, and it reflects very poorly on an Administration that is ready to put in the biggest health care system expansion in the world in just a few weeks, and the one that they are trying to run now with 20 million veterans and their dependents, and you can't answer how is it secure or how it is insecure, and by the way we will get back to you sometime in the future.

Can you tell me when you might answer those questions?

Ms. MOONEY. Congressman, I understand and I hear your frustration. I will take back your concerns and we will get you a response.

Mr. HUELSKAMP. So you don't know the answer?

I don't care if you care about my frustrations. I really don't care about that. I want an answer. Americans want answers.

Will you answer that question today? Just say yes or no. Just say, no, I refuse to answer your question.

Ms. MOONEY. I am sorry. I think I said, Congressman, we will get you a response to your question.

Mr. HUELSKAMP. When, is the question.

Ms. MOONEY. As soon—I will work to get it soon.

Mr. HUELSKAMP. The answer is no answer.

Thank you.

The CHAIRMAN. We will have another round of questions, Mr. Huelskamp.

Did I understand you to say that the Office of Congressional and Legislative Affairs does not handle Congressional inquiries from Members?

Ms. MOONEY. We do handle inquiries. Correspondence is—principals handle their own correspondence throughout the Agency.

The CHAIRMAN. So your office has absolutely no idea when a Member of Congress writes to a principal asking for an answer?

Ms. MOONEY. Frequently, letters will come into our office and will go to——

The CHAIRMAN. Now, if I write a letter to Dr. Petzel, you don't know that I wrote a letter to Dr. Petzel?

Ms. MOONEY. If it comes to my office for concurrence, yes, I do.

The CHAIRMAN. So Dr. Petzel could answer that question and you would never know that I inquired or he answered the question?

Ms. MOONEY. On Congressional matters it would come to my office for concurrence.

The CHAIRMAN. Well, I would think that a letter from a Member of Congress is a Congressional matter.

Ms. MOONEY. And it would come to my office for concurrence, yes.

The CHAIRMAN. So you do see those letters and you don't track them? You don't track what Members of Congress are asking through letters of inquiry?

Ms. MOONEY. Within my scope of responsibility, which is concurrence on those, yes, Mr. Chairman, I do.

The CHAIRMAN. So you do track the letters?

Ms. MOONEY. Having a letter come through for concurrence, yes.

The CHAIRMAN. Would a letter not come through your office for concurrence?

Ms. MOONEY. That is accurate. Congressional letters go out throughout VA——

The CHAIRMAN. So I would write a letter or any Member of this Committee could write a letter and it would not go through your office for concurrence?

Ms. MOONEY. No. If you were to—say you were to write a letter to your network director or, you know, a hospital director, we would not see that, no.

The CHAIRMAN. Even I write letters to the Secretary and you respond. I am just a little confused.

But Mr. Coffman, you are recognized for your questions.

Mr. COFFMAN. Thank you, Mr. Chairman.

Madam Secretary, I think you would like us to believe today that you are just incredibly incompetent. You know, I don't think that is true. I don't think you are incompetent. I think you are a very smart political operative, and I think what you have engaged in is a process of systematically covering up information that is embarrassing to the Veterans Administration. And I will tell you what, I think if General Shinseki keeps you on after this hearing, then he is also complicit in that cover-up, in that systematic process that you have engaged in since 2009.

I have got a couple of questions here, but I think you are pretty smart and I know what you are doing. I think the first one on February 13th, 2013, Dr. Petzel told me that he would provide the results of an internal mental health survey by the close of business that day. As of today, no information has been received. Can you explain why the survey I requested has not been provided?

Ms. MOONEY. Mr. Coffman, I think I will go back and check on that and find out the status of it.

Mr. COFFMAN. In a hearing this past March, I asked for release of the medical inspector reports regarding the medical facilities in Columbia, South Carolina, and Augusta, Georgia, prepared by Dr. Pierce and his staff, the Deputy Under Secretary for Health for Operations and Management at the VHA. The Deputy Under Secretary for Health for Operations and Management at the VHA committed to look into disclosure for the record. Nothing to date has been received. Please explain.

Ms. MOONEY. Congressman, I will look into that request for you.

Mr. COFFMAN. Thanks.

I got to tell you, I am, you know, I think it is such an affront to the men and women who have sacrificed so much for this country, who have worn the uniform for this country, that you are in this position. And I think it is also, in my view, an embarrassment to General Shinseki who has served this country honorably for over 30 years in the United States Army to have somebody like a political operative like you in this critical position engaging in this systematic cover-up on information that is embarrassing to the VA about the mistreatment of the veterans who serve this country. I just think it is extraordinary.

And you are not who you appear to be today, this bumbling idiot, this incompetent manager. I know what you are engaged in and it is wrong.

I yield back.

The CHAIRMAN. Ms. Mooney, on the 18th of January of this year, the Committee asked for documentation including emails regarding the legionella outbreak at Pittsburgh. You have already heard me say the media got the answers to their questions before the Committee did. You responded that that should not have occurred. I don't know how it occurred. But, you know, we haven't received any of the emails yet, can you please explain why?

Ms. MOONEY. I can say in the case of Pittsburgh and the emailed documents, the requests came in. It was a rather—it is a large-

scale data pull with—the goal was to focus and scope down search terms, et cetera, with the Committee, which we did, and the work is in process and on-going and the results should be forthcoming very soon.

The CHAIRMAN. I think the words, probably, if you put "legionella" and "death", those would be two pretty specific words that you could search pretty quickly.

And, you know, again, to Mr. Coffman, we are not asking these for ourselves and our own benefit; we are asking on behalf of the veterans of this country——

Ms. MOONEY. Understood.

The CHAIRMAN. —and every obstacle that the Agency puts up in front of us prevents us from doing our job in oversight.

Let us go here. On the 19th of January of this year, we requested information regarding the Veterans Canteen Service. As of today, no information has been received, and what I want to hear from you is, what are the obstacles and where exactly in the bureaucracy does this obstruction occur?

Ms. MOONEY. Well, Mr. Chairman, I will say back to the legionella, even legionella being requested for a whole entire health—all employees in an entire health care network, plus an entire hospital and central office would be nearly impossible to fulfill. However——

The CHAIRMAN. But it is not——

Ms. MOONEY. —we work with your staff——

The CHAIRMAN. No, excuse me. I will take the time back.

It is not impossible to do a data search like that. There are software companies all over this country that tell me that you can do a data search of information like that in a relatively quick fashion, and when I say "relatively quick," I am talking about days, not months, and that is where we are at.

I mean, we haven't received any emails. I mean, you would think you could start at least sending us the first tranche, the second tranche, so we could begin our process of sifting through those, just as you sift through them as well. I mean, we know that you are having to read them, you are wanting to read them so nothing else comes to this Committee that you are aware of that is embarrassing to the Department.

On the 14th of May of this year, we requested all documents and emails related to VA's Office of Information and Technology's authority to operate, or ATO, including waivers of automated information systems from January of 2010 to the present. As of today, zero. No information has been provided. Why haven't we gotten any, any information from May?

Ms. MOONEY. Mr. Chairman, that work is ongoing and the goal is to get you the emails as soon as possible. We will have to talk to your staff about which data calls to prioritize. I understand the ATO emails at this point are first, and we are working to produce those right now.

The CHAIRMAN. I do want to say that the Ranking Member and I requested from all Members of Congress incidents that they have had with your office in trying to gather information, and we received numerous responses from Members and some of them were pretty specific in the issues that they provided, and I will gladly

make that information available to you with the caveat that you assure me that you and your office will work on solving and answering these issues and these problems.

Ms. MOONEY. Yes, Mr. Chairman. Thank you.

The CHAIRMAN. Mr. Michaud?

Mr. MICHAUD. Thank you, Mr. Chairman.

I just wanted to comment today on a question. I just want to follow up on a comment that Ms. Brownley made earlier about the joint hearing we had with dealing with the transition from DoD and VA and trying to get veterans to work and we requested both secretaries to be at that hearing. And I was very critical of the fact that neither Secretary showed up at that hearing. And I found out later on—exactly, I did talk with Secretary Shinseki. He was willing to come. However, Secretary Hagel was not able to make it, so therefore, he did not come. So I do apologize to the Secretary—being so critical of him for not showing up. I was told that he refused to come, but that was not the case. So I think it is important to state that for the record.

Ms. Mooney, the other question is, what authority do you have internally to the VA to get other parts of the Department to work Congressional inquiries quickly?

Ms. MOONEY. We do prioritize requests. We work to prioritize them for—within VA, the Chairman's requests come first, Committee Members. We work with program offices and administrations on a weekly basis to move all items, particular items that the Chairman and Members of the Committee have stated are priorities.

Mr. MICHAUD. So, if you have a priority but BVA says that is not our priority and they stonewall that, do you have authority to have a response from BVA? I mean, I am just trying to figure out what authority you have over the different parts of your department.

Ms. MOONEY. I have the authority to speak with the Under Secretaries and the Assistant Secretaries of various program offices and administrations, and I do on a regular basis.

Mr. MICHAUD. And do they have to respond—I know you can speak with them—but do they have to respond or can they say, well, that is not their priority and do something differently, or do they have to respond to your priorities?

Ms. MOONEY. Everyone takes Congressional oversight and your responsibilities very seriously. These are also people who are working to implement, direct, and manage programs, and direct services to veterans, so they are balancing priorities. We all work together to respond as quickly, completely as we can to Members of Congress.

Mr. MICHAUD. Okay. My last question—and I know that you mentioned in your testimony and through questioning that sometimes testimony is late due to the complex, you know, policy questions that arises—you know, I can understand that, but what I can't understand is sometimes, you know, your testimony is late, at a later hearing that covers the same type of hearing that we have covered already in the past. So why is it—I can see if it is complex the first time around, but if later on we have another hearing in a similar issue that the testimony is late again, that is concerning. I know that you said that you definitely would do a

better job in getting that information to us and I appreciate that and will definitely be keeping a close eye on it because as one Member of this Committee, I do like to read all of the testimony before the hearing. And it makes it problematic if we don't get it until the day before, as far as being able to go through the hearing, you know, for the next day. So I would encourage you to definitely try to stick with the timeframe that you said that you want to do it, within the 48 hours before the hearing, so we can get the—so we can do our job, but more effectively.

So once again, I want to thank you for being here today. I looked forward to working with you, and I will just re-emphasize, you know, customer service, access, and timeliness is extremely important.

Thank you, Mr. Chairman.

The CHAIRMAN. To follow-up on Mr. Michaud's line of questions, you had said in the last three, three and a half years that you have a good record on providing testimony in a timely fashion. Can you tell me how do you know. What is that record?

Ms. MOONEY. We do track these in the monthly performance review in the PAR and our strategic plan.

The CHAIRMAN. So what is the record?

Ms. MOONEY. Let me pull that out for you. Actually, I can provide it for the record if you——

The CHAIRMAN. Well, it would be nice if you make a comment that you've got a good record, that you could back it up for us.

Ms. MOONEY. Okay. I am sorry. I don't have that. Chris?

Mr. O'CONNER. Yeah, 98 percent, I think, in fiscal year 2011 and 90 percent last year.

Ms. MOONEY. 90 percent last year and 98 percent in fiscal year 2011.

The CHAIRMAN. I wholeheartedly disagree. There is no way. And if so, I would be very alarmed if I fell from 98 to 90 to 50 percent. There obviously is a management problem somewhere.

Ms. MOONEY. And I appreciate that, Mr. Chairman.

We work with this Committee and we work with many other Committees.

The CHAIRMAN. I am talking about this Committee.

Ms. MOONEY. I will have to get that——

The CHAIRMAN. And I would be very interested in knowing if other Committees get a higher percentage of timely testimony than this Committee gets.

Mr. Huelskamp?

Mr. HUELSKAMP. Thank you, Mr. Chairman.

I just want to follow-up and make sure I understood a few of the responses or lack therein back on the issue of data insecurity.

Are you aware of the Subcommittee hearing we had 100 days ago or 100—almost four months ago on this issue?

Ms. MOONEY. Yes, Congressman.

Mr. HUELSKAMP. And you are aware of the questions that came forth from that Committee and have received all of those questions?

Ms. MOONEY. Those questions are being worked and will be provided to you.

Mr. HUELSKAMP. Have you answered any questions that were submitted in response to that hearing?

Ms. MOONEY. Congressman, we are working to complete all of the tasks in front of us.

Mr. HUELSKAMP. Have you answered any of the questions that were submitted?

Ms. MOONEY. Has VA answered any of questions? Sir, I would have to take that for the record and get back to you with that request.

Mr. HUELSKAMP. Could you ask your assistant behind you? I mean it is a pretty simple question, did you answer any of them? Does anybody here—I mean who is here with you that can answer that?

Ms. MOONEY. Sir——

Mr. HUELSKAMP. Anybody?

Ms. MOONEY. —I was called as the witness. Our office is a facilitator to get things done. What we do is, we work with the program office to answer your questions, to get answers to your questions, and we are working——

Mr. HUELSKAMP. The Committee hearing is about not the answers; it is about answering the questions. It seems to be more about process.

I just want, on this particular matter, which is of critical importance, do you know if any questions have been answered, and I guess the answer is no, you do not. You are not aware of any answer being submitted yet?

Ms. MOONEY. Congressman, we are working to answer all of the questions. VA is working to answer all the questions.

As Congressman Michaud noted in his opening remarks, our office is a facilitator office.

Mr. HUELSKAMP. Okay. Well, I am asking if you facilitated an answer, and it is pretty clear that you have not answered a single question about data breaches at the Department of VA, the database for twenty million veterans and their dependents.

Do you think that is a critical issue if that database is insecure?

Ms. MOONEY. Congressman, I will get back with you——

Mr. HUELSKAMP. No, the question was, do you think that is a serious issue?

Ms. MOONEY. Congressman, I am not an IT expert. I will get back with you with a response for the Department.

Mr. HUELSKAMP. This is about like the failure to respond for 52 weeks. This is a pretty simple question, ma'am. Yes or no. Is it a critical issue if the database might be insecure?

Ms. MOONEY. Congressman, your questions are important and we will have answers to them.

Mr. HUELSKAMP. How about this question? Is it important—do you think it is a critical issue if the database might be insecure?

Ms. MOONEY. Congressman, as I stated, we will work to get the answers to your questions.

Mr. HUELSKAMP. Can you answer the one I just asked? Just say yes or no. Is it impossible to say no or yes?

Ms. MOONEY. Yes, it is critical.

Mr. HUELSKAMP. Okay. And do you think waiting 100 days for Members of Congress and the people we represent to have an as-

surance that that data is secure is something that has to have an answer in a critical period of time, like days, instead of weeks and months?

Ms. MOONEY. Congressman, I will make sure that you get a request—excuse me—an answer.

Mr. HUELSKAMP. And maybe you have missed this, I mean you are a facilitator, but we had testimony in the Subcommittee that foreign agents had accessed that database and when the VA was asked who they were—first after denying that the access took place. They had admitted in a Committee hearing. We asked, well, is the data secure now? Tell us how it is. Are we meeting those data security standards that are required in the private sector? Ma'am, we are 100 days past that.

Do we know if we had 100 days of access to that data? I mean, where is that? I mean, the response has been from the Department in the hearing was this, if you have a problem, if somehow your financial records are compromised, we will provide you help to put it back together. But these are the kinds of things you might say well, that is not too important to get an answer to that, and I understand.

All I am saying here is, ma'am, that is one that people are asking and demanding to know, and if the VA refuses to answer that question—which every day you don't answer is a refusal—100 days later.

Ms. MOONEY. Mr. Huelskamp, Mr. O'Conner has let me know that we've briefed the Committee on that issue as well.

Mr. HUELSKAMP. Can you tell me what the answer is then?

Ms. MOONEY. We have briefed the Committee on the issue and I will be happy to get you the information for the record with what we can do on that.

Mr. HUELSKAMP. Thank you, Mr. Chairman.

I look forward to hearing about the briefing. Thank you.

The CHAIRMAN. Thank you very much.

We will follow up on that as well.

And as a facilitator, who is responsible for making sure that testimony, inquiries, other information is provided to this Committee?

Ms. MOONEY. That responsibility lies with me, Mr. Chairman.

The CHAIRMAN. Okay. So let us go back to some of the very first questions that I asked in regards to how do you, after hearing the comments today, how do you rate, grade your office on its performance with this Oversight Committee?

Ms. MOONEY. Mr. Chairman, I would rate us at a—I would rate us at a B minus, C plus overall for the three and a half years, and I have heard the concerns that the Committee Members have offered us today, and I look forward to continuing working to make improvements to get much higher than that.

The CHAIRMAN. And I appreciate that candid remark, and I think the Ranking Member and all the Members of this Committee want nothing more than the information that we request. We are requesting many, many times on behalf of veterans and constituents that we have in our own constituencies and then, of course, each of our Subcommittees has questions as well.

And before I adjourn, I would like to ask if Mr. Bilirakis has any questions that he wants to ask.

Mr. BILIRAKIS. No, I think I am fine.

The CHAIRMAN. Okay. Thank you very much.

So, do you commit to testimony being delivered 100 percent on time?

Ms. MOONEY. That is our goal, Mr. Chairman.

The CHAIRMAN. And you have fallen woefully short of that goal this year, correct?

Ms. MOONEY. That is my goal. That is what we strive to achieve and we will—we can and will do better.

The CHAIRMAN. And so have you met that goal this year?

Ms. MOONEY. No, Mr. Chairman, we have not.

The CHAIRMAN. Do you reaffirm that the two week standard on information requests can be met?

Ms. MOONEY. I would ask for collaboration on that.

The CHAIRMAN. Well, you know, interestingly enough, we give you collaboration and you took a shot at this Committee a little while ago by saying that we did not notice the hearing on time when, in fact, you were informally notified that there was going to be a Committee hearing, although you did not get the formal notice, so you were aware that it was going to take place.

And the other thing, I think it is interesting is, you say you don't know what this Committee is focusing on. Every year, we do a report, that you should have a copy of, that tells you what we are going to focus on. Now, if five veterans, maybe six, die in Pittsburgh because of a legionella outbreak, we may shift the focus just a little bit, but, you know, we will work with you. But I think it is very clear that you need to do a much better job working with this Committee in providing it the information it needs in order to do our job.

Mr. Michaud, anything you would like to say?

Mr. MICHAUD. No, thank you.

The CHAIRMAN. All right. With that, all Members will have five legislative days with which to revise and extend their remarks.

Without objection, so ordered.

This hearing is adjourned.

[Whereupon, at 11:39 a.m., the Committee adjourned.]

A P P E N D I X

Prepared Statement of Hon. Jeff Miller, Chairman

This hearing will come to order. Good morning, everyone.

Ms. Mooney, welcome to you. We're breaking new ground here. This is the first hearing I can recall examining the relationship between our Committee and the Office of Congressional and Legislative Affairs, which you lead.

I called this hearing in response to a growing frustration among Members in getting from your office what we need to do our work. Whether it is the timely receipt of hearing testimony, responses to requests for information, or the quality of the information provided, we have concerns across the board.

Let me start with hearing testimony. Prior to an oversight hearing being called, it has been long-standing practice to provide the Administration with a *minimum* of two week's notice of the hearing topic, and to request that testimony be delivered no later than 48 hours prior to a hearing. Receiving testimony 48 hours in advance permits Members and staff the minimum time necessary to not only carefully read the testimony, but also to craft thoughtful questions.

But whether VA is provided two week's notice or two month's notice, it seems the timely receipt of testimony is completely arbitrary. For example, you knew more than a month in advance that we were having a joint hearing with the Armed Services Committee on servicemember transition issues back in July, yet the testimony was received *late in the afternoon on the day before the hearing.* Ms. Mooney, the fact that your testimony for today's hearing was submitted on time is a good first step – not surprising given the topic—but there must be a 100% track record going forward. That ought to be the standard.

Let me turn now to information requests. We've grown so frustrated with the timely receipt of quality responses from VA that we've had to take extraordinary steps to ensure accountability. First, the Ranking Member and I launched a "Trials in Transparency" page on the Committee's Web site detailing the number of outstanding VA requests. Second, I send weekly letters to the department reminding them of all of the pending requests. In total, we now have 70 pending, some which remain well over a year old.

What is more troubling is that many of the pending requests relate directly to ongoing Committee investigations into life safety issues at VA facilities. For example, on January 18, 2013, I requested emails and documents pertaining to a deadly Legionella bacteria outbreak at the Pittsburgh VA medical center. As of Sep 17, 2013, no emails had been provided. Worse, I learned that the media was provided some of the same emails I requested in *as few as twenty days.* Ms. Mooney, the days where VA is more responsive to the media than a Congressional oversight Committee *must end.*

Given that five veterans are dead as a result of the outbreak, which VA's own inspector general attributed to VA mismanagement, the Committee is engaged in an investigation into this matter to determine what went wrong and ensure it never happens again. Unfortunately, we haven't seen a similar sense of urgency from VA to help us with our investigative efforts. Rather, VA's reluctance to provide us with the information we have requested is actually impeding our progress.

Now, I understand that many of the delays we experience are out of your office's control. But, whether some other office within VA or OMB is to blame, your office exists as the first point of accountability. If there is a problem somewhere else, it is your job, Ms. Mooney, working with the Secretary if necessary, to ensure they are fixed.

One final point before I conclude. Your testimony outlines the volumes of Congressional inquires your office responds to on a regular basis. But your office has also received a 41 percent increase in budget authority and a 40 percent increase in staff since 2009. Resources have been provided, yet frustrations persist on a bipartisan and bicameral basis. If things don't improve materially – and I'd like to work with

you to develop some expectations moving forward—we'll have no choice but to reconsider the funding your office receives.

VA owes it to America's veterans and taxpayers to engage in an honest conversation about its past mistakes, the future challenges it faces and its capabilities for overcoming those challenges. Giving Congress timely access to the information it requests is an important part of that conversation. When VA drags its feet in providing information requested by Congress, it inhibits our ability to ensure America's veterans are receiving the care and benefits they have earned. Our veterans deserve a VA that sets the standard for openness, honesty and transparency. When the department fails to do so, they must answer for that failure. That's what today's hearing is all about.

I now recognize the Ranking Member for his opening statement.

Prepared Statement of Hon. Michael H. Michaud

Thank you, Mr. Chairman.

As the title of this unusual hearing makes clear, Members of this Committee are frustrated and unhappy with VA's legislative affairs approach. That the Committee feels compelled to hold this hearing today should send a clear signal that the status quo is not acceptable.

I am certainly aware that the VA receives a large number of Congressional inquiries, and I understand VA is challenged in responding to the over 535 Members of Congress.

But high workload is not an excuse for the current situation which has gone on since 2009, and which simply must change. If VA needs additional funding for more staff we need to know. If VA needs to move around some of the 300,000 employees it currently has then it must do so.

We all want to do the best we can for our veterans. In order to do the best job we can, the Committee and the VA simply must have a relationship of trust and cooperation, where information flows quickly and easily between us.

It is my hope that this hearing will result in VA understanding our level of frustration with the current relationship and that we seek a real commitment from VA to improve and change.

I am hopeful that, working together, we can chart a new way forward.

For our part, the Committee must prioritize requests and accept some flexibility for achievable deadlines. We must recognize that, from time to time, there may be legitimate disagreements between the Committee and VA about the appropriate degree or scope of disclosure of requested information.

When such disagreements arise, it is incumbent upon VA to set forth its concerns in a timely manner, and for us to listen with an objective mind.

To set a new course forward, the VA's Office of Legislative Affairs needs to make a real commitment to customer service by adopting a "yes, we will" rather than a "no, because" attitude. VA OCLA needs to provide regular and ongoing communications regarding the status of our requests. There is nothing more frustrating than having to keep checking back with the VA on when we can expect answers, and the VA having no answers to give us.

Realistic deadlines that are met by the VA are essential. I am willing to negotiate some due dates on less time-critical requests, but when VA agrees to a due date, I expect it to be met.

Finally, moving forward, I would like to see VA OCLA adopt the role of facilitator rather than filter. There is a perception across Congressional staff and, according to some reports, VA staff, that direct communication is "taboo" and everything must go through OCLA.

I do not discount the value a broad Department-wide perspective can add to a conversation. I understand, and agree, that formal Department-level positions should be coordinated by OCLA. However, subject matter experts on both sides should feel free and comfortable to discuss general, basic issues.

I stand ready, and I know my colleagues stand ready, to sit down with the VA and address our overdue requests and work together to come up with a real framework to govern our relationship going forward.

This framework needs to be built around three goals: customer service, timeliness, and access.

Thank you Mr. Chairman, and I yield back.

Prepared Statement of Joan M. Mooney

Chairman Miller, Ranking Member Michaud, Members of the House Committee on Veterans' Affairs: I appreciate the opportunity to testify on the Department of Veterans Affairs' (VA) work to provide Congress with the information and assistance it needs to fulfill its oversight responsibilities as well as be responsive to constituents.

VA and Congress share the same goal: to do everything we can to improve the health care, benefits and other services delivered to our Nation's Veterans, their families, and Survivors earned through service. That is what guides our work in the Office of Congressional and Legislative Affairs (OCLA) in central office and throughout the broader VA health, benefits, and memorial affairs operation across the country that also work with congressional offices every day.

As Assistant Secretary for Congressional and Legislative Affairs, service to both Veterans and Congress is engrained in who I am. My father was an Atomic Veteran who passed away from cancer linked to his service. My mother was his primary caregiver who predeceased him putting his healthcare needs before her own. I personally understand the importance of the services VA provides.

I also understand the important oversight role that this and other congressional committees play in our great democracy. Prior to coming to VA, I served on Capitol Hill for nearly two decades, including for a senior Member of this Committee. For that reason I am aware of the demands placed on Members of Congress who seek to best represent their constituents and the responsibilities that come with oversight.

Over the last few years, Secretary Shinseki, other VA senior leaders and I have welcomed the opportunity to meet with Members of this Committee and other Members of the House and Senate, in your offices or back home to hear directly about your concerns and learn how VA can improve services for Veterans. For example, annually, Secretary Shinseki and I request meetings, either one on one or in small groups, with Members of this Committee as well as Members of the Senate Committee on Veterans Affairs and Senate and House Appropriations Subcommittees on Military Construction, Veterans Affairs, and Related Agencies. Through meetings in informal settings as well as committee hearings and roundtables, VA seeks to engage this and other related committees regularly.

I understand Congress' need for timely and accurate information about developments affecting Veterans policy nationally or locally. I also understand the importance of receiving information in advance of an upcoming hearing or mark-up.

VA recognizes the frustration that Committee Members and staff have regarding submission of testimony. While VA strives to meet the Committee's 48-hour in advance testimony submission rules, we at times cannot meet the timeline, particularly when a hearing is called with short notice. Hearings on policy or legislation raise important, complex and often new issues that require careful study and consideration by VA. Let me state our continued desire to work with the Committee to improve timely delivery of VA testimony and on more advance lead time for hearings.

As I stated earlier, accuracy in the information we provide to Congress is a top goal and so while we have and continue to provide a significant volume of information to Congress, quality is just as important as quantity. Some of the information requested may include data the Department does not collect or does not collect in the form that is being asked. As a result, certain requests may require VA to conduct data calls, taking time and resources and impacting the ability to process other requests. That is why it is important for us to work together to ensure that the requests from the Committee are appropriately structured so that it is very clear what is being asked for, realistic timelines can be set, and adjustments can be made to facilitate getting the information to the Committee. These discussions are also important so that the time of subject matter experts in the field or VA central office who may be asked to compile and assemble much of the information, be managed in the most efficient and effective manner possible allowing them to balance their day to day work with responding to these important requests.

Our mission in OCLA is to improve the lives of Veterans, their families and Survivors. We do that by fostering a productive working relationship with Members of Congress, their staffs, and committees, keeping them abreast of policy matters and programs, and helping VA better understand and engage with Congress.

As all of you know from firsthand experience, VA engages with Members of Congress on many fronts. At our medical facilities, benefits regional offices and cemeteries across the country there are VA staff that respond to local congressional re-

quests for information, site visits and tours, and VA participation at congressional town halls and outreach events, among many other types of requests.

VA's OCLA, based in central office, is staffed by 46 dedicated professionals that help operate one of the busiest congressional affairs offices in the Federal government. Today OCLA's staff includes 23 Veterans, representing 50 percent of our workforce, an increase of 39 percent since I began my service as Assistant Secretary. Increasing the number of Veterans working in OCLA has been a longstanding goal of mine as Veterans and family members of Veterans bring firsthand experience to our daily work. Our staff also includes many individuals with prior work in congressional offices or Veterans Service Organizations and advocacy groups.

As the second largest Federal agency after the Department of Defense, VA provides care to approximately 6.3 million Veterans and other beneficiaries, has 1,800 points of care, provides 3.6 million Veterans with disability compensation, and employs over 330,000 people. In short, VA touches every Congressional district in a way that is unique among Federal agencies. From the conception to the opening of Community Based Outpatient Clinics (CBOC), to the status of VA's effort to eliminate the disability compensation claims backlog, to providing information on VA's successful home loan program that kept Veterans in danger of foreclosure in their homes, to technical assistance to Members of Congress on their draft legislation, our office both proactively provides and responds to a broad swath of requests for information from Congress. Each week, VA also sends several e-mail communications to Washington, D.C. and district contacts in 541 Member offices and congressional committees, containing information on VA policies, programs, and funding announcements such as VA grants to community organizations providing services to homeless and at-risk Veterans and their families.

Just within VA central office, OCLA provides a large amount of information to Congress. During the last three fiscal years and through August 2013 OCLA has provided or responded to over 80,000 congressional requests. Those include: VA officials testifying at over 260 congressional hearings; conducting over 2,000 congressional briefings or meetings; responding to over 4,700 questions for the record; processing over 75,000 Member inquiries – separate from casework done by local congressional offices with VA's regional offices, medical facilities, and cemeteries; and managing nearly 300 GAO engagements, leading to 175 draft and 98 final reports.

Since the office began collecting data on formal policy-related requests for information, during the last one and one half fiscal years VA has responded to over 4,700 of such requests. During the first six months of Fiscal Year 2013, VA responded to over 2,000 formal requests for policy-related information and technical assistance requests on legislation.

In recent years, VA has begun receiving oversight requests from this and other committees for e-mail records of VA employees. These are a new type of congressional request for information for VA and require a very labor and resource-intensive process. For example, this Committee's request for e-mails and documents related to the VA's Pharmaceutical Prime Vendor (PPV) contract required the review of hundreds of thousands of e-mails and documents and resulted in over 34,500 relevant e-mails and documents being delivered to the Committee. In fulfilling this data request, VA dedicated a team of employees that worked for over 2300 hours to complete the task. For a request for another committee, to date, VA provided over 34,900 e-mails and documents related to the 2011 VA Human Resources Training Conferences in Orlando, Florida. A team of employees has been dedicated to this work for significant portions of the last year and this data pull effort continues.

While the above information captures much of the Office of Congressional and Legislative Affairs' functions, so as to provide a full picture of our work, including those areas where data is not collected or applicable, let me also describe our areas of responsibility. They include:

- Managing technical feedback to draft legislation proposed or being considered by all congressional offices, and especially the authorizing committees;
- Managing all hearings before Congress, including field hearings;
- Responding to requests for information (including phone, e-mail, walk-ins), meetings, and briefings from Members, staff and committees on many subjects;
- Managing select congressional casework requests;
- Notifying congressional offices and committees of changes in VA policy, local and national announcements and related information;
- Managing departmental congressionally mandated reports;
- Developing VA's legislative proposals;
- Leading engagements with the Government Accountability Office (GAO) including the management of reports requested by Congress each year;
- Coordinating congressional oversight travel to VA facilities across the country;

- Organizing and holding training for congressional staff working Veterans' policy matter as well as casework;
- Organizing and holding educational briefings for congressional staff on a rotating series of topics related to VA health care, benefits, and services;
- Supporting VA officials in their meetings with Congress; and
- Leading the confirmation process for presidential nominees requiring Senate confirmation.

In OCLA, our customer base is also broad. In addition to our authorizing committees there are many congressional entities we engage with and a number of committees that conduct Veteran - related hearings and oversight work. Our customers include 541 Member offices; House and Senate Committees on Veterans' Affairs; GAO; Congressional Research Service; Congressional Budget Office; and other congressional committees including Senate and House Appropriations Subcommittees on Military Construction, Veterans Affairs, and Related Agencies; House and Senate Armed Services Committees; House Committee on Oversight and Government Reform; Senate Committee on Homeland Security and Government Affairs; House and Senate Budget Committees and many other House and Senate committees.

I endeavor to meet regularly with each of the Staff Directors of the House and Senate Committees on Veterans' Affairs, majority and minority, to provide an opportunity to engage and speak about important issues, review or prioritize outstanding items, and discuss developments in the Congress and in the Department. These interactions are in addition to communications over the phone or e-mail. I am personally committed, as is the Department, to work collaboratively with Congress. This is reflected in the efforts to engage, meet with and respond to Members of Congress and staff by all VA employees here in central office in Washington and those at our medical centers, CBOCs, benefits regional offices and cemeteries nationwide.

In conclusion, VA and Congress share the same goal: to do everything we can to improve the health care, benefits and other services delivered to our Nation's Veterans, their families, and Survivors. That is what guides our work in providing an incredible volume of information to Congress on a daily basis.

I appreciate the opportunity to testify and am prepared to answer any questions you may have.

Statement For The Record

Response Letter From: Hon. Joan M. Mooney, To: Hon. Bill Flores' Hearing Question

September 24, 2013

The Honorable Jeff Miller
Chairman
Committee on Veterans' Affairs
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Upon reviewing the hearing video recording and the unofficial transcript from the September 19 full Committee hearing, I am writing to clarify a response I gave to a question from Congressman Flores. Senior VA leadership are ultimately responsible for, and have the final say on, correspondence sent to Congress. However, there are occasions when VA may consult with other executive branch entities, including the White House, on some correspondence such as letters which concern interagency matters, transmission of official views on legislation, responses to letters on the President's behalf and letters on some administration policy priorities. I would ask that this letter be made an official part of the record and I appreciate the opportunity to provide this information.

Sincerely,

Joan M. Mooney

cc:

The Honorable Michael M. Michaud
The Honorable Bill Flores

Questions For The Record

Questions and Responses From HVAC, To: Department of Veterans Affairs

Questions for the Record from Chairman Jeff Miller

Question 1: On Jan 18, 2013, the Committee asked for documentation, including emails regarding the legionella outbreak and as of today, very little has been provided, including no emails. Yet, it is clear from news reports that media received emails regarding the outbreak through the Freedom of Information Act. Why is the media receiving access but not the Committee? Please provide the Committee with a schedule of when the information will be received.

VA Response: The Department of Veterans Affairs (VA) strives to provide Congress with accurate and timely responses to requests for information. On October 28, 2013 VA delivered the requested e-mails regarding the Legionella outbreak at VA Pittsburgh to the Committee. In recent years, VA has begun receiving oversight requests from this and other committees for e-mail records of VA employees. These are a new type of congressional request for information for VA and require a very labor and resource-intensive process and impact the ability to process other requests.

VA has been forthcoming in providing Congress with information on the outbreak of Legionella at VA Pittsburgh. VA received the first request for information in late November 2012. Since early December 2012, VA has made 4 notifications regarding Legionella at VA Pittsburgh to its congressional oversight committees and the Pittsburgh area congressional delegation, provided responses to 33 separate requests for information from Members of Congress and committee staff that included responses to 79 questions and numerous documents. VA has also conducted 18 briefings on the subject to Members of Congress or congressional staff and testified at two House Veterans' Affairs Committee (HVAC) hearings. Of the 79 questions responded to and 18 briefings provided, 51 questions were from HVAC and 9 briefings were to HVAC committee staff.

In regards to media receiving information on Legionella through the Freedom of Information Act, these requests were made by local media and processed and responded to by Pittsburgh HCS.

Question 2: On January 19, 2013, this Committee requested information regarding the Veteran Canteen Service. As of today, no information has been received. Please provide the Committee with a schedule of when the information will be received.

VA Response: On October 31, 2013, VA provided information regarding the Veteran Canteen Service to the Committee.

Question 3: On May 14, 2013, O&I requested all documents and e-mails related to VA's Office of Information and Technology Authority to Operate (ATO), including waivers of automated information systems from January 2010 to present. As of today, no information has been provided. Please provide the Committee with a schedule of when the information will be received.

VA Response: As stated in question 1, in recent years, VA has begun receiving oversight requests from this and other committees for e-mail records of VA employees. These are a new type of congressional requests for information for VA and require a very labor and resource-intensive process and impact the ability to process other requests. The request for e-mails and documents related to Authorities to Operate was transmitted to VA through an e-mail from committee staff to VA staff.

This project is underway. VA will continue to work with the Committee on this issue to ensure transparency and collaboration with Congress.

Question 4: It is well-known that the Assistant Secretary for OCLA either personally read or had others read every piece of information leaving your department before it is submitted to the committee. This likely accounts for tremendous delays in responding to Congress. Why do you feel that such scrutiny is necessary?

VA Response: VA's goal is to provide accurate and timely responses that represent the most up to date information and an enterprise perspective so that the

information being provided is complete. There have been instances in the past where information being provided to Congress was not complete or responsive to the request. It is also important to ensure that other offices in VA that may work on the subject in question have had an opportunity to provide input. The Office of Congressional and Legislative Affairs (OCLA) ensures, to the greatest extent possible, that that review and input occurs. OCLA's review does not significantly contribute to the time it takes to assemble information for Congress.

Question 5: In other Departments in the government, the offices of Public and Intergovernmental Affairs and of Congressional and Legislative Affairs are under the direction of one Assistant Secretary. Please provide an assessment of the merits of this proposal.

VA Response: Congress is an essential VA stakeholder and requires individual attention within the Department. Combining the VA offices of Congressional and Legislative Affairs and Public Affairs would not be the best approach for Congress or for VA. We are not aware of other Cabinet-level departments organized in this manner. We share the Committee's concern with media receiving information prior to Congress. We strive to ensure that does not happen. However, when it does occur, it is usually at the local level. OCLA is responsible for ensuring Congress receives timely and accurate information that reflects an enterprise perspective from the Department. The Committee would be unable to perform proper oversight of the Department without this focus.

Question 6: According to VA's 2012 Performance and Accountability Report, the department set a strategic target of 90% for the percentage of responses to pre and post hearing questions that are submitted to Congress within the required time frame. What is your success for achieving that target in FY2013? How will you meet it in the future?

VA Response: During fiscal year (FY) 2013, VA provided Congress with a great deal of information on VA programs and policies. During the year, VA witnesses testified at 62 hearings and VA subject matter experts provided 999 information briefs to Members of Congress and/or Congressional staff. VA also answered over 3,540 requests for information, a 29 percent increase from FY2012. The Department's strategic target for the submission of pre and post hearing questions is for 90 percent of the sets of questions to be submitted to Congress on time. For FY2013, the Department submitted 36 percent of the 22 sets of questions for the record within the requested timeframe along with 8 additional submissions of completed budget hearings' questions for the record (477 total questions for the record). While the Department did not meet its target goal in FY2013 because of work volume and priorities, the Department will focus its efforts in FY2014 to produce timely responses to questions for the record.

Question 7: According to VA's 2012 Performance and Accountability Report, the department set a strategic target of 90% for the percentage of testimony submitted to Congress within the required timeframe. What is your success for achieving that target in FY2013? How will you meet it in the future?

VA Response: VA witnesses testified at 62 hearings during FY2013. The Department's strategic target for the submission of testimony is 90 percent for the percentage of testimony submitted to Congress within the required timeframe. For FY2013, the Department submitted 75 percent of its testimony to Congress on time. In FY2014, the Department will re-double its efforts to produce responsive testimony.

Question 8: According to VA's 2012 Performance and Accountability Report, the department set a strategic target of 85% for the percentage of title 38 reports that are submitted to Congress within the required time frame. What is your success for achieving that target in FY2013? How will you meet it in the future?

VA Response: The Department's strategic target for the submission of title 38 reports is 85 percent for the percentage of title 38 reports that are submitted to Congress within the required time frame. For FY2013, the Department submitted 24 percent of its title 38 reports within the prescribed time frame. During FY2013, the employee responsible for tracking title 38 reports was activated and served with the U.S. Army in the Middle East for the last ten months of the fiscal year. While the employee was deployed, another employee assumed this duty as a collateral duty in addition to normal duties and responsibilities. For 2014, the Department has assigned this responsibility to an employee as a full time duty and will continue to focus its efforts to ensure timely delivery of congressionally mandated reports.

Question 9: What are OCLA's responsibilities and duties to the Department and to Congress?

VA Response: OCLA coordinates the Department's activities with Congress. The office is the Department's focal point for interactions and engagements with all Members of Congress, authorization and oversight committees, and personal staff. Additionally, OCLA is the Department's liaison with the Government Accountability Office (GAO).

OCLA's duties and responsibilities include:

Coordinates the Department of Veterans Affairs' relations and activities with Congress:

- Maintains responsive communications with Congress through briefings, hearings, reports, site visits, responses to requests for information, and other requested services from Members of Congress.
- Develops and executes the Department's legislative strategy.
- Manages the Department's involvement in congressional hearings.
- Leads the preparation for hearings and briefings on policy, oversight matters, and legislation.
- Provides advice, prepares and accompanies VA personnel in meetings with Members of Congress, congressional committees or staff.
- Coordinating congressional oversight travel to VA facilities across the country.

Develops legislative priorities and monitors and champions them before Congress:

- Lead office coordinating the development of Veteran legislation to benefit Veterans and improve the operations and efficiency of the Department.
- Coordinates requests for the views and technical support of the Department on pending or proposed legislation.
- Manages the Department's Title 38 congressionally mandated reports process.
- Advises VA senior leadership, in coordination with program office and legal staff, on legislative matters.

Provides congressional liaison support to Members of Congress and staff:

- Maintains liaison offices in Senate and House office buildings to answer operational questions about VA and proactively communicate news to Congress.
- Receives and processes Member requests for assistance with constituent and policy inquiries.
- Receives, resolves, and responds to high level Veteran case inquiries from congressional offices.

Serves as the Department's liaison with the GAO:

- Coordinates all GAO engagements within the Department.
- Coordinates preparation of responses to GAO draft and final reports, and ensures responses are provided to GAO in a timely manner.
- Keeps VA leadership apprised of GAO recommendation implementations.

Question 10: During her testimony, Ms. Mooney distinguished between OCLA involvement in information requests sent from the Committee to VA, and "correspondence" sent from the Committee to any element of VA. Please provide OCLA's policy with respect to accountability for both timely response to information requests and correspondence.

VA Response: OCLA is the office responsible for providing responses to Congressional Requests for Information (RFI). Within OCLA, the Congressional Relations Officer with oversight of the topic area is responsible for ensuring the Department's timely and accurate response. Upon receipt of a RFI the Congressional Relations Officer tasks the question to the relevant VA Administration or staff office. The Office of the Executive Secretary is responsible for replies to congressional correspondence addressed to the Secretary or Deputy Secretary. It is VA policy to return responses to congressional correspondence as soon as the appropriate information is obtained.

Question 11: Please provide the Committee with the Department's internal phone directory.

VA Response: VA no longer produces an internal phone directory in paper. We are pleased to provide assistance on request.

Questions for the Record from Congressman Mike Coffman

Question 1: On February 13, 2013, Dr. Petzel told me that he would provide the results of an internal mental health survey by the close of business

that day. As of today, no information has been received. Can you explain why the survey I requested has not yet been provided?

VA Response: On November 7, 2013 Under Secretary Petzel is scheduled to provide a briefing to HVAC committee staff which will include an overview of the results of the survey VA conducted of VA mental health providers.

Question 2: In a hearing this past March, I asked for release of the Medical Inspector reports regarding the medical facilities in Columbia, South Carolina, and Augusta, Georgia prepared by Dr. Pierce and his staff. The Deputy Under Secretary for Health and Operations and Management at the VHA committed to look into disclosure for the record. Nothing to date has been received. Please explain.

VA Response: The Department has been responsive to the Committee's March 2013 request regarding VA medical appointment and specialty consult backlogs and delays at the Dorn VA Medical Center in Columbia, South Carolina and other VA facilities. The Committee was provided a copy of the Office of the Medical Inspector (OMI) report regarding the Columbia VAMC on March 19, 2013, which included only the redaction of two dates directly associated with a Veteran. The report was sent with a note that an un-redacted report was available, upon a signed request from the Subcommittee Chairman. The written request was received from the Subcommittee on September 26, 2013 and the requested un-redacted copy of the OMI report was delivered on October 29, 2013. In addition, VA has provided three separate briefings to HVAC staff on this issue – on March 21, May 2, and September 6, 2013. The September 6, 2013 briefing included an update on VA's response to the Inspector General report on this topic. The OMI did not conduct an investigation or complete a report of specialty consult delays in Augusta, GA.

Questions for the Record from Congressman Timothy Walz

Question 1: What is the Department's process for reviewing and commenting on legislation? In the case of H.R. 1980, what departments participated in the review process, who finally approved the comments?

VA Response: The Department provides official views and costs on bills when a Committee holds a legislative hearing on the bill. VA provides views and costs in the written testimony for legislative hearings. For those bills VA is not able to address in time for a legislative hearing, views and costs are provided at a later time in a letter to the Committee. In the case of H.R 1980, VA did not provide official views on the bill because it was not on the agenda of a legislative hearing. However, VA provided technical assistance on the legislation to Representative Walz's staff on May 7, 2013. In addition, VA provided a copy of official views for S.935, the Senate companion bill to H.R. 1980, to Representative Walz's staff on September 17, 2013. S. 935, was part of a 2013 Senate Committee on Veterans' Affairs hearing.

Questions for the Record from Congressman Beto O'Rourke

Question 1: I would like to know more about the Congressional Knowledge Management System, the system VA uses to track Congressional requests. Ms. Mooney mentioned that the program needs improvements. How does CKMS work now, what are its flaws, and what is VA doing to improve it, by when?

VA Response: The Congressional Knowledge Management System (CKMS) is a commercial off-the shelf software program developed by Dynology Corporation. The Office of Congressional and Legislative Affairs (OCLA) licensed the software as a project management tool and an information repository for Congressional Relations Officers to manage their workload of congressional requests for information, briefings, and other requests.

CKMS has been modified to meet the requirements of the office. OCLA will continue to refine the software to meet specific office requirements; in particular improving the reports generating capability of the software.

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