

United States Senate

WASHINGTON, DC 20510

February 28, 2019

The Honorable Robert Wilkie
Secretary of Veterans Affairs
810 Vermont Avenue, NW
Washington, D.C. 20571

Dear Secretary Wilkie:

We are writing concerning the future of the caregiver program and the improvements made by the VA MISSION Act. We appreciate your personal understanding of the value of caregivers and the major challenges they face. As discussed during your testimony before a joint hearing of the Senate and House Veterans' Affairs Committees on December 19, 2018, we have additional concerns about the management and operation of the program, and the Department's readiness to implement the expansion required by the VA MISSION Act. In the law we structured a responsible, phased in approach to the expansion to allow VA to strengthen the program. VA cannot continue to squander this time. The program must be ready and meet the statutory deadlines, because veterans are urgently in need of this support.

We continue to hear from our constituents, veterans groups, and in the press about inconsistent application of eligibility rules that result in unjustified downgrades or discharges. These are more than individual cases, and given the Department's previous shortcomings on this issue, concerted efforts to finally resolve the problem are urgently needed. We commend the important step you have already taken in agreeing to suspend discharges and downgrades for veterans enrolled in the caregiver program to ensure consistent application of eligibility requirements. While Congress always intended for veterans whose conditions and independence improve to graduate from or become less dependent on the program, the documented evidence of wide-ranging inconsistency and clear, inexcusable errors in VA's eligibility decisions must be corrected. We have raised this issue of oversight and management of the program with VA for years, yet these problems persist. Before restarting appropriate discharges and downgrades, we ask that you require training, leadership, and oversight improvements, and that you request an independent evaluation of the efficacy of those steps by the Office of Inspector General.

Proper resourcing of the program also continues to be a deficiency. In previous years, VA requested insufficient funding as compared to the Department's own prior estimates. We urge you to reverse the trend of previous years and request sufficient funding in the President's Budget Request. Congress each year has reversed these ill-advised cuts, and we will continue to ensure the program is fully funded. However, to accomplish that effectively requires the Department to submit accurate information and request sufficient funding to cover the needs of the program. The Department must also ensure sufficient staff are in place to handle the high workload and to prepare for the program's expansion. Caregiver Support Coordinators are already overwhelmed, as are the administrative staff essential to running the program.

We also remain concerned the Department is considering steps to inappropriately curtail access to the program, some of which the Department does not have the authority to carry out absent a

change in law. Limiting access to this critical health program based on the type or mechanism of injury or putting veterans who are in need of immediate assistance at the mercy of the ponderously slow disability claims system are extremely concerning proposals. Similarly, reducing the stipends for caregivers by changing the structure of the tier system or changing the basis for calculating the stipend only serves to create additional hardships for these families struggling to get by. The Department has not articulated a rationale for these steps, especially as Congress has continuously fully funded the Caregivers program and in recent years has provided significant additional resources to reverse insufficient requests from the Administration. We urge you to reject such proposals and instead pursue beneficial reforms such as establishing a transitional period for veterans whose level of caregiver support is decreased or who graduate from the program.

Finally, we remain concerned about the Department's failure to implement a new IT system for the Caregiver program. Before the expansion can begin, the new IT system must be in place. The deadline for implementation, October 1, 2018, has come and gone, and it is not clear if or how VA will ensure the certification deadline of the system, October 1, 2019, is met. The IT problems are not new. GAO's initial recommendations to fix the IT system were made in September 2014. VA has repeatedly assured us it is working on this issue. We urge you to immediately expedite these efforts, including by examining whether commercial-off-the-shelf solutions can rapidly and effectively meet the Department's needs.

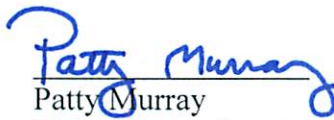
In order to fully evaluate the Department's progress, we ask you to provide answers to these questions, including those submitted as questions for the record following the December hearing:

1. Please provide updated data on the number of caregivers in the program, by tier and locality, the number of downgrades or removals by quarter since January 1 2017, and the reason for those changes.
2. Please provide updated data on the number of caregiver support coordinators by locality, the number of vacant positions, and where additional positions will be added for the first phase of expansion.
3. Please provide a comparative analysis showing the difference in stipend value by tier and by locality of the Department's proposal to change the stipend calculation to be based on the General Schedule.
4. Please provide an analysis of requirements, a scope of work, and projected timeline for implementing a new caregiver IT system. In the timeline please clarify when it will be implemented and as a result when the secretary's certification will be made.
5. Please provide a breakdown of funding by fiscal quarter starting in the first quarter of fiscal year 2017 showing the amount projected to be spent under the president's budget request, the amount appropriated, the amount obligated, and the amount expended. Please show the type of cost, including stipends, support services, staff, and IT expenses.
6. Please provide a description, rationale, projected cost, and projected impact on veterans and caregivers of each policy change under consideration including:

- a. Any changes to the definition of serious injury or what types of injuries will qualify, accounting specifically for mental health and TBI.
 - b. Any new requirement for a minimum service connection level, including projected delays to entering the program due to delays in the claims process.
 - c. Any changes to the number of tier levels.
 - d. Any regionalization or centralization of eligibility decision-making, including how VA would propose to ensure the clear and full input of the caregiver and veteran.
7. Please provide data on the number of caregivers who were downgraded or removed from the program inappropriately, how many of those have been retroactively paid the correct amount, and how many has the department undertaken collections actions against.

Thank you for your work on behalf of veterans and their families. We look forward to working with you to ensure the caregivers program operates at the high level we all expect.

Sincerely,



Patty Murray
United States Senator


Jon Tester
United States Senator


Patrick Leahy
United States Senator


Brian Schatz
United States Senator


Jack Reed
United States Senator


Sherrod Brown
United States Senator



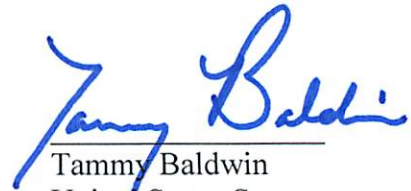
Richard Blumenthal
United States Senator



Robert P. Casey, Jr.
United States Senator



Bernard Sanders
United States Senator



Tammy Baldwin
United States Senator