

December 20, 2012

The Honorable Mitch McConnell  
Senate Minority Leader  
United States Senate  
Washington, DC 20510

Dear Senator McConnell,

I am requesting to be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding S. 944, the Veterans Health and Benefits Improvement Act of 2013.

This legislation promises to expand many veterans' health care and education services and benefits that are supposed to be provided by the VA. I believe our veterans deserve the finest health care and educational support a grateful national has to offer. However, S. 944 falls far short of this worthy goal.

Before we promise new benefits, we need to make sure the promises we made are being kept—especially as over 392,000 veterans are stuck in the VA's disability claims backlog,<sup>1</sup> and as a result are suffering delays in receiving treatment. We are unable to fulfill our *current* promises to the brave men and women who fought for the freedoms each of us have today. It is shameful for Congress to claim credit for providing new benefits while old promises are forgotten and as a result literally resulting in the deaths of our heroes.

S. 944 is an overreach of federal power, would add millions of dollars to the deficit, and fails to address the real problems facing the Department of Veterans Affairs or the veterans they serve. As evidenced by just a few examples, the state of the care for veterans in this country is not optimal and even endangering their lives.

Just a few weeks ago, the VA hospital in Augusta, Georgia, apologized for the death of three veterans at their facility, which occurred because of delays in medical care. CNN explained their "investigation revealed that military veterans are dying needlessly because of long waits and delayed care at U.S. veterans hospitals."<sup>2</sup> CNN's work also found that "numerous VA hospitals actively engage in cover-ups of their extensive patient wait times, including the falsifying of records. Additionally, the administrators of these hospitals are regularly rewarded with bonuses, rather than facing consequences for patient neglect."<sup>3</sup> Congress has known for over two years of the chronic delays in veteran's health care service, and even appropriated funds to address it. Yet,

<sup>1</sup> VA's December 16, 2013 Monday Morning Workload Report

<sup>2</sup> <http://www.cnn.com/2013/11/22/health/veterans-dying-health-care-delays/>

<sup>3</sup> <http://www.allgov.com/news/top-stories/some-veterans-hospitals-engage-in-cover-ups-to-hide-delays-leading-to-patient-deaths-131122?news=851730>

CNN found only one third of the \$1 million appropriated to address the issue were actually used for this purpose. And now, this bill would add even more responsibilities to the VA facilities, which are already facing delays and failing to provide acceptable medical care. In other VA health related delays, the Department faces ongoing delays in processing disability claims from veterans in need of assistance.<sup>4</sup> Simultaneously, the VA postponed the purchase of more than \$765 million in medical equipment, which according to a Bloomberg FOIA request of VA documents, affected the care of veterans at various facilities.<sup>5</sup>

These tragic examples may sound fabricated, but are not. They are real examples of how the lives and well-being of thousands of veterans currently suffering. Not at the hands of a military enemy, but because of the incompetence of their own government, which is unable to meet their needs and in some cases, causing harm and even death. This bill will only compound the problem, while promising services and care we are unable provide.

The bill also reaches far beyond the appropriate scope of the federal government. Specifically, S. 944 would allow VA funding for the Montgomery GI Bill and Post-9/11 GI Bill program to be directed *only* to any institution of higher education that charges in-state tuition to veteran who enroll within three years of separation from service on active duty, regardless of their home state of residence. According to the Congressional Budget Office (CBO), “Institutions that choose not to comply with those conditions would no longer be approved to participate in Montgomery GI Bill or Post-9/11 Bill programs.”

While admirable for individual states to consider providing in-state tuition for student veterans, it is inappropriate for the federal government to require educational institutions to do so by threatening to withhold funds. Further, there is little need for federal action, as the states are ahead of the federal government in providing this benefit to many of our veterans. Determining criteria for in-state eligibility and tuition for student veterans is already being considered by the states. In fact, many states have enacted or are currently considering legislation to provide veterans with in-state tuition waivers in support of furthering veterans’ education. According to Student Veterans of America, 20 states have laws affording veterans the ability to obtain an in-state residency waiver, while 10 states have legislation pending regarding in-state residency waivers for veteran students. Additionally, eight states which have certain schools or particular school systems which afford veterans in-state residency waivers. States have taken up this issue without the federal government, as veterans across the country continue to advocate at the state level their desire for this benefit.

I believe decisions regarding education policy and funding, should be controlled by the state and local governments which have the closest contact with students—rather than bureaucrats and politicians in Washington. I will continue to ensure our nation maintains the promises we have made to our veterans, but I will not support violations of states rights, which are clearly outlined in the very Constitution our veterans fought to protect.

---

<sup>4</sup> <http://www.vba.va.gov/reports/mmwr/>

<sup>5</sup> <http://www.bloomberg.com/news/2013-05-13/agency-dclays-765-million-in-u-s-veterans-care-spending.html>

There are a number of budgetary concerns with S. 944. The Congressional Budget Office (CBO) estimates the mandatory spending provisions in the legislation will result in net deficit reduction of \$94 million over ten years. However, the bill also increases discretionary spending by \$171 million over five years, but CBO does not provide a ten year estimate. At best, the legislation adds at least \$77 million to the deficit, however it is likely much more. Further, the assumed mandatory deficit reduction relies heavily on a provision that will not bring in additional revenue until 2018. Yet, the significant spending increases in the bill take effect immediately. It is an affront to taxpayers to pretend to offset the cost of a bill with a promise of future revenue to pay for current spending that will be set on autopilot. Furthermore, considering the VA has received approximately a 58% increase<sup>6</sup> in budget since Fiscal Year 2009, our country cannot afford to continue to spend taxpayer dollars at VA without real assurances to veterans that additional funding will improve already failing VA services.

At a time of runaway deficits and a crippling national debt, it is inappropriate to add even one dime to our national debt, and this legislation should be fully offset with tangible and real spending reductions and reforms. No corner of the federal budget is exempt from budgetary scrutiny or immune to waste, duplication, and mismanagement, and the Department of Veterans Affairs is no exception. There are numerous areas for savings within the VA budget. For example, the President's FY 2014 budget proposes several VA changes, including eliminating a duplicative Veterans Workforce Investment Program at the Department of Labor, which would save \$15 million in one year and adjusting TRICARE Fees to better reflect costs.

Former Joint Chiefs Chairmen Admiral Mike Mullen has declared several times, "the single biggest threat to our national security" is the national debt. We must honor the sacrifice of the millions of military veterans by keeping our promise to reduce the national debt in hopes of a more secure and safe future. By refusing to pay for this bill, the Senate is undermining our military, our country, and our future. Even more, by ignoring the outrageous delays in medical care and the tragic deaths of veterans at the hands of these VA facilities, this to both veterans and taxpayers, both who deserve far better from their government. We must first address the real needs of veterans and ensure they receive the benefits we have already been promised, and we should do so by being good stewards of taxpayer dollars.

Thank you for protecting my rights on this legislation.

Sincerely,



Tom A. Coburn, M.D.  
United States Senator

---

<sup>6</sup> [http://www.va.gov/budget/docs/summary/Fy2014\\_Fast\\_Facts\\_VAs\\_Budget\\_Highlights.pdf](http://www.va.gov/budget/docs/summary/Fy2014_Fast_Facts_VAs_Budget_Highlights.pdf)