

**1994 NOMINATION FOR THE
DEPARTMENT OF VETERANS AFFAIRS:
HEARINGS, ONE HUNDRED THIRD
CONGRESS, SECOND SESSION,
JANUARY 26 AND SEPTEMBER 13, 1994**

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**1994 NOMINATIONS FOR THE DEPARTMENT OF
VETERANS AFFAIRS**

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1994 Nominations for the Department...

HEARINGS
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE
ONE HUNDRED THIRD CONGRESS

SECOND SESSION

ON

THE NOMINATIONS OF R. JOHN VOGEL, TO BE UNDER SECRETARY
FOR BENEFITS, AND KENNETH W. KIZER, M.D., M.P.H., TO BE
UNDER SECRETARY FOR HEALTH

JANUARY 26 AND SEPTEMBER 13, 1994

Printed for the use of the Committee on Veterans' Affairs



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**NOMINATION OF R. JOHN VOGEL TO BE
UNDER SECRETARY FOR BENEFITS IN THE
DEPARTMENT OF VETERANS AFFAIRS**

WEDNESDAY, JANUARY 26, 1994

U.S. SENATE
COMMITTEE ON VETERANS' AFFAIRS
Washington, D.C.

The Committee met, pursuant to notice, at 10:17 a.m. in SR-418, Russell Senate Office Building, Hon. John D. Rockefeller IV (Chairman of the Committee) presiding.

Present: Senators Rockefeller, Graham, Campbell, and Murkowski.

Senator MURKOWSKI [assuming Chair]. I'm going to, on behalf of the Chairman, call the meeting of the Senate Committee on Veterans' Affairs to order, and I'm going to have a brief opening statement. Senator Rockefeller will be here—he's on his way—and, of course, I'll turn the hearing over to him upon his appearance.

I'm going to have Mr. Vogel sworn in, but I think I'll proceed with opening statements first.

OPENING STATEMENT OF SENATOR MURKOWSKI

Very briefly, this Committee, and the Senate as a whole, are going to be facing a number of critical issues during the coming year. Much of our attention is going to be directed toward health care issues, including just where VA is going to fit in if reforms are enacted. Since we're going to be focusing so much on health care in the coming year, I'm very pleased that this hearing—coming as it does on the second day of the session—affords us opportunity to reaffirm the importance of VA's benefits system. In addition to attention to health care issues, we will see to it that the VA benefits delivery system will be a prime topic of interest for the Committee to follow during the coming year.

As we all know, VA has a substantial backlog of claims waiting to be processed, and it's my understanding that there's growing concern because the claims backlog appears to be increasing at a rapid rate. This is unacceptable. By all appearances, the backlog problem will get worse before it gets better. I'm told that over the next 2 years it will grow from about 550,000 cases to an astonishing 800,000 cases. Staff counsel on both sides are nodding their heads, so clearly we have a problem.

The nominee before us this morning certainly faces some tough tasks in dealing with this backlog. We know that VA faces more claims to process. We also know that the processing of individual

claims has become more complex. Some might say it's perhaps over-lawyered, if I can coin a term. Some of you are nodding your heads on that one, too. That's a good sign. We also know that VA will not likely be receiving any significant increases in staffing to deal with the backlog and that VA must, therefore, learn to do more with less.

I'm pleased that we have before us a man as dedicated and as experienced as Mr. Vogel. His prepared testimony appears to recognize that VA must change how it does business. I agree VA must work smarter if it's ever to get out of the caseload hole in which it finds itself, and I'm sure Mr. Vogel will address that issue this morning.

John, you're certainly a brave man to take on this job. I think it's clear from your background, having worked at nearly every step and stage of the adjudication process, that you know and understand probably better than most VA's benefits system. We in Congress will look to you for leadership. We'll also look to you for concrete suggestions for appropriate legislative changes, if such are needed to assist you in getting control of the adjudication mess that we must face together. We want to help you. Our constituents and your clients—the Nation's veterans—deserve nothing less.

So, Mr. Vogel, I welcome you before the committee and would ask Senator Campbell if he has a statement that he would care to make at this time.

[The prepared statement of Senator Murkowski appears on page 28.]

OPENING STATEMENT OF SENATOR CAMPBELL

Senator CAMPBELL. Thank you, Mr. Chairman. I don't have a formal written statement. I have another committee hearing going on, but I did want to come down and express my support for John Vogel as the Under Secretary for Benefits. I know that he'll bring a very strong commitment to do his very best for our American veterans in a time of declining budgets, where tough choices have to be made. I know that's going to be very challenging for him.

I had an opportunity to spend a couple of days with John and Secretary Brown a couple of months ago in Colorado, where we signed the first memorandum of understanding with Indian tribes that will allow Indian veterans the opportunity to get VA loans, just like their non-Indian counterparts. In the past, they've never been able to do that, as you know, because they cannot put trust land up as collateral to insure those loans.

So during that 2 days that we spent at the Southern Ute Reservation in which he traveled a little bit in the southwest part of our State of Colorado, I found him to be very knowledgeable and very committed, and I think he's going to do a very, very fine job and just wanted to express my support for his nomination.

Thank you.

Senator MURKOWSKI. Thank you very much, Senator.

I think it's important that the record note the association with VA that John Vogel has had starting, I believe, in 1975.

Mr. VOGEL. 1968, sir.

Senator MURKOWSKI. OK. Well, you can fill us in. I guess you're correct. It says "See the attached sheet," and I didn't look at the attached sheet, so I started your career in 1975. You've been Adjudication Officer, Regional Officer, Chief Benefits Director, Special Field Operations Rep, Medical Center Director, Deputy Under Secretary for Benefits. So I think Senator Campbell would agree that we have a man of extraordinary experience and expertise.

We have a statement from Senator Thurmond. I would ask unanimous consent that his statement be entered into the record as if read.

[The prepared statement of Senator Thurmond appears on page 29.]

Senator MURKOWSKI. If we may, in view of the fact that we have a vote at 10:30, proceed with the swearing in. I would ask that John Vogel stand and take the oath, raising his right hand.

Do you swear or affirm that the testimony you will give at this hearing and any written answers or statements you provide in connection with this hearing will be the truth, the whole truth, and nothing but the truth?

Mr. VOGEL. I do.

Senator MURKOWSKI. Thank you. Please sit down.

Chairman ROCKEFELLER [assuming Chair]. Well, good morning. Happy New Year.

Senator MURKOWSKI. I just swore in the witness. We've just got time for your opening statement, and then we've got a vote.

Chairman ROCKEFELLER. And seeing how he was from West Virginia, we decided to go ahead and support him. [Laughter.]

Senator MURKOWSKI. You know, it amazes me how I can get down from Alaska in time for the hearing, and you're just coming from West Virginia. [Laughter.]

Chairman ROCKEFELLER. No. In fact, I was just coming—and I apologize to you, Senator Murkowski, and to my colleagues and to John Vogel—from a health care event where I was required to be. And I won't, out of deep respect for my colleagues, and deep fear of my colleagues, give my opening statement, but submit it for the record.

But I do want to say that President Clinton has obviously shown his confidence in John Vogel, and also that John has completed the Committee Questionnaire for Presidential Nominees and responded to prehearing questions. All of that is done, and all of that will appear in the hearing record. Also included will be a letter from the Office of Government Ethics acknowledging that he's in compliance with laws and regulations governing conflicts of interest. And I've reviewed the FBI report on John Vogel and found it one of the most boring that I've ever read in my life. [Laughter.]

Mr. VOGEL. I never got in trouble.

Chairman ROCKEFELLER. And, as obviously everybody knows, he's being considered for the position of Under Secretary for Benefits at a time when the Veterans Benefits Administration is truly at a crossroad. This job brings with it enormous challenges, tremendous heat and pressure, a lot of anxiety.