

**STATEMENT OF  
JAMES R. FISCHL, DIRECTOR  
NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION  
THE AMERICAN LEGION  
TO THE  
U.S. HOUSE OF REPRESENTATIVES  
SUBCOMMITTEE ON HEALTH  
COMMITTEE ON VETERANS' AFFAIRS  
ON THE  
VETERANS' MAJOR MEDICAL FACILITIES ACT OF 2002,  
H.R. 4514**

**APRIL 24, 2002**

Mr. Chairman and Members of the Subcommittee:

The American Legion is pleased to have the opportunity to submit a statement for the record on H.R. 4514, the Veterans' Major Medical Facilities Construction Act of 2002. This Act would authorize the Secretary of Veterans Affairs to carry out several major medical facility projects such as seismic corrections, renovations, and expansions of patient care facilities at Department of Veterans Affairs Medical Centers (VAMCs).

**Sec 2. Authorization of Major Medical Facility Projects**

This section calls for seismic corrections at Palo Alto, San Francisco, West Los Angeles, Long Beach, and San Diego, California. The American Legion is extremely pleased to see these much needed corrections being addressed. Certainly the past experiences at VAMCs Sepulveda and Palo Alto, CA, where earthquakes compromised buildings and disrupted services, have exemplified the necessity to address seismic issues. The identified construction projects should be a priority because they involve Department of Veterans Affairs (VA) health care facilities located in exceptionally high-risk areas. It is clear that the safety of the patients and the staff is first and foremost in the minds of everyone concerned.

Other proposals under section 2:

- (1) Consolidation projects in Cleveland, Ohio and Anchorage, Alaska.
- (2) Renovation in West Haven, Connecticut.
- (3) Ambulatory Care expansion at VAMC Tampa.

The American Legion's National Field Service had the opportunity to tour the wards at West Haven during a site visit in November 2001. The wards were dated and poorly configured, and they do not meet current expectations or standards for inpatient facilities. VA has well known challenges in aligning and modernizing its capital assets in the face of an expanding workload and an aging infrastructure. These projects will help to address this challenge.

The American Legion supports these proposals.

### **Sec 3. Authorization of Appropriations.**

This provision would authorize appropriations to the Secretary's Construction, Major Projects, account in the amount of \$285 million for Fiscal Year (FY) 2003.

On three previous occasions, The American Legion has recommended \$310 million for VA Major Construction in FY 2003:

- On September 11, 2001, The American Legion's National Commander, Richard J. Santos, in a written testimony to a joint session of the Veterans' Affairs Committees.
- On February 13, 2002, in written testimony to the President's Budget Request for FY 2003.
- On April 16, 2002, in written testimony to the House Appropriations Subcommittee on VA, HUD, and Independent Agencies.

The American Legion is extremely concerned with the President's proposed VA budget for FY 2003. This includes funding for important major and minor construction projects. It is no secret that VA's construction budget has been miniscule in comparison to its actual needs. For years, the construction budget has suffered to the point that it still falls well short of even the minimum amount needed. VA has not received appropriate funding for Major and Minor Construction projects in years. The American Legion has testified on more than one occasion about the safety issues and concerns dealing with the state of VA buildings. Many more of the buildings within VA, not just the few listed in Section 2 of this Act, are in need of seismic and safety corrections. VA can ill afford to have the lives of patients and employees needlessly placed in danger while being treated at a VAMC.

Simply because the Veterans Health Administration's (VHA) emphasis has shifted from inpatient care to primary care is not a basis to neglect capital assets. The current Capital Assets Realignment for Enhanced Services (CARES) review will potentially determine the future of many VA facilities. However, some projects are too important to postpone. Issues involving patient care, safety, and privacy must not be delayed.

Again, The American Legion recommends \$310 million for Major Construction in Section 3 of this Act.

### **Sec 4. Increase in Threshold for Major Medical Facility Construction Projects.**

This section proposes to increase the threshold for major medical facility construction projects from \$4,000,000 to \$6,000,000.

The American Legion supports this increase.

## **Sec 5. Criteria for Minor Construction Projects.**

This provision would add a new subsection (e) in Section 8103 of title 38, United States Code (USC), which directs the Secretary to select projects to improve, replace, renovate, or update facilities. This new section proposes to list those types of improvements, replacements, renovations and updates the Secretary can achieve. Such things as, seismic protection, fire safety, utility systems and ancillary, patient care facilities improvements are among them.

The American Legion is concerned with the fate of a project if it falls outside of the finite criteria listed under this proposed new section, yet falls within the range for minor construction dollars. There would be no way for the project to get funded under this proposal. The American Legion questions the reason for the list in the first place. The American Legion believes it should be within the Secretary's discretion to decide which Minor Construction projects merit funding, and which are the most urgent.

### **Conclusion**

The American Legion advocates for adequate VA construction appropriations every year. The American Legion's recommendations are based on a sound, realistic assessment of system wide needs. VA has many urgent construction requirements. The American Legion recognizes that this Act is a good first step in the right direction. We also appreciate the fact that it does address one of the biggest safety issues within VA, seismic corrections. However, there is much more to be done.

Mr. Chairman, we applaud you and the distinguished Members of this Subcommittee for the work you have done and that which you continue to do for the Nation's veterans and their families.