

United States Senate

WASHINGTON, DC 20510

April 21, 2022

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Biden:

We write to express disapproval of any contingency plan which uses personnel from the Department of Veterans Affairs (VA) to deal with the inevitable escalation of the border crisis once your Administration rescinds its Title 42 Order. The VA is currently experiencing major staffing shortages and high workforce turnover rates. The deployment of VA personnel in a "Fourth Mission" capacity will impact veterans' ability to receive timely care from the VA and should not be a consideration while developing your Administration's plan as a result of the failure to implement and maintain commonsense border security policies.

The VA's "Fourth Mission" is to "improve the nation's preparedness for response to war, terrorism, national emergencies, and natural disasters by developing plans and taking action to ensure continued service to Veterans, as well as to support national, state, and local emergency management, public health, safety, and homeland security efforts."¹ Congress recognizes and remains grateful for the essential role of VA personnel in responding to fulfill the VA's "Fourth Mission" during the COVID-19 pandemic. However, the "Fourth Mission" is not a tool to clean up the mess from a foreseeable and avoidable crisis, especially while the VA is already experiencing record-high turnover rates and issues of workforce resiliency amongst its health care employees.

The United States is currently experiencing a record-breaking number of border encounters. As you know, the Customs and Border Protection (CBP) reported over 1.6 million border encounters in the Fiscal Year 2021,² which is the highest annual total on record. The Title 42 Order has been used over one million times and has been essential for CBP to deny entry to illegal immigrants. Reports indicate that your Administration is aware of the inevitable surge of illegal immigrants once this authority ends. Officials in the Department of Homeland Security are requesting support from other agencies such as the Departments of State, Justice, Defense,

¹ Veterans Health Administration, *VA Fourth Mission Summary*, April 14, 2022, <https://www.va.gov/health/coronavirus/statesupport.asp#:~:text=VA's%20%E2%80%9CFourth%20Mission%E2%80%9D%20is%20to,management%2C%20public%20health%2C%20safety%20and>.

² U.S. CUSTOMS & BORDER PROT., *Southwest Land Border Encounters* (March 30, 2022), <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

and Health and Human Services.³ There is bipartisan support in the Senate requesting a detailed plan be made available before revoking this authority. These plans should not include using the VA's "Fourth Mission."

The VA loses roughly 40,000 individuals in a typical year due to retirement, firings, or outside employment.⁴ Right now there are more than 10,000 additional vacancies within the VHA workforce of doctors, nurses, and other essential staff.⁵ Additionally, the VA is experiencing a 15-year high turnover rate amongst its nursing workforce.⁶ A strained and insufficient workforce directly impacts the Department's ability to provide timely access to veterans' care at the VA. Congress has recently taken action to address the VA's record-high turnover by passing the RAISE Act, which empowers the VA to pay its employees a higher wage and increase competitiveness with private-sector employers.⁷ In February 2022, VA Secretary Denis McDonough also announced the VA's "10-point human infrastructure plan" to help the Department recruit and retain its workforce.⁸ The pandemic has highlighted the VA's need to create a more resilient workforce, which has been a priority for Congress and the VA. The White House must reject procedures diverting the attention of an already overextended workforce away from veteran's care.

If the Title 42 Order is rescinded, it is necessary your Administration provides a detailed plan to Congress and that it does not rely on the VA's "Fourth Mission." The VA plays an essential role in responding to a crisis when called; however, it must not be part of the response plan to a foreseeable problem when the circumstance is avoidable. The burden of addressing this Administration's failure to contain the crisis at the southern border should not come at the

³ Jonathon Swan and Stef W. Kight, *Scoop: Biden officials fear "mass migration event" if COVID policies end*, Axios, March 17, 2022, <https://www.axios.com/biden-border-mexico-migrants-title-42-a91b6441-2197-463f-ab1f-2435824a9566.html>.

⁴ Leo Shane III, *Veterans Affairs eyes relaxed hiring rules as staff turnover slowly worsens*, Military Times, March 18, 2022, <https://www.militarytimes.com/veterans/2022/03/18/veterans-affairs-eyes-relaxed-hiring-rules-as-staff-turnover-slowly-worsens/#:~:text=Veterans%20Affairs%20eyes%20relaxed%20hiring%20rules%20as%20staff%20turnover%20slowly%20worsens,-By%20Leo%20Shane&text=Turnover%20rates%20among%20Veterans%20Affairs,candidates%20into%20the%20department's%20workforce.>

⁵ Jory Heckman, *VA seeks higher pay caps for more health care workers to address high turnover rates*, Federal News Network, March 18, 2022, <https://federalnewsnetwork.com/veterans-affairs/2022/03/va-seeks-higher-pay-caps-for-more-health-care-workers-to-address-high-turnover-rates/>.

⁶ Jason Davis, *SECVA Monthly Press Conference: Employee resilience, backlog, timely care*, VA Advantage Point, February 17, 2022, <https://blogs.va.gov/VAntage/100434/secva-monthly-press-conference-employee-resilience-backlog-timely-care/>.

⁷ Jory Heckman, *Omnibus spending bill sets higher maximum salaries for some VA health care workers*, Federal News Network, March 11, 2022, <https://federalnewsnetwork.com/pay/2022/03/omnibus-spending-bill-sets-higher-maximum-salaries-for-some-va-health-care-workers/>.

⁸ VA Advantage Point Staff, *February 2022: Secretary McDonough's Human Infrastructure Plan*, VA Advantage Point, February 9, 2022, <https://blogs.va.gov/VAntage/100113/february-2022-secretary-mcdonoughs-human-infrastructure-plan/>.

expense of veterans. Prioritizing the care of illegal immigrants before the needs of veterans is wrong. We have an obligation to provide quality and timely care to the men and women who bravely served our country. We strongly disapprove of any decisions which hinder us from successfully fulfilling that mission. That is why we call on your Administration to commit not to use VA health care professionals in any capacity regarding the border crisis as you develop contingency plans for rescinding CBP's authority to execute its Title 42 Order.

Sincerely,



John Boozman
United States Senator



Thom Tillis
United States Senator



Joni Ernst
United States Senator



Marco Rubio
United States Senator



Tom Cotton
United States Senator



Richard Burr
United States Senator



Roger Wicker
United States Senator



Steve Daines
United States Senator



Lisa Murkowski
United States Senator



John Cornyn
United States Senator



Jim Inhofe
United States Senator