

**Congress of the United States**  
**Washington, DC 20515**

April 24, 2024

The Honorable Denis McDonough  
Secretary  
United States Secretary of Veterans Affairs  
810 Vermont Avenue, NW  
Washington DC 20420

Dear Secretary McDonough:

I write to express my concern regarding the critical staffing shortages within Veterans Affairs' (VA) clinics, particularly in the nursing assistant profession. VA facilities have experienced chronic understaffing for years; however, recent estimates indicate that there are nursing shortages in 92% of VA facilities.<sup>1</sup> To resolve this matter, I ask that you clarify the eligibility criteria for hiring nursing assistants to clearly delineate whether individuals aged 16- to 18-year-olds, who meet the requisite qualifications, are eligible for these roles.

During my visit to the St. Cloud, Minnesota, VA, discussions with hospital leaders and staff underscored the severity of the nursing assistant shortage in my district. Despite efforts to alleviate shortages through training courses, competitive wages, and exam reimbursements, the St. Cloud VA Community Living Center was forced to temporarily close one unit and begin operation at reduced bed levels in May 2022 due to the shortage in qualified nursing assistants.<sup>2</sup> This problem is not isolated to St. Cloud – it is pervasive across the nation.

In Minnesota, it is legal and common for 16- to 18-year-olds to work as nursing assistants in long-term care settings like hospitals or nursing homes. Many high schools offer nursing assistant courses, allowing students to gain valuable skills while attending school and creating a pool of talented individuals ready to contribute to the medical workforce. This policy has proven successful in alleviating the nursing shortages throughout the state, but regrettably, this talent pool has either been overlooked or disregarded by the VA.

Unfortunately, local VA facilities are uncertain about their capacity to recruit from this pool of talent. The VA's own Investing in VA Nursing (IVAN) program lacks clarity on whether individuals in this strategic and effective workforce can be considered to address the current staffing challenges.<sup>3</sup> The U.S. Office of Personnel Management guidelines clearly state that

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<sup>1</sup> Katz, Eric. "Despite Hiring Efforts, 92% of VA Facilities Report Severe Nursing Shortages." *Government Executive*, Government Executive, 22 Aug. 2023, [www.govexec.com/workforce/2023/08/despite-hiring-efforts-92-va-facilities-report-severe-nursing-shortages/389632/](http://www.govexec.com/workforce/2023/08/despite-hiring-efforts-92-va-facilities-report-severe-nursing-shortages/389632/).

<sup>2</sup> Kocher, Sarah. "St. Cloud VA Medical Center Temporarily Closes a Nursing Home Unit Due to Staffing Shortage." *St. Cloud Times*, St. Cloud Times, 2 May 2022, [www.sctimes.com/story/news/local/2022/05/02/staff-shortages-push-st-cloud-va-temporarily-close-nursing-home-unit/9583306002/](http://www.sctimes.com/story/news/local/2022/05/02/staff-shortages-push-st-cloud-va-temporarily-close-nursing-home-unit/9583306002/).

<sup>3</sup> "Laborer - Ivan (Investing in VA Nursing) Nursing Assistant Training Program." *USAJOBS*, [www.usajobs.gov/job/764480900/print#:~:text=This%20program%20is%20intended%20to,approved%20Nursing%20Assistant%20Training%20curriculum](http://www.usajobs.gov/job/764480900/print#:~:text=This%20program%20is%20intended%20to,approved%20Nursing%20Assistant%20Training%20curriculum.). Accessed 8 Mar. 2024.

applicants for most Federal jobs must be: (1) at least 18 years old, or (2) at least 16 years old and: [...] have completed a formal vocational training program.<sup>4</sup> Additionally, The Fair Labor Standards Act of 1938 29 U.S.C. § 203 states that a 16-year minimum age is applicable to certain federal jobs barring hazardous situations, which is not relevant to VA nursing assistants.<sup>5</sup> If the VA's IVAN program is age restrictive, this policy would not align with most federal guidelines.

In order to improve the quality of care for our nation's veterans, I am asking for clarification about the VA's hiring practice. I respectfully request the answers to the following questions by May 10, 2024:

1. Please clearly define the current age criterion and qualification standard for hiring nursing assistants within the VA system.
2. Under current federal guidelines, would a certification in Nursing Assistant coursework satisfy the criteria of a formal vocational program per the Office of Personnel Management?
3. Are there specific considerations or challenges that the VA has identified in hiring individuals between the ages of 16 and 18 for nursing assistant roles, despite their certification and completion of relevant training programs?

To address the shortage in nursing assistants in my district and across the United States, the VA should consider clarifying hiring practices for the nursing assistant vocation to include those aged 16 through 18 to serve in our veterans' facilities. By leveraging the existing infrastructure in Minnesota, we can create a model that not only addresses the current staffing shortages but also serves as a potential blueprint for other regions facing similar challenges.

Sincerely,

A handwritten signature in blue ink that reads "Tom Emmer". The signature is written in a cursive, slightly slanted style.

Tom Emmer

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<sup>4</sup> "Opm.Gov." *U.S. Office of Personnel Management*, [www.opm.gov/frequently-asked-questions/employment-faq/federal-hiring/is-there-an-age-limit-for-federal-employment/](http://www.opm.gov/frequently-asked-questions/employment-faq/federal-hiring/is-there-an-age-limit-for-federal-employment/). Accessed 8 Mar. 2024.

<sup>5</sup> "US Code ." *U.S.C. Title 29 - Labor*, [www.govinfo.gov/content/pkg/USCODE-2018-title29/html/USCODE-2018-title29-chap12-sec551.htm](http://www.govinfo.gov/content/pkg/USCODE-2018-title29/html/USCODE-2018-title29-chap12-sec551.htm). Accessed 8 Mar. 2024.