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October 5, 2022

The Honorable Denis McDonough
Secretary
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, DC 20420

Dear Mr. Secretary:

This letter is in response to the Department's initial spend plan, submitted on September 10, 2022, for the \$500 million included in the Sergeant First Class Health Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (PACT Act). This spend plan was modified by materials submitted on September 22, 2022, and further clarified by subsequent staff conversations. This initial appropriation to the Cost of War Toxic Exposures Fund (the Fund) was included by the Senate to enable the Department to swiftly implement the PACT Act. It is imperative that the Department succeed in implementing the PACT Act; as you know, these veterans and their families have waited too long for the care and benefits that they deserve.

The Fund was established to allow the *new* costs due to the PACT Act to be paid for without requiring trade-offs between these newly eligible veterans and other veterans eligible for care. How these startup funds are used will signal the purposes for which the Department plans to request funds annually in the President's Budget moving forward. As such, it is critical that you use this initial funding to put in place the mechanisms and processes necessary to produce data validating the Department's funding requests for staff in future years. Purchase of technology to do this is an appropriate and approved use of this initial funding, and will make it easy to demonstrate the importance of – and necessity of continued funding for – staff who may not be directly providing healthcare or benefits to PACT-eligible veterans.

Further, we continue to encourage you to de-conflict broad efforts across the Department so that work effort and hiring are not duplicated across the enterprise. Specific areas of potential duplication include staffing in call centers, for communication and outreach efforts, and initial implementation efforts including developing new regulations, policies, and internal guidance.

Of the initial spend plan requested, and considering the adjustments outlined by the Department on September 22, 2022, the following purposes are approved:

- Hiring additional permanent staff for the Veterans Health Administration (VHA) research team and Health Outcomes Military Exposure (HOME) program office to address incremental costs due to the PACT Act;
- Hiring additional permanent staff on Veterans Benefits Administration claims processing teams, including raters, to address the increased workload;

- Hiring additional permanent staff at the Board of Veterans Appeals, and paying overtime to existing staff, to prepare for and address the increased demand;
- Hiring temporary or contract staff in support of communications efforts in VHA, the Office of Public and Intergovernmental Affairs (OPIA), the Office of Enterprise Integration, and the Veterans Experience Office;
- Contracting in support of veteran and community outreach through OPIA, including GovDelivery and advertising efforts;
- Hiring of temporary or contract staff and other Office of Information Technology efforts as outlined;
- Contracting to expedite scanning of records through VBA, which should not supplant ongoing efforts as planned; and
- Hiring temporary or contract staff in the Office of the Secretary and the Program Management Office.

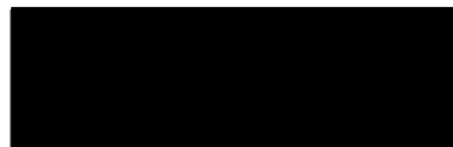
Of the efforts not listed as explicitly approved above, we encourage the Department to hire temporary staff to provide the supporting functions identified. Naturally, these roles will facilitate a smoother implementation for both veterans and the staff directly serving them, and the time spent by those support staff working on PACT issues should be funded out of the Fund. However, until there is workload data to identify the amount of time and the full time equivalent (FTE) staff that are working directly in support of PACT efforts, these hires should be temporary.

During multiple discussions after the plan's submission, Department representatives indicated that the staffing levels indicated in this spend plan may not be necessary over the long term. It is essential for the Department to develop a long-term staffing plan. In those cases, where the enduring requirement must be determined in the future, the Department should establish methods for tracking and identify the threshold by which a determination will be made about whether the individual FTE, or a portion of their time, should continue to be paid for from the Fund. Since transferring permanent FTE that are initially hired out of the Fund to the base discretionary accounts will create budget problems in future years, the Department is again encouraged consider temporary staff until the point when there is workload data driving staffing requirements.

The efforts and steps you have outlined in your spend plan will set the Department up for success in preparing to implement this significant expansion of benefits to veterans. We further appreciate your clear dedication to providing veterans with the care and benefits they deserve, as demonstrated by your decision to expedite timelines for eligibility notwithstanding the timelines outlined in statute. We look forward to our continued conversations around the Department's requirements and fund needs to successfully implement this important legislation.



Martin Heinrich, Chairman
Subcommittee on Military Construction,
Veterans Affairs and Related Agencies
Committee on Appropriations



John Boozman, Ranking Member
Subcommittee on Military Construction,
Veterans Affairs and Related Agencies
Committee on Appropriations