

ANN McLANE KUSTER
SECOND DISTRICT, NEW HAMPSHIRE

WWW.KUSTER.HOUSE.GOV

COMMITTEE ON VETERANS' AFFAIRS

RANKING MEMBER:

SUBCOMMITTEE ON OVERSIGHT & INVESTIGATIONS

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HORTICULTURE, AND RESEARCH



Congress of the United States House of Representatives

WASHINGTON OFFICE:
137 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2902
P: (202) 225-5206

CONCORD OFFICE:
18 NORTH MAIN STREET, 4TH FLOOR
CONCORD, NH 03301
P: (603) 226-1002

NASHUA OFFICE:
70 EAST PEARL STREET
NASHUA, NH 03060
P: (603) 595-2006

NORTH COUNTRY OFFICE:
33 MAIN STREET, SUITE 202
LITTLETON, NH 03561
P: (603) 444-7700

November 30, 2018

Paul R. Lawrence, Ph.D.
Under Secretary
Veterans Benefits Administration
U.S. Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC 20571

Dear Under Secretary Lawrence:

I write with concern that the Department of Veterans Affairs will fail to fulfill its promise to veterans of ensuring distribution of full GI Bill benefits. When Congress passed the *Harry W. Colmery Veterans Education Assistance Act of 2017*, otherwise known as the "Forever GI Bill," the intention was to provide improved benefits for our veterans seeking higher education.

Sadly, the shortcomings in implementation of the Forever GI Bill are the result of leadership failures, an inability to effectively oversee significant IT contracts, lack of transparency with Congress and the American people, and the failure to offer a clear solution to provide the benefits to which student veterans are entitled under the law. Now, VA's attempt to disregard the law and the well-being of veterans provides me with new cause for concern.

I can assure you the Subcommittee on Oversight and Investigations will consider this matter seriously for the remainder of this Congress and as a priority for the 116th Congress. Circumventing the law is unacceptable, and so is the Department's lack of transparency.

At the November 29, 2018, House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs hearing, you committed to ensuring veterans receive the benefits they deserve. However, you refused to commit to Congress that you would ensure payments under sections 107 and 501 of the Forever GI Bill will be retroactively provided at rates made effective as of August 1, 2018: a requirement defined in current law. Rather, the answers to questions posed by Chairman Phil Roe and Congressman Scott Peters were conflicting and unclear. You and the Department do not have the latitude to circumvent the will of Congress and ignore the plain language of the law. It took a subsequent press release from Secretary Robert Wilkie to finally provide some clarity as to whether VA will fulfill its legal obligations. However, press releases are not the appropriate arena for fulfilling your duty to public transparency. Your conflicting answers at the hearing fail this obligation demanded by Congress and the American people.

Additionally, I find concerns with the VA press release which states that the Veterans Benefits Administration (VBA) will “reset its implementation efforts for sections 107 and 501” and that this reset will require solicitation of a new contractor in support of “program integration, systems implementation, and software development.”¹ My concerns are over the ability of VA to effectively oversee significant IT contracts and the status of the current contract with Booz Allen Hamilton. Your testimony stated plainly that Booz Allen Hamilton will remain a contractor, yet the November 28th press release suggests that is inaccurate. The time lost in this reset leaves us with questions concerning wasted federal resources and further costs levied upon the veterans in the form of financial hardships.

The failure for VBA to standup effective IT infrastructure to support the new GI Bill raises concerns I had with the appointment of Camilo Sandoval as the Executive-in-Charge for the Office of Information and Technology (Acting CIO), a post that Mr. Sandoval appeared unqualified to hold. The challenges over the last year with GI Bill benefits reinforce my initial concerns that Mr. Sandoval is unfit to lead the Department in some of the most important, sweeping, and complex IT modernization projects the Department has undertaken since implementation of the VISTA electronic health record more than two decades ago. These modernization projects are needed to improve the delivery of care and services to veterans. They are also unprecedented in their scope. Unfortunately, the ramifications of the failure to follow-through on effective modernization are already being felt.

Due to the failures in implementation and the dire need for effective oversight, I request the following:

1. A plan of action and milestones to resolve all implementation issues with the Forever GI Bill.
2. An accounting of the resources VA will need to conduct an audit to determine which veterans were underpaid.
3. Actions taken to resolve oversight deficiencies demonstrated by the contract with Booz Allen Hamilton to implement an effective information technology system to efficiently handle GI Bill claims.
4. An explanation of any corrective actions taken with Booz Allen Hamilton to ensure compliance with the contract.
5. Internal fact-finding efforts to understand causes for implementation failures regarding the Forever GI Bill, including decisions to convene an Administrative Investigation Board (AIB), an AIB’s findings, and the associated documents and transcripts of interviews informing the AIB’s work.
6. Additional actions to ensure VBA is fully transparent with the public and Congress regarding its implementation challenges.
7. Any investigations or fact-findings regarding Acting CIO Sandoval’s responsibility concerning IT implementation failures regarding the Forever GI Bill.
8. A commitment that Mr. Sandoval will testify before the House Veterans’ Affairs Committee during the next applicable hearing.

¹ VA Press Release, “Post-9/11 GI Bill Housing Payment Rates Update,” November 28, 2018.
<https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5151>

Please provide a response to my office within 30 days of the date of this letter. Additionally, I request to meet with you to discuss my concerns outlined in this letter as soon as possible.

I remain committed to assisting the Department in fulfilling the requirements set forth by the Forever GI Bill. However, this cannot be accomplished without coordination *and* full transparency with Congress.

Sincerely,

A handwritten signature in blue ink, reading "Ann McLane Kuster". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

ANN McLANE KUSTER
Ranking Member
Subcommittee on Oversight and Investigations
House Committee on Veterans' Affairs

CC: Robert Wilkie, Secretary, U.S. Department of Veterans Affairs