

**STATEMENT OF
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BEFORE THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS**

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Good afternoon, Chair Luria, Ranking Member Bost, and Members of the Committee. Thank you for the opportunity to speak today on the Veterans Benefits Administration's (VBA) plan to implement the Blue Water Navy (BWN) Vietnam Veterans Act of 2019. Joining me today is Beth Murphy, Executive Director of Compensation Service. Today, I will provide an update on how VBA is preparing to process disability compensation and survivors' claims as a result of the new law and what resources will be required for implementation.

Background

Public Law (P.L.) 116-23, the BWN Vietnam Veterans Act of 2019 (referred hereafter as BWN Act), was signed into law on June 25, 2019. The law provides that Veterans aboard a U.S. military vessel offshore of the Republic of Vietnam between January 9, 1962, and May 7, 1975, are presumed to have been exposed to herbicides such as Agent Orange and may be entitled to service connection for conditions related to that exposure.

VA appreciates the authority Congress provided to the Secretary to stay pending BWN claims until the law takes effect on January 1, 2020. VA executed a stay of pending claims on July 1, 2019. The stay is enabling VA to operationalize the new law to ensure the proper resources are in place to meet anticipated workload demands, to develop appropriate policies and procedures, and to create the necessary tools to accurately adjudicate claims under the new law.

VA is committed to ensuring all Veterans and beneficiaries covered under the BWN Act receive the benefits they have earned in a manner that honors their service. Through the various activities discussed today, VBA is confident that awarding these claims will begin on January 1, 2020. VBA will provide priority processing for claims of Veterans who are homeless, experiencing financial hardship, terminally ill, and age 85 and older, in the same manner as other claims that receive priority processing.

Implementation Plan

VBA is executing a comprehensive project management plan to process BWN claims timely and accurately. The Under Secretary for Benefits established a Tiger

Team comprised of senior leaders and other subject matter experts who drive the progress. Also, an Integrated Project Team (IPT) was established that collaborates across VA organizations and partners and regularly reports statuses, issues, and risks to the Tiger Team. Finally, three sub-workgroups are preparing key program deliverables for field stations. These workgroups address policy and procedural matters, training and communications, and deck log scanning and Information Technology (IT) systems.

Policy and Procedures

The BWN Act authorizes VA to implement the law prior to publishing regulations. Under this authority, VBA has issued interim guidance to the field in the form of USB Policy Letters for the handling of existing and incoming BWN claims. Meanwhile, we are currently working on publishing proposed regulations to codify certain aspects of these policies through the formal rulemaking process (with public comment) by the third quarter of this fiscal year. VBA continues to work through other policies and procedures, which will be finalized prior to the effective date of the law. The Secretary has adopted an evidence-based approach in verifying the locations of Navy ships for determining eligibility under the BWN Act that will result in greater consistency and uniformity across its regional offices.

Training and Communications

BWN Training materials are currently being finalized and will be delivered nationwide to field employees in early December 2019. Further, as additional claims processors are hired to address the increased demand anticipated from the new law, VBA will deliver Challenge training for new hires.

VBA has developed a robust communications plan for both internal and external stakeholders. A coordinated public outreach campaign is currently in development and designed to reach those claimants who are potentially eligible under the new law. This includes partnering with Veterans Service Organizations and other interested stakeholders to publicize BWN Act provisions through press releases, newsletters, media, and digital platforms (i.e., internet, email, social media, etc.). As part of this effort, VA recently sent targeted outreach through direct mailings to Veterans and survivors who submitted claims that were previously denied. In the outreach letters, VA provided the appropriate form and information necessary to receive consideration under the new law. VA is equipping employees with detailed policy and procedural guidance and call scripts for National Call Center agents.

Deck Log Scanning and Development of IT Systems

This effort provides VBA claim processors with tools to efficiently identify vessels that traveled within 12-nautical miles seaward from the Vietnam water demarcation line as defined in the law. Along with the Naval History and Heritage Command, VBA collaborated with the National Archives and Records Administration, which has

entrusted VBA with the care of their archival records in the form of deck logs. VA is managing a contract to scan and extract pertinent data from deck logs for over 1,800 ships created over a 13-year timeframe. Upon completion of this scanning effort, VA will return the paper deck logs as well as provide the deck log image files to the National Archives to incorporate into its digital catalog. VA is ingesting the data into an electronic tool, which will be utilized by claims processors to determine whether a ship operated in the offshore waters during the prescribed timeframe after consideration of all evidence of record. Furthermore, VBA is modifying its current corporate IT systems to allow for the accurate tracking and processing of BWN claims.

Claims Processing

VBA will be ready to process these claims and begin awarding disability benefits on January 1, 2020. VBA has identified subject matter experts with extensive experience in reviewing and researching military service and other records from the field who have provided valuable insight to help inform policies and procedures, along with anticipated workload needs. VBA will have dedicated resources that will process these claims, including these specialized experts who will make the determination that Veterans had qualifying offshore service. As noted previously, VBA will provide priority processing for claims of Veterans who are homeless, experiencing financial hardship, terminally ill, and age 85 and older, in the same manner as other claims that receive priority processing.

Resources

Considering that the BWN Act was signed into law in June 2019, after the 2020 budget process concluded, the 2021 budget process would be the first opportunity for VA to formally request resources to support the implementation of this law. In addition to funding to make benefits payments to Veterans who qualify under the provisions of the law, as described in this testimony, VA needs resources to hire, train, and support additional claims processors, to scan deck logs and Veteran records, and to modify IT systems. VA appreciates Congress' consideration in appropriating funding, which will enable VA to successfully implement the BWN Act and provide these Veterans and their Survivors the benefits and services they are newly entitled to receive.

Conclusion

VA is committed to ensuring all BWN Vietnam Veterans and family members receive the benefits they have earned under the BWN Act. VBA has a comprehensive implementation plan to operationalize the requirements of the new law, and we are currently on track to begin awarding benefits on January 1, 2020. VA appreciates the support of Congress and this committee to continue to care for our Nation's Veterans and family members. This concludes my testimony. I would be happy to address any questions from Members of the Committee.