

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

MAY 16, 2023

Chairman Luttrell, Ranking Member Pappas, and Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss the Department of Veterans Affairs' (VA or the Department) implementation of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (the PACT Act, P.L. 117-168). The PACT Act, which was signed into law on August 10, 2022, marked the largest and most significant expansion of Veterans' care and benefits in decades, empowering VA to deliver additional care and benefits to millions of Veterans and their survivors. We are grateful for this opportunity, and now that the bill has become law, it is our job to implement it in a way that is seamless, efficient, and timely for the Veterans and survivors we serve—and most importantly, ensures that eligible Veterans and survivors can receive the care and benefits they deserve.

Across the enterprise, VA has achieved record-breaking numbers in providing benefits in implementing the PACT Act. VA is providing more care, more benefits, and more services to more Veterans, family members, and survivors than ever before. In Fiscal Year (FY) 2022, the Veterans Benefits Administration (VBA) set a record for the highest claims production year ever with more than 1.7 million claims completed, which beat the previous year's record by 12%. We are halfway through this fiscal year, and we are on track to break that record this year – VA has completed 14% more claims today than we did at the same point last year.

Delivering these benefits and more to Veterans, family members, and their survivors would not be possible without our people. To help meet the increasing demands for VA benefits, we've been aggressively expanding our workforce through hiring fairs and other avenues. VBA's total workforce is now over 28,000 team members, a 15% increase since the start of FY 2022, which is the largest VBA has ever been and the highest growth rate in over a decade.

Thanks to our aggressive hiring, and planning for workload management, VBA completed its one-millionth Compensation and Pension (C&P) claim on April 14th, 2023 – approximately 4 weeks earlier than the organization has ever hit this major milestone. On April 17, 2023, for the first time in our history, VBA completed more than 9,000 claims in a single day. VBA has completed more than 8,000 claims on 39 different days this fiscal year. By comparison, VBA completed more than 8,000 claims just 6 times in the agency's history, prior to this fiscal year.

PACT Act Implementation

VA is implementing all aspects of the PACT Act enterprise-wide, with VBA, the Veterans Health Administration (VHA), and the rest of the Department working in lockstep to execute this historic law. Even before President Biden signed the PACT Act into law, VA began preparations for smooth implementation by actively hiring and training new employees while also upgrading information technology systems.

When the legislation became law, VA took immediate action to ensure claims processors received the guidance and training needed to begin processing claims as soon as possible. Rather than waiting to publish formal regulations, which typically takes 18-24 months, VBA prepared and issued sub-regulatory guidance so that VBA field personnel could begin processing these claims as soon as possible for expeditious delivery of benefits to Veterans and their survivors. In the eight months since the enactment of the new law, VBA Central Office has initiated rulemaking to incorporate the PACT Act into VA regulations. Additionally, as part of this effort, VBA updated training courses and developed an extensive Standard Operating Procedure (SOP) that includes all procedural guidance needed to process claims under the PACT Act. VBA has and will continue to make all sub-regulatory guidance publicly available to maximize transparency during the implementation process.

VBA delivered comprehensive sub-regulatory guidance and training to claims processors in December 2022, providing claims processors the guidance and tools needed to begin processing claims on January 1, 2023. This ensured all front-line claims processors who handle claims for disability compensation benefits based on toxic exposure were ready to process claims on January 1, 2023, and could accurately apply the provisions of the law. To ensure all PACT Act information is easily accessible to claims processors, VBA established a comprehensive intranet site for storing all guidance documents, frequently asked questions (FAQ), quality and training information, communications, and other important links.

VBA expedited training for some claims processors to begin processing PACT Act claims for terminally ill Veterans on December 12, 2022. Additionally, to expedite Veterans' access to PACT Act-related benefits, VA made all 23 presumptive conditions in the PACT Act applicable on August 10, 2022—the day the bill was signed into law—rather than following the phased-in approach allowed by the Act.

Since January 1, 2023, VBA Central Office has continued providing support to ROs by conducting non-punitive quality spot checks on claims processors and quality review specialists related to PACT Act and relaying feedback, as well as answering questions and troubleshooting issues. VBA has also provided live support to claims processors of survivor-related claims. This provided valuable real-time feedback on claims. Also, in January 2023, VBA Central Office completed a PACT Act special focused review to identify common error trends in PACT Act claims processing. This led to identification of additional training needs.

In February 2023, VBA released the toxic exposure risk activity (TERA) Memorandum Tool to claims processors in the field. This tool simplifies complex TERA concepts for the field and improves the overall process for claims processors and examiners alike. This tool was a collaborative VBA effort to simplify and consolidate the PACT Act requirements and field guidance into an easy-to-use tool that assists claims processors in determining if a TERA memorandum, and consequently a TERA examination and medical opinion, are required. To date, nearly 1.25 million (1,244,643) total examination scheduling requests (ESR) have been completed by VBA. Of those, nearly 300,000 (291,226) were related to the PACT Act.

VBA is also engaged with all contract medical examination vendors to ensure proper preparation and to undertake any increase in volume of PACT Act-related examinations. In an effort to increase capacity, VBA has contracted with a fourth contract medical exam vendor, in the western region of the United States. The other three regions each have three contract exam vendors. Simultaneously, VBA is working with VHA, specifically the War-Related Illness and Injury Study Center (WRIISC) and Health Outcomes Military Exposures (HOME) staff, to ensure VBA contract examiners are trained in assessing deployment-related environmental exposures.

VBA also developed a comprehensive PACT Act training for VHA and contract medical examiners. The course was deployed into the Medical Disability Examinations Office (MDEO) learning management system on December 15, 2022. The training is mandatory for all vendor and VHA examiners who will be providing medical opinions for non-presumptive conditions under the PACT Act. The course provides examiners useful information for reviewing and understanding Individual Longitudinal Exposure Record (ILER) and TERA records. Additionally, VBA incorporated a reference guide that was developed by the Medical Officers of MDEO for future reference when conducting these types of exams.

As VA progresses through implementation, we remain fully committed to an immediate and deliberate, forward-leaning approach that tackles questions of environmental exposure. Title II of the PACT Act formalizes the presumptive decision-making process by which VA may streamline presumptions of service connection based on toxic exposure in a clear and transparent manner. Under the new authorities, VA will share and seek public input on our plans to formally evaluate a condition.

For one of the most recent presumptions related to airborne hazards and particulate matter, VA conducted an intensive review of the science related to the top conditions claimed for exposure to airborne hazards in the Southwest Asia Theater of Operations (SWATO). These were asthma, rhinitis and sinusitis, which were consistent with the three symptoms that the National Academies for Science, Engineering, and Medicine (NASEM) identified as associated with possible exposures in the region.

Following this internal VA review, which led to a presumed service connection for three respiratory conditions (asthma, rhinitis, sinusitis) and nine rare respiratory cancers related to particulate matter in the SWATO, Secretary McDonough determined that VA

needed to modernize and improve the presumption determination process with more constant surveillance and scrutiny of the scientific literature, increased use of VBA claims data and review and consideration of the recommendations from the 2008 NASEM report, "Improving the Presumptive Decision-Making Process for Veterans". VA has completed drafting that process, and it is now in review at the NASEM as directed by the PACT Act.

Research into the health effects of toxic exposure

Title V of the PACT Act elevates the timely progress of exposure science through a whole-of-government approach. VA's Office of Research and Development is leading efforts to create an interagency, mission-aligned, toxic exposure research working group. This group will collaboratively develop and execute a 5-year strategic research plan on the health consequences of toxic exposures experienced during active military, naval, air, or space service, as required by section 501 of the PACT Act.

Research priorities are based on the number of Veterans affected, surveillance of possible exposure or deployed cohorts, emerging issues, monitoring of VHA health outcomes and VBA claims trends, Veterans Service Organization (VSO) input and Congressional direction. The PACT Act added an additional method to solicit public comment from Veterans, their caregivers, and survivors, as well as other external stakeholders through the publication of a Federal Register Notice.

Coordination with DoD to track the exposures of Service members and Veterans using ILER and other means

VA addresses illnesses that may be linked to exposures incurred during active military service in one of two ways: review of individual cases or through establishment of presumption. A tool being developed to improve these methods is ILER. Working with DoD, ILER has been designed as a comprehensive, interoperable record of occupational and environmental exposure during military service. ILER is available to VA clinicians, researchers and claims and benefits personnel. Access to this historical information will facilitate more seamless care for Service members and those transitioning to Veteran status. As ILER information improves, so will research, benefits, and health care determinations.

Toxic Exposure Screenings

As of April 30, 2023, VA had screened 3.21 million enrolled Veterans for toxic exposures. Of the Veterans screened, approximately 43% reported that they have a concern. This includes both Veterans who reported possible exposure and Veterans who were unsure of potential exposure concerns and had additional questions. When the screening is initiated by health care providers, 90% of follow-up screenings occur on the same day as the initial screening. The follow-up screening is completed by a clinical health care provider, ensuring Veterans with health concerns receive appropriate clinical

assessments. Veterans who screen positive for toxic exposure also will receive a letter from VBA with information on how to file for a PACT Act claim.

Hiring and Claims Processing Capacity

VBA has taken proactive steps to ensure sufficient resourcing, to include close collaboration with members of this Committee, to hire people and deploy new technology to keep pace with the increasing demands for VBA services and continuing just-in-time benefit delivery. These efforts include additional hiring and training, continued use of overtime funds, digitizing records and implementing Automated Decision Support (ADS) that will result in faster, more consistent decisions ultimately improving the Veteran customer experience.

VBA continues to hire to increase the claims processing capacity in anticipation of the influx of claims filed due to the PACT Act. Between the initial Toxic Exposure Fund (TEF) appropriation in the PACT Act and the FY 2023 TEF appropriation in the Consolidated Appropriations Act, 2023 (P.L. 117-328), Congress provided funding in the PACT Act that allowed VBA to significantly increase toxic exposure-related claims processing capacity by adding approximately 49% more Veterans Service Representatives (VSR) and 38% more Rating Veterans Service Representatives (RVSR) over FY 2022 levels. Including National Call Center and requisite support positions across the field, VBA will achieve overall staffing levels 42% higher over FY 2022.

Due to the influx of new claims stemming from the PACT Act, and the fact that it takes 6 to 9 months for a new employee to reach entry-level productivity, in 2022 VBA projected that the backlog would grow to more than 400,000 in the 2023-2024 timeframe. VBA expects the backlog to return to a stable level of around 100,000 or less in 2025, depending on hiring, attrition, claims receipts, technology deployment schedule, and claims complexity.

VBA recognizes that, in a very short time, employees have had to absorb a tremendous amount of information and change with new SOPs and claims guidance following the enactment of the PACT Act. VBA is aware of possible employee burnout or frustration and works to collect and address feedback received directly from employees, such as through townhalls or from labor union representatives. VBA's process for implementing or changing an existing standard involves review of quantitative data, as well as collaboration with the labor union to ensure that the standards are realistic and attainable. VBA will make changes impacting performance standards when there is evidence demonstrating that it is necessary. This is not a defect in the process, but an intentional design that is reflected in the Department's agreement with the labor union to identify issues that may affect employees, discuss the issues with the labor union, and work to mutually resolve the issues to the benefit of employees.

VBA also recognizes the impact mandatory overtime (OT) has on employees and their families and does not take the decision lightly. Mandatory overtime is a necessary tool, particularly during this period of intensive hiring and training, but is not sustainable

indefinitely. VBA is leveraging technology to streamline claims processing and provide employees with tools to be effective and productive without requiring more time away from daily life.

VBA actively engages the workforce through a variety of avenues to ensure they are invested in the mission of implementing the PACT Act. VBA has held open townhalls with VBA leaders on the PACT Act as well as local townhalls led by Regional Office (RO) Directors. Field managers regularly engage with both labor partners and claim processors to ensure the workforce is equipped with the necessary information to process PACT Act claims and to resolve concerns. VBA is committed to providing claim processors with the necessary training, information, and tools to ensure the high-quality processing of PACT Act claims. Training events include computer-based training as well as live training events. In addition, VBA created a PACT Act inquiry tool to provide field claims processors direct access to policy experts for questions, which went live on January 3, 2023. The PACT Act Inquiry tool provides the field a direct communication link to VBA Central Office for guidance and questions related to the PACT Act when their questions cannot be addressed locally. To date, over 300 questions have been received in the tool.

Update on Benefits IT Systems Modernization, Under Section 701(b) of the PACT Act

VBA is undergoing business modernization efforts designed to leverage technology by automating administrative tasks and workflows, known as Automated Decision Support (ADS) technology. Claims processing tasks supported by automation include data and records extraction from Veterans' electronic health records, verification of military service eligibility, expediting claims that can be decided based on the evidence of record, ordering examinations when required, and the intelligent indexing of the relevant adjudicative information.

VA's Office of Information Technology (OIT) has made significant improvements to benefits IT systems since the enactment of the PACT Act. In December 2022, OIT released Automated Issue Management (AIM) functionality providing the ability to prioritize claim types by issue, automating specific types, and quickly processing them without breaking up the overall claim. This directly benefits Veterans by speeding up the processing of certain issues within the overall claim, rather than waiting for the entire claim to be processed. In the third quarter of calendar year 2023, OIT will deploy Smart Search technology, which allows claims processors to conduct intelligent searches of the entire Veteran's eFolder of documents, which was formerly a manual process. This capability increases employee efficiency by accelerating the ability to search for relevant information to expedite PACT Act claims processing.

OIT has surged to meet VBA's demand to onboard new users and ensure its systems have high availability. OIT completed improvements to the Veterans Benefits Management System (VBMS) training environments to enable VBA to scale its new-hire trainings to eight times the prior capacity. In addition, OIT improved capacity and

monitoring to reduce system downtimes for these environments, ensuring that VBA can train a continual stream of new employees supporting PACT Act claims processing.

In addition, OIT is steadily rolling out efforts to stabilize and create more robust systems and architecture. The Corporate Database (CRP), which houses all Veteran data, recently upgraded to increase security and resiliency. Across all systems, OIT is improving resiliency to ensure that systems are available and reliable. OIT will continue modernizing current technologies and developing new technologies over the next five years, using funding appropriated through the PACT Act to automate and modernize IT capabilities for benefits delivery.

Communication Efforts

Outreach efforts are ongoing across VA. Multiple joint VHA/VBA PACT Act events have been held across the country, including a recent event at the Pentagon to provide information on health care and benefits to Veterans and their families. This event saw over 1,300 attendees with a dozen Veterans enrolling in VA health care on-site and over 30 Veterans receiving a toxic exposure screening. VA has also held quarterly meetings with VSOs and Congressional staffers, known as “Days of Learning”. Some of the outreach events have been for Veteran cohorts with specific concerns, such as Veterans who served at Karshi-Khanabad (K2) Airbase and Veterans exposed to particulate matter pollution.

To improve evaluation and care of Veterans with military environmental exposures, Secretary McDonough directed, and the PACT Act reinforced, that all VA health care personnel receive education and training to identify, treat, and assess the impact on Veterans of illnesses related to toxic exposures; this education and training also must inform such personnel of how to ask for additional information from Veterans regarding different exposures. VA Military Environmental Exposure training¹ has been featured on the Centers for Disease Control and Prevention website as exemplary, and the American College of Preventive Medicine offers a certificate for completion of VA’s military environmental exposure training set². Subject matter experts present and lead workshops to discuss exposure issues at professional and scientific meetings. HOME publishes research findings in peer-reviewed journals to improve clinical practice. All of these education and dissemination activities contribute to raising the standard of care to improve Veterans’ health and function.

VA is focused on reaching as many Veterans and survivors as possible to provide information on the PACT Act. We launched VA.gov/PACT—a one-stop-shop website for understanding the PACT Act and applying for benefits—as soon as the Senate sent the bill to President Biden’s desk for signing. Since its August 2022 launch, this page has received over 10 million page views. We also have enhanced 1-800-MyVA411—an easy-

¹ <https://www.train.org/cdctrain/course/1070234/details>

² <https://www.acpm.org/education-events/military-environmental-exposures-certification/>

to-remember telephonic front door for Veterans and their supporters—to include self-service PACT Act FAQs and seamless navigation to 24/7 live agents to address Veterans' concerns. From October 2022 to April 2023, VA has received more than 545,000 total MyVA411 calls that have accessed the “PACT Act” main menu. We also immediately began executing a comprehensive, targeted outreach effort to encourage Veterans and survivors to apply now for PACT Act-related care and benefits.

VA is executing an aggressive national and local earned media campaign, seeking to inform Veterans and survivors about the PACT Act and encourage them to apply. VA has published a series of videos explaining the PACT Act, garnering hundreds of thousands of views across YouTube, Facebook, and other mediums. One such video is *Be Vigilant of PACT Act Scammers*. VA also leverages Public Service Announcements (PSA) to inform audiences – families, Vietnam Veterans, Gulf War Veterans, and women Veterans – of their benefits under the PACT Act. From October 2022 to March 2023, VBA's PSAs on the PACT Act resulted in 39.7 million impressions with a donated media value of \$1.8 million. To provide direct outreach to Veterans and their families, VA has sent more than one million outreach letters to potentially eligible Veterans and survivors. VA has also developed dozens of PACT Act flyers and fact sheets to help Veterans understand what this law means for them. These resources have been shared directly with Veterans, VA facilities, VSOs, and others nationwide.

Additionally, since January 1, 2023, VBA has participated in 2,510 PACT Act briefings, reaching 130,099 people to help spread awareness about this new law and how Veterans and survivors can apply for benefits. Of these PACT Act briefings, 193 included Congressional representation, and 119 included the media. VBA held 138 claims clinics across the country, which reached more than 11,000 attendees and resulted in 2,644 claims filed.

VA's senior leaders are highlighting the PACT Act across a wide-ranging series of events with Veterans, families, survivors, VSOs, members of Congress, and others, including a satellite media tour that consisted of 26 total media interviews (20 television and 6 radio), resulting in more than 13 million impressions. VBA continues to maintain focus on reaching populations that might not otherwise be able to access needed information. These include rural Veterans, women Veterans, LGBTQ+, tribal and Native American Veterans and many others. Building on the December “Week of Action,” in March, VBA and VHA collaborated to hold more than 50 additional claims clinics with toxic exposure screenings, enabling a “one-stop-shop” for Veterans to learn about VA health care and benefits they may be eligible for and help them apply for them.

Our messaging across these mediums has sought to simplify this complex law as much as possible, putting it into the terms that are most useful and understandable for Veterans and survivors. Regardless of the medium, the core message has been – and continues to be – that VA wants Veterans and survivors to apply for health care and benefits now, regardless of whether their eligibility is tied to the PACT Act.

Conclusion

As we move forward, VA will continue to gather as much science and evidence as possible to swiftly support Veterans facing serious illnesses related to military exposures. When there is compelling information that is scientifically sound and legally defensible, VA will consider rulemaking related to service connection—allowing Veterans, family members, and their survivors to receive any additional benefits, health care, and other services that they have earned and deserve.

I want to express my appreciation for your continued support of Veterans, their families, caregivers, and survivors. VA appreciates the tremendous work Congress has done to pass this historic law, and VA values our work with you toward our common goal of serving Veterans. We want to thank you for your staff's involvement with offsite events and the Committee's side-by-side relationship during implementation of this historic law. I also want to acknowledge our VSO partners, as well as others in the Veteran community, who work with us to provide the best care and services for Veterans and their families. They do so much to advocate on behalf of Veterans. This sacred mission is both personal and professional for me, and it remains the honor of my lifetime to serve Veterans, their families, caregivers, and survivors.

We look forward to continued engagement with you as we implement this law and strive to serve with excellence those who have served the Nation.