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April 25, 2012

The Honorable Jeffery Zients
Acting Director
Office of Management and Budget
725 17th St., NW
Washington DC 20503

Dear Director Zients:

I read the letter from OMB Deputy General Counsel, Steven D. Aitken, to the Government Accountability Office (GAO) in which OMB ruled that "in answer to the question that [GAO] posed to OMB and VA…all programs administered by the VA, including Veterans' Medical Care, are exempt from sequestration…." Although that is good news which was long overdue, the letter volunteers that OMB did not address "other potential sequester questions" under existing law and their applicability to VA. This is concerning, for no sooner did OMB seemingly close the door on the sequester question and its impact on VA, it has now opened several others.

As you know, I and other Members of Congress have asked for clarity on whether sequestration will affect VA. In light of OMB's ambiguous response to GAO I must, again, ask whether that is the case. Please provide me with OMB's legal conclusion regarding the applicability to VA of a sequester order under any provision of law, to include the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (BBEDCA), the Statutory Pay –As-You-Go- Act of 2010, and the Budget Control Act, including the "application to VA programs of the 'Federal Administrative Expenses" sequester provision at Section 256(h) of BBEDCA."

Thank you for your prompt attention to my request. I look forward to your response.

Sincerely,

Jeff Miller
Chairman