

REPUBLICANS

MIKE BOST, ILLINOIS, CHAIRMAN
 AUMUA AMATA COLEMAN RADEWAGEN, AMERICAN SAMOA
 JACK BERGMAN, MICHIGAN
 NANCY MACE, SOUTH CAROLINA
 MATTHEW M. ROSENDALE, MONTANA
 MARIANNETTE MILLER-MEEKS, IOWA
 GREGORY F. MURPHY, NORTH CAROLINA
 SCOTT FRANKLIN, FLORIDA
 DERICK VAN ORDEN, WISCONSIN
 MORGAN LUTTRELL, TEXAS
 JUAN CISCOMANI, ARIZONA
 ELI CRANE, ARIZONA
 KEITH SELF, TEXAS
 JEN KIGGANS, VIRGINIA

JON CLARK
 STAFF DIRECTOR

DEMOCRATS

MARK TAKANO, CALIFORNIA, RANKING MEMBER
 JULIA BROWNLEY, CALIFORNIA
 MIKE LEVIN, CALIFORNIA
 CHRIS PAPPAS, NEW HAMPSHIRE
 FRANK J. MRVAN, INDIANA
 SHEILA CHERFILUS-McCORMICK, FLORIDA
 CHRIS DELUZIO, PENNSYLVANIA
 MORGAN MCGARVEY, KENTUCKY
 DELIA RAMIREZ, ILLINOIS
 GREG LANDSMAN, OHIO
 NIKKI BUDZINSKI, ILLINOIS

MATT REEL
 DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives

COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED EIGHTEENTH CONGRESS

364 CANNON HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

<http://veterans.house.gov>

May 10, 2023

The Honorable Denis R. McDonough
 Secretary
 U.S. Department of Veterans Affairs
 810 Vermont Avenue, NW
 Washington, DC 20420

Dear Secretary McDonough:

On April 27, 2023, majority and minority Committee staff met with Assistant Secretary for Information and Technology and Chief Information Officer (CIO) Kurt DelBene to discuss Mr. DelBene's ethics waiver and relationship with his former employer, Microsoft.

Majority staff noted the following statements in a memorandum to file, and we wish to memorialize them for the benefit of mutual understanding:

1. Mr. DelBene's ethics waiver allows him to engage in "particular matters of general applicability" involving Microsoft, which he understands to mean that he may weigh in on technical questions involving Microsoft but may not be involved in procurement issues or other decision-making involving Microsoft.
2. While employed by the Department of Veterans Affairs (VA), Mr. DelBene has only had two interactions with Microsoft or its employees:
 - a. He contacted a current Microsoft employee to discuss a problem VA was experiencing with the Microsoft Teams software; and
 - b. He had dinner with his former chief of staff and provided career advice to the individual.
3. While Mr. DelBene was generally aware, he was not involved in planning or organizing an August 2022 trip that several of his employees took to Microsoft's Redmond, WA, campus.
4. In his personal capacity as the system administrator for his household, Mr. DelBene attended a February 8, 2023, meeting with the technology team of the Democratic Congressional Campaign Committee. The sole purpose of the meeting was to discuss the security settings on his wife's phone.

During the April 27th meeting, Mr. DelBene and VA Special Counsel Michael Waldman also confirmed that VA currently does not have a formal process in place to document Mr. DelBene's recusals. Mr. Waldman acknowledged that it may be a good idea to start a formal recusal documentation process and volunteered to discuss the idea with his team and inform the Committee of their conclusions. To that end, I ask you to provide a written summary of VA's plan to document Mr. DelBene's and other similarly situated VA executives' recusals, if any, or VA's reason for not adopting such a process. Please provide this information by **June 2, 2023**, and coordinate a time to brief Committee staff.

Thank you for your cooperation in this important matter.

Sincerely,



MIKE BOST
Chairman

Cc: The Honorable Mark Takano, Ranking Member