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## 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>

August 10, 2023

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

Dear Secretary McDonough:

Under the *Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (P.L. 117-168)*, or PACT Act, veterans were required to submit, by August 9, 2023, a claim or Intent to File (ITF) to preserve the potential backdate of August 10, 2023, for their potential grant of disability benefits. I appreciate the Department of Veterans Affairs (VA) August 9, 2023, decision to extend the deadline to 11:59 PM (EST) on Monday, August 14, 2023, in light of the Department's technical problems in the days before August 9, 2023.

As you are likely aware, VA identified approximately 5,600 veterans who attempted to submit by August 9, 2023, their ITFs on VA.gov but received an error message stating that the ITF did not go through due to the volume of submissions overwhelming the website. While I am pleased to hear from VA that the system nonetheless successfully logged 90% of those ITF submissions, and that VA will honor the potential backdate of August 10, 2023, for all veterans who received that error message (including the approximately 560 veterans whose ITFs were not successfully logged by the system), I remain concerned.

As today marks one year of the PACT Act being signed into law, VA's failure to anticipate and prepare for the increased volume of submissions as the PACT Act deadline approached is unacceptable, given that the situation was easily foreseeable as this law is the largest expansion of healthcare and benefits for veterans in recent history. The Office of Information and Technology routinely scales up the processing capacity of other websites and systems to mitigate such spikes in traffic. Further, I am troubled that, although VA was aware of this issue since August 7<sup>th</sup>, the Department delayed addressing the website error until the morning of August 9<sup>th</sup>. I am also shocked that VA waited until approximately 11:11 PM (EST) on August 8<sup>th</sup> to clarify the error message on VA.gov and to notify Congress, Veteran Service Organizations (VSOs), and other stakeholders of this issue. This was following a full day of

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congressional offices, VSOs, and private organizations fielding concerns from veterans and their families about why they were not able to submit their ITF properly. Repeated failures by your Department to communicate in a timely manner to veterans, their families, and their survivors when these crises arise creates confusion and frustration, and rightfully so, among the veteran community. I refuse to turn a blind eye to this pattern of poor communication and will not accept that this is the way it has to be. Private companies, both large and small, have practices in place of how to respond **immediately** when technological errors impact the delivery of services to their customers, I suggest VA do the same.

Also, as you are likely aware, over 50% of veterans who called VA from August 7-8 to submit an ITF hung up because wait times were upwards of 15 minutes. I am concerned about whether VA has a sufficient plan in place to contact all of those veterans and provide them the opportunity to submit an ITF.

To remedy these issues and avoid them in the future to ensure that veterans receive the level of service and benefits they have earned, I ask that you provide the following information no later than August 31, 2023:

1. The results of the root cause analysis and after-action review of the VA.gov crash that VA is undertaking.
2. A detailed plan of action for how VA will mitigate such technical problems in the future when there is a foreseeable increase in submissions, website traffic, or system loads.
3. A detailed plan of action for how VA will assure veterans who received the error message on VA.gov that the Department will honor the potential backdate of August 10, 2023.
4. An explanation as to why VA delayed at least 24 hours to notify veterans, Congress, VSOs, and other stakeholders about the technical problems on VA.gov.
5. An outline of the steps that will be taken to ensure that all veterans who called VA and hung up before the August 9<sup>th</sup> deadline will be provided the opportunity to submit an ITF, as well as an assurance that VA will honor the potential backdate of August 10<sup>th</sup> for those veterans.
6. A detailed plan of action for how VA will mitigate long wait times in its call center for veterans submitting ITFs or making similar submissions in the future, including whether and how VA will timely call back veterans who hang up or whose calls are dropped.

I appreciate your assistance in this matter. If you or your staff have any questions, please do not hesitate to contact Jenny Tang, Staff Director of the Subcommittee on Disability Assistance and Memorial Affairs, at (202) 225-3527.

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Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Bost", is positioned above the printed name.

**MIKE BOST**

Chairman

Cc: The Honorable Mark Takano, Ranking Member