

# United States Senate

COMMITTEE ON VETERANS' AFFAIRS  
WASHINGTON, DC 20510

April 4, 2024

The Honorable Denis R. McDonough  
Secretary of Veterans Affairs  
810 Vermont Ave. NW  
Washington, DC 20420

Dear Mr. Secretary,

The Department of Veterans Affairs (VA) has an obligation to provide critical health care services to our nation's veterans wherever they live. As such, we write today regarding VA's delayed implementation of Section 701 of the Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019 (Hannon Act). This section directs VA to provide funding in the form of grants to expand existing partnerships or create new ones through the Accessing Telehealth through Local Area Stations (ATLAS) program. Rural veterans must be afforded the same level of care VA provides for veterans in more populated areas and this provision is vital to ensuring VA fulfills this mission.

On the second anniversary of the Hannon Act's passage, we sent you a letter urging VA's Office of Connected Care and any other responsible entities to expedite implementation of Section 701 of the Hannon Act. We expressed our concern with the slow rollout of the proposed rule, noting VA reported it had not planned to publish a proposed rule until Quarter (Q) 2 of Fiscal Year (FY) 2023, almost 2.5 years after enactment. Your November 2022 response included an expected delay of the proposed rule publication to sometime in FY 2024 as well as your assurance that VA was working to expedite the review process. VA further delaying an already lengthy rollout is absolutely unacceptable and detrimental to rural veterans. Can you please provide the committee with a more detailed explanation of why efforts to expedite VA's rulemaking process have been ineffective?

Under a new revised implementation timeline we recently became aware of, VA does not expect to have the proposed rule finalized until Q2 of FY 2024 and then published in Q3. If VA actually meets this timeline, the publication of the proposed rule will still be over a year later than initially communicated. In response to a January 2024 request for information, VA said the delays were due to "revisions and pass backs" to address legal concerns. While the committee understands the need for extensive revision when building a grant program, VA has had since October 2020 to plan for this implementation. The acceptable timeframe to review and revise has passed. As we are now well into the second quarter of 2024, please elaborate on the Office of the General Counsel's specific legal concerns and why the revision process continues to be delayed.

As Chairman and Ranking Member of the Senate Committee on Veterans' Affairs, our top priority is ensuring quality and timely care for veterans across the country. VA must be held accountable when its cumbersome processes create delays in the implementation of crucial grants. VA initially planned to award the first grants in FY 2025, however VA's new implementation timeline sets Q2 of FY 2026 as the new target. These grants are essential to establishing ATLAS sites like the telehealth pods located inside Veterans of Foreign Wars (VFW) Post 6786 in Eureka, Montana and American Legion Post 5 in Emporia, Kansas. Prior to the establishment of these sites, veterans would have to drive hours just for an appointment with a VA provider. Now they can receive the telehealth care they need in the comfort and privacy of their local VFW or American Legion post. Does VA have any past grant program implementation frameworks that could be used to help speed this process along once the finalized rule is published so that more rural veterans have local options for VA care?

VA has been a pioneer of telehealth services that have proven to be a lifeline for rural veterans across the country. Those of us who live in rural areas know that internet service is not always reliable, nor is a lengthy road trip for a single appointment always feasible. It is essential that the expansion of VA's telehealth services in rural communities be allowed to continue unimpeded by red tape and bureaucratic delays.

Thank you for your attention to this matter. We look forward to your response and thank you for your continued support of veterans.

Sincerely,



Jon Tester  
Chairman



Jerry Moran  
Ranking Member