

**TO CONSIDER THE NOMINATION OF
JOSHUA D. JACOBS
TO BE UNDER SECRETARY FOR BENEFITS,
DEPARTMENT OF VETERANS AFFAIRS**

HEARING
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
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**TO CONSIDER THE NOMINATION OF
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THURSDAY, FEBRUARY 16, 2023

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10 a.m., in Room 418, Russell Senate Office Building, Hon. Jon Tester, Chairman of the Committee, presiding.

Present: Senators Tester, Murray, Blumenthal, Hirono, Sinema, Hassan, Moran, Boozman, Tillis, and Tuberville.

OPENING STATEMENT OF CHAIRMAN TESTER

Chairman TESTER. So I call this meeting to order, to examine the qualifications of the President's nominee to serve as Under Secretary of Benefits.

Mr. Jacobs, I want to acknowledge your experience supporting veterans, both in the VA as well as here in the Senate, and specifically during your tenure with this Committee. Our purpose today is to determine whether you are the right person to head and to lead the Veterans Benefit Administration. That said, we know you have been performing many of the duties since July of last year. I expect some of us will want to know what you have learned and what you have accomplished during that time.

As we start the 118th Congress, VBA faces several challenges, including a backlog of more than 194,000 disability compensation claims, that number is expected to grow as more veterans seek benefits through the PACT Act.

Whether it is through a carefully crafted automation system or a form of a complex disability examination program, VBA needs a leader that protects veterans at every stop in the process. And while compensation will inevitably take up a fair amount of time and your attention, we need a leader who will not lose sight of the other critical benefits and the services from VBA, including life insurance and home loan support.

If confirmed, we are also counting on you to provide focused oversight of education and employment programs to ensure veterans, transitioning servicemembers, and their families have all the tools that they need to succeed in civilian life. I am hoping your answers to members' inquiries on these matters and others will help this

Committee make the determination of whether you are the right person to be confirmed as Under Secretary for Benefits.

I very much look forward to our dialogue today and I want to thank you for your willingness to serve in this very important role. With that I will turn it over to Senator Moran for his opening statement, which I hope includes a lot of compliments.

OPENING STATEMENT OF SENATOR MORAN

Senator MORAN. I suppose again, Mr. Chairman, I could start by saying thank you, Mr. Chairman. That is written in my remarks. Thank you, Mr. Chairman, for holding this hearing and thank you to our witness today for joining us. Thank you for the conversations that we had earlier this week.

Mr. Jacobs, you have been nominated to lead the Veterans Benefit Administration and to make certain our veterans get the right benefits at the right time. The VBA is critical to the well-being of veterans and the dependents it serves. Disability payments provide financial security to veterans who are unable to work due to service-connected injuries and survivor benefits to help families mitigate the financial challenges of losing a loved one.

Readjustment benefits like the GI Bill and the VA Home Loan Guarantee provide transformational opportunities for veterans to achieve economic success in their careers and in the communities that they serve.

VBA is in the midst of implementing the Robinson PACT Act to make certain veterans impacted by toxic exposure have a disability claim process that works as well for them as it does for any other veteran with a service-connect disability. I am sure you will recall that a lot of the conversation in this Committee is how do we pass the PACT Act and not disadvantage those veterans who are already in the queue. As you implement this law, it is imperative that the other services and benefits that the VBA is charged with administering do not fall short. When these benefits are made available to veterans they often make consequential choices, counting on the VA's assurance that these benefits will be available to them.

Unfortunately, we have seen instances where the VBA has failed to deliver the benefits a veteran deserved or erroneously awarded a benefit that a veteran came to rely on but then was determined could not have. In some cases, a claim decision has taken so long that the benefits became meaningless or the veteran had already passed away. The failure to deliver the right benefit at the right time can have a serious impact on the veteran just as much as a missed medical diagnosis.

Mr. Jacobs, my staff tells me that since you have been in the acting role leading the VBA that you have made a point of being more collaborative with them and other congressional staff. I appreciate that effort and I look forward to hearing how you will make certain veterans are getting the benefits they deserve in a timely manner, how you would position the VBA to provide more positive, measurable outcomes for veterans in the future, and how you will bring the VBA bureaucracy together to work with VBA partners to put the customer first.

I thank you. I thank you for your interest in serving our country.

Mr. Chairman?

Chairman TESTER. Thank you, Senator Moran.

I will now recognize Senator Murray for the purpose of introduction of the nominee.

INTRODUCTION BY HON. PATTY MURRAY

Senator MURRAY. Thank you very much, Chairman Tester, Ranking Member Moran, members of this Committee. It is my privilege to introduce Joshua Jacobs, President Biden's nominee to serve as Under Secretary for Benefits at the U.S. Department of Veteran Affairs. And I am pleased to welcome his family here today, his parents, Linda and Richard, his wife, Julia, and their children, Yael, Amir, and Laura. Welcome to all of you.

Mr. Jacobs is an exceptionally qualified pick to fill this role. He will work day in and day out to make sure our nation lives up to its obligation to take care of our veterans, and I should know because that is exactly what he did when he worked in my office back in the day. Joshua came to work every day focused on Washington State veterans and their families and how to prepare the VA for an influx of veterans, expand clinics and facilities, and make sure veterans had the services they need to transition to civilian life, especially when it comes to employment.

That track record is why I was thrilled to have him return to work for me as Deputy Staff Director of this Committee later on when I became Chair. He helped to lead our efforts to get veterans more mental health services, expand support and service for women veterans, and ensure veterans had a seamless transition from the DoD to the VA, where too often, as we know, servicemembers and veterans faced too much red tape and VA faced too little accountability.

Given his drive back then it is no surprise to me the work he has done since shows his deep commitment to serving those who served our nation and why he is such an inspired choice for this role. When Mr. Jacobs was a senior advisor to the Office of the VA Secretary under President Obama he was awarded the Secretary's Meritorious Service Award. When President Biden was elected, he was chosen to serve on the incoming administration's VA transition team.

After Mr. Jacobs returned to the Department as a senior advisor in 2021, he improved its decision-making process by establishing and leading the new evidence-based Policy Council and developing a new interagency policy development process to coordinate and implement more than 50 interagency policy efforts. As the Senior Advisor for Policy performing the delegable duties of the Under Secretary for Benefits, Mr. Jacobs has taken on the enormous task of coordinating a team of 25,000 people, from 56 regional offices, processing centers, and headquarters as they work to manage over \$100 billion in benefits and make good on our promise to millions of veterans and their families.

He knows full well how important a smoothly functioning VA is to the Americans who are relying on the benefits our nation promised them, and I have no doubt he will go to work every day determined to make sure our nation lives up to its promises.

I know Mr. Jacobs, who happens to be a Washington State native, and his family is here today from there, and graduate of the University of Washington, will do great work for America's veterans as Under Secretary of Benefits. I am very proud to support his nomination. I look forward to working with him once he is confirmed.

Chairman TESTER. Thank you, Senator Murray, for the introduction. Mr. Jacobs, I would ask you to stand and raise your right hand.

Do you, Joshua Jacobs, solemnly swear or affirm that the testimony you are about to give before the United States Senate Committee on Veterans' Affairs will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JACOBS. I do.

Chairman TESTER. Let the record show that the nominee answered in the affirmative.

Mr. Jacobs, you have time for your opening statement now. I would ask you take as long as you need, but try to keep it to 5 minutes.

Mr. JACOBS. Yes, sir, Mr. Chairman.

STATEMENT OF JOSHUA D. JACOBS

Mr. JACOBS. Chairman Tester, Ranking Member Moran, and distinguished members of the Committee, Thank you very much for the opportunity to testify before you today. And Senator Murray, thank you for your kind introduction and for providing me with my first opportunity to work on behalf of veterans as well as for your own lifetime of advocacy on behalf of veterans and their families. Yours is a standard I strive to meet every day.

I am honored and humbled by the opportunity, if confirmed, to serve veterans as the Under Secretary for Benefits at the Department of Veterans Affairs. I am grateful to President Biden, Secretary McDonough, and Deputy Secretary Remy for their trust.

I would like to recognize some of the family, friends, colleagues, and mentors who have supported me. I want to thank my parents, Richard and Linda, for a lifetime of support, and for teaching me to always do my best and to do good for others. I want to thank my wife, Julia, and our three kids, Yael, Zev, and Amir. There is no way I could do my job without their endless support, love, and patience.

I would like to also recognize my Grandpa Mel Jacobs, or Papa. Papa served in the Army during World War II, and VA education benefits let him pursue his educational and career goals and provide for his family. Those are just a few of the generous people who have helped guide my life, both professionally and personally, and I am indebted to them and so many more.

I appreciate how significant the responsibilities of the Under Secretary for Benefits are. Over the last 15 years, I have dedicated myself to advocating and advancing policies and implementing solutions that help improve the lives of veterans. As I noted, I had the good fortune of working for Senator Murray for nearly a decade, and I learned the importance and the kind of impact veteran advocacy can have and the value of practical solutions that ensure government solves problems rather than creating them.

During my time as Deputy Staff Director I worked for the Senate Veterans' Affairs Committee. I worked shoulder-to-shoulder with members and staff from both parties and veteran service organizations to provide the critical oversight and enact legislation that improved benefits and services for veterans. So I understand and I deeply respect this Committee's dedication and the spirit of cooperation to get the job done right for veterans, and if confirmed, I look forward to working collaboratively with each of you as a proud alumnus of this Committee.

In addition to my work in the Senate, I have had the privilege of working at VA on three separate occasions. During my first tour in VA, I served in the Office of Congressional and Legislative Affairs where I learned the importance of open and transparent engagement between VA and Congress. And I saw firsthand how effective engagement and oversight leads to better outcomes for veterans. During my second time at VA, as Senior Advisor for Benefits, the disability claims backlog was near its peak. Working with FBA, we implemented a series of solutions that helped drive down the backlog by 90 percent. That experience taught me to appreciate the enormous scope and scale of the challenges VA faces in delivering benefits and the dedication it takes for employees to accomplish this noble mission.

And during my current tenure at VA, I first served as a Senior Advisor for Policy and helped develop an enterprise governance model to drive integrated decision-making and execution across VA. I also helped to expedite the development, review, and approval of two regulations that added asthma, rhinitis, and sinusitis, and nine rare respiratory cancers to the list of presumed service-connected disabilities due to military environmental toxic exposures.

For the past 6 months, I have served as Senior Advisor for Policy Performing the Delegable Duties of the Under Secretary for Benefits. In this current role, I have worked to ensure VBA continues providing quality and timely benefits and services to the veterans, family members, caregivers, and survivors we are privileged to serve, delivering more benefits to more veterans and survivors more quickly and accurately than ever before.

Today the benefits and services delivered by the more than 25,000 talented and hardworking VBA employees, over half of whom are veterans themselves, not only help fulfill the promise of a grateful nation but also empower veterans to be homeowners, to pursue further educational and training, and to live healthier and more prosperous lives, to help them thrive, not just survive. And I am proud to say, because of VBA's people and their hard work, last fiscal year VBA processed a record number of claims, and we are on track to break that record this year for veterans.

If confirmed, I look forward to continuing this work, especially as we receive and process claims from generations of veterans seeking benefits relating to toxic exposures under the bipartisan PACT Act, which Congress passed last year. I will fight every day to ensure veterans and their families receive timely claims decisions and access to crucial VBA programs, and I will also continue focusing on increased transparency, better collaboration, and keeping veterans at the center of everything we do.

As former VA Administrator Omar Bradley once reminded us, “We are dealing with veterans, not procedures; with their problems, not ours.” Our country’s obligation to those who have who have served is one that I know we all share, and if confirmed, I will do everything I can to continue to be a fierce, advocate for veterans, their families, caregivers, and survivors.

Thank you again for considering my nomination. I look forward to your questions.

[The prepared statement of Mr. Jacobs appears on page 21 of the Appendix.]

Chairman TESTER. Thank you for your statement. And before I yield my time to Senator Murray I would just say it is good to have your family here, and I just want to know if the kids are enjoying themselves.

[Laughter.]

Chairman TESTER. Senator Murray.

Senator MURRAY. They are glad to be here to visit, and all those things I am sure.

Thank you so much, and it is great to see you back here. Let me just start with the fact that the Veterans Benefit Administration is really experiencing a backlog of claims—we talked about this last night—which I know really worsened during the COVID-19 pandemic, and then, of course, with the passage of the PACT Act last year the number of veterans seeking benefits is only going to rise.

So I wanted to ask you, if confirmed, what are you going to do to make sure that veterans are receiving timely responses to their claims?

Mr. JACOBS. Senator Murray, thank you very much for that question. You know, when I was here about 10 years ago as a Senior Advisor of Benefits I was here when General Hickey led the transformation through a series of people-process-technology transformational efforts to include moving from a paper to a paperless process. We are building on that foundation that has been laid. We are driving new people-process-technology solutions, and we are importantly focusing on both the veteran and the employee experience.

So number one, with people we are undertaking a significant hiring expansion. Over the last year we have hired an additional 2,000 employees. Thanks to the PACT Act, we are able to hire another 1,900, of which we have been able to bring on board about 65 percent. Just this past week we had three separate hiring fairs. We had hundreds of people in St. Petersburg, Florida, Waco, Texas, and Los Angeles, and we were able to make hundreds of job offers as a result of those job fairs. We are continuing that effort.

We are also continuing to invest in training, so that as the new employees come in that they are brought up to speed and they are able to make timely and accurate decisions.

The second piece is focused on process. We are concerned about how we can bring more efficiency to the process and overdevelopment is one of the main concerns we have. We do not want to send veterans out to get an exam if they do not need it. That takes time

away from their busy lives and potentially results in them losing income. So we are looking at efforts like overdevelopment.

And then third I would add we are also employing technology. So we are in the early stages of leveraging automated decision support. But I think this is the real potential game-changer as we move forward. It is going to give our employees more tools to make more decisions more quickly, accurately, and equitably across the system, and I think it will help us ensure that we do not have to linearly increase employee staffing to meet the growing demand.

Senator MURRAY. Okay. Excellent. The VA Office of Inspector General and Government Accountability Office have issued several reports over the last couple of years detailing the mishandling of veterans' military sexual trauma claims. In a 2021 report, the inspector general estimated that about 57 percent of denied claims related to MST were not processed correctly.

Talk to us about what plans you have to work on the MST claims to make sure that veterans are receiving the care that they deserve.

Mr. JACOBS. I really appreciate you raising that question and your leadership on this issue. MST claims are some of the most horrific issues that we have to deal with. We have to deal with them with the sensitivity and the urgency that they demand, and do so in an appropriate manner.

One of the things that we have done to try to improve the accuracy and the consistency of our decisions is by consolidating the processing of those individual claims. They are quite complex and oftentimes it is hard for the veteran to provide sufficient evidence for us to make a decision. So we are working to ensure that we have our most qualified, experienced staff who can solely focus on MST.

And second, we are also going to be looking at the broader evidentiary standards to understand how we can make it easier for veterans, and operate with sensitivity so we do not retraumatize veterans as they are going through this process.

Senator MURRAY. Okay. I will be following this closely so I look forward to hearing more from you as you go through that.

Finally, let me just say something. You will not be surprised to hear that there are two million women veterans living in the United States today and they are the fastest-growing demographic. This is something I have long cared about, but I have to say I am still hearing from a lot of women veterans that they are not aware of or taking advantage of the benefits they have earned. How do we deal with that?

Mr. JACOBS. I think it is a really important question and we need to do more. Since I have come into this organization back in 2021, I have observed that VA is more forward leaning with respect to outreach. We are getting the word out. We are trying to partner with veteran service organizations, with state Departments of Veterans Affairs, with county veteran service organizations, with the Center for Women Veterans. And importantly, we need to make sure that we are listening, we are asking questions, we are listening to women veterans and we are responding. Because the tools that we use to provide information and support to certain parts of the veteran population may not work here, so we are partnering

with the Veteran Experience Office to apply human-centered design and make sure that we take those insights and we use them to inform how we provide outreach and connect female veterans with the support and the services that they have earned.

Senator MURRAY. Thank you very much. I look forward to supporting this nomination, Mr. Chairman. Thank you for your consideration.

Chairman TESTER. Yep. Senator Moran.

Senator MORAN. Mr. Jacobs, the Office of Legal Counsel at the Department of Justice issued an opinion letter in 2017, stating that oversight requests from, quote, "individual Members of Congress, including ranking minority members, do not trigger any obligation to accommodate congressional needs." Despite that DOJ opinion on this matter, will you commit to accommodating congressional oversight requests regardless of party affiliation or committee status of the member making the request?

Mr. JACOBS. Yes, Senator.

Senator MORAN. Thank you. In working with the VA this Committee frequently request data, material, and policy views from the Department to inform our oversight and legislative work. Responses to these inquiries frequently get cleared through the Office of the Under Secretary, and unfortunately that process often involves time delays and keeps us from receiving a timely response.

If you are confirmed, how will you prioritize responses to this Committee to make certain we have the information we need to serve veterans in a timely manner? I have no doubt you will answer this question to my satisfaction as a former staff member of this Committee.

Mr. JACOBS. Well, Senator, as you have rightly indicated, I have shared your frustration over the past 15 years with both untimely and insufficient responses from the Department. I would also say that since I have been in this role over the last 6 months I have probably contributed to the timeline delays because the answers that have come to me have been unsatisfactory. I do not think that they have responded directly to the questions that have been asked, so oftentimes I go back and I work with the team to make sure that we revise the answer to appropriately address it.

But, you know, as a former Senate staffer, I know that it is critical we have transparent, ongoing, and timely deliberations and communications, so I will promise, if confirmed, to make it a priority to improve both the quality and the timeliness of our responses to your inquiries.

Senator MORAN. Thank you. Mr. Jacobs, when we met earlier this week I told you that often what I know of the circumstances of veterans and their VA experience comes to me from Kansas veterans through case work. In addition through conversations, emails, but it is generally people who are raising a problem, an experience they have had with the Department of Veterans Affairs.

One such veteran traveled 65 miles each way for a contract disability exam as part of his disability benefits claim. The contract examiner was supposed to provide a mileage reimbursement for that travel, but after 5 months, multiple phone calls, and multiple checks, a proposal supposedly being sent, this veteran does still not have his reimbursement or any answer.

What should this process look like from the veteran's experience and where is the disconnect between VBA and the regional offices and the examination contractors?

Mr. JACOBS. Well, Senator, it is an excellent point that you raise and I appreciated our conversation in your office. I would start by saying that veterans should not have to go to their Member of Congress to get their issues resolved. That is, to me, unacceptable, and it is something that we need to fix. But I am glad that they do have that recourse.

Second, I would say that as we look at the types of issues that are raised through case workers I think that gives us an opportunity to not only fix the issue at the local level—so our regional offices should be working closely with each of your case workers—but we also have an opportunity to identify trends that we should be addressing at the national level and trying to respond and remediate them, if necessary.

In the particular case of the veteran that you just explained, I would ask if it would be possible to get the information so I can personally look into that and take care of it, and make sure that any broader systemic issues that are underlying it are also addressed.

Senator MORAN. I would welcome that, providing that information to you, and I appreciate your response indicating that one case is often more than just one veteran who has experienced the same circumstance.

I have heard from my staff, who work for veterans in our office, and veterans in Kansas about their frustrations of receiving notices that claims are—let me say that sentence better—that frustration arises from the veteran receiving a notice. The notice indicates that their claims are, quote, “ready for decision.” However, the veteran still does not receive a final decision for months on end. So, in a sense, we are building up the expectation, “I have got this notice that says it is ready for decision but nothing has happened.”

Especially now with the PACT Act on top of the other claims, it is more important than ever to properly notify veterans about their pending claims and where they are in the process. If confirmed, how will you improve these communications with veterans as they await a decision on their claim, as well as work with your regional offices to ensure veterans are receiving timely and accurate information about their claims in the process of receiving a final determination?

Mr. JACOBS. Well, I appreciate the question. I think the reason we have so many claims—and it is out of balance right now—in this ready-for-decision cycle is it is a byproduct, in part, of us catching up from the work coming out of COVID, where we were able to work through a number of claims. We had to pause a bit because of the supply chain challenges, not being able to get veterans safely to C&P examiners, or obtain their records.

And so we have got this kind of a “pig in a python” type of challenge, but that does not matter to the veteran. That is a context. What matters to the veteran is that they understand where their claim is and that they understand what is happening.

I agree that there are challenges with the way that we categorize the nomenclature of ready-for-decision, because in many cases it is, in fact, not ready for decision.

So one of the key things that we are going to be working on, and I will pay significant attention to, if confirmed, is focusing on how we improve the communications to manage expectations. It is confusing for veterans. It is not only that the categorization of ready-for-decision but our notification letters.

I was in Philadelphia at a regional office and I was listening in to one of the call center agents. They got a call from a veteran. He was trying to decipher what this letter meant for him. These letters are written for lawyers, by lawyers. We have got to change that so that veterans actually understand what is happening. And one of the key actions coming out of a PACT Act offsite we held in December, which a number of your staff attended, is a concerted effort to improve how we communicate status and through multiple channels, not only through the app, through the website, but also through the letters.

And then finally I would add that we also just have to kind of buckle down and get those claims decided and a decision to the veteran.

Senator MORAN. Yes, that is a good point, that the decision is really what they want, not the notice.

Mr. JACOBS. Correct.

Senator MORAN. Mr. Chairman, thank you. You are going to lose me momentarily. While Mr. Jacobs is hugely important, I have to go see that we pass a resolution related to the Chief's success in the Super Bowl. So you will miss me for a portion of the remainder of your hearing.

Chairman TESTER. We absolutely will miss you, Senator Moran, especially the compliments. I am going to miss those. But thank you very much.

Look, there are a couple of things that came to mind as you were answering questions. The first one was that you drew back some of the answers and actually read them and made sure they addressed the questions. I am going to tell you, there are a lot of folks that serve here in the halls of Congress that I think take pride in the fact of not answering questions, and the truth is that you are able to do that is really important. And the second thing that stood out was the fact that you want to put it in language that people can understand, not an attorney. And I cannot thank you enough for both of those. I hope you never forget that during your service because it is really important.

We should also fundamentally agree that veterans should not have to pay to get their VA benefits. That is why we all need to work together to make sure that the application and receiving those benefits are as user-friendly, veteran-friendly as possible.

In cases where a veteran has questions or needs assistance we look to a number of different folks—the VSOs, the county veteran service officers created by the VA and held to a standard of ethics to assist the veterans with filing those claims. Do you agree that veterans should not have to pay for assistance in filing their claims?

Mr. JACOBS. Mr. Chairman, I think veterans have earned these benefits and they should not have to pay someone to help them get them.

Chairman TESTER. So the question here is what are you going to do to better educate veterans of the resources that are available to them to help them file the claims or get other assistance from the VA?

Mr. JACOBS. Yes. You know, let me start by just acknowledging that the claims process is confusing, it is complicated, and at times it is perceived as adversarial. We are working to change that. One of the ways that we are working to do that, and if confirmed, I will double down and continue to do a whole lot more, is by doing proactive outreach. In December, we did national PACT Act awareness events across the country. I was in Seattle, and we had claims clinics. We had VBA staff onsite, advertised. A whole lot of veterans came in. We helped them file their claims. We are doing that again next month across the country.

We need to do more of that. But we cannot do it ourselves. We have to do it in partnership with VSOs, with county veteran service officers, with state Departments of Veterans Affairs.

The second piece that I think we have to do is we have to drive more focus on the veteran experience because veterans often do not know about the process, and when they do not know about the process and they do not know what to look out for in terms of predatory actors, they can make the wrong decisions. We need to continue to proactively get information out so that they have resources that are going to help them for free.

Chairman TESTER. Super. The Sergeant First Class Heath Robinson PACT Act has been referenced several times during this hearing. It is a big expansion of benefits and health care for our folks, and we continue to see things that bounce up that I do not think are happening by coincidence, like the blood cancers at Malmstrom Air Force Base that was talked about, about a month ago. So this thing is going to continue to be an issue for you, once you are confirmed. I hope you are confirmed.

So the questions fall in a couple of different buckets here. What progress has VBA made within implementing the PACT Act's presumptive decision-making framework to identify the need for new presumptive exposures?

Mr. JACOBS. Mr. Chairman, we are starting on a foundation that was laid prior to passage of the PACT Act. I referenced in my opening statement the process we use to establish asthma, rhinitis, sinusitis as well as the nine rare respiratory cancers. We are building on that with the new authorities that were provided in the PACT Act to include a requirement that we formally publish, in the Federal Register, a list of the conditions that we will evaluate to consider potential establishment of a presumptive service connection.

So our team, it is a combination of VHA and VBA experts, are working to finalize that list and then get ready to publish it into the Federal Register, and I think the benefit of that is we get other people grading our homework, and if we are not including the right conditions people have an opportunity to tell us, and we have an opportunity to make adjustments.

The second piece I would add is we also are moving forward, and we are not grading our own homework so we are going to have the National Academies, as required under the PACT Act, formally review the decision-making framework. And so as we move forward and we work to implement it we will have an opportunity to have that external subject matter review to inform whether or not we need to continue as designed or make adjustments.

Chairman TESTER. Thank you. As of Monday the claims inventory was 743,000, and the backlog is about 194,000. What is VBA's claims projection over the next 5 years, and how has VBA prepared to address the increases?

Mr. JACOBS. We have, to date, received a little more than 300,000 PACT Act claims since the bill was signed into law on August 10th. We are expecting about 700,000 PACT claims in this fiscal year and upwards of 5 million total, both PACT and non-PACT, as we move forward. The calculations fluctuate depending on certain assumptions, but the bottom line is we are going to see a significant increase in the number of claims filed because, for the first time ever, the PACT Act is allowing us to provide benefits to generations of veterans who have not been able to get those benefits under law.

And so what we are doing to prepare is we are working through a robust people-process-technology solution. That includes increased hiring, expanded training, process improvements in efficiencies, and then technology. And I think the technology piece is really going to be the game-changer moving forward. It is still in the early stages. We need to verify, validate, and graduate it before we expand it more broadly across the system. And we, importantly, need to ensure that the veterans we serve, the Members of Congress who provide oversight, and the employees who use that system have trust that it will provide the right decisions at the right time.

Chairman TESTER. My last question, before I turn it over to Senator Hassan, actually follows on with what Senator Moran had asked earlier, and that is do we have your commitment to provide regular, accurate metrics as it relates to the claims backlog as well as PACT Act claims backlog?

Mr. JACOBS. Mr. Chairman, you have my commitment, if confirmed, yes.

Chairman TESTER. Okay. Senator Hassan.

SENATOR MAGGIE HASSAN

Senator HASSAN. Thank you, Mr. Chair, and thanks to you and Ranking Member Moran for this nomination hearing, and Mr. Jacobs, thank you for your willingness to serve.

I want to start by just following up on an issue similar to the one that Senator Moran raised about delays in disability claims. Recently I have heard stories from veterans about how far they have to travel for their compensation and pension claim examinations, and the stresses that puts on them. Leon Rideout, the VFW commander in New Hampshire, was recently scheduled for a compensation and pension claim exam 4 hours away, in New York. Attending this exam would have forced him to miss a full day of

work. He could not attend and now he may be forced to wait even longer to get his exam.

Exams that are far away can be even more burdensome, obviously, for veterans who have a condition that impedes their ability to travel long distances. So how do you plan to address this challenge and schedule veterans at the facility that is closest and most convenient for them to travel to?

Mr. JACOBS. Senator, thanks very much for raising that important issue. This is a key part of the veteran experience. This is oftentimes the only time a veteran will engage with someone representing VBA because the majority of our staff are working in offices, at home in front of a computer, and not directly engaging face-to-face. And so often it will indicate whether they want to continue with the process and pursue the other earned benefits that they have or not, and lose trust.

What we are doing to address specifically the issue of drive time is working with our four vendors—the majority of the C&P exams that we do are done by vendor companies—and enforcing certain contractual standards with respect to timeliness and length of distance. Where they are falling short they then have to pay penalties.

But I think what we also have to do, and first and foremost is make sure that the veteran actually needs the exam. We need to check and make sure if there is sufficient evidence already in their file, we should not be sending a veteran to go get that exam.

Senator HASSAN. Right.

Mr. JACOBS. And so if you have an example of the particular veteran you mentioned, I would love to look into it, follow up, understand what happened, figure out how to resolve it, and then also identify the broader system issues.

Senator HASSAN. All right. Well, I appreciate that and we will follow up with you.

I want to touch now on an education benefits issue. Members of the National Guard and Reserve make up more than 40 percent of the United States Armed Forces. As you know, members of the reserve component can qualify for VA education benefits but they can also be called up to active duty at any moment. Their service is obviously really important to our nation and to our security, but it may also disrupt their education and lead to servicemembers not receiving school credit and wasting tuition dollars because their education has been interrupted.

So if confirmed, what will you do to support members of the reserve component and ensure that they can take full advantage of their education benefits?

Mr. JACOBS. Senator, this is actually an issue I am quite interested in, and I am glad that you raised it. I think the VA has historically, and VBA specifically, has focused on the digital GI Bill. So we focused on the modernization of our infrastructure, and we have appropriately focused on preserving the integrity of the GI Bill. But we have not done enough to focus on ensuring we are supporting the majority of veterans who are using their benefits and giving them the leg up to advance their careers.

So what I would love to do is work with your office. I am actually pulling together a roundtable filled with student veterans, schools, and employers to explore how we can identify additional ways to

support veterans there. I know that there are certain authorities that can help veterans that are called back up to active duty to preserve some of their education benefits, but we need to do a whole lot more, and if confirmed, I would love to work with you.

Senator HASSAN. I would look forward to that too.

I want to talk a little bit about the transition process, and I expect that you have heard a great deal from Committee members and will continue about that. Every year approximately 200,000 servicemembers make the complex and difficult transition from military service to civilian life. Last year I worked to get the Solid Start Act passed into law, and I continue to believe that that program is essential to ensuring that veterans are aware of their benefits immediately after separation. But we still need to do more for these veterans in these early years.

How do you plan to prioritize the needs of transitioning servicemembers to ensure that they are receiving information and access to VA benefits that they have earned, they deserve, and can make a real difference, obviously, in their next chapter?

Mr. JACOBS. First let me just thank you for your leadership on Solid Start. This is a really impactful program. I think GAO highlighted that in a recent report, but it also highlighted we have got some work to do in better communicating with younger transitioning servicemembers. And we importantly have to partner with VSOs to make sure that we are tailoring the program and the outreach to meet their needs.

One of the most important things we can do here is not come up with a 3,000-mile screwdriver with ideas that we think are best from our seats in DC, but to actually go and talk to the transitioning servicemembers. So partnering with the Veteran Experience Office we are leading an interagency effort to perform human-centered design where we are having interviews with transitioning servicemembers and their families, and then taking the insights along that transition journey to identify the pain points, the moments that matter, and then use that to drive improvements.

We have multiple interagency partners involved, and so we need to deconflict this. We need to make sure that we are designing and implementing support to transitioning servicemembers that is designed around their needs and not our organizational structure.

Senator HASSAN. Okay. Well, I would appreciate learning more about that effort, working with you on it. One of the things I am also aware of and I think has been highlighted in other work that you all have done, when I talk to veterans, women veterans in particular, I think find the transition process not really necessarily suited to their needs. So it is one of the things that we need to focus on too.

Thank you. Thank you, Mr. Chair.

Chairman TESTER. Thank you, Senator Hassan. I want to thank you, Joshua Jacobs. We have had a number of folks in front of this Committee for confirmation. I do not know that anybody has done any better than you as far as knowing the subject area and knowing the job and answering the questions forthright and straightforward, and I want to thank you for that.

Normally when you say there are not a lot of folks here, you think, well, the job is not that important. I do not think that is the case at all. I think the fact that you have worked at this job, that you have done your work on the Hill, talking to folks, and we are incredibly busy right now is why they are not here. And the other thing is—and I will step out on a limb and say this—if you were controversial they would have been here. Okay? So that is good sign.

I would ask that any post-hearing questions be sent to the Clerk no later than 5 p.m. tomorrow. I am going to do my best to try to get you confirmed as soon as possible, and with that this hearing is adjourned.

[Whereupon, at 10:39 a.m., the hearing was adjourned.]

A P P E N D I X

**Nomination Material for
JOSHUA D. JACOBS**

Prepared Statement of Joshua Jacobs
Nominee to be Under Secretary for Benefits, Veterans Benefits Administration,
U.S. Department of Veterans Affairs
Before the Committee on Veterans' Affairs
United States Senate

February 16, 2023

Chairman Tester, Ranking Member Moran, and distinguished members of the Committee. Thank you for the opportunity to testify before you today.

I am honored and humbled to be nominated to serve as Under Secretary for Benefits at the Department of Veterans Affairs. I am grateful to President Biden, Secretary McDonough, and Deputy Secretary Remy for their trust in my ability to serve in this important role.

I would like to take a moment to recognize the family, friends, colleagues, and mentors who have supported me. My parents, Richard, and Linda, who taught me to always do my best and do good for others. I want to thank my wife, Julia, and our three kids, Yael, Zev, and Amir. There is no way I could do my job without their endless support, love, and patience. I'd like to also recognize my Grandpa Mel Jacobs - or Papa. He served in the Army during World War II, and later used VA education benefits to pursue his educational and career goals and provide for his family.

I also want to thank Senator Murray - for her kind introduction, for providing me with my first opportunity to work on behalf of Veterans, and for her lifetime of advocacy on behalf of Veterans and their families, which set a standard that I strive to meet every day.

I appreciate how significant the responsibilities of the Under Secretary for Benefits are. The benefits and services delivered by the more than 25,000 talented and hardworking Veterans Benefits Administration (VBA) employees, nearly 55% of whom are Veterans, not only help fulfill the promise of a grateful nation, but they also empower Veterans to become homeowners, pursue education and training, and to live healthier and more prosperous lives. For many Veterans, the benefits VBA delivers can make the difference between whether they are able to pay their bills, go to college, or have a roof over their head.

Over the last 15 years, I have dedicated myself to advocating and advancing policies and implementing solutions that help improve the lives of Veterans. I had the good fortune of working for Senator Murray for nearly a decade, where I learned the importance and impact of Veteran advocacy, and the value of pragmatic solutions that ensure government solves problems, rather than creating them. During my time as Deputy Staff Director for the Senate Veterans' Affairs Committee (SVAC), I had the opportunity to work shoulder to shoulder with members and staff from both parties, as well as Veterans Service Organizations, to perform critical oversight and enact legislation that improved benefits and services for Veterans. I understand and deeply respect the dedication and spirit of cooperation members on this Committee demonstrate to get the job done for Veterans. And if confirmed, I – as a proud alumnus

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of this Committee -- look forward to working collaboratively with each and every one of you.

In addition to my work in the Senate, I have had the pleasure of working at the Department of Veterans Affairs (VA) on three separate occasions. During my first tour in VA, I served in the Office of Congressional and Legislative Affairs (OCLA), where I learned the importance of open and transparent engagement between VA and Congress. I witnessed how effective engagement and oversight leads to improved outcomes for Veterans. During my second tour, I served as Senior Advisor for Benefits. When I arrived, the disability claims backlog was near its peak, but through collaboration with VBA, we implemented a series of solutions that helped drive down the backlog by 90%. This experience led me to appreciate the scope and scale of the challenges VA faces in the delivery of benefits and the dedication it takes for employees to accomplish this noble mission.

During my current tenure at VA, I first served as a Senior Advisor for Policy and developed an enterprise governance model to drive integrated decision-making and execution across VA. In this role, I helped to expedite the development, review, and approval of two regulations adding asthma, rhinitis, and sinusitis, and nine rare respiratory cancers to the list of presumed service-connected disabilities due to military environmental exposures.

For the past six months, I have served as Senior Advisor for Policy Performing the Delegable Duties of the Under Secretary for Benefits, where I have worked to continue providing quality and timely benefits and services to the Veterans, family members and survivors VBA is privileged to serve. In this role, I lead VBA in delivering more benefits to more Veterans and survivors more quickly and accurately than ever before. I am proud to say, due to the efforts of dedicated VBA employees, VBA processed a record number of claims in Fiscal Year 2022, and we've already processed more claims so far in Fiscal Year 2023 than we had at the same point last year. If confirmed, I look forward to continuing this work, especially as we receive and process claims from generations of Veterans seeking benefits relating to toxic exposures under the bipartisan PACT Act, which Congress passed last year.

If confirmed as Under Secretary for Benefits, I will fight every day to ensure Veterans and their families receive timely claims decisions and access to crucial VBA programs. I will also focus on increasing transparency, improving collaboration, and keeping Veterans at the center of everything we do.

As former VA Administrator Omar Bradley once stated, "We are dealing with veterans, not procedures; with their problems, not ours." This vision of the role of VA and our country's obligation to those who have who have served is one that I know we all

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share. And if confirmed, I will do whatever I can to be a fierce, staunch advocate for veterans, their families, and survivors.

Thank you again for consideration of my nomination. I would be pleased to answer any questions you may have.

**Pre-Hearing Questions for the Record
Nomination Hearing of Joshua D. Jacobs to be
Under Secretary for Benefits of the Department of Veterans Affairs
From Ranking Member Jerry Moran**

1. Please describe why you want to serve as Under Secretary for Benefits at the U.S. Department of Veterans Affairs.

I want to serve as the Under Secretary for Benefits because I believe we have the noblest mission in government – to serve Veterans, their families, caregivers and survivors as well as they have served us. If confirmed, I will get to work with the most exceptional public servants to deliver on the promise of a grateful nation.

I also believe that we have a once in a generation opportunity to deliver on the promises of the PACT Act while also continuing to deliver on the important missions of education, home loans, insurance, and more.

Finally, I want to serve in this role because I have benefitted from living in peace and security thanks to the service of the men and women who have worn our country's uniform, and I want my three children to continue to have the same opportunities I have been afforded because of their service.

2. Please describe what your biggest concerns are about how VBA is currently functioning in your role as Senior Advisor for Policy Performing the Delegable Duties of the Under Secretary for Benefits and how you would fix them.

VBA is a mission-driven organization appropriately focused on improved outcomes for the Veterans we serve, but a relentless focus on increasing production and improving quality, frequent changes to processes, and a continued reliance on mandatory overtime have taxed our workforce and must be addressed. While we appropriately focus on delivering more benefits to more Veterans more quickly and accurately than ever before, I believe we must never lose sight of the fact that behind each of these claims is an individual Veteran, family member or Survivor - not a number. VBA is the first VA touchpoint for many Veterans, and we need to make sure we get it right from a customer experience perspective. The way Veterans get treated when they interact with VA, or how they perceive their interaction, can be the difference between a Veteran who pursues the additional benefits he or she has earned, or a Veteran who loses trust in VA and walks away. That is why, if confirmed, I will make it a priority to improve the Veteran experience throughout the disability claims process, as well as all other VBA business lines. Additionally, I will continue to focus on building and retaining the quality workforce it needs to continue delivering earned benefits in a timely and accurate manner. I will also work on modernizing our systems policies, and processes to meet new and evolving needs.

3. If confirmed what will your top priorities be on day one?

If confirmed as Under Secretary for Benefits, my top three priorities would be:

a. Fully and successfully implement the PACT Act

VA has struggled for decades to address the health effects of harmful environmental exposures that occurred during military service. Historically, the process for VA to establish a new disability as a presumptive condition has been too long and too complex, taking precious time that ill Veterans simply don't have. The passage of the PACT Act allows VA to begin to right these historic injustices and deliver benefits to millions of potentially eligible Veterans and survivors, some of whom have been waiting decades.

VA began delivering benefits to terminally ill Veterans with a PACT Act claim on December 12, 2022, and began processing all PACT Act claims on January 1, 2023. If confirmed, I will remain focused on continuing to successfully and transparently implement the PACT Act so that we can deliver benefits to the many toxic-exposed Veterans and their survivors.

b. Deliver timely and accurate claims decisions to Veterans, their families, and survivors or all claims and other critical

In addition to continuing to focus on implementation of the PACT Act, if confirmed, I will also work to provide VBA's talented workforce with the resources and support necessary to continue making timely and accurate decisions on non-PACT claims, as well as all of the other critical VBA programs Veterans rely on – Home Loan Guaranty, Education, Life Insurance, Veteran Readiness and Employment, Pension and Fiduciary. By increasing transparency, improving collaboration, and keeping Veterans at the center of everything we do, I believe that VBA can deliver more benefits to more Veterans more quickly and accurately than ever before.

c. Improve the Veteran experience.

I do not believe that we can fully meet the needs of the Veterans and survivors by improving timeliness and quality alone – important as they are. Behind each claim is an individual Veteran, family member or Survivor, not a number. The way Veterans get treated when they interact with VA, or how they perceive their interaction, can be the difference between a Veteran who pursues the additional benefits he or she has earned, or a Veteran who loses trust in VA and walks away. That is why, if confirmed, I will make it a priority to improve the Veteran experience throughout the disability claims process, as well as all other VBA business lines.

- 4. Have you discussed with Secretary McDonough what he expects you to prioritize if confirmed as Under Secretary for Benefits? If so, what are those priorities and how do you plan to address them?**

Secretary McDonough has made clear that he wants me to fight like hell every day for all Veterans, their families, caregivers, and survivors, and to deliver more benefits to more Veterans than ever before. To accomplish this mission, I will prioritize the complete and successful implementation of the PACT Act through an integrated people, process, and technology plan; timely and accurate delivery of non-PACT Act benefits and all other business lines, such as education, insurance, and home loans; and a focused effort on improving the Veteran experience.

- 5. Describe why you think the Federal government should or should not provide benefits to certain veterans. What outcomes do you believe these benefits and services are attempting to effect, and do you believe those are the right outcomes to pursue?**

Veterans personally sacrificed for the greater good of our nation and willingly put their lives on the line to fight, and if necessary, to die for our country. As such, I am personally committed to ensuring all Veterans receive the care and benefits that they deserve to fulfill what the President often refers to as America's most sacred obligation - to care for Veterans and their families. These benefits include disability compensation, education and training, insurance, home loans, transition support, and more. The work we do every day at VBA helps improve Veterans' financial security, enable Veterans to pursue education and training that launches them into new and promising careers, and helps Veterans to purchase and stay in their homes, all of which contributes to improved health and economic outcomes. I believe these are the right outcomes, and if confirmed, will work every day to improve these outcomes for the Veterans we serve.

- 6. VBA continues to hire additional staff and continues to see an increase in budget each year. VBA also received additional money in the American Rescue Plan to hire more FTE and is also using the Toxic Exposure Fund to hire additional FTE.**

- a. If confirmed, how will you ensure that VBA is getting the most out of its personnel and budget to provide veterans with timely and quality decisions on their claims for benefits?**

If confirmed to be Under Secretary for Benefits, I will closely monitor all performance data to ensure VBA is optimizing its resources to deliver more benefits to more Veterans more quickly and accurately than ever before. I will continue to invest in technology to give VBA employees more tools to improve the efficiency and accuracy of the claims process. I will provide training and development opportunities to VBA staff to ensure they have the skills and knowledge needed to make accurate and timely claims decisions. I will encourage more collaboration with internal and external partners to provide better support to

veterans. I will also regularly review VBA's resource allocation to ensure VBA has sufficient and appropriately allocated resources to meet the needs of the Veterans we serve. As opportunities for improvement are identified, I will work with VBA's financial, policy, operations, and technology leadership to design and sustainably execute these critical changes.

b. If confirmed, how will you ensure that VBA is exercising fiscal responsibility?

If confirmed, I will ensure VBA is exercising fiscal responsibility through several means and continue to work with Congress in an open and transparent manner. First, I will work to ensure that VBA's budget is carefully planned and allocated to maximize resources and minimize waste. Second, I will work with the VBA team to ensure that our contracts are managed effectively and provide value. Third, I will leverage performance management systems to monitor performance metrics and take corrective action when necessary. Finally, I will work to ensure that timely and accurate financial reporting is in place with appropriate internal controls.

c. What experiences have prepared you to lead an organization of this size?

I have spent the last 15 years working for Veterans and trying to improve VA. I believe this experience has prepared me to lead VBA at this moment. Working in the Senate for 9 years, I learned the importance and impact of Veteran advocacy, and the value of pragmatic solutions that ensure government solves problems, rather than creating them. I also performed oversight and worked on legislation to drive organizational improvements at VA.

During my time in the private sector, I worked with program office leaders across VA, utilizing program and management tools and applying change management techniques to influence cultural and organizational change at the Department. While working on major change efforts ranging from organizational redesign to High Reliability Organization transformation, I learned that the success of cultural transformation implementation initiatives requires deliberate and strategic integration of project management and change management throughout the transformation lifecycle. This integration is critical to the long-term success of major change efforts, as is building enterprise capacity for change by engaging key leaders and stakeholders from the beginning in the design of the future state and establishing milestones to be monitored and celebrated throughout the transformation journey.

I also have the unique experience of having worked at VA on three separate occasions. During my first round, I served in VA's Office of Congressional and Legislative Affairs (OCLA), I learned the importance of open and transparent engagement between VA and Congress. I witnessed how effective engagement and oversight leads to improved outcomes for Veterans. During my second round,

I served as the Senior Advisor for Benefits. In this role, the disability claims backlog was near its peak, but through collaboration with VBA, we implemented a series of solutions that helped drive down the backlog by 90%. This experience led me to appreciate the scope and scale of the challenges VA faces in the delivery of benefits and the dedication it takes for employees to accomplish this noble mission. And finally, for the last 6 months, I have been privileged to lead VBA's 25,000 employees as the Senior Advisor for Policy Performing the Delegable Duties of the Under Secretary for Benefits. During this time, I have led the organization through significant change - implementation of the PACT Act, the launch of the new VALife program, and a significant hiring effort - all while focusing on increasing transparency, improving collaboration, and ensuring we keep the Veteran at the center of everything we do.

- d. There continues to be concerns that VBA is so siloed that policies do not cross over and people are not talking to each other, which results in confusion to the veteran. If confirmed, do you plan any organizational or structural changes to VBA?**

Ensuring Veterans feel seen, heard, and taken care of when engaging with VBA or inquiring about their earned services and benefits is critical in fulfilling our responsibility to Veterans and their families. I know that a Veteran's first interaction with VA is often when they file a disability claim. And their decision to continue building a relationship with VA - whether through the pursuit of additional earned benefits or by making VA their healthcare provider of choice - is often influenced by these early interactions. If we are going to increase access and improve outcomes for Veterans, then we must do everything in our power to improve the Veteran experience during the disability claims process.

Since arriving at VBA in July, I have emphasized three key principles that I believe are key to improving the Veteran experience and optimizing the way VBA operates as an integrated enterprise: increasing transparency, improving collaboration, and putting Veterans at the center of everything we do. If confirmed, I will continue to focus on these three areas. I will also work on improving internal communications to help break down siloes and reduce policy confusion, and also encourage cross-functional collaboration. In addition, I will pursue an organizational assessment of VBA with the goal of ensuring that the organization's form and function are optimized to deliver maximum benefit to the Veterans, families, and survivors we serve.

- 7. Culture and accountability are critical for any large workforce, and Congress passed the VA Accountability and Whistleblower Protection Act of 2017 to give VA additional tools to protect whistleblowers and hold employees accountable for their performance. VA recently notified Congress of decisions by the Merit Systems Protection Board and federal courts that ignore Congressional intent and instruct VA to not use the authorities provided in law to hold its employees accountable.**

a. What does accountability mean to you and what experience do you have improving organizational culture?

I believe that I am accountable to the Veterans we serve. If confirmed to be Under Secretary for Benefits, outcomes will drive everything I will do – because Veterans, not VA, are the ultimate judges of our success. I served as a Senior Advisor in the Office of the Secretary during the MyVA transformation, when VA embarked on a journey to become the number one customer service agency in the Federal government. I learned from that experience that accountability depends on employees understanding our organization’s mission, values, and strategy, setting realistic performance goals, and providing employees with the resources to meet them. I also learned the importance of rewarding and recognizing employees and leaders when they do good work, and when all else fails, holding them to account if they perform poorly.

If confirmed, as a leader I will continue to drive a culture of accountability and consult with the Assistant Secretary for Accountability and Whistleblower Protection to ensure the organization strives towards greater cultural improvement.

b. VA OIG reports, Congressional hearings and reports, and the news media have highlighted past issues with accountability at VA. How familiar are you with the cultural issues facing VBA and how do you plan to address them?

Over the last 15 years, I have had the good fortune of meeting and getting to know many VA employees and leaders. I have travelled to numerous medical centers and regional offices and observed how VA employees personify the Department’s I-CARE values – Integrity, Commitment, Advocacy, Respect, Excellence. These I-CARE values appropriately describe how I believe the department should accomplish its mission and guide how all employees deliver services, care, and benefits to Veterans, their families, caregivers, and survivors. I have also read OIG reports, watched congressional hearings, and observed instances where some in the organization have fallen short of VA’s mission and core values.

Since arriving at VBA in July, I have emphasized three key principles: increasing transparency, improving collaboration, and putting Veterans at the center of everything we do. If confirmed, I will create a culture of accountability by ensuring that employees understand our organization’s mission, values, and strategy, setting realistic performance goals, and providing employees with the resources to meet them. I will also reward and recognize employees and leaders when they do good work, and when all else fails, hold them to account if they perform poorly. I will also lead by example by modelling the behavior I want to see in the organization, taking accountability for my actions and responsibility for my decisions.

c. If confirmed, how will you create a culture of accountability within VBA?

If confirmed, I will create a culture of accountability by ensuring that employees understand our organization's mission, values, and strategy, setting realistic performance goals, and providing employees with the resources to meet them. I will recognize employees and leaders when they do good work, and when all else fails, hold them to account if they perform poorly. I will also lead by example by modelling the behavior I want to see in the organization, taking accountability for my actions and responsibility for my decisions.

d. To what level of accountability should veterans, Congress, and the public expect from the Under Secretary for Benefits when waste, fraud, abuse, or mismanagement occur within VBA?

I believe that I am accountable to the Veterans we serve. If confirmed to be Under Secretary for Benefits, outcomes will drive everything I will do – because Veterans, not VA, are the ultimate judges of our success.

8. Cultural issues within VBA have also led to confusion among the workforce as to how to speak up when someone identifies wrongdoing and whether speaking up will be handled appropriately.

a. What role should the Under Secretary for Benefits play to ensure VBA employees may bring attention to waste, fraud, abuse, and mismanagement and doing so will be taken seriously?

As the senior-most accountable official in the Veterans Benefits Administration, it is incumbent on the Under Secretary for Benefits (USB) to lead by example. The USB is responsible for setting the tone of the organization, fostering a culture where people feel free to report any potential wrongdoing that occurs and set clear expectations.

I believe the USB is responsible for communicating expectations and holding their leadership team accountable for both their actions and inaction. The USB must clearly articulate to the broad leadership team - both in headquarters and field offices - the expectation that all employees are free to and encouraged to report violations of any law, rule, or regulation, gross mismanagement; a gross waste of funds; an abuse of authority, or a substantial and specific danger to public health or safety. The USB must also provide meaningful support to employees and leaders that speak up and celebrate their willingness to improve outcomes for those we serve.

But equally important, the USB must assess and monitor progress, provide feedback, and analyze what works and what doesn't. In cases where leaders fall short of these expectations, the USB must be rigorous in correcting the situation and holding leadership accountable.

VBA employees cannot and will not reach their full potential to serve Veterans if their environment is one in which wrongdoing is a cultural norm and is tolerated. They cannot thrive in a system or workplace where wrongdoing is accepted and one in which their voices are suppressed.

b. If confirmed, what will you do to ensure that whistleblowers will be encouraged to come forward and protected?

If confirmed, I will ensure employees are informed of their rights and the avenues to address any potential wrongdoing and encourage them to speak up. I will strive to develop a culture within VBA in which employees do not feel the need to air their grievances in a clandestine manner that detracts from our ability as an organization to focus on serving Veterans. Instead, I will set out to create an organizational culture within VBA that invites and promotes psychological safety, in which employees at all levels feel free to speak openly about challenges and provide meaningful input to remedy those challenges. Only then will we have a culture in which our employees can reach their full potential and their strong commitment to serving Veterans.

9. In November, you testified on VA's need to improve disability claim processing timeliness by adopting more automation in the process. Please describe your experience with adopting technology or programs to improve performance in an organization.

a. What is important in identifying the program or system requirements?

I believe that identifying program or system requirements is a crucial step in the development of any technology solution. But for a technology to be successful, we must define the problem to be solved, determine the objectives and outcomes of the program or system, and establish criteria for success. We must also figure out how technology fits into the underlying business processes, how it fits into the long-term roadmap for software capability and ensure that we're not buying yesterday's technology. In addition, I believe it is important for technology or program selections to go through appropriate IT governance to ensure that we conduct FITARA reviews, assure that the systems are secure from cybersecurity threat, and identify sustainment needs and responsibilities.

b. How do you navigate product development or selection?

VBA partners with the Office of Information and Technology (OIT), federal partners, and industry to translate business requirements into technology products. Every decision to update and develop a product or system goes through a methodical process involving critical conversations with our partners and employee users. During initial development and throughout the process, we use a human centered design and continuous improvement philosophy with recurring focus groups and employee feedback. Employee input has been instrumental in identifying, implementing, and refining all automation efforts. This employee-driven feedback ensures the system meets the needs of employees and drives the development of training tools, system adjustments and improvements, and decisions for future expansion, including refinements.

c. What challenges have you faced in adopting and integrating new products into your organization?

In my role as Senior Advisor for Benefits, VBA underwent a transformation from a paper-based organization, where floors in Regional Offices were buckling under the weight of all the paper, to a paperless environment. The implementation of the Veterans Benefits Management System (VBMS) was a major transformation for the VBA workforce, which meaningfully changed the way employees processed claims. The adoption of new technology enabled VBA to improve business processes and centrally manage the workload to more efficiently match claims demand with available processing capacity. While this transformation successfully move VBA to a paperless environment, one lesson I took away from that experience was the critical importance of robust internal communications and change management strategies to guide the transition to the new system.

Since coming to VBA this past summer, I have been actively working with VBA leadership to pilot and adopt new automation decision support tools designed to transform business processes to improve employee efficiency, thereby serving Veterans faster and with increased quality. By piloting this technology at eight regional offices and working closely to incorporate feedback from the staff at those ROs to drive continuous improvements to the tool, I believe we can optimize the likelihood of success when the tool is rolled out across the system. But I believe we need even greater and closer collaboration and transparency between VBA's technology, policy, and operations teams, so that we build trust in the tools and, where necessary, update policies to enhance our abilities to provide a better employee experience and faster, accurate, and consistent decisions for Veterans.

d. What is your view of VA's history of in-house systems development vs. reliance on vendors?

Over the past 15 years I have spent working on behalf of Veterans, I have observed a noticeable trend away from in-house development to one much more heavily reliant on external vendors. I believe this shift occurred in part because of the difficulty associated with hiring full time technical employees, but also because of a growing recognition of the value that is provided through other software development models. To deliver the best results for Veterans, employees, and taxpayers, I believe that systems development decisions should be driven by a clear strategy on what we're buying, how it fits into the strategy of the underlying business processes, how it fits into a long-term roadmap for the software capability, and how it fits with where the tech industry is going so we don't end up saddled with yesterday's technology, with the understanding that the work VBA does is very unique and complex

During my time serving as Senior Advisor for Policy Performing the Delegable Duties of the Under Secretary for Benefits, I have developed a strong working relationship with VA's CIO, Kurt DelBene, who is driving more discipline into VA's management of IT systems and infrastructure. If confirmed, I look forward to working closely with him and the OIT team to deliver software solutions that enable VBA's employees to deliver improved outcomes for Veterans while being good stewards of taxpayer resources.

10. VBA is responsible for delivering various types of benefits that impact a veteran's financial well-being, career opportunities, and successful transition from the military to civilian life.

a. What information can we track or measure about veterans to determine whether or not VBA's benefits programs are having the intended impact on these areas of veterans' lives?

The various types of benefits provided by VBA help improve Veterans' financial security, enable Veterans to pursue education that launches them into new and promising careers, and help Veterans to purchase and stay in their homes, all of which contributes to improved health and economic outcomes.

VBA tracks outcomes for its benefits programs through a variety of means. Education Service, for example, is engaged in an outcomes-based research approach for determining the overall success of beneficiaries and the return on investment of the GI Bill. VR&E's Longitudinal Study is following Veterans who applied for and entered a plan of service in FY 2010, 2012, and 2014, for a period of twenty years. Its objective is to determine the long-term post-program outcomes for Chapter 31 Veterans related to specific elements such as employment, income, home ownership, and the use of supplemental programs.

VBA is also collaborating with VHA to assess the impact of benefits on health outcomes. A recent study completed by researchers from Brown University and the Providence VA Medical Center found that disability compensation benefits have a positive impact on Veterans' health. This study found that Vietnam Veterans with eligibility for disability compensation had substantial reductions in hospitalizations, and the longer the Veterans received disability compensation, the greater the decline in hospitalizations was.

In addition to analyzing the large amount of data collected by VBA, I believe the organization must collaborate with other organizations – both inside and outside of VA - to assess trends and patterns that may provide actionable insights into improving outcomes. If confirmed, I look forward to working with you to explore additional opportunities to assess and improve outcomes for Veterans.

b. Are there other unique impacts VBA has on veterans that we should be measuring or further investing in?

I am confident that through continued exploration, we will identify other unique impacts VBA has on Veterans.

Shortly after starting at VBA this past summer, I partnered with the Chief Veterans Experience Officer to kick off the Compensation Service Disability Claims Human-Centered Design research project. This effort will help understand the Veteran journey with VA, the moments in that journey that matter most to them, the pain points or difficulties they experience, and any bright spots or positive aspects of their experience. By understanding the Veteran Experience, we can design and implement changes to how we deliver our services with a focus on what matters most to Veterans and addressing their pain points with VA.

I have also encouraged the VBA team to be active participants in a recent Integrated Product Team (IPT) to coordinate the development of an enterprise-wide solution to sharing social determinants of health and health-related social needs for our Veterans and families across a broad scope of needs.

I believe that these and other efforts will help us to better assess and take action to improve outcomes to Veterans, and if confirmed, I look forward to leading VBA to do more.

11. VA works closely with the Departments of Defense, Labor, Education, and the Small Business Administration to support the successful transition of veterans from the military to civilian life.

a. If confirmed, what interagency relationships would you prioritize to support veterans?

Each year, approximately 200,000 servicemembers transition from the military to civilian life. While there have been improvements in the process, too many transitioning servicemembers and Veterans do not connect with resources that could help them navigate this process, and sometimes that only happens when they are in crisis. If confirmed, I would make it a priority to not only continue to build collaborative relationships with VA's interagency partners that support transition, but also continue to work with the interagency to apply a Human Centered Design approach to understanding and designing solutions around the needs of the servicemembers and families, not what's most convenient for federal agencies.

If confirmed, I will also continue to prioritize my relationship with DOD as the co-chair of the Benefits Executive Committee and a member of the Joint Executive Committee, with DOL on employment and training programs, with the Department of Education on promoting educational outcomes for veterans and preserving the integrity of VA's education benefits, with HUD on VA's loan guaranty program, and with all agencies to promote awareness and increased utilization of VA benefits by their Veteran employees.

b. Which key functions of veteran support are best done by VA and which are best accomplished by other departments of agencies?

I believe that VA was established to be the foremost advocate for Veterans in the federal government, but this is a mission that we do not take on alone. All federal agencies have a role to play in supporting Veterans, their families, caregivers and survivors.

c. If confirmed, how would you collaborate with state and local governments, and with non-government entities to support veteran success after service?

Successful relationships with VA's force multipliers, to include state and local governments, VSOs, and NGOs, are extremely important for our efforts to best serve Veterans. I believe that VBA can partner with these groups to provide training and outreach materials to expand the reach and increase Veteran engagements to ensure more Veterans have access to information and support with accessing earned benefits and understanding the impact key initiatives have on expanded benefit eligibility, such as the PACT Act. Additionally, helping to ensure Veterans understand, and take advantage of, state and local benefits only helps to provide Veterans with added benefits and support throughout their lives. Since joining VBA, I have made it a priority to increase our collaborative partnership with state and county government organizations, as well as with our

VSO and NGO partners, and if confirmed, I will work to increase that collaboration with a focus on increasing access and improving outcomes.

- 12. VBA is tasked with deciding claims for disability benefits to compensate veterans for lost earnings due to service-connected injuries and illnesses. VA also has the ability to set standards regarding the evidence used to adjudicate claims for benefits. Given the known challenges with respect to adjudicating claims related to military toxic exposures, and the new authorities provided in the PACT Act, what innovative approaches or significant changes to policy should be explored to improve the disability claims process from both the veteran perspective and from the perspective of resource allocation?**

I believe that automation decision support tools have the potential to increase claims production, improve the timelines of decisions, and reduce errors, without linearly increasing the number of personnel. To be clear, the goal of these tools is to help employees make decisions more quickly, easily, accurately, and consistently. As we continue to embrace new ways to leverage automation, I believe we will need to concurrently explore potential policy, process, regulatory, and legislative changes to allow for us to maximize the benefits of these tools and ensure we adopt pro-Veteran changes.

Pre-Hearing Questions for Joshua Jacobs, Nominee for Under Secretary for Benefits
Submitted by Chairman Jon Tester
Senate Committee on Veterans' Affairs

1. If confirmed, what will be your top three priorities as Under Secretary for Benefits?

a. Fully and successfully implement the PACT Act

VA has struggled for decades to address the health effects of harmful environmental exposures that occurred during military service. Historically, the process for VA to establish a new disability as a presumptive condition has taken too long and too complex, taking precious time that ill Veterans simply don't have. The passage of the PACT Act allows VA to begin to right these historic injustices and deliver benefits to millions of potentially eligible Veterans and survivors, some of whom have been waiting decades.

VA began delivering benefits to terminally ill Veterans with a PACT Act claim on December 12, 2022, and began processing all PACT Act claims on January 1, 2023. If confirmed, I will remain focused on continuing to successfully and transparently implement the PACT Act so that we can meet the generations of heretofore unmet demand from Veterans and survivors.

b. Deliver timely and accurate claims decisions to Veterans, their families, and survivors or all claims and other critical

In addition to continuing to focus on implementation of the PACT Act, I will also work to provide VBA's talented workforce with the resources and support necessary to continue making timely and accurate decisions on non-PACT claims, as well as all of the other critical VBA programs Veterans rely on – Home Loan Guaranty, Education, Life Insurance, Veteran Readiness and Employment, Pension and Fiduciary. By increasing transparency, improving collaboration, and keeping Veterans at the center of everything we do, I believe that VBA can deliver more benefits to more Veterans more quickly and accurately than ever before.

c. Improve the Veteran experience.

I do not believe that we can fully meet the needs of the Veterans and survivors by improving timeliness and quality alone – important as they are. Behind each claim is an individual Veteran, family member or Survivor, not a number. The way Veterans get treated when they interact with VBA, or how they perceive their interaction, can be the difference between a Veteran who pursues the additional benefits he or she has earned, or a Veteran who loses trust in VA and walks away. That is why, if confirmed, I will make it a priority to improve the Veteran experience throughout the disability claims process, as well as all other VBA business lines.

2. Given your experience at VA, as well as in Congress, what is your relationship with the Veteran Service Organization community, and what is your plan to ensure VBA maintains close and effective relationships with VSOs?

I have had the privilege of working with and learning from the VSO community for the past 15 years. Their advocacy for pro-Veteran policies, outreach to educate and inform the Veteran community, support for Veterans applying for benefits, frank and timely feedback, and

collaborative approach to problem solving help VA better serve Veterans, their families, caregivers, and survivors. When I worked in the Senate, I often reached out to discuss policy ideas or funding issues. Since I joined VBA this summer, I have established a regular cadence of meetings with VSO leaders to ensure we operate with transparency and have an open line of communication to discuss issues of importance to the Veterans and families we serve. I have also invited VSO leaders to attend our Senior Leader Symposia and our PACT Act offsites with a goal of ensuring VBA's leaders benefit from the wisdom, experience, and perspective of our VSO partners. And I always meet with VSO representatives when I visit VBA's Regional Offices to ensure I can hear their on the ground perspective. If confirmed, I will continue each of these efforts and always seek to build on this foundation to better serve Veterans.

3. Women veterans are the fastest growing veterans demographic. Yet, VA data shows only half of women veterans utilize VA benefits. All VBA Regional Offices have a Women Veteran Coordinator who are tasked with outreach to women veterans, but this role is in addition to the staff member's regular VBA duties.

- **How do you plan to improve women veterans' awareness of the VA benefits for which they are entitled and improve utilization among women veterans?**

I am personally committed to ensuring all Veterans receive the care and benefits that they deserve, including all Women Veterans. If confirmed, I will improve women Veterans' awareness of VA benefits by strengthening relationships with internal and external stakeholders, establishing targeted engagements focused on specific challenges to the Women Veteran community, and creating access points to VA services/resources that will increase VA benefit utilization among Women Veterans as well. In addition, if confirmed, I will also:

- Assess the potential benefits of developing a restructured Women Veteran Coordinator role to improve outreach outcomes for women Veterans and provide greater assistance to the field.
- Partner with the Veterans Experience Office (VEO) to leverage their key insights and collaborate with other VA organizations and programs to increase women Veterans' access to VA's benefits and healthcare.
- Hold events with direct correlation to identified risks for Women Veterans such as homelessness, suicide, etc.

- **How will you examine the Women Veteran Coordinator role at VBA and what can be done to bolster dedicated time for outreach to women veterans?**

If confirmed, I will assess the potential benefits of developing a restructured Women Veteran Coordinator role to improve outreach outcomes for women Veterans and provide greater assistance to the field. To inform this assessment, I will review the 2022 VA Advisory Committee on Women Veterans Report, which made the following recommendations:

- Require Women Veteran Coordinators at each Regional Office conduct at least 12 hours of related outreach per fiscal year and complete 4 hours of required training
- Publish a Women Veterans Fact sheet with resources. A draft has been created and is pending review

I will also partner with the Veterans Experience Office and Center for Women Veterans to engage with the broader women Veteran community and determine how to make informed, relevant changes.

4. I am concerned VBA sacrifices quality for timeliness when processing claims. In years prior, for example, Military Sexual Trauma and Blue Water Navy claims had a nearly 50% error rate. What will you do to ensure VBA processes claims in an accurate and timely manner? Specifically, how are you planning to achieve and maintain both speed and accuracy for PACT Act claims?

Veterans deserve timely and accurate claims decisions. Balancing speed and quality can be challenging, but it is not a zero-sum game. If confirmed, I will employ several strategies to help VBA maintain both speed and accuracy. I will continue to implement a robust quality assurance plan to monitor PACT Act claims accuracy with the lessons learned from past initiatives in mind. In addition, I will ensure local offices are conducting in-process reviews and national special focused reviews (SFRs) to quickly identify any error trends and remediate them as necessary.

In addition to taking steps that ensure accuracy, I will continue to focus on efforts to speed up the time it takes to deliver benefits to Veterans. I will continue to hire and train more employees, implement policy and process changes to increase efficiencies, and leverage automated decision support tools to help our expanded workforce handle a large influx of claims with speed and quality, all of which is going to drive an improved, Veteran-centric experience with the PACT Act

5. VA must retain the earliest possible effective date for claims filed, particularly for direct service-connection, before the passage of the PACT Act. What is VA doing to ensure claims are provided the earliest possible effective date, rather than automatically overriding claims with new presumption rules and potentially eliminating years of back pay for veterans?

The assignment of an effective date is an integral part of the decision-making process as it establishes the date from which entitlement to benefits begins. Assignment of effective date for the purposes of payment of benefits is directed in statute at [38 U.S.C. 5110](#) and regulated by [38 CFR 3.400](#). The general rule is that the effective date is assigned based on the date of receipt of claim or the date entitlement arose, whichever is later. However, decision makers are trained to consider more than one theory under which service connection may be established. Before applying the general rule, adjudicators are trained to gather and consider all evidence to determine whether more specific effective date rules apply. In the case of newly recognized presumptive conditions under the PACT Act, VBA has instructed decision makers to consider the possibility of direct service connection first, thereby offering the earliest possible effective date. To do this, VBA has deployed field communications, training modules, instructional procedures, and a robust quality assurance plan to ensure that claims are processed in accordance with the legal requirements established by the law. For example, if a claim from a covered Veteran for service connection for emphysema (new PACT presumptive) was pending at the time of PACT Act enactment on August 10, 2022, VA would consider whether service connection on a direct basis could be granted. If so, this would result in the establishment of an earlier effective date prior to August 10, 2022.

- 6. Stakeholders have raised concerns that VBA IT systems are outdated and insufficient to handle increasing workloads. These issues are being echoed, if not amplified, by the VA workforce reviewing PACT Act claims. If confirmed, how will you ensure VA prioritizes the modernization of VBA IT systems, using resources in the PACT Act and beyond, to make it easier for veterans to file claims and to help VBA employees process claims?**

VBA's technology systems – supporting more than 6.5 million Veterans through nine benefits programs – have evolved over the past two decades in an iterative fashion, with near constant updates related to new legislative requirements and the ever-evolving needs of Veterans, their families, and caregivers. VA has struggled to sustain long-term modernization efforts. The PACT Act provides us the opportunity to step back and assess key modernization needs, set a course to address those needs, and create a technology platform that will help us serve Veterans at a higher level than ever before.

Section 701B of the PACT Act requires VA to submit a Benefits IT Modernization Plan. If confirmed, I will work to implement the strategy and planned initiatives with articulated in this report to reach the primary goals of equipping our workforce with modernized systems and capabilities; as well as enhancing tools and processes enabling automation so VBA can work more efficiently. This will consist of the replacement of outdated systems and capabilities as well as updates to business processes in alignment with PACT Act and other legislation.

- 7. Supporting veterans that have experienced military sexual trauma (MST) remains a critical priority for me. Multiple Office of Inspector General reports have shown VBA has wrongly denied veterans' disability claims for Post-Traumatic Stress Disorder related to MST at unacceptably high rates. Veterans continue to be wrongly denied, and many lack the necessary evidence VA requires to grant service connection. Do I have your commitment to continue to improve how VBA processes these claims and works with veteran advocates to ensure veterans who experience MST get a fair review, even if they cannot produce formal evidence to support an MST claim?**

Yes, Mr. Chairman you have my commitment. If confirmed, I will commit to continuing to improve how VBA processes MST claims and work with Veteran advocates to ensure veterans with MST get a fair review, even if they cannot produce formal evidence to support an MST claims.

- 8. VBA contractors now conduct nearly nine in ten medical disability examinations. There continue to be concerns about poor communication between veterans and contractors, and the quality and timeliness of contract exams. What will you do to improve oversight of the process to schedule these exams and their quality and thoroughness?**

If confirmed, I will ensure that VBA provides rigorous oversight of the contractors' performance as outlined in the contract, while also constantly seeking ways to improve procedures and technology to make the examination process more efficient and Veteran friendly. As the number of C&P exams increases, largely due to the PACT Act and continued outreach, I will also ensure that performance achievement metrics are having their intended effect on timeliness, quality, and Veteran experience.

- 9. The Native American Direct Loan (NADL) program has provided loans to less than 1% of eligible veterans over the past ten years. Will you commit to make changes as necessary to increase the loans provided under this Program? What steps can VBA take to improve outreach on this Program so Native veterans are better informed about this important benefit?**

If confirmed, I will commit to make changes as necessary to increase loan provided under the Native American Direct Loan Program. I will work with the Committee, tribal governments, and others to further expand our outreach efforts to raise awareness about the benefits of the Native American Direct Loan Program. I will also direct VBA's Loan Guaranty Service to conduct follow-up with tribal communities after each outreach event and monitor the impact of those outreach events. Through these direct engagements, I will seek feedback to better assess and respond to issues contributing to the low utilization.

- 10. I have concerns about possible ongoing unethical business practices targeting veterans, such as predatory claim assistance, pension poaching, deceptive and aggressive educational recruiters, etc.**

- **With the passage of the PACT Act, I am interested in understanding what additional safeguards VBA has put into place to protect veterans. How do you plan to educate veterans about these scams and work to prevent these practices?**

Veterans are the targets of many of the same types of fraud as the rest of society, and these fraud attempts can come from the mail, telephone or online. I find this completely unacceptable and if confirmed, would use my position as the Under Secretary of Benefits to do everything I can to prevent these scams and educate Veterans. The PACT Act opened new opportunities for Veterans to be targeted as they seek benefits now available to them. VBA anticipates large retroactive payments to many Veterans eligible under PACT Act, which also increases their vulnerability to becoming victims of fraud. VBA has a specialized counter-fraud and risk management team within the Office of Financial Management, which designs targeted communication campaigns to both warn Veterans about, and help them understand, the fraud schemes and unsavory practices that target them daily. The team designs their awareness campaigns to ensure Veterans walk away knowing how to protect themselves against the various types of threats and where to get help if they have been victimized.

This team also provides fraud protections for Veterans by employing analytical investigative techniques and leveraging cyber and other data to make evidence-based decisions about threats against Veterans. For Veterans receiving benefits related to PACT Act, VBA uses previously confirmed fraud data to feed a predictive analytical model and find suspicious patterns related to bank account changes and payment address changes for Veterans receiving those benefits. VBA also provides one-on-one remediation support to Veterans if their benefit payments are stolen, place additional approval requirements for bank account changes within VA's systems to stop future unauthorized changes, and reports those responsible for perpetrating fraud to the Office of Inspector General's Criminal Investigation Division.

In addition, VBA assembled the Veteran Scam and Fraud Evasion (VSAFE) Integrated Process Team (IPT), which is led by the Veteran Experience Office (VEO), to address a range of unethical business practices that prey upon Veterans. VEO is creating a one-stop comprehensive fraud catalog documenting the different types of fraud that may target specific benefits for Veterans and their families. The fraud catalog will provide tips for Veterans, caregivers, and their families on how to avoid the scams, how to report potential fraud, and what to do if they have experienced fraud.

- **We continue to see fraudulent actors taking advantage of student veterans. How will you ensure VA is prioritizing the protection of student veterans from deceptive actions and aggressive recruiting?**

Veterans and their families deserve the best education America has to offer and I believe it is the Under Secretary for Benefits' role to help deliver on that promise and also protect the integrity of these educational benefits. If confirmed, I would develop policies and procedures focused on protection, compliance, and enforcement regimes; collaborate with the State Approving Agencies for the oversight of program providers approved for GI Bill benefits; perform regular engagement and information sharing with trusted Federal partners from multiple agencies focused on program oversight; and build on VBA's ongoing relationships with VA OIG - Criminal Investigation Division and the Department of Justice on enforcement actions.

- 11. The VBA workforce is under significant strain with the additional workload from recent congressional action such as the PACT Act. What steps do you propose to strengthen the wellness and retention of the VBA workforce as they tackle new and existing claims?**

VBA is a mission-driven organization appropriately focused on improved outcomes for the Veterans we serve, but a relentless focus on increased production and improved quality, frequent changes to processes, and a continued reliance on mandatory overtime have taxed our workforce and must be addressed. Since joining VBA in July, I have focused on ensuring VBA can build and retain the quality workforce it needs to continue delivering earned benefits in a timely and accurate manner. I have also worked to modernize our systems, policies, and processes to meet new and evolving needs. VBA is actively hiring and training more employees, implementing policy and process changes to increase efficiencies, and is in the early stages of leveraging automated decision support tools to help our expanded workforce handle a large influx of claims with speed and quality, all of which is going to drive an improved, Veteran-centric experience with the PACT Act.

In addition to these steps, I believe VBA must also provide supervisors at all levels of the organization with the training and tools to support employees through a whole health mindset, support resiliency, provide regular "check-ins" aimed at employee retention, job satisfaction, and the identification of burnout. Utilizing survey tools like the All Employee Survey, which is performed annually, and whose results are shared with staff at all levels of the organization and used to drive action plans to improve the employee experience, and the newer VA employee Trust and Experience Survey (ESignals), which will be performed quarterly, will also provide actionable insights to strengthen wellness and retention. Finally, I believe that recognizing and rewarding employees for their positive contributions is important for healthy organizational culture.

**Senator Blackburn
Questions for the Record
Joshua Jacobs Nomination Hearing
Senate Veterans' Affairs Committee
February 16, 2023 at 10:00**

(Mr. Joshua Jacobs, Nominee to be Under Secretary for Benefits, U.S. Department of Veterans Affairs)

1. What percentage of VBA employees are still teleworking?

Within weeks, following the onset of the pandemic, VBA seamlessly transitioned to a virtual environment and continued to provide benefits and services to Veterans while ensuring the safety and well-being of both Veterans and employees. The success in continuity of service to Veterans while operating in a mass telework environment stems from VBA's already flexible telework policy and a long-standing commitment to information technology modernization and digitization efforts. With the exception of one employee, all positions at VBA were telework eligible as of Dec 31, 2019. Those positions remain telework eligible and over 95% of VBA employees telework at least one day per pay period.

I am proud to say, due to the efforts of dedicated VBA employees, VBA processed a record number of claims in Fiscal Years 2021 and 2022, and we've already processed more claims so far in Fiscal Year 2023 than we had at the same point last year. In addition to increasing total production, VBA employees also increased productivity in FY 2021 and FY 2022, completing more rating claims per FTE than ever before.

2. Given that disability compensation accounts for a significant amount of VBA claims, can you talk more about VBA's efforts to leverage technology to modernize its disability claims adjudication process? What technology solutions have you explored, such as machine learning or AI?

VBA's Claims Processing Automation is using technology to automate administrative tasks and workflows. This new technology will assist claims processors in making timely, accurate, consistent, and equitable claim decisions for Veterans. All applicable statutes and regulations specific to the adjudication of a claim are broken down into component parts and VBA's rules-based automation system is coded to provide precise parity to the law. Additionally, VBA is using existing information related to Veterans' military service to proactively identify those who have qualifying service related to eligibility to conditions within the PACT Act.

VBA's Office of Business Integration (OBI) currently utilizes machine learning and AI neural-net technology to read, analyze, and act on over 20,000 Veteran or

stakeholder submissions. Since December 2022 the same platform has reviewed over 80,000 Veteran claims for disability and utilized machine learning and the AI neural-net to extract and highlight relevant service and medical data for claims processor review. Incorporation of these technologies allows for a modern digital approach toward faster decisions and outcomes for Veterans.

3. Currently, is the data from Compensation & Pension (C&P) exams standardized enough to support automation of the rating process and review of the C&P results?

We continue to work with our C&P exam providers to standardize the medical data necessary and required that is associated with exams. We are in the early stages of being able to leverage that standardized data to ingest and auto populate the VBMS rating calculators, which will enable our claim adjudicators to make fast, accurate, and consistent claims decisions for veterans.

4. This committee has previously advocated that the VBA expand its use of ACE exams. One significant advantage of the ACE process is that it does not require in-person exams, eliminating the need to schedule veterans for appointments. Given the massive impact of the PACT Act, what is your plan to demand greater ACE exam capabilities from current contractors or bring new contractors onboard focused on ACE exams?

VBA has provided training to claims processors and examination vendors on how to best identify exam scheduling requests (ESR) that are potentially able to be completed through the Acceptable Clinical Evidence (ACE) process. Vendors have been instructed to review every ESR, for possible completion through ACE or Tele-Compensation & Pension (TeleC&P) examination processes. The clinician determines whether the ACE process is a viable modality for the examination. All vendors, including the VBA's newest vendor, continue to screen the examination request during the triage process to determine if the ACE modality is applicable. Prior to March 2020, completion of VBA contract C&P examinations through ACE and TeleC&P was less than 5%. As of February 2023, about 20% of all contract C&P exams are completed through ACE and TeleC&P. That being said, I am constantly searching for ways to expand examination capacity and if confirmed, stand ready to work with stakeholders to increase the number of examination types that can be completed through the ACE process.

5. What commercial technology solutions have you explored using that may help clear the backlog?

VBA's Office of Automated Benefits Delivery continues to partner and leverage industry available technology. Currently, we are incorporating machine learning and AI neural-net technology provided by IBM and take advantage of the Watson Annotator for Clinical documents. This platform uses HyperScience technology and

UiPath software to assist in automated claims development activity. We also contract with vendors to digitally scan all paper-based military personnel files, which will help VA process claims more quickly. We are in the process of additional acquisitions that will introduce other new and emerging technologies to further evolve our automation efforts.

6. Does the VA anticipate political pressure from federal workers' unions that might view automation as a threat to their employment?

I have heard both concerns and excitement about automation from union members and leadership, but do not anticipate automation being viewed as a threat to employment. VBA's automated decision support (ADS) capabilities are not end-to-end automation. These new tools are assisting claims processors by focusing on the administrative activities leading up the claim decision. By automating these administrative duties, this technology allows claims processors' time for more complex and analytical duties. Claims processors maintain full adjudicative discretion in making claim decisions and have been providing important feedback throughout the development process using a human centered design and continuous improvement philosophy.

Sen. Brown
Questions for the Record
Senate Veterans' Affairs Committee
Hearing to Consider a Pending Nomination of Joshua D. Jacobs, Nominee to be Under Secretary for
Benefits of the Department of Veterans Affairs

Questions for Joshua D. Jacobs, Nominee to be Under Secretary for Benefits of the Department of Veterans Affairs

1. Since 2010, we've cut veteran homelessness by more than half through dedicated housing investments - like HUD-VASH vouchers - and evidence-based practices. But we still have more work to do to make sure we end homelessness among our nation's veterans. Secretary McDonough, as you know, is the currently Chair of the US Interagency Council on Homelessness, or USICH. One of the strategies laid out in USICH's new Federal Strategic Plan to End Homelessness is to help prevent homelessness for our veterans as they transition from military to civilian life.

Can you talk to me about VA's plans to work with DOD and other agencies to make sure our transitioning service members are connected to the housing and services they need to avoid homelessness and housing instability?

A successful transition requires Service members to understand their future health, finance, housing, employment, and education needs as early as possible. Accordingly, the VA will continue to work with its interagency partners to implement the Transition Assistance Program (TAP) curriculum, which Service members must take two years before retiring or one year before separation. Regarding housing stability, the VA TAP curriculum includes a module called *Finding a Place to Live* that discusses facility locator tools, VBA Home Loan Guaranty, housing grants, homeless programs and state programs and local benefits. Moreover, transitioning Service members assessed as not having a viable post-transition housing plan and self-identifying at risk for homelessness are provided with a "warm handover" to VA, for further assessment and assistance. Referrals are made based on the expected geographic location of the Service member following their transition.

The VBA Solid Start program also contacts all recently separated Veterans by phone at three key stages during the first year after release from active duty, helping them connect with available benefits and services to address any transition related challenges they may be experiencing. VBA Solid Start representatives have received specialized training and have procedures in place to identify at-risk Veterans and to complete a warm handover to connect the Veteran with resources to assist with housing support.

- 2. The VA Home Loan program recently ended its partial claim option, which was helping borrowers get current on their mortgages after forbearance. There are still thousands of servicemembers and veterans in forbearance. With interest rates rising, how can you help bring down their costs so they can stay in their homes?**

VBA is exploring solutions to the higher interest rate environment for Veterans still in default, including the potential use of this authority to create a streamlined loss-mitigation option that may be used when existing home retention options are not feasible. We've recognized the need and urgency and as such have plans that will allow us to address this important issue. Once finalized and ready to announce, we will ensure we are providing notice to congressional and VSO partners.

This new home retention option would provide mortgage assistance to the most severely affected Veteran borrowers. Similar to VBA's existing loan refunds, VBA would acquire certain VA-guaranteed loans from the mortgage industry that cannot be brought current with the existing suite of VA home retention options. This holistic approach would take the borrower's current income into consideration and allow VBA to offer more favorable interest rates and loan terms specific to the Veteran's financial circumstance.

- 3. Since passing the Post-9/11 GI Bill, we've seen far too many veterans and military families targeted by predatory for-profit institutions that misrepresent themselves and often saddle student veterans with mountains of debt and sometimes meaningless degrees. Do you plan to exercise additional oversight to root out misrepresentation at predatory for-profit institutions that target student veterans?**

Through their service to our country in uniform, Veterans earned their VA education benefits and I believe we must do everything we can to protect the integrity of their education benefits. If confirmed, I will execute a robust strategy designed to detect and remediate non-compliance with statutory requirements for program approval for GI Bill benefits. This will include reviewing complaints submitted by beneficiaries, posting caution flags on the GI Bill Comparison Tool for institutions with approved programs, performing regularly scheduled and ad hoc reviews of educational institutions, reviewing advertising and recruiting activities, as well as program quality, to ensure that institutions deliver on their promises to GI Bill beneficiaries. When an institution is found to be non-compliant, VBA, in partnership with the State Approving Agencies, will take appropriate administrative action such as program suspension, withdrawal of approval, the creation of school debts and/or findings of school liability for student debts. These actions are taken to protect beneficiaries and the integrity of the GI Bill programs. In addition, if confirmed, I will ensure that VBA staff regularly engage with trusted federal partners in Department of Veterans Affairs Office of Inspector General and from other Federal

agencies such as the Departments of Defense, Education, and Justice as part of VBAs oversight and enforcement activities.

- 4. The Cleveland VBA Regional Office includes over 100 Legal Administrative Specialists (LAS) who answer questions for veterans and veterans' families about their benefits. I wrote to the previous administration about these employees, and the pressure that they were under because of an arbitrary limit called "Talk Time." Many LASs deal with technical issues and VBA should not disincentivize employees presenting information to veterans and their families because LASs have a specific metric to meet. I am concerned that this standard is still in place, especially with PACT Act implementation and the additional questions veterans have regarding expanded benefits.**

If confirmed, will you work with us regarding "Talk Time," so that LASs are not disincentivized from providing veterans and their families all relevant information regarding the PACT Act?

I have heard the same concern from employees during my visits to Regional Offices across the country, including when I listened into a call from a Veteran at the Philadelphia Regional Office. If confirmed, I would be happy to work with you to explore how we can continue to deliver timely responses to Veterans while also ensuring that VA staff are not disincentivized to provide excellent customer service.

- 5. What training has the Veterans Benefits Administration provided for employees regarding PACT Act benefits? Has the training been in-person or only virtual?**

VBA provided PACT Act training via ten computer modules, which are individual modules that correlate with each section of the PACT Act Standard Operating Procedure. VBA also provided two virtual live sessions to claims processors to supplement the assigned self-paced training items through a train-the-trainer method. These sessions provided a virtual live overview and answered questions related to the self-paced training items (ex. PACT Act SOP). The first virtual live session for local regional office trainers focused on significant changes impacting claims processing. The second virtual live training session was conducted by the local regional office trainers who cascaded the training to local claims processors. The trainers who conducted the local training were available and accessible to the claims processors to answer questions. In addition, the PACT Act Inquiry Tool is available for regional offices to submit PACT-related questions that are then answered by subject matter experts within VBA. As updates are made to the PACT Act guidance, VBA continues to provide training to claims processors. For example, virtual live training sessions were recently provided to local regional office trainers on February 14th and 15th, covering the new TERA tool, mock claim demonstration, and how to request an examination, as well as SOP updates, quality trends, answers to Frequently Asked Questions from the PACT Act Inquiry Tool, and an open Questions and Answers portion.

Sen. Cramer
Questions for the Record
Senate Veterans' Affairs Committee
Nomination of Joshua D. Jacobs to be Under Secretary for Benefits, Department of Veterans Affairs
February 16, 2023

Questions for Joshua D. Jacob, Nominee for Under Secretary for Benefits

1. **Mr. Jacobs, on February 25, 2022, the Department of Veterans Affairs issued a proposed rule entitled "Schedule for Rating Disabilities: Ear, Nose, Throat, and Audiology Disabilities; Respiratory System; Special Provisions Regarding Evaluation of Respiratory Conditions." As part of the rule, VA proposes substantial changes to audiology and hearing loss disabilities, specifically involving the compensation of Tinnitus under diagnostic code 6260. Please explain the department's medical rationale and intent behind this proposal.**

One of the Veterans Benefits Administration's (VBA) main goals with the most recent regulatory updates to the Veterans Affairs Schedule for Rating Disabilities (VASRD) has been to align the evaluative criteria with current medical science and practice. The proposed change to evaluate tinnitus as a symptom of a primary condition, instead of as a standalone disability, adheres to this goal. Numerous researchers and medical professionals affirm that tinnitus is a symptom of an underlying condition rather than a standalone disease. This includes organizations that specialize in auditory research and advocacy such as American Tinnitus Association, Cleveland Clinic, and the National Institution of Deafness and Other Communication Disorders (NIDCD).

2. **Additionally, if confirmed, describe how your department will act to ensure all impacted Veterans are able to continuing accessing care through the Veterans Health Administration (VHA) for the conditions outlined in the proposed rule.**

Although VBA is proposing to remove the diagnostic code for tinnitus and evaluate it as a symptom of a primary condition, Veterans can still receive service-connection for tinnitus, which means they would still be entitled to access care through the Veterans Health Administration (VHA). Therefore, there would be no interruption in access to healthcare services. The same is true for the other conditions that VBA has proposed to revise or add, and these proposed changes would have no impact on VHA healthcare access for Veterans who are already service connected.

3. **On August 10th, 2022, the *Sergeant First Class (SFC) Heath Robinson Honoring Our Promise to Address Comprehensive Toxics (PACT) Act of 2022* was signed into law. The PACT Act represents one of the largest expansions of veteran's benefits for those impacted by military toxic exposure. In order to successfully deliver these benefits to impacted veterans, the VA now plays a major role in the law's implementation. If confirmed, describe your plan for ensuring efficient implementation of the PACT Act while minimizing any delays for other benefits delivered through the department.**

VA has struggled for decades to address the health effects of harmful environmental exposures that occurred during military service. Historically, the process for VA to establish a new disability as a presumptive condition has been too long and too complex, taking precious time that ill Veterans simply don't have. The passage of the PACT Act allows VA to begin to right these historic injustices and deliver benefits to millions of potentially eligible Veterans and survivors, some of whom have been waiting decades.

Congress appropriated \$500 million to the Department of Veterans Affairs (VA), to start implementation activities upon enactment. VA will use this funding to hire additional employees and improve Information Technology capabilities, to process Veterans claims and provide for health care for Veterans to minimize delays in delivering benefits and services.

The Veterans Benefits Administration (VBA) is focused on delivering more benefits to more Veterans and Survivors in a timely manner to improve outcomes, build trust, and increase transparency on benefits delivered. Last fiscal year, VBA set a record for the highest claims production year ever with more than 1.7 million claims completed. As of February 21, 2023, VBA already has completed 693,618 claims, both PACT and non-PACT claims, which is 10.4% more claims than last year at this time.

While VA will continue to prioritize the processing of PACT Act claims for Veterans with cancer, other VA priorities such as Veterans who are terminally ill, Veterans experiencing homelessness, Veterans older than 85 years old, Veterans experiencing financial hardship and Medal of Honor and Purple Heart recipients, will apply, whether the claim falls under the PACT Act or not.

VBA has resources dedicated to delivering other benefits through its Loan Guaranty, Education, Insurance, and Veteran Readiness and Employment Services, apart from disability claims processing. As VBA completes more disability claims, more Veterans will be entitled to these benefits. VBA will continue to monitor staffing and timeliness of delivering these benefits and adjust as needed.

Sen. King
Questions for the Record
Senate Veterans' Affairs Committee
Nomination of Josh Jacobs to be USB of VA
February 16, 2023

Questions for Mr. Josh Jacobs

1. **Hiring and Retention Efforts (Locality Pay):** Maine has two separate locality pay areas: one for northern Maine with a lower scale, and one for southern Maine connected with other New England states. Kennebec County where Togus and the VBA Regional Office are located is counted as the northern part and therefore they are paid less and lose employees and potential hires to other regions.

Can you help advocate to get Kennebec County the higher locality pay with OPM/BLS?

Yes. I support a living wage for all General Schedule employees, especially those in high cost of living locations. I will continue to advocate for dialogue around these issues through the Federal Salary Council and work with OPM and Congress to address pay equity government wide.

2. **PACT Act Implementation (Outreach):** There are actually 3,138 PACT Act claims in process for Maine (1K claims confirmed). That's about 33% of what VBA projects could be filed by Maine veterans.

How are you ensuring that veterans, particularly rural and Native American veterans, learn about their benefits through the PACT Act?

Reaching Veterans who have never engaged with VA and/or may not be aware of the PACT Act has been a key focus over the past year and will remain so moving forward. As VA continues to increase and improve our outreach to increase access to benefits, I am mindful that doing so in rural areas poses unique challenges. To help reach rural and Native American Vets, VBA can work with its Native American Outreach Coordinator, VA's Office of Tribal Government Relations, Office of Rural Health and Alaska Native tribes and organizations to provide tailored outreach and claims support. In areas that may not have access to the internet or other communication channels, VBA can attempt to connect via phone calls, in-person visits, and/or through local advocates or support organizations. In many instances, a multifaceted approach is required, which involves partnerships with local organizations, multiple communication channels, culturally appropriate messaging, one-on-one assistance, and clear concise information. I recognize

the importance of engaging with Native American Veterans in ultra-rural areas in a way that is respectful of their traditions and culture, while also providing them with the information and resources they need to access new benefits.

Sen. Moran
Questions for the Record
Senate Veterans' Affairs Committee
Nomination of Joshua D. Jacobs to be Under Secretary for Benefits
February 16, 2023

Questions for Joshua D. Jacobs

- 1. After managing VBA in your acting position for the past 9 months, and in your senior adviser roles over the years at VA, what is your biggest concern about creating change within VBA's culture, for the better, and what do you see as the biggest hurdle VBA is currently facing to completely and successfully serve its customers?**

VBA is a mission-driven organization appropriately focused on improved outcomes for the Veterans we serve, but a relentless focus on increasing production and improving quality, frequent changes to processes, and a continued reliance on mandatory overtime have taxed our workforce and must be addressed. While we appropriately focus on delivering more benefits to more Veterans more quickly and accurately than ever before, I believe we must never lose sight of the fact that behind each of these claims is an individual Veteran, family member or Survivor - not a number. VBA is the first VA touchpoint for many Veterans, and we need to make sure we get it right from a customer experience perspective. The way Veterans get treated when they interact with VA, or how they perceive their interaction, can be the difference between a Veteran who pursues the additional benefits he or she has earned, or a Veteran who loses trust in VA and walks away. That is why, if confirmed, I will make it a priority to improve the Veteran experience throughout the disability claims process, as well as all other VBA business lines. Additionally, I will continue to focus on building and retaining the quality workforce it needs to continue delivering earned benefits in a timely and accurate manner. I will also work on modernizing our systems policies, and processes to meet new and evolving needs.

- 2. During your nomination hearing, you discussed VBA's work on the Digital GI Bill (DGIB). If confirmed, how will you utilize the success of DGIB, in areas that include strong governance, incorporation of robust Human Centered Design (HCD), communications, training etc. and apply it to other VA programs?**

In addition to modeling the strong DGIB partnership between VA's Office of Information and Technology (OIT), Veterans Benefits Administration (VBA), and our vendor, there are numerous take-aways that will be incorporated into other VBA programs to ensure

their success as well. Some DGIB specific achievements that can be applied to other VBA programs include:

- Weekly DGIB Executive Steering Committee meetings with leadership have been a particularly effective way to elevate risks, make joint key decisions, and continue close oversight of claims automation improvements, communications, training, and development efforts.
- DGIB continues to be driven by Human-Centered Design (HCD), putting end-users and stakeholders at the center of the GI Bill user experience. User feedback directly informs our system designs, and end-users are involved along the development journey through usability testing, end-to-end user acceptance testing, and system validation. VBA's HCD approach – with an emphasis on Veterans, Service members, dependents, School Certifying Officials (SCOs), VBA employees, and Veteran Service Organizations (VSOs) - addresses pain points and identifies opportunities during design concepting and sketching sessions to improve the overall GI Bill customer experience. Frankly, VBA is investing in HCD to a degree that we weren't before. We are listening better, hearing stakeholders needs, and this has led to tangible changes, ultimately driving positive outcomes for Veterans. We iteratively conduct user research and usability testing on prototypes with Veterans, school officials, and VBA employees. For example, we conducted user research on the current Post-9/11 GI Bill application, developed prototypes to test with Veterans, and incorporated their feedback into requirements for development. In August 2022, VBA made applying for the Post-9/11 GI Bill easier than ever using that feedback. Veterans and Service members submitting original claims can now receive an automated eligibility decision. Instead of waiting 30 days, they can know whether they qualify for benefits in the same day. With a digital decision letter, they can get on with planning their education and their future.
- We will also continue to increase transparency and open channels for stakeholders to connect with VBA. VBA takes an omnichannel approach to sharing information, using emails, newsletters, videos, social media platforms, in-person events, virtual workshops, webpage updates, and more. Our success metrics tell us these channels are working for DGIB. For example, in Fiscal Year (FY) 2022, our average email open rate was 61% (4x the government industry average), and we saw an 8% increase in Education Service webpage visits compared to FY 2021. VBA's communications approach, along with providing hands-on training modules and Office Hours opportunities, helps prepare stakeholders for DGIB modernization updates impacting them.
- VBA's DGIB modernization effort is uniquely set up for success, through the foundation of strong governance, HCD, robust communications, and training, which sets DGIB apart from prior efforts. These underlying principles are crucial as we

continue to listen and learn from stakeholder feedback to improve the GI Bill experience for our Veterans, Service members, their families, and schools.

- 3. In regards to PACT Act implementation and data, when will VBA be able to connect PACT Act claims to geographic locations, or to a state? If confirmed, will you work with VBA and with us to continue providing us this data going forward?**

VA is aiming to begin reporting the state data for PACT Act claims received by April 2023 through a public facing website. If confirmed, I will continue to make sure relevant data on implementation of PACT Act is made available in a timely manner.

- 4. We briefly discussed this during your nomination hearing and during our meeting regarding how VBA, as an organization, is very siloed, and organizations within VBA often do not talk to one another. This often causes incorrect and confusing information being provided to veterans depending on who they are speaking to; decentralization and inconsistencies across each of the Regional Offices, negatively impacting veteran claimants; and, finally, VAOIG reports illustrating how all these silos and poor communication across VBA results in negative impacts.**

- **Do you share this same concern within VBA? If confirmed, how will you navigate these issues to improve how VBA operates?**

I do share your concern about the siloes that continue to exist in VBA. I believe the organization's ability to continue to improve as an organization and deliver optimal outcomes for Veterans and survivors is dependent on better jointness. Since arriving at VBA in July, I have emphasized three key principles that I believe are key to improving the Veteran experience and optimizing the way VBA operates as an integrated enterprise: increasing transparency, improving collaboration, and putting Veterans at the center of everything we do. If confirmed, I will continue to focus on these three areas. I will also work on improving internal communications to help break down siloes and reduce policy confusion, and encourage cross-functional collaboration. In addition, if confirmed, I will pursue an organizational assessment of VBA with the goal of ensuring that the organization's form and function are optimized to deliver maximum benefit to the Veterans, families, and survivors we serve.

- 5. During your confirmation hearing, you discussed future collaboration with the Veterans Experience Office and ongoing partnerships to enhance the veteran experience. If confirmed, how will you work with your other VA partners across the enterprise and expand VBA's collaboration with the Veterans Experience Office to**

provide a more comprehensive approach to the customer experience at the Department?

Shortly after I joined VBA as Senior Advisor for Policy Performing the Delegable Duties of the Under Secretary for Benefits, VBA signed a charter with VEO to resume human-centered design work with Compensation Service to conduct HCD research, identify the moments that matter most to Veterans throughout this process, institute CX measurement and design around the pain points/opportunities that are identified through research, and use those tangible insights to improve the Veteran experience through the disability claims process. I believe we will be able to use these insights to identify new opportunities to further collaborate with other parts of VA to drive more jointness and better serve Veterans.

The Chief Veterans Experience Officer and I enjoy a close working relationship. In addition to meetings during the workday, we frequently connect in the evenings or on the weekend and are constantly seeking new and more impactful ways to improve the customer experience at VA. If confirmed, I look forward to helping provide a more comprehensive approach to the customer experience at VA.

6. IT modernization is going to be vital to improving current benefits systems but also implementing PACT Act requirements. Over the years, Congress has authorized appropriations for specific outdated IT systems within VBA, but time and time again we have seen that money redirected to other “priorities” either within VBA or VHA.

- **If confirmed, how will you work with OIT to ensure outdated systems are being prioritized and that when Congress authorizes money for certain IT systems that those monies aren’t being moved elsewhere?**

If confirmed, I will continue to partner with VA’s CIO, Kurt DelBene, to ensure VBA’s IT funding is used as intended by Congress by regularly evaluating proposed reprioritizations and ensuring that we have sufficiently defined the problem to be solved, determined the objectives and outcomes of the program or system, and established criteria for success.

- **If confirmed, how will you look at more innovative and off-the-shelf solutions as well as work with outside vendors who have technology already developed to better automate claims and do more telehealth disability exams?**

To deliver the best results for Veterans, employees, and taxpayers, I believe that systems development decisions should be driven by a clear strategy on what we're buying, how it fits into the strategy of the underlying business processes, how it fits into a long-term roadmap for the software capability, and how it fits with where the tech industry is going so we don't end up saddled with yesterday's technology, with the understanding that the work VBA does is very unique and complex

During my time serving as Senior Advisor for Policy Performing the Delegable Duties of the Under Secretary for Benefits, I have developed a strong working relationship with VA's CIO, Kurt DelBene, who is driving more discipline into VA's management of IT systems and infrastructure. If confirmed, I look forward to working closely with him and the OIT team to deliver software solutions that enable VBA's employees to deliver improved outcomes for Veterans while being good stewards of taxpayer resources.

VBA's newest office, the Office of Automated Benefits Delivery (ABD), was established to develop and implement innovative technology solutions across VBA, which includes working with industry. ABD is leading a comprehensive business modernization effort of the claims process designed to leverage technology by automating administrative tasks and workflows. ABD will continue to leverage industry enhancements of automation platforms. By utilizing these platforms in our automated solutioning, we are providing claims more quickly, accurately, and consistently for Veterans and their families.

Contract disability exam vendors are continuously innovating and developing ways to complete additional examinations, including via telehealth, to improve access to examinations for all Veterans. During COVID, VBA updated policies and increased the types of examinations that best lend themselves to telehealth/tele-C&P. Additionally, the use of booth-less audio technology is being ramped up by all vendors to offer audio examinations where an audio booth is not readily available.

Sen. Sinema
Questions for the Record
Senate Veterans' Affairs Committee
Nomination of Joshua Jacobs to be Under Secretary of Veterans Affairs for Benefits
February 16, 2023

Questions for Mr. Joshua Jacobs

- 1. We need to give veterans the tools they need to succeed in a modern economy, focusing on employment and underemployment, fighting extreme poverty and homelessness. I am heartened to hear that the VA beat it's 2022 goal of assisting unshoused veterans. I'm particularly excited about additional HUD-VASH vouchers coming to Fort Whipple, Arizona. How can we further prove the concept of "housing first?"**

During 2022, the VA permanently housed 40,401 homeless Veterans, providing them with the safe, stable homes that they deserve. This exceeded the department's goal to house 38,000 Veterans in 2022 by 6.3%. This success is a result of VA efforts to reach out to every Veteran experiencing homelessness, understand their unique needs, and address them. These efforts are grounded in the housing first approach, which prioritizes getting a Veteran into housing, then provides the Veteran with the wraparound support they need to stay housed — including health care, job training, legal and education assistance and more.

I believe that the Housing First concept has yielded demonstrable results for ending homelessness in a cost-effective manner that positively impacts quality of life and community functioning. To further prove its efficacy, I believe VA must continue to collaboratively work with its interagency partners and state, local, and community partners to implement the housing first model with fidelity to demonstrate positive results.

To help with the broader effort, VBA funds Homeless Veterans Outreach Coordinators (HVOCs) at 20 regional offices who are dedicated to providing access to VBA benefits information and services through outreach efforts to homeless Veterans and Veterans at risk of being homeless. In addition, VBA has Homeless Veterans Claims Coordinators (HVCCs) in the remaining 36 regional offices. These coordinators develop and process claims for the purposes of specially labeling, controlling, and expediting the processing of homeless and imminent risk of homelessness Veterans' claims and reporting on prioritization of homeless claims activities. Both HVOCs and HVCCs coordinate with the Veterans Health Administration case managers and representatives to refer homeless or at-risk Veterans to VA programs that directly address Veteran homelessness and housing issues.

- 2. As we make progress, what can we do to reverse the perception that veterans are left in the cold?**

As Secretary McDonough has said, Veteran homelessness is our nation's single greatest failure in fulfilling our nation's sacred obligation to care for Veterans. While Veteran homelessness has decreased by 50% since 2010, there is still far too many Veterans experiencing homelessness. I

believe that the President's support for increased funding to fight Veteran homelessness, and the strong, collaborative partnership across the interagency and with state, local, and community partners will help deliver positive results.

VBA collaborates with the Department of Defense, the Department of Labor, the Veterans Health Administration, and other federal agencies and National Veterans Advocacy Groups, to assist with identifying and providing resources available for homeless Veterans. This collaboration effort with federal and state agencies, community nonprofits, and others ensures Veterans are connected with services they need to attain, and remain in, permanent stable housing. VBA has Homeless Veterans Outreach programs at all 56 regional offices which are dedicated to providing access to VA benefits and services information through outreach efforts to homeless Veterans and Veterans at risk of being homeless. Also, Veterans can self-identify their homeless or at risk of homeless status, when submitting an Application for Disability Compensation and Related Compensation Benefits. This ensures VBA can take immediate action to expedite the claim.

- 3. You helped establish a new Evidence Based Policy Council at the VA. What is the mechanism for receiving and sharing data from this council? How is this information built into the policy making process?**

The EBPC was established to ensure that enterprise policy decisions are consistent with the Secretary's strategic goals and are developed as intended to improve the lives of Veterans, their families, caregivers, and survivors. The EBPC is the main forum for enterprise-wide coordination, collaborative analysis and policy development. The EBPC validates that proposed decision briefs meet evidence-based thresholds and advances recommendations to the VA Operations Board and VA Executive Board, as appropriate, for consideration. To help better integrate information and data into the policymaking process, the EBPC also charters integrated project teams (IPT) or subordinate councils (SC) to address policy areas that are not managed within an existing program office. These bodies consist of subject matter experts and senior officials who analyze and share data that is then presented to the various levels of VA governance for consideration when discussing policy issues.

- 4. As we discover programs that no longer serve our veterans, how can Congress provide the agility to pivot away from those efforts?**

I believe it is imperative for VA to make evidence-based decisions guided by the best available science and data. Should VA conduct a systemic analysis of a program, policy, organization, or component of these and determine they lack effectiveness or efficiency, I believe it would be appropriate for VA and Congress to engage in a transparent, collaborative dialogue assessing the root causes and jointly explore solutions that would be able the department to increase access and improve outcomes for Veterans.

- 5. In 2016, Congress passed Veterans' Health Care and Benefits Improvement Act of 2016, which granted license portability to contracted providers to address the claims backlog crisis. In 2020, Congress expanded license portability to PAs, NPs, audiologists, and psychologists. There is**

evidence that this expanded access to disability exams in rural areas by as much as 50%. This authority expires, however, at the end of 2023. Do you support reauthorizing license portability?

The license portability authority has been extremely helpful in completing Veteran disability exams. Vendors continuously utilize this provision to augment their provider networks across the country. It offers great flexibility in reducing Veteran travel and providing timely examinations to rural and underserved communities where medical specialty providers are lacking. As the total number of C&P increases as a result of the PACT Act, I believe it is imperative that VA do everything it can to expand access to disability exams, particularly in rural and underserved areas, and I believe that sustaining this license portability for C&P examiners will be an important tool to help us to meet this growing need.

- 6. American Indians and Alaska Natives serve in the military at proportional rates higher than any other group, but they often have trouble accessing care because VA facilities are far away or backlogged.**

American Indian and Alaska Native Veterans serve in the military at one of the highest rates of all racial and ethnic groups and yet they disproportionately suffer the medical and psychological consequences of military service. In addition, their significant health care disparities are aggravated by barriers related to access to care, coordination, and care navigation. Their health care often traverses multiple systems that include the Veterans Health Administration (VHA), the Indian Health Service, and Tribal Health care systems. My sister is a physician based in Fairbanks, AK, that provides care to Alaska Natives, many of whom are Veterans, and I often hear of the challenges they face when we speak.

Reaching Veterans who have never engaged with VA and/or may not be aware of the PACT Act has been a key focus over the past year and will remain so moving forward. As VA continues to increase and improve our outreach to increase access to benefits, I am mindful that reaching AI/AN Veterans poses unique challenges. To help reach these Veterans, VBA can work with its Native American Outreach Coordinators, VA's Office of Tribal Government Relations, VA's Office of Rural Health and tribes and organizations to provide tailored outreach and claims support. In areas that may not have access to the internet or other communication channels, VBA can attempt to connect via phone calls, in-person visits, and/or through local advocates or support organizations. In many instances, a multifaceted approach is required, which involves partnerships with local organizations, multiple communication channels, culturally appropriate messaging, one-on-one assistance, and clear concise information. I recognize the importance of engaging with AI/AN Veterans in ultra-rural areas in a way that is respectful of their traditions and culture, while also providing them with the information and resources they need to access new benefits.

7. What will you do to bring VBA services and benefits to tribal reservations?

VBA continually conducts Outreach Symposiums as well as other outreach events, such as claims clinics and townhalls, throughout the year that directly target populations that might not otherwise be able to access needed information. These include rural Veterans, women Veterans, LGBTQ+ Veterans, tribal and Native American Veterans and many others. In Fiscal Year (FY) 2023, VBA's Outreach, Transition and Economic Development (OTED) and Office of Tribal Government Relations (OTGR), with the support of regional offices, will host claim clinics in Native American communities. Additionally, in August 2023, VBA will conduct a three-hour virtual Native American Symposium featuring the PACT Act. The virtual symposium will provide attendees with an overview of the law, the specific benefits and services that are now available, and will provide guidance and information on how Veterans and other eligible survivors can apply for benefits.

VBA expanded its outreach efforts in FY 2022, participating in more than 38 virtual and in-person events and providing tailored outreach letters to all Federally recognized Tribes and Tribal entities twice per year. For FY 2023 to date, VBA has completed nearly a dozen outreach events.

VBA Loan Guaranty Service will continue to ensure Native American Veterans have access to their earned home loan benefits, either through the VA-guaranteed home loan program or the Native American Direct Loan (NADL) Program. In the Fall of 2021, the Loan Guaranty Service centralized a team to focus 100 percent on the Native American Direct Loan (NADL) program.

VBA Loan Guaranty Service is conducting follow-ups with the tribal communities after each outreach event and monitoring the impact of those outreach events. In addition, VBA has automated the NADL outreach letter, so it is sent out twice a year by email and mail. In FY 2023, VBA Loan Guaranty Service entered into one new memorandum of understanding (MOU), bringing the total MOUs for the NADL program to 111.

Although VBA Loan Guaranty Service is encouraged by positive trends, there is still work to be done and, if confirmed, I will work to find opportunities to expand utilization of the NADL program.

Sen. Sullivan
Questions for the Record
Senate Veterans' Affairs Committee
Hearing to Consider a Pending Nomination
Thursday, February 16, 2023

Questions for Joshua Jacobs, Nominee to be Under Secretary for Benefits of the Department of Veterans Affairs

1. Should you be confirmed, your new role will be overseeing benefits of an already stretched VA. Veterans are already experiencing long wait times and access issues. Now that PACT Act has passed, I'm concerned that these will become significantly worse. I'd like to address two specific access issues with you.

First, our most rural veterans, who are generally Alaska Native and who serve at higher rates than non-native people, are less aware of the benefits that they have access too. PACT has expanded benefits for many individuals, but certainly the Vietnam era vets, many of whom I am talking about. However, many of these veterans have never signed up for benefits and are likely not aware of the new benefits under PACT.

And second, our Alaskan VSOs are overwhelmed. Their average wait time to meet with a vet to filing a claim is 6-8 weeks. For an initial meeting. It then takes time to request paperwork and submit applications. This creates a backlog on the front end when veterans are already facing a backlog on the back end. This delay in benefits is significant for many veterans.

- **What can you do to ensure that you are reaching ultra-rural Alaska Native vets that have new access to benefits and likely do not know about them?**

Reaching Veterans who have never engaged with VA and/or may not be aware of the PACT Act has been a key focus over the past year and will remain so moving forward. As VA continues to increase and improve our outreach to increase access to benefits, I am mindful that doing so in Alaska poses unique challenges. I have had multiple conversations with my sister, who is a Fairbanks-based physician that provides healthcare to Alaska Natives, about the unique environmental, sociodemographic and infrastructural challenges compared to the continental United States. To help reach ultra-rural Alaska Native Vets, VBA can work with its Native American Outreach Coordinator, VA's Office of Tribal Government Relations, Office of Rural Health and Alaska Native tribes and organizations to provide tailored outreach and claims support. In areas that may not have access to the internet or other communication channels, VBA can attempt to connect via phone calls, in-person visits, and/or through local advocates or support organizations. In many instances, a multifaceted approach is required, which involves partnerships with local organizations, multiple communication channels, culturally appropriate messaging, one-on-one assistance, and clear concise information. I recognize the importance of engaging with Alaska Native Veterans in ultra-rural areas in a way that is respectful of

their traditions and culture, while also providing them with the information and resources they need to access new benefits.

In addition, the Anchorage Regional Office collaborates closely with the Veterans Health Administration and the Alaska State Department of Veterans Affairs, to conduct outreach throughout the state during the fiscal year (FY). VBA will be hosting a number of claims clinics across Alaska in FY23, and we will send you the list once finalized.

- **How can you better support local VSOs that are struggling to keep up with demand for their services in rural states like Alaska? This delay will likely continue to increase with the passage of PACT Act.**

VSOs are a critical partner to VA in delivering benefits to Veterans, their families, and survivors. To help address the increased demand associated with the passage of the PACT Act, VA has been hosting a number of outreach and engagement events, including the PACT Act week of action events held across the country, and ongoing claims clinics to provide support to Veterans seeking to learn more about the PACT Act and file a claim. In instances where local VSOs are struggling to keep up with demand, I believe VBA can work with the national VSO leadership to pursue additional support and harness additional VA resources like claims clinics or other outreach events. Since discussing this issue with your staff prior to my hearing, I have followed up internally to explore potential options and would like to work with your office, if confirmed, to work on addressing this challenge.

2. In your testimony you talk about your interest in addressing silos in VA to treat whole veterans' holistically. I'm working on legislation that I'm calling LINC VA, which would use the VA as a connecting agent to ensure that veterans know what resources that are in their local community. It sounds like we are working on ways to address the same issue.

- **Will you commit to working with my office on this legislation, to ensure that Veterans are aware of the resources in their communities so we can begin to treat veterans not as their "service-connected" patients, but as whole people?**

If confirmed, I would happily work with you on ensuring that Veterans are aware of and able to access the resources across VA and the federal government and in the community so we can treat the whole Veteran.

3. I am routinely contacted by Veterans dissatisfied with the services they have received from the Compensation and Pension (C&P) examinations contracted out to Logistics Health Incorporated (LHI) and Quality, Timeliness, Customer Service (QTC), the contract examiners in my state. I understand C&P exams vary from traditional physicals and may

not fit a Veteran's pre-conceptions of an exam. However, Veterans are reporting missing work to attend their exams only to be told the examiner needs to reschedule. Others are reporting feeling the provider did not take self-reported concerns seriously, or worse the examiners made direct comments doubting the Veteran's integrity.

- **What mechanisms are in place to conduct quality control on these contractors? How are Veteran concerns addressed?**

I appreciate you raising this problem and have heard similar complaints when meeting with VBA staff and Veterans while travelling across the country. The way Veterans get treated when they interact with VA, or how they perceive their interaction, can be the difference between a Veteran who pursues the additional benefits he or she has earned, or a Veteran who loses trust in VA and walks away. That is why, if confirmed, I will make it a priority to improve the Veteran experience throughout the disability claims process, as well as all other VBA business lines.

VBA assesses the quality of contractors through a robust oversight program. Quality is outlined in parameters included in the contract which state the examiner should follow the Disability Benefits Questionnaire (DBQ) instructions. To ensure the accuracy of the DBQ, VBA has developed a checklist of questions to ensure that each part of the DBQ is thoroughly completed as relevant to claim. VBA conducts Quality reviews by applying quality assessment criteria to a statistically valid random sample of DBQ reports completed by the contract examination vendors. The resulting accuracy measures are used to assess vendor performance and quality review findings are analyzed to identify error trends and drive quality improvement.

VBA has stringent protocols in place for examiner training, credentialing verification, quality reviews, and customer satisfaction metrics to ensure high quality exams are conducted for each Veteran's disability claim. VBA ensures all examiners are prepared to complete accurate, high-quality, disability evaluations by completion of certification courses which educate examiners on the claims process, reviewing Veteran records, formulating medical opinions, etc. All contract examiners receive the same level of training and in-depth knowledge of examination requirements as their Veterans Health Administration counterparts, as well as additional VBA-created training tailored to address hot issues.

Additionally, all contract exam vendors are held to a customer satisfaction performance standard. Veterans may provide feedback regarding the quality of customer service provided by the exam contractor and their examiners. The Customer satisfaction results are reviewed with each exam contractor monthly. The exam contractors must submit a service recovery plan to address any identified negative trends in the customer satisfaction results.

In addition to the customer satisfaction survey, Veterans may submit their concerns directly to the examination contractors through their Veteran portals. The VBA Medical Disability Examination Office also receives contract examination concerns from additional sources that include the VA Hotline, National Call Centers, regional offices, and Veteran Service Organizations. These avenues allow the Veterans, Service Members, and their families to directly share concerns with VA, request assistance, and ask questions related to C&P examinations.

4. Alaska has many unique challenges that are best understood once you see them in person. Would you be open to coming to Alaska and seeing firsthand the challenges that Alaskans face?

If confirmed, I would be thrilled to come to Alaska to see firsthand the challenges that Alaskans face.

SUPPLEMENTAL ANSWERS TO SENATOR GRASSLEY'S QUESTIONS FOR THE RECORD

JOSHUA JACOBS, NOMINEE TO BE UNDER SECRETARY OF BENEFITS

1. As senior advisor to four VA secretaries, you have had a firsthand seat to the VA's series of scandals and breach of public trust. Did you play any role in advising the Secretary of VA in the following crises? If so, please describe that role.

a. The 2014 Phoenix wait list scandal that led to the deaths of many U.S. Armed Services veterans, who died waiting for care at VA facilities, and subsequent whistleblower retaliation of employees that alerted the public;

As Senior Advisor for Benefits in 2014, my portfolio primarily focused on disability claims issues and the provision of other earned non-medical benefits provided by the Veterans Benefits Administration. I did attend larger staff meetings where access to care was a topic of discussion, but I was not responsible for advising the Secretary regarding issues relating to the provision of healthcare at the Phoenix VA, nor did I participate in the smaller group discussions directly focused on addressing the access to care issues in Phoenix and other VA medical centers. However, following the passage of the Veterans Access, Choice, and Accountability Act (CHOICE Act), I did provide advice focused on expanding the delivery of healthcare in both the VA and community care settings. In May 2015, I transitioned to assisting the VA Deputy Secretary. In this role I helped him in driving implementation of the CHOICE Act and assisted him in internal efforts to increase the delivery of VA and community care in order to improve access to healthcare for Veterans.

b. The veteran claims backlog, which currently stands at about 743,000 pending claims;

I previously served as Senior Advisor for Benefits. When I arrived in 2013, the disability claims backlog was near its peak, but through collaboration with VBA, we implemented a series of solutions that helped drive down the backlog by 90%. This experience led me to appreciate the scope and scale of the challenges VA faces in the delivery of benefits and the dedication it takes for employees to accomplish this noble mission.

As of February 17, 2023, the disability claims inventory is 740,908, while the disability claims backlog is 194,301.

c. Poor quality processing on military sexual trauma cases, which VA OIG in 2018 reported were erroneously adjudicated by VA 49 percent of the time;

Survivors of military sexual trauma (MST) often carry the scars of what they endured for the rest of their lives. Due to the personal and sensitive nature of MST stressors, victims find it difficult to report or document these events. Due to this fact, it is often difficult to establish the occurrence of the stressor. During my time as Senior Advisor for Benefits, I was involved in discussions focused on lowering the evidentiary threshold and improving training relating to MST claims.

I am aware of the previous VA Office of Inspector General reports that have shown VBA has wrongly denied veterans' disability claims for Post-Traumatic Stress Disorder related to MST at unacceptably high rates. Since assuming the role of Senior Advisor for Policy Performing the Delegable Duties of the Under Secretary for Benefits, I have spoken directly to VA Inspector General Mike Missal about the reports.

If confirmed, I will commit to continuing to improve how VBA processes MST claims and work with Veteran advocates to ensure veterans with MST get a fair review, even if they cannot produce formal evidence to support an MST claim.

d. GI Bill modernization delays;

I did not provide advice regarding the significant GI Bill modernization delays that occurred in the late 2010s. At that time, I was in the private sector and not serving at VA. The Department has not suffered any major GI Bill modernization delays since I rejoined VA in 2021. In my present role, I have worked to keep the GI modernization effort moving forward and ensuring GI bill benefits are being provided in an efficient, timely fashion.

e. Ethics violations of Veterans Benefits Administration (VBA) senior leaders; and

I did not provide advice on ethics violations of VBA senior leaders. In particular regarding issues Senator Grassley has raised, the decisions relating to the admonition letter to Mr. Murphy all took place prior to my rejoining VA in 2021. Regarding Senator Grassley's concerns about whistleblower retaliation by Mr. Murphy, I have referred this matter to OAWP, noting for them the allegations in the Senator's letters relating to Mr. Murphy.

f. The Veterans Affairs Office of Inspector General (VA OIG) report substantiating Ms. Charmain Bogue's conflicts of interest.

I did not provide advice regarding the VA OIG report involving Ms. Bogue.

2. As a senior advisor to multiple VA secretaries, have you witnessed or engaged in any deliberate agency delays in releasing VA OIG reports or administrative investigation findings that do not favor the VA? If so, please describe.

No, I have not witnessed or engaged in any deliberate agency delays in releasing VA OIG reports or administrative findings.

3. Have you seen or engaged in deliberate delays of congressional inquiries? If so, please describe.

No, I have not seen or engaged in deliberate delays of congressional inquiries.

4. I have repeatedly called upon the VA to respond to my inquiries regarding ethics violations within the Veterans Benefits Administration. Freedom of Information Act productions have been released to the public, yet limited and narrow information has been produced to me. Is it ever acceptable for an agency to refuse to provide materials to members of Congress based upon their minority-party status, chairmanship status, or to treat member requests as Freedom of Information Act requests? If so, please explain the basis of your position.

If confirmed, I commit to responding to requests for information from the Committee and other members, consistent with executive branch policies and practices. In particular, I commit to responding to requests for information from Congress without regard to party affiliation. As you know, the issue of the treatment of requests by individual members of Congress for executive branch information is a difficult one, where even members of the same party may disagree. See Letter of Senator Charles E. Grassley to President Donald Trump (June 7, 2017); Requests by Individual Members of Congress for Executive Branch Information, 43 Op. OLC __ (Feb. 13, 2019). Nevertheless, I will seek to accommodate such congressional requests to the fullest extent consistent with executive branch policies and practices.

5. A report issued last year by the VA OIG substantiated allegations by whistleblowers that Ms. Charmain Bogue failed to recuse herself from matters related to her spouse and his employer. She broke conflict of interest rules. VA's Freedom of Information Act productions appear to substantiate that VBA senior leaders knew about Mrs. Bogue's need to recuse and actively prevented adherence to VA Ethics counsel recommendations. There is some indication in the records that VBA leaders may also have engaged in whistleblower retaliation or failed to discipline those who did. Many of these leaders remain at VBA and are, allegedly, members of your senior executive cadre. They include Mike Frueh, your principal deputy; Tom Murphy, your Northeast District Director; Rob Reynolds, Deputy Undersecretary for Disability Assistance; and Robert Worley, Director of the Houston Regional Office.

a. I have repeatedly sought information on these issues since April 2021, yet VA has refused to answer most of my investigative inquiries and questions. Given your role as senior advisor to multiple VA secretaries, did you play any role in the VA's response to me, and if so, did you know about or participate in the VA's decision not to answer my questions?

No, I did not play any role in VA's response to you regarding these issues. I have been informed by my VA colleagues that a review of my email and messages in Teams, as well as the VA's records for these congressional letters, corroborates my recollection that I had no involvement in the VA's responses to Senator Grassley regarding these issues. Rather, the emails, communication in Teams, and other VA records show that I was not involved in planning, reviewing, drafting or approving VA's responses to Senator Grassley.

b. How will you ensure proper investigations take place and that all members, regardless of party affiliation or chairmanship status, have their inquiries answered in a timely manner?

During the nine years I spent working in the Senate, including as Deputy Staff Director for the Senate Veterans' Affairs Committee (SVAC), I had the opportunity to work shoulder to shoulder with members and staff from both parties, as well as Veterans Service Organizations, to perform critical oversight and enact legislation that improved benefits and services for Veterans. I understand and deeply respect the dedication and spirit of cooperation members demonstrate to get the job done for Veterans. And if confirmed, I – as a proud alumnus of the Senate -- look forward to working collaboratively with all members of Congress to provide timely and accurate responses to your inquiries.

c. As the Acting Undersecretary, you presumably can open investigations into these matters without waiting for congressional oversight requests. Will you agree to do so?

In cases where there are concerns about unlawful activity, potential violations of rules or regulations, fraud, waste, and abuse, or retaliation for raising these types of concerns, I will contact the appropriate independent investigatory body, which may include organizations such as the VA Office of Inspector General, VA Office of Accountability and Whistleblower Protection (OAWP), or U.S Office of Special Counsel. In connection with the various allegations of wrongdoing relating to Ms. Bogue that Senator Grassley has raised, the Inspector General was alerted to these issues and has conducted an investigation. In connection with the allegations that VBA leaders may also have engaged in whistleblower retaliation or failed to discipline those who did, I have referred the Senator's concerns to OAWP, the body expressly created by Congress to investigate such matters.

6. Mr. Tom Murphy stated in an email to Secretary McDonough that allegations regarding his NASCAR travel ethics violation and Ms. Bogue's conflicts of interest stemmed from one whistleblower he removed from federal service for technical administrative violations. Allegations dismissed by Mr. Murphy to Secretary McDonough have been substantiated as accurate by OIG and administrative investigations.

a. What steps has VA taken to look into potential whistleblower retaliation by Mr. Murphy or VA staff?

It is my understanding that the VA OIG and OAWP have both conducted investigations relating to Ms. Bogue and Mr. Murphy. However, in light of your concern, I have forwarded your letter to OAWP and noted for them the allegation of potential whistleblower retaliation by Mr. Murphy.

b. Have you ever fired someone you suspected to be a whistleblower? If so, please provide a response with all details directly to my office so that we may make any needed redactions to protect alleged whistleblowers. If you answer affirmatively to this question, please note in your written response that you have provided detailed information separately.

No. I have never fired someone suspected to be a whistleblower.

c. Have you ever promoted, reassigned, or been involved in the selection for public office of anyone you knew had fired a suspected whistleblower? If so, please provide a response with all details directly to my office so that we may make any needed redactions to protect alleged whistleblowers. If you answer affirmatively to this question, please note in your written response that you have provided detailed information separately.

No. I have never promoted, reassigned, or been involved in the selection for public office of anyone I knew had fired a suspected whistleblower. You have asked what role I had in the selection of Mr. Murphy to be Acting Under Secretary. While I did serve as part of the Biden-Harris transition team, I served on the VA Agency Review Team, where I was responsible for assessing the strengths, challenges, culture and pressing issues of each organization. I had no responsibility for personnel issues, which were handled by a different team with an ethical wall between the two teams. Moreover, I completely ceased involvement with the transition team when I returned to my previous employer in the private sector in January, at which point personnel decisions were presumably made.

d. I have repeatedly stated that multiple whistleblowers have engaged my office and asked that the VA protect those harmed by retaliation. Do you agree with the VA's lack of responsiveness to my requests?

I am not familiar with the requests you are referencing or the responsiveness of VA to these requests. However, as the senior-most accountable official in the Veterans Benefits Administration, it is incumbent on the Under Secretary for Benefits (USB) to lead by example. The USB is responsible for setting the tone of the organization, fostering a culture where people feel free to report any potential wrongdoing that occurs and set clear expectations.

The USB must clearly articulate to the broad leadership team - both in headquarters and field offices - the expectation that all employees are free to and encouraged to report violations of any law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety. The USB must also provide meaningful support to employees and leaders that speak up and celebrate their willingness to improve outcomes for those we serve.

e. Mr. Murphy openly admitted to removing a whistleblower from federal service. What steps will you take to investigate this matter?

As noted above, I have forwarded your letter with its allegation of potential whistleblower retaliation to OAWP.

7. Many of the senior executives referenced in question four were allegedly hired or promoted into their positions by former Undersecretary of Benefits Allison Hickey and Acting Undersecretary of Benefits Danny Pummill.

a. Were you a senior advisor during the tenure of these individuals, and did you work closely with them?

As Senior Advisor, I participated in meetings with Brig. Gen. Hickey, USAF (Ret) and Mr. Pummill.

b. Did you work with them after leaving the VA during your job at Booz Allen Hamilton?

No. I did not work with Brig. Gen. Hickey, USAF (Ret) and Mr. Pummill during my job at Booz Allen Hamilton.

c. Have you ever received any disclosures by employees or external whistleblowers regarding alleged improprieties or unethical behavior by Mr. Pummill, Mr. Murphy, Mr. Manker, Mr. Frueh, or Ms. Bogue? If so, how did you assist?

Yes, after I started my role as Senior Advisor for Policy Performing the Delegable Duties of the Under Secretary for Benefits, I was notified of an allegation of sexual harassment against a senior VBA leader. Prior to my assuming the role, the allegation had been referred to the Office of Resolution Management, Diversity & Inclusion (ORMDI), which conducted a fact-finding inquiry. Pursuant to the recommendation of ORMDI, I am supporting possible resolution of this case

through mediation, which is in the process of being scheduled. This matter, however, remains an open legal matter, so it would be inappropriate to share additional information at this time.

8. The VA OIG reported in 2019 on the Office of Accountability and Whistleblower Protection (OAWP) being fraught with challenges, including running biased investigations, using its powers to retaliate against whistleblowers, and failing to hold leaders accountable for wrongdoing. In fact, during the period in question, OAWP's own leadership team was found by the VA OIG to have been complicit in steering contracts to friends and referred to the DOJ.

a. Are you aware of these facts?

I am aware of the 2019 VA OIG report on the Office of Accountability and Whistleblower Protection (OAWP). This Report addressed problems with OAWP's operations during the prior Trump Administration. The performance of the OAWP has not been part of my responsibilities as either a Senior Advisor or as the Senior Advisor for Policy Performing the Delegable Duties of the Under Secretary for Benefits, and my knowledge relating to OAWP is limited and indirect. However, as discussed in the next answer, it is my understanding that the performance of the OAWP has markedly improved since that 2019 VA OIG report.

b. What has VA done to rectify these shortcomings?

I am informed that the Office of Accountability and Whistleblower Protection (OAWP) has made great strides since the 2019 VA OIG report. It has positioned itself to not only conduct fair and unbiased investigations, based on industry-standard procedures, but to fulfill its full statutory mandate and execute on the tools that Congress provided to VA when it established OAWP. All recommendations made by the VA OIG in its report were closed as of 2021. Since then, OAWP has been focused on continuous improvement of its Investigations Division that has improved timeliness and materially improved management acceptance of its recommendations. While OAWP's investigative function remains important, the current phase of OAWP's growth also has emphasized cultural change, including a robust outreach and training strategy, operationalizing its Compliance Directive which has conducted reviews enabling advice to the Secretary on matters of public import, and trend analysis to enable proactive efforts in areas that may need to be addressed.

9. I have received credible allegations that former VBA officials may have disregarded ethics rules and not maintained acquisition integrity in entering into certain contracts. In light of substantiated ethics violations during the leadership tenure of Mr. Murphy and Ms. Bogue and their role in the award of \$453 million Recovery Act dollars for the GI Bill IT modernization project, the VA OIG must investigate the propriety of awards related to this project.

a. Based upon your personal knowledge, what role did each of these individuals have in steering these contract awards?

I joined VA in February of 2021, and played no role in the award of this contract which occurred very soon afterward. I have not participated in any contract awards because of my previous work

for a government contractor. I do not have personal knowledge about the role played by Mr. Murphy or Ms. Bogue with respect to the GI Bill IT modernization project.

b. What was their role in determining which contractors or subcontractors would be selected, and in selecting the evaluation body reviewing the bid?

I do not have personal knowledge about the role played by Mr. Murphy or Ms. Bogue with respect to the GI Bill IT modernization project. I am informed that neither Mr. Murphy nor Ms. Bogue were among the core team members involved in the source selection and award of the GI Bill IT modernization contract.

c. Are you aware that former Undersecretaries Pummill and Hickey are direct beneficiaries of this contract?

I do not have personal knowledge about whether Brig. Gen. Hickey, USAF (Ret) and Mr. Pummill were involved in this contract. However, I am aware that Brig. Gen. Hickey, USAF (Ret) is associated with the company All In Solutions and Mr. Pummill is associated with the company Le'Fant, LLC, and was informed that both of these companies were proposed as subcontractors to prime contractor Accenture on this contract.

d. According to USSpending.gov, tens of millions of dollars have been allocated in contracts to their privately held companies. Does this raise concerns for you?

I would be concerned if these contracts, or any others, did not follow the regular fair and competitive federal procurement process.

On February 14, 2023, VBA's chief of staff sent an email to VBA leadership reinforcing the need to both stay within the legal bounds of federal procurement, while also considering the ethicality of our actions and decisions. This message, which was sent at my request, also instructed the supervisors of the Acquisition Directorate to report any instance in which a contracting officer is feeling pressured to make decisions that are not consistent with FAR requirements or sound business practices.

At present, I am not aware of any evidence indicating that there was anything improper in connection with the award of the contract for GI Bill modernization, including any wrongful conduct involving Brig. Gen. Hickey, USAF (Ret) or Mr. Pummill. If Senator Grassley or anyone else comes forward with evidence raising questions about the propriety of this or any other contract award, I will refer the matter to the VA Inspector General for investigation. I would note that Senator Grassley also has sent letters to the VA Inspector General about this matter.

e. Have there been allegations or concerns regarding acquisition improprieties by Mr. Pummill or Ms. Hickey in the past? If so, were they investigated?

I do not have any personal knowledge of any allegations or concerns regarding acquisition improprieties by Brig. Gen. Hickey, USAF (Ret) or Mr. Pummill. As noted, Senator Grassley has been in correspondence with the VA Inspector General who should be in the best position to inform him of whether there have been investigations of these individuals in the past.

f. Were you aware during your time as Senior Advisor to multiple VA secretaries of any concerns regarding contract irregularities by VBA, including diversion of funds away from VBA programs intended to support Veterans by either Ms. Hickey or Mr. Pummill, or the redirection of funds away from the Education/GI Bill?

During my time as senior advisor, I was not aware of any contracting irregularities involving Brig. Gen. Hickey, USAF (Ret) or Mr. Pummill.

g. How do you and your staff maintain proper distance between VA matters and former officials now seeking VA contracts?

I do not engage in any contract or procurement related conversations with former officials. As noted earlier, I also had a message recently sent to VBA leadership, including my staff, reinforcing the importance to adhering to all legal requirements relating to federal procurement.

h. Are there currently recusals in place by you or your leadership team? If so, please provide all records.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Veterans Affairs Designated Agency Ethics Official (DAEO) to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's DAEO and that has been provided to the Committee. I am not aware of any other potential conflicts of interest.



DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON

April 24, 2023

Mr. James W. Layne
Investigative Counsel
Senator Charles E. Grassley
United States Senate Committee on the Budget
SD-624 Dirksen Senate Office Building
Washington, DC
James_Layne@budget.senate.gov

Dear Mr. Layne:

Thank you for taking the time to speak with us on April 11th. As we discussed on that call, the Department of Veterans Affairs (VA) seeks to correct the various misunderstandings that appear to have arisen between VA and Senator Grassley relating to the Charmain Bogue matter.

One such misunderstanding involves Senator Grassley's concerns that Joshua Jacobs, the nominee for Under Secretary for Benefits, may have played a role in VA's prior responses to the Senator's questions. VA provided substantive written responses to Senator Grassley in two letters dated December 23, 2021 and September 1, 2022, as well as produced hundreds of pages of documents to the Senator under separate cover letters. A review of VA's internal records relating to those responses shows that Mr. Jacobs did not participate in those responses to Senator Grassley. The department has an established process for generating responses to congressional letters, with the Executive Secretary's office drafting the letter response and a number of senior officials from across the agency reviewing and approving the draft letter response before it is sent out. The Office of the Executive Secretariat maintains records showing all VA employees who drafted and signed off on each piece of outgoing congressional correspondence. Here, these records show that Mr. Jacobs did not draft, review or approve any of the letters sent to Senator Grassley regarding the Bogue issues.

A review of Mr. Jacobs' emails and chats confirms that he did not participate in VA's responses to Senator Grassley regarding the Bogue matter. All of Mr. Jacobs' emails and chats from April 2, 2023 (when VA received the first letter from Senator Grassley) through February 17, 2023 (when Mr. Jacobs received Senator Grassley's questions to him) that contained the word "Grassley" were collected and reviewed. None of these emails and chats showed Mr. Jacobs participating in any way in planning, reviewing or drafting VA's letters responding to Senator Grassley. Mr. Jacobs did not discuss the VA's planned responses to Senator Grassley with any VA employee, did not draft or edit any of the letters to Senator Grassley, and did not review or approve any of VA's letter responses before they were sent to Senator Grassley.

Mr. James W. Layne
Page 2
April 24, 2023

Senator Grassley questioned whether Mr. Jacobs was possibly involved in VA's responses to the Senator's letters based on an April 6, 2021 chat from Mr. Jacobs stating (in full) that "I got a call from someone last night about a Grassley issue; might be the same." However, a review of Mr. Jacobs' emails and chats shows no follow up to this chat; there is no further reference to this phone call in any of Mr. Jacobs' emails and chats. Moreover, the circumstances further support the conclusion that this April 6, 2021 phone call was not relevant to VA's responses to Senator Grassley. Mr. Jacobs' April 6, 2021 chat was sent only three business days after receipt of Senator Grassley's first letter to the VA, and therefore before VA had even designated an individual to begin drafting a response. Moreover, because of the subsequent Inspector General's investigation and other complications, VA's first response to Senator Grassley was not sent until December 23, 2021, more than eight months after the April 6 telephone call and chat.

There is no evidence that Mr. Jacobs played any role in VA's responses to Senator Grassley regarding the Bogue issues; rather, Mr. Jacobs' emails and chats, as well as VA's records relating to these congressional letters, demonstrates that he did not. In summary, Mr. Jacobs played no part in VA's responses to Senator Grassley.

We hope that the above provides helpful information for you and Senator Grassley.

Sincerely,



Michael Waldman
Special Counsel

**UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS**

**ROOM 412 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510
Telephone: (202) 224-9126**

**QUESTIONNAIRE
FOR PRESIDENTIAL NOMINEES**

The Rules of the U.S. Senate Committee on Veterans' Affairs require that a Presidential nominee whose nomination is referred to the Committee submit, on a form approved by the Committee, a sworn statement concerning his or her background and financial interests, including the financial interests of the nominee's spouse and children living in the nominee's household. The Committee form is in two parts:

- (A) Information concerning the employment, education, and relevant background of the nominee, which is made public; and
- (B) Information concerning the financial and other background of the nominee, which is made public only when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits this form unless the Chairman, with the concurrence of the Ranking Minority Member, waives the waiting period. In order to assist the Committee in its consideration of nominations, the Committee requests that each nominee complete the attached Questionnaire for Presidential Nominees. The notarized original and any supplemental information should be delivered to:

Committee on Veterans' Affairs
United States Senate
Room 412, Russell Senate Office Building
Washington, D.C. 20510

Attention: Chief Clerk

PART I: ALL OF THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
Under Secretary for Benefits	1/23/2023

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Joshua	David	Jacobs	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 1800 G Street NW		
City: Washington	State: DC	Zip: 20009	City: Washington	State: DC	Zip: 20006

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<small>Check if Maiden Name</small>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day)	Place of Birth
1980	San Francisco, CA

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married	Married	Separated	Annulled	Divorced	Widowed
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Spouse's Name (current spouse only)</i>			
<u>Spouse's First Name</u>	<u>Spouse's Middle Name</u>	<u>Spouse's Last Name</u>	<u>Spouse's Suffix</u>
Julia	Elizabeth	Zuckerman	

<i>Spouse's Other Names Used (current spouse only)</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<small>Check if Maiden Name</small>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
First Name	Middle Name	Last Name	Suffix

2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	<u>Date Began School</u> (month/year) (check box if estimate)	<u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school)	<u>Degree</u>	<u>Date Awarded</u>
University of Washington	University	10/1998 Est <input type="checkbox"/>	06/2002 Est <input checked="" type="checkbox"/> Present <input type="checkbox"/>	BA	6/2002
Hebrew University of Jerusalem	University (junior year abroad)	08/2000 Est <input type="checkbox"/>	06/2001 Est <input type="checkbox"/> Present <input type="checkbox"/>	N/A	N/A
		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>		
		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>		

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other federal employment, State Government (Non- federal Employment), Self- employment, Unemployment, Federal Contractor, Non- Government Employment (excluding self-employment), Other	<u>Name of Your Employer/ Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box if still employed)
Non-Government Employment	University of Washington Medical Center	Part Time Medical Equipment Transporter	Seattle, WA	6/1999 Est X	9/1999 (est) Est X
Non-Government Employment	Chicago Title	Part Time Assistant to Escrow Officer	Bellevue, WA	10/1999 Est X	4/1999 Est X
Non-Government Employment	Camp Newman	Ropes Course Counselor	Santa Rosa, CA	06/2001 Est X	08/2001 Est X
Non-Government Employment	Temple Beth Shalom	Sunday School and Hebrew Teacher	Seattle, WA	9/2001 Est ☐	6/2002 Est X
Other federal employment	Senator Patty Murray	Legislative Assistant	Washingt on, DC	9/2002 Est ☐	9/2009 Est ☐
Other federal employment	Department of Veterans Affairs Office of Congressional and Legislative Affairs	Special Assistant	Washingt on, DC	10/2009 Est ☐	4/2011 Est ☐
Other federal employment	Senate Veterans' Affairs Committee	Deputy Staff Director	Washingt on, DC	04/2011 Est ☐	02/2013 Est ☐
Unemployment			Washingt on, DC	02/2013 Est ☐	05/2013 Est ☐
Contractor	Axiom Resource Management	Senior Research Analyst	Roslyn, VA	06/2013 Est ☐	11/2013 Est ☐
Other federal employment	Department of Veterans' Affairs, Office of the Secretary	Senior Advisor	Washingt on, DC	11/2013 Est ☐	1/2017 Est ☐

Unemployment				1/2017	Est <input type="checkbox"/>	4/2017	Est X
Contractor	Booz Allen Hamilton	Senior Associate	Washington, DC	4/2017	Est <input type="checkbox"/>	11/2020	Est <input type="checkbox"/>
Unpaid Volunteer	Biden-Harris Transition Team	Deputy Team Lead, VA Agency Review Team	Washington, DC	11/2020	Est <input type="checkbox"/>	12/2020	Est <input type="checkbox"/>
Contractor	Booz Allen Hamilton	Senior Associate	Washington, DC	1/2021	Est <input type="checkbox"/>	1/2021	Est <input type="checkbox"/>
Other Federal Employment	Department of Veterans Affairs, Office of the Secretary	Senior Advisor for Policy	Washington, DC	2/2021	Est <input type="checkbox"/>	7/2022	Est <input type="checkbox"/>
Other Federal Employment	Veterans Benefits Administration	Senior Advisor for Policy Performing the Delegable Duties of the Under Secretary for Benefits	Washington, DC	7/2022	Est <input type="checkbox"/>	Present	Est <input type="checkbox"/>

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u>	<u>Date Service Ended</u>	
		(month/year) (check box if estimate)	(month/year) (check box if estimate)	(check "present" box if still serving)
		Est <input type="checkbox"/>	Est <input type="checkbox"/>	Present <input type="checkbox"/>
		Est <input type="checkbox"/>	Est <input type="checkbox"/>	Present <input type="checkbox"/>
		Est <input type="checkbox"/>	Est <input type="checkbox"/>	Present <input type="checkbox"/>

4. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

2017 - Secretary of Veterans Affairs Meritorious Service Award

2016 – Award from Commission on Care to express appreciation for support provided to the Commission
 2008 – Friends of Psychology award from the American Psychological Association for relentless efforts to improve Veterans mental health service

5. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last ten years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam’s Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate)	<u>Position(s) Held</u>

6. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

No

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

N/A

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
Senator Patty Murray	\$500	2022
President Joe Biden	\$500	2020
Kristine Reeves	\$250	2020
Kristine Reeves	\$250	2020
Jeff Waldstreicher	\$200	2020

8. Public Statements

(A) List any testimony, official statements or other communications relating to matters of public policy that you have issued or provided or that others presented on your behalf to public bodies or officials.

- a. 11/16/2022 – SVAC hearing on PACT Act Implementation
- b. 12/7/2022 – HVAC hearing on PACT Act implementation

(B) List any speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the dates and places where such speeches or talks were given.

- a. VBA OTED Transition Symposium, Washington, DC, 7/27/2022
- b. Disabled American Veterans National Conference, Orlando, FL, 8/8/2022
- c. VA Customer Experience Symposium, Washington, DC, 9/7/2022
- d. VBA Senior Leader Symposium, Houston, TX, 9/19/2022
- e. VA Center for Minority Veterans Hispanic Heritage Month event, Washington, DC (virtual), 9/28/2022
- f. Secretary McDonough's monthly press conference, Washington, DC, 9/28/2022
- g. National Partnership Council Meeting (VA-union meeting), Washington, DC, 10/4/2022
- h. Senior Leader Installation Ceremony, Washington, DC, 10/19/2022
- i. National Organization of Veteran Advocates, Cincinnati, OH, 10/28/2022
- j. Department of Homeland Security Veteran Employee PACT Act briefing, Washington, DC, 11/7/2022
- k. VBA PACT Act offsite, Baltimore, MD, 12/13/2022
- l. VBACO Martin Luther King, Jr., Commemoration event, Washington, DC, 1/10/23
- m. VA C20 Webinar, Virtual, 1/10/23
- n. Retirement Ceremony for Edna MacDonald, Washington, DC, 1/24/23
- o. DOD/VA Survivors Forum, Washington, DC, 1/26/23
- p. VBA Assistant Director Development Program graduation, Washington, DC, 1/26/23
- q. National Association of County Veterans Service Officers Conference, Washington, DC, 2/6/23
- r. National Association of State Directors of Veterans Affairs conference, Arlington, VA, 2/21/23

(C) List all interviews you have given to newspapers, magazines or other publications, and radio or television stations (including the dates of such interviews).

- a. [Military Times](#) – Interview conducted on 8/31/2022
- b. [Military Times](#) – quote provided on 10/25/2022
- c. [Stars and Stripes](#) interview on 10/20/2022
- d. Media Roundtable, 12/22/2022

9. Agreements or Arrangements

X See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date</u> (month/year)

10. Lobbying

Have you ever registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

No

11. Testifying Before the Congress

(A) Do you agree to appear and testify before any duly constituted committee of the Congress upon the request of such Committee?

Yes

(B) Do you agree to provide such information as is requested by such a committee?

Yes

Statement for the Record

**Sen. Sinema
Statement for the Record
Senate Veterans' Affairs Committee
Nomination of Joshua Jacobs to be Under Secretary of Veterans Affairs for Benefits
February 16, 2023**

Statement for the Record

Thank you Chairman Tester and Ranking Member Moran for organizing this hearing. Mr. Jacobs, thank you for attending and congratulations on your nomination. The Under Secretaries of the VA play a critical role in overseeing the operations of one of the largest agencies in the federal government. If confirmed, you will have the opportunity to improve how the VA serves veterans and their families while also ensuring the VA is investing taxpayer dollars efficiently and effectively.

I especially want to call attention to a recent VA evaluation of Whole Health System of Care, which took place in part at the Southern Arizona VA. This evaluation found that focusing on the whole health of a veteran, such as developing purpose and coaching outside of the health care context can lead to reductions in the use of opioids and other pain medications, weight loss, smoking cessation, and improvements in mental health. This means that ensuring veteran benefits is not only our sacred duty, it helps keep them healthier.