

Congress of the United States

Washington, DC 20510

March 30, 2021

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

Dear Mr. Secretary:

We write to you today because the action of one state to enforce so-called “net neutrality” has the potential to negatively impact a service that veterans across the country use for health care.

VA Video Connect is a service provided by the Department of Veterans Affairs (VA) that allows veterans to meet with VA health care providers through online video conferencing. This telehealth service allows veterans who are unable to receive VA health care in-person, or would prefer to receive their care at home, to receive the care they need. Use of VA telehealth services has grown dramatically during the ongoing COVID-19 pandemic, as VA video visits increased by more than 1,700 percent within fiscal year 2020.

The VA has formed partnerships with cellular carriers, including Verizon, AT&T, and T-Mobile to provide the VA Video Connect service to veterans without incurring data fees while on their networks. Providing data free or subsidized in this manner is known as “zero-rating.” This ensures that veterans who receive health care services at home are able to obtain those services without incurring additional data costs in doing so, and is particularly beneficial to those veterans who are experiencing financial hardship.

In September 2018, California enacted the California Internet Consumer Protection and Net Neutrality Act. Enforcement of this law began last week. Part of this legislation prohibits internet service providers from “zero-rating” some internet “content, applications, services, or devices in a category of Internet content, applications, services, or devices, but not the entire category.” Due to the complexities involved with a service that is not limited to state boundaries, this provision in California’s law has the potential to negatively impact the ability of mobile carriers to continue providing VA Video Connect services to veterans not only in that state, but across the country.

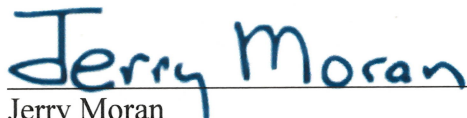
As the Ranking Member of the Senate Committee on Veterans Affairs and member of the Senate Committee on Commerce, Science, and Transportation, and as the Ranking Member of the House Committee on Veterans Affairs, we are deeply concerned about the potential impact of this law on veterans who utilize the VA Video Connect service, particularly those who may be experiencing financial hardship at this time.

To gather additional information on this critical issue, we request your response to the following questions:

- 1) In a press release, the VA says that it is “aware of California’s Net Neutrality law and is reviewing to determine whether it impacts the partnerships VA has developed with cellular carriers...” Please describe the steps of this review process, including what factors are being considered and when a conclusion will be reached on the impact of this law on the VA Video Connect service.
- 2) Does the VA have contingency plans to ensure veterans are still able to access VA Video Connect services without being charged data fees, if the VA’s agreements with carriers are indeed imperiled by California’s net neutrality law?
- 3) Please detail veteran usage of VA Video Connect services, including the number of veterans who used the service in fiscal year 2020 and the number of appointments conducted via this service during the same time period.

We urge you to ensure that VA Video Connect services continue to be available to veterans throughout the United States. Thank you for your attention to this critical issue and for your prompt and thorough responses to our questions.

Sincerely,



Jerry Moran
United States Senator



Mike Bost
Member of Congress