

NOMINATIONS OF THE 115TH CONGRESS, PART 2

HEARING

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

APRIL 11, JUNE 13, JUNE 27, AND SEPTEMBER 5, 2018

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U.S. DEPARTMENT OF VETERANS AFFAIRS; AND JOSEPH L. FALVEY, JR. TO BE
A JUDGE OF THE U.S. COURT OF APPEALS FOR VETERANS CLAIMS

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HEARING ON PENDING NOMINATIONS

WEDNESDAY, APRIL 11, 2018

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

The Committee met, pursuant to notice, at 2:30 p.m., in room 418, Russell Senate Office Building, Hon. Johnny Isakson, Chairman of the Committee, presiding.

Present: Senators Isakson, Moran, Cassidy, Rounds, Tillis, Sullivan, Tester, Brown, Blumenthal, Hirono, and Manchin.

OPENING STATEMENT OF HON. JOHNNY ISAKSON, CHAIRMAN, U.S. SENATOR FROM GEORGIA

Chairman ISAKSON. I call the meeting of the Senate Veterans' Affairs Committee to order. I appreciate everyone being here today, particularly our two nominees.

The purpose of this hearing will be to hear from two nominees, one for the Court of Veterans Appeals and one for the Under Secretary for Benefits in the VA. We thank both of you for being here today, and in just a minute, we will introduce you for 5 minutes of testimony that you might want to give. Then, we will have questions and answers from the Committee.

I would like to say a few things in advance of the hearing, though, just to be sure to answer a lot of questions I have been asked by a lot of people which I have refused to answer because once you start answering, you cannot stop, and I thought I would do it all at once. This is the best place to do it.

As you know, the Secretary did a great job, Secretary Shulkin. I appreciate what he did. He is no longer the Secretary. We have a nominee with whom I have had one phone conversation, which I appreciated very much. We will have a personal meeting. I have told the President, the administration, and the White House and have told everybody that has asked that we will have a hearing as expeditiously as we can when we have everything from them. It is their job to answer the questions and give the White House documentation, and until I get that, I cannot schedule anything.

If, however, we get the documentation and this nominee answers the questions on time, we will have the ability to have a meeting on the 25th of April. That would be the earliest and latest in this month that we could have a hearing on the nominated Secretary.

So, as Chairman with the concurrence of the Ranking Member when we talked on the phone, we are ready to go when we have everything from them that puts us in a position of being able to go. The earliest that can take place is on the 25th of April, and if

we do not get the information a few days in advance of that, we cannot even do it then. But, that date is available and it is possible to do. So, we will do it as expeditiously, yet as thoroughly as possible.

I think it is very important, as we did on the nomination of the previous Secretary, Dr. Shulkin, to have a thorough hearing, ask all the questions that need to be asked and make sure we have vetted the nominee to the maximum extent possible for the benefit of the nominee, for the benefit of the VSOs, the benefit of the veterans, the benefit of the Members of the Committee, and the benefit of the greater public at large.

This is a tremendously important responsibility, taking care of our veterans. It is one that Senator Tester and I and all our Members take very seriously. We want to make sure we have as little break in service and continuity as possible. So, we are going to move as deliberately but as expeditiously as possible to make that happen.

Jon, would you like to make a statement?

**OPENING STATEMENT OF HON. JON TESTER, RANKING
MEMBER, U.S. SENATOR FROM MONTANA**

Senator TESTER. I would, Mr. Chairman, and I would associate myself with your remarks exactly.

Mr. LAWRENCE AND MR. Falvey, I want to thank you for being here and thank you for your willingness to serve.

I have been thinking a lot about service over the last week or so with the passing of a good friend of mine from Montana who was a fierce advocate for our Nation's veterans. Merv Gunderson dedicated his life to serving our Nation. He selflessly lent a hand to fellow veterans and their families whenever they were in need, and as a leading voice in The American Legion worked very closely with me to ensure that our Nation's policies did right by those who served.

Merv stood tall among us, and I am blessed to have called Merv my friend. The VA needs leaders like Merv Gunderson, people who are ready, willing, and capable of helping lead a multifaceted agency and putting the needs of veterans ahead of everything else.

Mr. Lawrence, by virtue of you being here today, I think we have answered whether you are willing. Today, my plan is to find out if you are ready and capable of doing the job for which you have been nominated. I think we have seen over the last few months that being a leader at the VA is a challenge for even the most seasoned professionals.

I have no doubt there is dark money fighting for the very soul of the VA, and when the forces working for that dark special interest come to you, will you be ready to put your career on the line to fight them, as former Secretary Shulkin did?

America's veterans deserve no less, and they will need folks at the VA ready to stand with them against the dark special interests. There will be tough times ahead, and I will need to know today, as well as other Members of the Committee, whether you are ready for them.

Mr. Lawrence, the VBA can be challenging even for those who have the best skill set for managing a complex administration like

the VBA. Challenges such as leading the more than 23,000 personnel in the critically important division of the VA, where morale has been a concern and firing folks cannot be one of the first instincts when dealing with employee matters. There is also constant pressure from the public to make certain veterans and their families get the benefits and the services they earn in a timely and a correct manner.

We are talking about veterans suffering from conditions brought on or intensified by military service, veterans needing funds to help pay for rent during school, survivors waiting for assistance after their loved ones have passed. They all deserve timely and correct decisions from the VA. I want you to never forget that these are the people you serve. Everyone and everything else is noise.

Mr. Falvey, I want to emphasize how important it is to me that veterans get expedited and fair review of their cases. So, the question of the day is whether you can build on the court successes and continue delivering timely justice for our veterans and their families.

What I really want to learn from both of you today is are you up for the job. We need to know that you folks are the right folks at this moment in time. It is my hope and the hope of the Committee that you are, so I look forward to the discussion today.

Thank you for your willingness to serve.

Back to you, Mr. Chairman.

Chairman ISAKSON. Mr. Falvey, Dr. Lawrence, would you please rise. Raise your right hand and repeat after me. Do you solemnly swear or affirm the testimony you are about to give before the Senate Committee on Veterans' Affairs will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FALVEY. I do.

Mr. LAWRENCE. I do.

Chairman ISAKSON. Thank you very much. Please be seated.

Dr. Lawrence, you are recognized for 5 minutes—or as we say in the business, up to 5 minutes.

STATEMENT OF PAUL R. LAWRENCE, Ph.D., TO BE UNDER SECRETARY FOR BENEFITS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. LAWRENCE. Chairman Isakson, Ranking Member Tester, distinguished Members of the Committee on Veterans' Affairs, thank you for the opportunity to testify before you today and for your consideration of my nomination to serve as Under Secretary of Benefits.

I have had the privilege to meet with many of you individually after I was nominated and can say I have benefited immensely from your advice and insights about ensuring our Nation's veterans and their families receive the benefits they have earned. I am deeply honored to have been nominated by President Trump.

To start, let me tell you a little about myself and my background. I was raised in an Army family. My father served 24 years and was in the Korean and Viet Nam Wars. He taught me many valuable lessons about leadership, but the one that consistently guided me was "Mission First, Men Always." He is buried in Section 66 of Arlington National Cemetery.

My 93-year-old mother is at home today, and I am sure watching these proceedings. She came from a large family—11 brothers and sisters. Five of her brothers answered the call and served in the Armed Forces during World War II. My middle name, Reynold, was given to me in honor of her only brother who did not return, killed at Normandy.

I have one brother and two sisters. My brother and I were both commissioned into the Army through ROTC. I delayed my entry to active duty after graduating from the University of Massachusetts to earn a Ph.D. in Economics from Virginia Tech. There, I learned how to apply scientific methods and conduct rigorous data-based evaluations and decisionmaking. I have had the opportunity to study under a professor who would later win the Nobel Prize in Economics.

After graduate school, I served on active duty in the Army in the Finance Corps. I left as an airborne-qualified captain and received the Meritorious Service Medal. I moved to the D.C. area and got married. Ann, my wife of 33 years, is here with me today. Her love and support have been invaluable to me. We have two children. Our son is an optometrist, completing his residency in low vision at the VA medical center in Hampton, Virginia.

For most of my professional career, I have worked as a consultant in large professional services firms, helping Federal Government leaders improve efficiency and effectiveness. I have worked at many of the Cabinet agencies, including the VA. The majority of my career was as a partner in accounting firms, where I focused on financial management and organizational improvement.

Importantly, through my work, I have experience with many of the activities conducted by VBA. I have led projects dealing directly with the processing of large volumes of materials, originating and servicing single-family mortgages, and monitoring student loans. I have firsthand experience with the opportunities and the management challenges that are similar to those facing VBA.

I also worked in two global information technology companies. The work there gave me experience integrating technology into processes to drive efficiencies. Their large size helped me develop management skills appropriate for the scale of the Federal Government.

Finally, in my present company, I have spent the last year working on an agency's response to the Executive Order on Agency Reform. This helped me enhance my perspective on driving change and collaborating with the Office of Management and Budget.

What is differentiating about my experiences as a consultant to the Federal Government is I have conducted extensive research into how government is managed by senior leaders. Tips and insights from interviewing a wide cross section of government leaders has enabled me to learn what contributed to their success. If confirmed, I plan to apply many of those best practices.

I am passionate about veterans issues and want to contribute to the efforts to improve the support provided to our veterans by the VA.

I know this is special time to be part of the team at the VA and be able to contribute. Efforts to support our veterans are a key part of the national agenda, and the Congress and Senate have gener-

ously provided the resources. And, through the series of laws that have been passed in the last year, addressing accountability, appeals modernization, the Forever G.I. Bill, and the agency reform initiative, many of the tools are now in place. It is a unique time to support veterans, and I would like to do my part.

To that end, there are three priorities I will focus on if confirmed. The first is providing veterans with the benefits they have earned in a manner that honors their service. The programs of the VBA-Compensation, Home Loan Guaranty, Education, Life Insurance, Vocational Rehabilitation and Employment, Pension and Fiduciary, and Benefits Assistance—serve millions and rightly require more than \$100 billion in support. Providing this support should be done efficiently, timely, and with high quality.

In the recent past, there have been many improvements, and much has been accomplished. I would plan to build on these and accelerate the improvements. We would continue to foster a culture of continuous improvement, streamlining processes, and reallocating resources to increase effectiveness.

The second is ensure we are strong fiscal stewards of the money entrusted to us. At the same time we seek to aggressively support our veterans, we must be equally vigilant supporting taxpayers who provide our resources. I will work with the Department, OMB, and others to apply the most appropriate best practices for financial rigor. One of my initial efforts will be to examine improper payments.

The third is to foster a culture of collaboration. Experience has taught me that leaders who model and foster a collaborative culture reap benefits in terms of employee satisfaction and productivity. More importantly, there are many groups and organizations also working to support our veterans. I will work with the Senate, the House, across the Department, the DOD, our VSO Partners, the unions, and others with similar objectives. I will encourage focus and alignment on our common interests.

I, again, want to thank the Committee for the opportunity to appear before you today. I look forward to answering your questions.

[The prepared statement of Mr. Lawrence follows:]

PREPARED STATEMENT OF PAUL R. LAWRENCE, NOMINEE FOR UNDER SECRETARY FOR BENEFITS, U.S. DEPARTMENT OF VETERANS AFFAIRS

CHAIRMAN ISAKSON, RANKING MEMBER TESTER, DISTINGUISHED MEMBERS OF THE COMMITTEE ON VETERANS AFFAIRS, Thank you for the opportunity to testify before you today and for your consideration of my nomination to serve as Under Secretary of Benefits, Department of Veterans Affairs. I have had the privilege to meet individually with many of you after I was nominated, and can say that I have benefited immensely from your advice and insights about ensuring our Nation's Veterans and their families receive the benefits they have earned. I am deeply honored to have been nominated by President Trump.

To start, let me tell you a little about myself and my background. I was raised in an Army family, my father served 24 years and was in the Korean and Viet Nam wars. He taught me many valuable leadership lessons, but the one that has consistently guided me was "Mission First and Men Always." He is buried in Section 66 of Arlington National Cemetery. My 93-year-old mother is at home today and I am sure watching these proceedings. She came from a large family—11 brothers and sisters. Five of her brothers answered the call and served in the Armed Forces during WWII. My middle name, Reynold, was given to me in honor of her only brother who didn't return, killed at Normandy.

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the University of Massachusetts to earn a Ph.D. in Economics from Virginia Tech. There I learned how to apply scientific methods and conduct rigorous data-based evaluation and decisionmaking. I also had the opportunity to study under a Professor who would later win the Nobel Prize in Economics.

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I am passionate about Veterans' issues and want to contribute to the efforts to improve the support provided to Veterans by the VA. I know this is special time to be part of the team at the VA and be able to contribute. Efforts to support our Veterans are a key part of the national agenda and the Congress and Senate have generously provided the resources. And, through the series of laws that have been passed in the last year, addressing Accountability, Appeals Modernization, the Forever G.I. Bill, and the agency reform initiative, many of the tools are now in place. It is a unique time to support Veterans and I would like to do my part.

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I, again, want to thank the Committee for the opportunity to appear before you. I look forward to answering your questions.

[The Committee questionnaire for Presidential nominees follows:]

Revised December 2016

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, Benefits, VA	

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Paul	Reynold	Lawrence	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 1615 L Street, NW		
City: McLean	State: VA	Zip: 22101	City: Washington	State: DC	Zip: 20037

<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)
n/a					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
Feb 13	Tokyo, Japan

<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"/>				

<i>Spouse's Name</i> (current spouse only)			
Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix
Ann	Purcell	Lawrence	

<i>Spouse's Other Names Used</i> (current spouse only)						
First Name	Middle Name	Last Name	Suffix	<small>Check if Maiden Name</small>	Name Used From (Month/Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)
Ann	Booth	Purcell			Dec/1956 <input type="checkbox"/>	Sept/1985 <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
Allison	Paige	Lawrence	
Gregory	James	Lawrence	

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 Massachusetts	University	Sept 1974 <input type="checkbox"/> Est	May 1978 <input type="checkbox"/> Est <input type="checkbox"/> Present	BA Economics	May 1978
VA Tech	University	Sept 1978 <input type="checkbox"/> Est	May 1980 <input type="checkbox"/> Est <input type="checkbox"/> Present	MA Economics	May 1980
VA Tech	University	Sept 1980 <input type="checkbox"/> Est	June 1981 <input type="checkbox"/> Est <input type="checkbox"/> Present	Ph.D. Economics	August 1983
		<input type="checkbox"/> Est	<input type="checkbox"/> Est <input type="checkbox"/> Present		

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)
Federal Contractor	Kaiser Associates	Vice President	Washington, DC	June 2016 <input type="checkbox"/> Est	<input type="checkbox"/> Present <input type="checkbox"/> Est
Federal Contractor	Ernst & Young	Partner	McLean, VA	July 2009 <input type="checkbox"/> Est	June 2016 <input type="checkbox"/> Est
Federal Contractor	Accenture	Vice President	Arlington, VA	January 2008	June 2009
Federal Contractor	MITRE Corporation	Senior Director	McLean VA	March 2006	Dec 2007
Federal Contractor	Independent Consultant	N/A	McLean VA	July 2005	Feb 2006 <input type="checkbox"/> Est
Federal Contractor	IBM	Vice President	Bethesda, MD	Oct 2002	June 2005
Federal Contractor	PricewaterhouseCoopers	Partner	Arlington, VA	Jan 1987	Sept 2002
Non-govt employment	Chase Econometrics	Sr. Economist	Phil, PA	Jan 1986	Dec 1986
Federal Contractor	Arthur D. Little	Economist	Washington, DC	August 1984	Dec 1986
Activity Duty Military	U.S. Army/Ft. Lee, VA	Captain	Ft Lee, VA	Jan 1982	July 1984

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

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

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.

Phi Beta Kappa, University of Massachusetts, Amherst, 1978

Captain, U.S. Army 1982-84, Meritorious Service Medal and Airborne School graduate

Board of Advisors of the Public Policy Program at William and Mary, 1997 to 2008

Appointed by the Virginia General Assembly to Joint Subcommittee Studying Science and Technology in Higher Education, June 2007

Top 100 Public Service Business Leader Award Judge for award in 2003 and 2005

Top 100 Public Service Business Leader Award winner in 2000 and 2002 selected by *Federal Computer Week*

Board of Directors of Junior Achievement, National Capital Chapter, 1996 to 2005

Chairman of the Board of Directors of the Private Sector Council, 2003-2004

Fellow, National Academy of Public Administration, elected 2012

5. Memberships

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

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>
Romney for President	\$500	2012
Walker for President	\$2700	2015

7. Publications

List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
<u>Succeeding as a Political Executive: 50 Insights from Experience</u> , with Mark Abramson	Rowman & Littlefield	2016
<u>What Government Does: How Political Executives Manage</u> , with Mark Abramson	Rowman & Littlefield	2014
<u>Paths to Making a Difference: Leading in Government</u> , with Mark Abramson	Rowman & Littlefield	2013
<u>Paths to Making a Difference: Leading in Government</u> , with Mark Abramson	Rowman & Littlefield,	2011
<u>Learning the Ropes: Lessons for Political Appointees</u> , with Mark Abramson	Rowman & Littlefield	2005
<u>Transforming Organizations</u> , with Mark Abramson	Rowman & Littlefield	2001
<u>Unsportsmanlike Conduct: the NCAA and the Business of College Football</u> ,	Praeger Press	1987
"What Political Appointees Need to Know: Preparing Appointees for Success"	Political Appointee Project Website	December 20, 2016.
"How To Be Successful in the Trump Administration: Four Lessons From Previous Political Appointees"	Government Executive Website	December 16, 2016.
"What the State Department Can Teach Agencies About Preparing New Appointees for the Job"	<i>Government Executive Website..</i>	December 14, 2016
"Needed: A New Approach for Onboarding Political Appointees"	Government Executive Website	December 2, 2016.
"Your Guide to a Presidential Appointment in the Next Administration"	Government Executive Website	June 28, 2016.
"Avoiding a Government of Lawyers and Former Congressional Staffers"	Government Executive Website	May 26, 2016.
"Do You Have What It Takes To Be a Political Appointee?"	Government Executive Website.	May 2, 2016.

"Looking Close to Home"	Political Appointee Project.	January 2015
"Leon Panetta's Hard Lessons in Leadership"	Government Executive.	October 24, 2014.
"Hillary Clinton's Lessons in Executive Diplomacy"	Government Executive.	July 21, 2014.
"What Government Executives Can Learn from Robert Gates"	Government Executive.	June 20, 2014.
"What Government Executives Can Learn from Tim Geithner"	Government Executive.	June 12, 2014.
"The Challenge of Appointments"	Federal Times.	May 2, 2014.
"Implementing Performance Management in Government: Advice for Political Appointees"	Political Appointee Project.	April 2014.
"Looking Close to Home"	Political Appointee Project.	February 2014
"Five lessons for Second-term Political Appointees"	Federal Times.	January 2013.
"What Every New Political Appointee Should Know"	Political Appointee Project.	January 2013.
"What We Have Learned About Political Appointees"	Political Appointee Project.	October 2012.
"How Federal Executives Build Successful Long-Term Organizations"	Public Manager.	Summer 2012.
"The Many Dimensions of Innovation in Government"	AOL Government.	May 2012.
"Innovation in Government: Creating the Race to the Top Program at Education"	AOL Government.	April 2012.
"Innovation in Government: Creating the VA's Innovation Initiative"	AOL Government.	April 2012.
"Innovation in Government: Creating The 'Know Your Farmer' Program"	AOL Government.	March 2012.
"Innovation In Government: Creating The 'Every Day Counts' Program"	AOL Government.	March 2012.

"Leadership Lessons: Inez Moore Tenenbaum, Consumer Product Safety Commission"	Government Executive.	February 2012.
"Leadership Lessons: Patrick Gallagher, National Institute of Standards and Technology"	Government Executive.	January 2012.
"Leadership Lessons: Joseph Main, Mine Safety and Health Administration"	Government Executive.	January 23, 2012.
"Leadership Lessons: Arun Majumdar, Advanced Research Projects Agency-Energy"	Government Executive.	January 17, 2012.
"Leadership Lessons: David Kappos, U.S. Patent and Trademark Office"	Government Executive.	January 2012.
"The Challenge of Selecting and Orienting Political Appointees"	The Public Manager.	Winter 2011.
"VIEWPOINT Picking Appointees"	Government Executive	October 2011
"Agency-Level Reorganization Can Work" ..	The Public Manager	Summer 2011
"Analysis: Getting Appointees Up to Speed"	Government Executive.	February 17, 2010.
"Ready Aim Aim Aim: The Government's Culture Clash"	Federal Times.	December 15, 2009.
"Commentary: Quarterly reports would enhance performance, accountability"	Federal Times.	December 21, 2008.
"Missing From The Presidential Debate: Federal Management"	Federal Times.	October 13, 2008.
"How to Think Like a Sports GM"	FCW.	September 15, 2008.
"Viewpoint Across the Divide"	Government Executive.	August 1, 2008.
"Commentary: Next administration should let agencies lead reform."	Federal Times.	July 27, 2008.
"The challenge of managing a highly educated work force."	Federal Times.	August 19, 2005.
"Public Service at Its Best."	The Business of Government	Spring 2005

"What Steve Spurrier Taught Me About Management."	The Business of Government.	Summer 2004
"Grant Giving."	The Business of Government.	Summer 2003
"Documenting a Revolution: Studies Detail Exciting Changes in Government."	Federal Times.	March 10, 2003.
"Leadership."	The Business of Government.	Winter 2002
"Benchmarking."	The Business of Government.	Fall 2001
"E-Government."	The Business of Government.	Fall 2000
"Chief Financial Officers Act of 1990."	The Business of Government.	Spring 2000
"Management Challenges for the 21st Century."	The Business of Government.	Summer 1999
"Transforming a Traditional Agency into a Business: The United States Mint."	The Business of Government.	Spring 1999
"Gilmore gets B+ on technology."	Washington Business Journal.	December 7, 1998.
"Washington, D.C., A City of Policies and Operations."	The Business of Government.	September/October 1998,
"Mergers;" "Improving the Business of Government - U.S. Investigations Services;" "Public-Private Partnership at Work."	The Business of Government.	July/August 1998,
"E-Government;" "Improving the Business of Government - Office of Management and Budget."	The Business of Government.	May/June 1998,
"Strategic Alliances;" "Improving the Business of Government - Defense Commissary Agency."	The Business of Government.	March/April 1998
"Let's Solve High-Tech Labor Shortage Ourselves."	Washington Business Journal.	March 13-19, 1998
"Learning from Private Sector;" "Improving the Business of Government - Defense Automated Printing Service."	The Business of Government.	January/February 1998

"Build Statewide Information Superhighway."	Washington Business Journal	. January 2-8, 1998
"Tech issue missing in Va. race. "	Washington Business Journal	October 27, 1997.
"Commit to specifics on outcomes, innovations."	Washington Business Journal..	September 8, 1997
"Leveling the NCAA Field. "	Athletic Business	October 1989
"End Cheating - Pay College Athletes."	The Wall Street Journal..	March 6, 1987, page 30
"Certification of Personnel Administrators: An Alternative Interpretation."	Personnel Administration	December 1980
"Marx on Regulation: A Comment. "	Review of Social Economy.	April 1980

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. – N/A

(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.

Presentation to the Annual Meeting of the National Academy of Public Administration Nov 2011

Facilitated Panel discuss at the National Academy of Public Administration May 2016

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

Television – Interviewed by Francis Rose on Government Matters, Dec 27, 2017

Radio – Interviewed by Tom Temin, Fed News Radio – Dec 16, 2016 and March 17, 2014

9. Agreements or Arrangements

<p>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.)</p>

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.

10. Lobbying

In the past ten years, have you 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, consistent with applicable law.

[A letter from the Office of Government Ethics follows:]

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



March 5, 2018

The Honorable Johnny Isakson
Chairman
Committee on Veterans' Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Paul Lawrence, who has been nominated by President Trump for the position of Under Secretary for Benefits of the U.S. Department of Veterans Affairs.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,
**DAVID
APOL**

David J. Apol
Acting Director and General Counsel

 Digitally signed by DAVID APOL
DN: c=US, o=U.S. Government, ou=Office
of Government Ethics, cn=DAVID APOL,
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70
Date: 2018.03.05 18:22:26 -0500

Enclosures



[Letter from Paul R. Lawrence to the Office of General Counsel,
U.S. Department of Veterans Affairs:]

February 6, 2018

Ms. Tammy L. Kennedy
Chief Counsel and
Designated Agency Ethics Official
U.S. Department of Veterans Affairs
Washington, D.C. 20420

Dear Ms. Kennedy,

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Under Secretary for Benefits of the U.S. Department of Veterans Affairs.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my position with Kaiser Associates. For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know Kaiser Associates is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Upon confirmation, I will resign from my position as a co-trustee of the Family Trust. For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know the Family Trust is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

If I rely on a *de minimis* exemption under 5 C.F.R. § 2640.201(b) with regard to any of my financial interests in sector mutual funds, I will monitor the value of those interests. If the aggregate value of my interests in sector mutual funds that concentrate in any one sector exceeds \$50,000, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of any holdings of the funds that are in the specific sector in which the funds concentrate, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

2.

Ms. Tammy Kennedy

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), or obligations of the United States.

I will meet in person with you, or your designee, during the first 15 days of my service in the position of Under Secretary for Benefits in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,



Paul Lawrence

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO
PAUL R. LAWRENCE, NOMINEE TO BE UNDER SECRETARY FOR BENEFITS, U.S. DE-
PARTMENT OF VETERANS AFFAIRS

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

Response. There are three key areas I will focus on:

a. *Providing benefits accurately and in a timely manner.* This include the current processes, appeals, and the changes from new legislations (e.g., the G.I. Bill). I will continue to streamline processes and reallocate resources to areas where they can have the most impact.

b. *Financial rigor and stewardship of the funds provided to VBA.* I will work with the Department, OMB and others to ensure we have applying financial best practices. As appropriate, I will seek independent testing of key financial processes (such as improper payments) to determine their effectiveness and how they can be improved.

c. *Collaboration with stakeholders.* Many organizations have supporting veterans as their mission. I will engage and work closely with as many of these organizations as possible so that our collective support for Veterans is aligned. I will seek to find our common interests and the projects we can work on together. I will model collaborative behavior and strongly encourage the VBA team to do the same.

Question 2. You have extensive experience working with leaders in government. How would this experience inform your perspective and benefit you in the role of Under Secretary for Benefits?

Response. These experiences are relevant, inform my management approach and I will use many of the best practices I have observed. These include:

- Leveraging the career staff by actively enlisting their support and insights.

- Engage and collaborate with stakeholders. They provide invaluable ideas and counsel.
- Focus and align on key priorities. Make progress by constantly completing short term goals that lead to completing long term goals.

Question 3. Please describe what you believe are the biggest challenges facing the Veterans Benefits Administration (VBA) and your plans to address them.

Response. There are three key areas I will focus on:

a. *Providing benefits accurately and in a timely manner.* This include the current processes, appeals, and the changes from new legislations (e.g., the G.I. Bill). I will continue to streamline processes and reallocate resources to areas where they can have the most impact.

b. *Financial rigor and stewardship of the funds provided to VBA.* I will work with the Department, OMB and others to ensure we have applying financial best practices. As appropriate, I will seek independent testing of key financial processes (such as improper payments) to determine their effectiveness and how they can be improved.

c. *Collaboration with stakeholders.* Many organizations have supporting veterans as their mission. I will engage and work closely with as many of these organizations as possible so that our collective support for Veterans is aligned. I will seek to find our common interests and the projects we can work on together. I will model collaborative behavior and strongly encourage the VBA team to do the same.

Question 4. The Appeals Improvement and Modernization Act of 2017 (Public Law 115–55) requires significant changes to the current appeals system. VBA and the Board of Veterans’ Appeals are working toward implementation of the new system by February 2019. How will you ensure the law is successfully implemented?

Response. To ensure the Appeals Improvement and Modernization Act of 2107 is successfully implemented, the VBA continues to work collaboratively with the Board to reduce legacy appeals through the Rapid Appeals Modernization Program (RAMP) and solicit and listen to Veteran, VSO and Congressional feedback. VBA and the Board will team to explore opportunities to reduce appeal under the Appeals Modernization Act (AMA). If confirmed, I will meet regularly with the Chairman of the Board to ensure a successful implementation.

Question 5. If confirmed, how do you intend to ensure that VBA, across business lines, is providing veterans with timely and quality decisions on their claims for benefits?

Response. Timeliness is generally a function of efficiency of receiving and processing the claim. Recently, there has been much improvement and I would continue that. In particular, I will streamline processes and allocate resources to have their greatest impact.

Quality work is often a function of the training of employees and the effectiveness of the monitoring of quality of the work in progress and when complete. I will review the training program focusing on its emphasis on timeliness and quality. I will also review the quality monitoring efforts for effectiveness in detecting and preventing errors. As appropriate, we will develop and implement plans to enhance quality.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO PAUL LAWRENCE, NOMINEE TO BE UNDER SECRETARY FOR BENEFITS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 6. Why do you seek this position?

Response. I grew up in a military family and served in the U.S. Army. I am passionate about Veteran’s issues and would like to contribute to the team and effort to continue to improve how they receive the benefits they have earned. My professional experiences are working in areas similar to the key functions of the VBA—processing, mortgage origination and services, student loans, and education. I am also familiar with the workings of the Federal Government from supporting Agencies as a consultant and conducting research with past political appointees. Because of this, I believe I am well qualified and capable of making a contribution.

Question 7. What do you believe are the most important problems and challenges currently confronting the Veterans Benefits Administration? How do you intend to address them?

Response. There are three key areas I will focus on:

a. *Providing benefits accurately and in a timely manner.* This include the current processes, appeals, and the changes from new legislations (e.g., the G.I. Bill). I will

continue to streamline processes and reallocate resources to areas where they can have the most impact.

b. *Financial rigor and stewardship of the funds provided to VBA.* I will work with the Department, OMB and others to ensure we have applying financial best practices. As appropriate, I will seek independent testing of key financial processes (such as improper payments) to determine their effectiveness and how they can be improved.

c. *Collaboration with stakeholders.* Many organizations have supporting veterans as their mission. I will engage and work closely with as many of these organizations as possible so that our collective support for Veterans is aligned. I will seek to find our common interests and the projects we can work on together. I will model collaborative behavior and strongly encourage the VBA team to do the same.

Question 8. What is your management style? Are you a “hands-on” manager? Do you rely on significant delegation? Do you seek consensus before making a decision or do you generally gather relevant information and input, and then make a decision?

Response. I consider myself an engaged manager, being as hands-on as possible and appropriate. I delegate with clear instructions, accountability and follow-up points. I articulate the key performance requirements, communicate these frequently and measure regularly to monitor progress. I prefer to seek consensus before making decisions. When that is not practical, I gather as much input as possible, specifically focusing on the different perspectives to understand the implications of a decision. I will make a decision and, as appropriate, explain to stakeholders that I did listen to and consider their perspective and where is why I made this decision.

Question 9. Have you spoken to the Secretary about his expectation for what your role would be within his leadership team? If yes, what was discussed?

Response. No.

Question 10. Have you spoken to the President or anyone at the White House about what your role would be within the Administration? If yes, what was discussed?

Response. No.

Question 11. On matters of policy, do you believe you will be receiving direction from the Secretary or someone at the White House?

Response. The Secretary.

Question 12. Describe how you intend to work with the Secretary, the Deputy and two other Under Secretaries. Please also describe how you will work with others in the Agency whose work directly impacts VBA (e.g. Enterprise Integration, General Counsel’s Office) but you wouldn’t have authority over.

Response. I will work closely and collaboratively with the Secretary, the Deputy and two other Under Secretaries. Per their style, I will meet and review key topics with them as often as possible. I will work with others in the Agency who work directly impacts VBA as closely as possible. I will focus on areas of mutual interest and emphasize how their work supports VBA accomplishing its mission.

Question 13. Your employment history shows considerable time spent as a Federal contractor. Describe any experience you have had working with VA and how that experience has shaped your view of the Agency.

Response. In the late 1980s I conducted a study for the Veteran’s Canteen Service on the financial impact of tobacco sales in the “in-hospital stores.” As part of this work, we visited a dozen hospitals around the country that served different Veteran populations (in patient, extended and long term care). The report was timely and I provide short testimony about it to a House Subcommittee grappling with the policy on tobacco sale in the hospitals. From this experience I learned first-hand of the role of VA’s stakeholders as VCS leadership, VSO, and “doctor groups” in the VHA voiced ideas about the subject and the report. I also had personally experienced the different ways VA provides support to Veterans through the trips I conducted to the different hospitals.

Additional Response. I did no other work for the VA besides that study. I have not worked as a federal contractor at the VA since that study (which I recall as being conducted in 1988).

In particular, I have had no involvement in the VA’s Agency Reform Plan.

Question 14. You co-wrote an article on how to be successful in the Trump Administration. As part of the article you recommended that nominees dialog with predecessors and experts. Who have you reached out to since your nomination and what have you learned?

Response. I have talked with former Under Secretary, Benefits, Allison Hickey, former Deputy Secretary Scott Gould, and former Secretaries Jim Nicholson and Anthony Principi. Common themes in these conversations was the importance of collaborating and working with all stakeholders, especially the VSOs and Unions. Another was the importance of balance two broad objectives—processing claims quickly and accurately, while also never forgetting the need for rigorous fiscal stewardship.

Question 15. How do you plan to work with the veteran service organizations? Do you anticipate meeting with the VSO representatives on a regular basis?

Response. Closely and collaboratively. Yes, my present plan is to meet monthly with them and have additional meetings as appropriate.

Question 16. What would you do to ensure that Members of Congress are advised in advance of problems, issues and emerging matters—particularly when those matters are specific to the area a member represents?

Response. I would communicate these as early as practical, with a plan to address the situation.

Question 17. There are reports that the Administration, through their Office of General Counsel, has ordered agencies to not provide responses to Democrats' information requests. If you were to receive such an order, what would you do? Have you participated in or been aware of any communications where this topic was discussed? Please provide details on the participants in this discussion, the substance of the discussion, and any outcomes.

Response. I have not received such communication nor am I aware of it. If I to received such an order I would seek to understand the purpose behind it. I would evaluate and decide on a course of action based on what I learned.

Question 18. Committee staff access to career professionals at VBA is critically important as they conduct oversight of the Agency on behalf of Members. In the past, VBA staff from all business lines have been made available for briefings, questions, and related activities. Committee staff view these open channels of communication as vital. Do you intend to allow Committee staff the same level of access to VBA career employees?

Response. Yes.

Question 19. Accurate forecasting of usage of veterans benefits is essential in planning for resources to administer those benefits. What do you see as the Under Secretary's role in forecasting the need for additional staffing resources so that Congress can appropriate those resources in a timely manner?

Response. Ensuring VBA has sufficient resources to meet its mission is critical and an important responsibility. I see my roles as ensuring VBA carefully, thoughtfully, and critically develops estimates of the resource needed. I also believe it is important to provide these estimates in manner that corresponds to the time schedule needed for them to be appropriated.

Question 20. Recent budget requests have included provisions meant to save the Department money in order to expand other programs, for example, community care. What is your position on taking money from one group of veterans in order to pay for programs for another?

Response. I would want to better understand the specific situation in order to develop an informed position. Generally, my position is that if Veterans have earned benefits according to the rules and regulations, those should not be altered.

Question 21. Are you concerned with any portion of the Administration's budget request for FY 2019 as it pertains to VBA?

Response. Not at this point.

Question 22. Some VA employees have expressed concern regarding the execution of the recently-signed into law Accountability legislation. Explain your view of this law.

Response. The Accountability Legislation established the Office of Accountability and Whistleblower Protection (OAWP), provided protection for whistleblowers, and provided the Secretary with improved authorities to improve the accountability of SES, supervisors and other employees. If the Secretary determines the employee has committed misconduct or performed poorly, actions can be taken. These actions are reprimands, suspension of any length; involuntary reassignments, demotions and removal. The legislation also provides streamlined processes and expedited schedule for resolution and appeal of the action.

The legislation expands the tools available to leaders at the VA when handling poor performance. My experience is this should be only used when training, coaching and other approaches have consistently failed because of the employee (not those providing the training, coaching, etc.). The goal of the leader is to provide services to our Veterans by creating a healthy and productive work environment and that

engages a top performing team. The old phrase “you can’t fire your way to success” reminds me that this tool may need to be utilized to deal with habitual situations but should only be after other efforts have been made to increase performance.

Question 23. VBA employees have suffered from low morale partially due to constant scrutiny of their performance. If confirmed, what steps would you take to improve morale at VBA?

Response. Experience has taught me that increasing organization performance has a positive impact on morale. Simultaneously with those efforts, I will engage employees, communicating regularly, and seeking their advice and ideas often. As practical, I will travel or use technology to engage employees outside of Washington, DC, to gain a balance perspective on issues. I will lead by example, modeling the behaviors I will expect from others, including focus on the mission, integrity, and transparency. I will strongly advocate for the VBA, pointing out accomplishments and educating those who are inaccurate in their criticism.

I plan to review employee surveys to identify specific issues of concern. As appropriate, plans to address these issues will be developed and implemented. Regular followup will occur.

Question 24. Addressing employee concerns will be an important part of your job. Do you have experience working with an employee union? How do you intend to work with employee unions at VA?

Response. Yes, I have worked with Unions in my consulting work at the Internal Revenue Service and the U.S. Postal Service. I intend to work with the Unions as I will all other VA and VBA stakeholders—as closely and collaboratively as possible. I will be open, consistent and fair in my dealing with the Union, emphasizing our common interests in serving Veterans.

Question 25. Do you believe that VA’s 125 day goal for an initial decision on a claim is appropriate? In your view, how long should a veteran have to wait to have his or her initial claim for compensation adjudicated?

Response. At this point yes. I would like to analyze the work involved for the different claims and compare it to similar activities in world-class private sector organizations to make that determination.

Question 26. VBA must rapidly respond to outside decisionmakers like Congress and the Court of Appeals for Veterans Claims, which frequently modify the benefits package or how claims are processed via new legislation or court decisions. VBA has struggled with this in the past. If confirmed, what would you do to ensure that VBA can more nimbly respond to changes in law?

Response. If confirmed, I will review the process currently used to respond to these changes for effectiveness and timeliness. Were there shortcomings, a plan to address these will be developed, socialized with stakeholders, and implemented. This plan would include regular feedback from participants on its timeliness.

Question 27. Do you believe that cost is a factor in determining whether VA’s compensation system should be overhauled?

Response. Overhauling VA’s compensation system would be a complicated initiative involving many stakeholders and factors. I assume cost would be one of many factors.

Question 28. Commissions have been previously established to review which conditions or disabilities should be service-connected, how much veterans are compensated for those conditions or disabilities and related issues. What is your view on this?

Response. At this point I have no view on this process. I will apply the rules that are established as a result efficiently and effectively.

Question 29. Historically, VBA has come under fire for the lack of timeliness of its claims processing. While VBA has made progress in improving timeliness and accuracy of disability claims processing, further improvement is needed. VBA turned its attention to decreasing the amount of time it takes to process a claim, but that improvement seems to be at the cost of a decrease in the quality of its decision-making. Do you have any views on how a more balanced approach can be reached?

Response. Timeliness is generally a function of efficiency of receiving and processing the claim. Recently, there has been much improvement and I would continue that. I will continue to streamline processes and allocate resources to have their greatest impact.

Quality work is often a function of the training of employees and the effectiveness of the monitoring of quality of the work in progress and when complete. I will review the training program focusing on its emphasis on timeliness and quality. I will also review the quality monitoring efforts for effectiveness in detecting and pre-

venting errors. As appropriate, we will develop and implement plans to enhance quality.

A balance approach requires focus on both aspects. Effectiveness requires management discipline and appropriate tools to regularly monitor timeliness and quality. If confirmed, I will bring energy to focusing on both aspects.

Question 30. For some medical conditions that occur after service, the scientific information needed to connect the medical condition and the circumstances of service may be incomplete. When information is incomplete, the Secretary has authority to presume disabilities and diseases as service-connected for purposes of compensation. If confirmed as Under Secretary, what would be your approach for recommending whether a presumption is warranted?

Response. I would carefully review the information about the certainty of its service connection and resulting disabilities. I would also review the projected costs of different benefit scenarios.

Question 31. What are your views of consolidating certain claims processing functions into fewer offices?

Response. This will not be one of my immediate priorities.

Question 32. What changes, if any, do you anticipate making to the way quality of claims processing is measured at VBA?

Response. High-quality processing of claims will be a top priority. Even top performing world-class organizations, recognized for high-quality work seek to continually improve their quality. I will encourage improvement but at this point don't have specific details. Once I have these I will share them with stakeholders.

My experience has taught me that often quality is measured based on the perspective of the organization performing the work rather than the customer for the work (here Veterans). Generally, it is preferred to measure quality from the customer's perspective and use that as an indicator and a diagnostic for improvement. If confirmed, I will examine this as part of my review of the quality of claims processing.

Question 33. Are you familiar with the various legal clinics operated by law schools that assist veterans and family members with accessing VA benefits and other services that veterans have earned through their service, and how do you perceive their role in helping the government deliver benefits to veterans? Should you be confirmed, do you commit to working with these organizations and fostering relationships between law schools and VBA Regional Offices in their areas?

Response. I am unfamiliar with these legal clinics. Yes, to the extent they are effective in helping Veterans apply and receive the benefits they have earned.

Question 34. Committee oversight too often finds veterans who are unaware of the benefits available to them. What type of outreach do you have planned to ensure that servicemembers and veterans are aware that they can utilize their benefits?

Response. I plan on aggressive outreach to Veterans so they are aware of their benefits. This outreach would be using media and format most appropriate and effective to the Veterans. It could range from the latest proven technology to the traditional forms, based on their preference. I will encourage creativity and testing of different approaches to increase effectiveness.

To do this, I will review present communication methods and processes for effectiveness and shortcomings. I will review ideas or suggestions previously developed by VBA to enhance communication. I will review the feedback on shortcomings to identify specifics, trends and root causes. As part of this review, I will reach out to stakeholders to learn of their experiences and the experiences of their members. As appropriate, a plan to address shortcomings and increase effectiveness will be developed, socialized with stakeholders, and implemented. This plan would include regular monitoring and updating to increase effectiveness.

Question 35. The Harry W. Colmery Veterans Education Assistance Act is the most sweeping reform of VA education benefits since the Post-9/11 GI Bill was passed into law. One section of this bill directs VA to extend up nine additional months of GI Bill benefits for veterans in STEM programs that require more credit hours than a standard degree program. If confirmed as undersecretary what will you do to ensure that VA implements this provision in such a way that predatory schools don't inflate program requirements to get access to this expanded benefit?

Response. I will work with those planning and implementing this act to determine how these provisions are being addressed. I will review controls and oversight for this and other practices that inflate program requirements for effectiveness. I will also review efforts being developed and implemented to continually monitor for this practice for their effectiveness and timeliness.

Question 36. VA's Educational Services is plagued with outdated and cumbersome IT systems. As a part of the Harry W. Colmery Veterans Education Assistance Act

we provided 30 million to update those systems and the president's budget request commits to providing additional money needed to modernize those systems. If confirmed as undersecretary will you commit to fighting for these upgrades, and ensure that the appropriate money will spent from VA's IT budget on the Education Services upgrades?

Response. Yes.

Question 37. VA's vocational rehabilitation program provides critical job training services to disabled veterans who transitioning to new careers, but has historically had limited outcome measures. What kind of markers do you think an employment training program, like VR&E, should be tracking? And how long after finishing VR&E should VA be tracking the outcomes of veterans who used the program?

Response. If the goal of the education training programs is to enable the Veteran to acquire skills to be employed, I would track the employment status of the Veterans who participate in the program. Ideally, job type and income information would be track to monitor the type of jobs they obtain, to monitor if the jobs are a gateway to a solid career.

I would track the outcomes of Veterans for sufficiently long to allow for changing initial employers or employment situation. I would want to study the actual data to be precise, but my sense is this would be for 2-3 years.

Question 38. VA's Vocational Rehabilitation and Employment program is one of the smallest, yet most important, programs within the Department. It is the linchpin for helping veterans who incur service-connected disabilities achieve a fulfilling and gainful future. I am deeply committed to making sure that this program lives up to its full potential, especially when individuals who have sustained serious injuries in combat are concerned. What are your thoughts on the role that vocational rehabilitation plays in terms of the total rehabilitation of an individual recovering from severe combat-related injuries?

Response. I believe vocation rehabilitation is an important part of the total rehabilitation. Ideally, VHA supports (as much as practical) the medical rehabilitation. Vocational rehabilitation would then enable the veteran to have skills to be employed.

Question 39. Through VA's vocational rehabilitation program, VA assumes certain responsibilities for the provision of employment assistance to veterans who complete a plan of vocational rehabilitation. This assistance can take a variety of forms. I am concerned that VA cooperate and coordinate with the Department of Labor's Veterans' Employment and Training Service so that duplication of effort can be minimized. If confirmed as Under Secretary, what will you do to involve both DOL and DOD in efforts to ensure that employment-related issues are addressed seamlessly and without duplication of effort?

Response. I consider DOD and DOL key stakeholders and would collaborate with them often. A key part of any collaboration with them will be to increase the effectiveness and efficiency by with the collective organizations support Veterans.

Question 40. VA and DOL both different "own" portions of the military to civilian employment transition. Explain how the Agencies might better work together. Do you believe that different functions being housed at different Agencies is best for veterans? Do you anticipate advocating for any changes in this regard?

Response. I am generally aware of DOL's Veteran Employment and Training Service. At this point, I have no opinion on how these functions being housed at different affects veterans. I do not currently plan to advocate for any changes in this regard.

Question 41. Some of the underlying causes of homelessness among veterans are inadequate income, lack of affordable housing, and lack of accessible and affordable health care. What role, if any, do you believe VBA should play in preventing and ultimately ending homelessness among veterans?

Response. Many government and other agencies work together to address homelessness. VBA can have an impact by helping them develop the capabilities to earn an adequate income, so they can afford housing.

Question 42. What role, if any, do you believe VA has in ensuring that veterans and others using educational assistance benefits receive quality education and training experiences?

Response. I believe the VA has an important role in monitoring the quality of education and training experience veterans pursue with their benefits. I would rely on monitoring done by the U.S. Department of Education, state education monitoring agencies, and other agencies that monitor training. This may be augmented in situations where additional quality monitoring is required.

Question 43. I have heard from constituents that very little information is available to veterans on the Native American Veteran Direct Loan program. What actions do you intend to take in the way of program outreach, local partnerships, and/or other mechanisms to ensure that eligible veterans are aware that they may participate in this program?

Response. I would want to do as much as possible, subject to resource constraints I would want to monitor the approaches for effectiveness and add additional approaches if this is a hard to contact population.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO PAUL LAWRENCE, NOMINEE FOR VA UNDER SECRETARY FOR BENEFITS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. Unfortunately, those following the VA have to acknowledge that we can no longer devote all of our time to the substantive issues that I would like to address. During his tenure, Secretary Shulkin pointed to those within VA who were undermining his ability, and the ability of VA, to do right by veterans.

- Please describe how you would handle a similar challenge.

Response. If confirmed as the Under Secretary for Benefits, I will collaborate with leaders and staff in VBA and across the Department. My focus will be entirely on providing Veterans the benefits they have earned, efficiently and effectively.

While it is difficult to speculate about a hypothetical situation, I can say that if individuals in VBA jeopardize the provision of these benefits and, after a reasonable amount of training and coaching this doesn't change, I would be left with no choice but to remove them in accordance with the law. Were these individual not in VBA, I would use the chain of command. I would enlist the support of the Deputy Secretary and, if needed, the Secretary to help me address the issues so that Veterans receive their benefits.

Question 2. VBA has set a goal of 125 days for an initial decision on a veteran's claim. Unfortunately, when there is an appeal involved, a veteran could wait years longer for finality. Last year, we passed an appeals reform bill that, if done right, should go a long way toward helping with this problem.

- What will you do to improve the timeliness and quality of veterans' claims?

Response. Timeliness is generally a function of efficiency of receiving and processing the claim. Recently, there has been much improvement and I would continue that trend. I will streamline processes and allocate resources to have their greatest impact.

Quality work is often a function of the training of employees and the effectiveness of the monitoring of quality of the work in progress and when complete. I will review the training program focusing on its emphasis on timeliness and quality. I will also review the quality monitoring efforts for effectiveness in detecting and preventing errors. As appropriate, I will work with VBA experts to develop and implement additional plans to enhance quality.

- How will you ensure that the appeals reform is implemented by the February 2019 goal?

Response. To ensure the Appeals Improvement and Modernization Act of 2107 is successfully implemented, VBA continues to work collaboratively with the Board to reduce legacy appeals through the Rapid Appeals Modernization Program (RAMP) and solicit and listen to Veteran, VSO and Congressional feedback. VBA and the Board will coordinate to explore opportunities to reduce appeal under the Appeals Modernization Act (AMA). If confirmed, I will meet regularly with the Chairman of the Board to ensure a successful implementation.

Question 3. For years I've been pushing for the Fort Harrison Regional Office to be given its own Director. The office is the only one of its size in the country, both in workload and number of personnel, which does not have its own Director. Last year, Secretary Shulkin took a first step in this process by installing an On-Site Director for the office. However, the office is still being remotely managed from Salt Lake City. I believe the staff at the Fort Harrison Regional Office who get up every day and work hard for veterans need the sort of leadership and stability that having a dedicated, in-house Director brings.

- Do you agree to work with me to resolve this issue?

Response. Yes.

- Within 60 days of your confirmation, will you provide me the steps that you will take to make sure this issue is resolved?

Response. Yes.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. MAZIE K. HIRONO TO
PAUL LAWRENCE, NOMINEE FOR VA UNDER SECRETARY FOR BENEFITS, U.S. DE-
PARTMENT OF VETERANS AFFAIRS

Question 5. To ensure the fitness of nominees for any of our appointed positions, I ask every nominee who comes before me to answer the following two questions:

a. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?

Response. No.

b. Have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Response. No.

Question 6. The American Recovery and Reinvestment Act of 2009 established the Filipino Veterans Equity Compensation Fund that provides a one-time benefit payment to eligible Filipino World War II veterans.

Response. Over 40,000 claims for this one-time benefit were received and processed. While more than 18,000 claims have been approved, nearly 24,000 were denied.

As of September 2017, VA estimates 11 appeals were pending with VBA and the Board of Veterans' Appeals. These cases can ultimately be appealed the Court of Appeals for Veterans Claims as well.

As the Filipino veterans are now in their 90s, the urgency of resolving their applications cannot be emphasized enough. Can you commit that you will make their claims a priority and work with advocates like the Filipino Veterans Recognition and Education Project so that they receive the benefits they earned?

Response. Yes.

Question 7. Will you commit to opposing the use of the remaining balance of the Filipino Veterans Equity Compensation fund for unrelated purposes?

Response. Yes.

Question 8. Mr. Lawrence, one of VA's top challenges from a management perspective is the claims and appeals backlog. Based on your experience as a consultant how would you tackle this issue? Would you prioritize hiring more personnel?

Response. To address the claims backlog I will focus on timeliness of claims processing and the quality of that work.

Timeliness is generally a function of efficiency of receiving and processing the claim. Recently, there has been much improvement and I will streamline processes and allocate resources to have the greatest impact.

Quality work is often a function of the training of employees and the effectiveness of the monitoring of quality of the work in progress and when complete. I will review the training program focusing on its emphasis on timeliness and quality. I will also review the quality monitoring efforts for effectiveness in detecting and preventing errors. As appropriate, I will work with VBA experts to develop and implement additional plans to enhance quality.

The Appeals Improvement and Modernization Act of 2017 is key to reducing the appeals backlog. To implement this successfully, the VBA continues to work collaboratively with the Board to reduce legacy appeals through the Rapid Appeals Modernization Program (RAMP) and solicit and listen to Veteran, VSO and Congressional feedback. VBA and the Board will collaborate to explore opportunities to reduce appeals under the Appeals Modernization Act (AMA). If confirmed, I will meet regularly with the Chairman of the Board to ensure a successful implementation.

Yes, if I determine that more personnel are needed, I will prioritize their hiring.

Question 9. Last year Congress passed the Veterans to Enhance Studies through (TEST) Accessibility Act sponsored by Sen. Rounds and myself as part of the Forever GI Bill law. Currently, student veterans, including over 6,000 in Hawaii, are required to use a full month of their Post-9/11 GI Bill eligibility to be reimbursed for licensing, certification and national tests, such as those required to be an athletic trainer, fire fighter or medical technician. The TEST Accessibility Act would address this issue by reimbursing veterans for the cost of an approved test and prorating the affected month of eligibility to be used for future educational expenses, such as tuition. This provision will become effective on August 1, 2018.

Can you commit that if confirmed you would work to ensure this provision is implemented and communicated to students and schools in a timely manner before this effective date?

Response. Yes. If it proves not possible to meet this date, I will explain why and present our revised implementation plans.

Question 10. Mr. Lawrence, as Under Secretary for Benefits, you will be involved with determining veteran eligibility for over \$1 billion in funding to assist homeless veterans and their families. What are your thoughts on ways we can continue the progress we made in reducing veteran homelessness (around 47 percent decline since 2010 with slight uptick in the last year) and improve the transition process to civilian life to prevent homelessness?

Response. If confirmed I will do everything I can to reduce Veteran homelessness. I will review the actions taken by VBA that contributed to the decline and identify plans to continue and enhance those actions. From this review, I would expect additional actions may be identified. I will review those and determine what can be done, given resource constraints.

VBA presently supports the effort to reduce Veteran homelessness through its Education, Transition Assistance, and Vocational Rehabilitation and Education programs. Across the Federal Government, other agencies also participate in these efforts. I will encourage collaboration within the VBA individual states and across the different agencies so that VA is aligned and focused on this important issue.

Question 11. One of the issues I often hear from veterans in Hawaii is the lack of access to information and VA outreach to the neighbor islands on their earned benefits. If confirmed, what would you order local VBA offices in Honolulu and across the country under your responsibility to ensure generation-specific outreach from the department so that veterans of all generations are informed using the methods of communication they feel most comfortable with?

Response. If confirmed, I will review the communication strategy employed to reach Veterans. Some Veterans experience lack of access to needed information about their earned benefits. After ensuring that VBA has identified and is prepared to implement the most effective strategies and approaches to reach these Veterans, I will order that these strategies be implemented.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JOE MANCHIN III TO PAUL LAWRENCE, NOMINEE FOR VA UNDER SECRETARY FOR BENEFITS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 12. The appeals backlog has been a consistent and growing problem at VBA. Last year Congress passed The Veterans Appeals Improvement and Modernization Act of 2017 to give the department the tools needed to address this issue. However, the Rapid Appeals Modernization Program (RAMP) appears to be off to a slow start. Some reports indicate that only 1-3% of veterans invited to use the program have actually registered. What strategies would you initiate to increase participation in this program?

Response. RAMP participation was initially low. In the briefings I received from VBA's Appeals Management Office, they indicated participation has increased over time. This appears to be because the benefits from participating are now clearer to the Veteran in terms of actual reduction in wait time and case resolution. One strategy is to communicate these results widely and more clearly, so more Veterans can understand the actual benefits from participation.

In my discussions with the Chairman of the Board of Veterans Appeals and the leader of the Appeals Management Office, both talked about the value of in-person communication to the VSOs about the benefits of participating in RAMP. They described their plans to travel around the country to meet in person and describe the benefits. I fully support continued visits to do this.

As the feedback from RAMP continues to increase, I would add additional strategies based on lessons learned.

Question 13. The Vocational Rehabilitation and Employment (VR&E) program is a good news story that a lot of us do not hear. From what I am told, it is life changing for veterans. However, in last year's Independent Budget compiled by the DAV, AMVETS, VFW, and PVA, they mentioned that the staff-to-client ratio is increasing and the program needs more counselors. A good program can deteriorate quickly if we don't make sure it has the people it needs. When developing your budget, will you do your best to ensure that this program has the people they need?

Response. Yes. I received similar information from a high-level briefing on the VR&E program from the VBA in preparation for my confirmation hearing. As the Veteran population that draws on this benefit grows, providing appropriate resources is a key challenge. In developing the budget, I will seek a balance between additional counselors and more efficient administrative support.

Chairman ISAKSON. Thank you, Dr. Lawrence.

Did you get to introduce your family?

Mr. LAWRENCE. Oh, sure. This is my wife, Ann, and that's my brother, Chris.

Chairman ISAKSON. Well, thank them for their service because they will be sacrificing a lot with you doing the job you are going to be doing for us, which we appreciate.

Mr. Falvey, you are introduced, up to 5 minutes.

STATEMENT OF JOHN L. FALVEY, JR., TO BE JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Mr. FALVEY. Good afternoon Chairman Isakson, Ranking Member Tester, and distinguished Members of this Committee.

I am deeply honored to have been nominated by the President to serve as a judge on the U.S. Court of Appeals for Veterans Claims. I am also honored to appear before this Committee here today.

In a sense, I am here representing not only myself but my family, which is full of veterans. Not surprisingly, no one in my family has ever addressed a Senate Committee before, so I would like to take this unique opportunity to recognize the long line of veterans from which I come.

Almost exactly 100 years ago today, my grandfather served as an Army machine gunner with the American Expeditionary Force in France during World War I.

At the end of World War II, my then 17-year-old father enlisted in the Army Air Corps and went on to serve in the Air Force through the Korean and Vietnam Wars.

My older brothers each served for 30 years in the Air Force and Navy, respectively, and are cold war-era veterans.

I myself served in the Marine Corps for 30 years, including service in Afghanistan. My two oldest sons are Marine Corps infantry officers. One completed two combat tours in Afghanistan, and the other is preparing right now for his second overseas deployment.

One of my daughters is an Air Force Academy graduate and an Air Force officer, and a son-in-law and a daughter-in-law each served in the Marine Corps.

Many other close relatives also served, including my nephew, an Air Force veteran of Operation Iraqi Freedom, who will be buried later this month at Arlington National Cemetery, not far from Dr. Lawrence's father and my father and mother.

Military service not only runs in my family, it runs deep within me. I believe this love of country and its veterans would serve me well on the Court of Appeals for Veterans Claims.

Throughout my life and my career in the Marine Corps and as an attorney, I have sought to serve my country and do my duty as best as I understand it. Both law and war, it seems to me, impose duties on us, the living, here in the present. We owe a tremendous debt to the Americans who came before us, who fought and died, who were wounded and mangled, in places like Belleau Wood, Iwo Jima, the Chosin Reservoir, Hue City, Fallujah, and Helmand Province.

Such bloodshed made it possible to enact our higher law, the Constitution, and the laws of the United States that persist today, including those laws that come before the Court of Appeals for Veterans Claims.

As Burke and Madison explained, our laws are an inheritance from our forefathers that impose a debt against the living. It is our duty, therefore, to abide faithfully by our laws, and judges have a special role in that effort.

This sense of duty is what drew me to the Marine Corps and to the law. It is why I am much honored to be nominated to the Court of Appeals for Veterans Claims. This court, perhaps more so than any other court in the country, has a special calling to faithfully apply our Nation's laws, to do right by the Americans who have sacrificed for it.

I have spent the past 37 years in public service, and if fortunate enough to be confirmed, I would be honored to grow gray—or in my case grayer—in the service of my country while seeking daily to do right by our laws and by our warriors.

I am committed to devoting the same level of energy and effort that I have brought to all my endeavors to ensure timely and fair resolution of the cases that come before me. I promise you that I would strive every day that I am a judge to deliver justice under the law to everyone who comes before me.

Finally, I would like to thank the President for nominating me. I would like to thank Office of White House Counsel, Associate Counsel Robert Luther for his assistance, and I would like to thank my family for their love and support.

Although most of my very large family is unable to be here today, I would like to recognize my son, Joe, and his wife, Katherine, who appears to have stepped out with one of my grandchildren, but he is also here with my grandchildren, Peter and Joe. And there is Katherine in the back with my granddaughter, Rose.

Thank you for the opportunity to appear before the Committee and for considering my nomination to this important court.

I would be pleased to answer any questions you might have.

[The prepared statement of Mr. Falvey follows:]

PREPARED STATEMENT OF JOSEPH L. FALVEY, JR., NOMINEE TO BE JUDGE,
UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

GOOD AFTERNOON CHAIRMAN ISAKSON, RANKING MEMBER TESTER, AND DISTINGUISHED MEMBERS OF THIS COMMITTEE. I am deeply honored to have been nominated by the President to serve as a judge on the United States Court of Appeals for Veterans Claims.

I am also honored to appear before the Committee today. In a sense, I am here representing not only myself but also my family, which is full of veterans. Not surprisingly, no one in my family has ever addressed a Senate Committee before, so I would like to take this unique opportunity to recognize the long line of veterans from which I come.

One hundred years ago, my grandfather served as an Army machine gunner with the American Expeditionary Force in France during World War I. At the end of World War II, my then 17-year old father enlisted in the Army-Air Corps and went on to serve in the Air Force through the Korean and Vietnam wars. My older brothers each served for 30 years and are Cold War era veterans. I myself served in the Marine Corps for 30 years, including service in Afghanistan. Two of my sons are Marine Corps infantry officers (one completed two combat tours in Afghanistan and the other is preparing for his second overseas deployment), one of my daughters is an Air Force officer, and a son-in-law and a daughter-in-law served in the Marine Corps. Many other close relatives also served, including my nephew, an Air Force veteran of Operation Iraqi Freedom, who will be buried at Arlington National Cemetery later this month.

Military service not only runs in my family, it runs deep within me. I believe this love of country and its veterans would serve me well on the Court of Appeals for Veterans Claims.

Throughout my life and my career in the Marine Corps and as an attorney, I have sought to serve my country and do my duty as best as I understand it.

Both law and war, it seems to me, impose duties on us in the present. We owe a tremendous debt to the Americans who came before us, who fought and died, who were wounded and mangled, in places like Belleau Wood, Iwo Jima, the Chosin Reservoir, Hue City, and Fallujah.

Such bloodshed made it possible to enact our higher law—the Constitution—and the laws of the United States that persist today, including the laws that come before the Court of Appeals for Veterans Claims. As Burke and Madison explained, our laws are an “inheritance . . . from our forefathers” that impose a “debt against the living.” It’s our duty, therefore, to abide faithfully by our laws, and judges have a special role in that effort.

This sense of duty is what drew me to the Marine Corps and to the law, and it’s why I am much honored to be nominated to the Court of Appeals for Veterans Claims. This Court, perhaps more so than any other court in the country, has a special calling to faithfully apply our Nation’s laws to do right by the Americans who have sacrificed for it.

I have spent the past 37 years in public service and, if fortunate enough to be confirmed, I would be honored to grow gray in continued service of my country while seeking daily to do right by our laws and by our warriors.

I am committed to devoting the same level of energy and effort that I have brought to all my endeavors to ensure timely and fair resolution of the cases that come before me. I promise you that I would strive every day that I am a judge to deliver justice under the law to everyone who comes before me.

Thank you for the opportunity to appear before you today and for considering my nomination to this important court. I would be pleased to answer any questions you might have.

[The Committee questionnaire for Presidential nominees follows:]

Joseph L. Falvey, Jr.
Questionnaire
6 February 2018

Revised December 2016

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>
Judge, U.S. Court of Appeals for Veterans Claims	01/24/2018

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Joseph	Leo	Falvey	Jr.

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 477 Michigan Avenue		
City: Plymouth	State: MI	Zip: 48170	City: Detroit	State: MI	Zip: 48226

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<small>Check if Multiple Names</small>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
None					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
1959	Dayton, OH

<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>			
Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix
Anne	Marie	Falvey	

<i>Spouse's Other Names Used (current spouse only)</i>								
First Name	Middle Name	Last Name	Suffix	Check if Maiden Name	Name Used From (Month/Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)		
Anne	Marie	Day		X	12/1962	Est <input type="checkbox"/>	6/1986	Est <input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
First Name	Middle Name	Last Name	Suffix
Joseph	Patrick	Falvey	
Kathryn	Anne	Fenton	
Michael	Francis	Falvey	
Sarah	Elizabeth	Falvey	
Elijah	Michael	Falvey	

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 Notre Dame	University	8/1977 <input type="checkbox"/> Est <input type="checkbox"/>	5/1981 <input type="checkbox"/> Est <input type="checkbox"/> <input type="checkbox"/> Present	B.A.	5/17/81
Notre Dame Law School	Law School	8/1984 <input type="checkbox"/> Est <input type="checkbox"/>	5/1987 <input type="checkbox"/> Est <input type="checkbox"/> <input type="checkbox"/> Present	J.D.	5/17/87
The Judge Advocate General's School of the Army	Masters of Law Program	7/1990 <input type="checkbox"/> Est <input type="checkbox"/>	5/1991 <input type="checkbox"/> Est <input type="checkbox"/> <input type="checkbox"/> Present	LL.M.	5/17/91

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)	
				Month	Year	Month	Year
Federal Employment	U.S. Army Corps of Engineers, Detroit District	District Counsel/GS-15	Detroit, MI	2/2011	Est <input type="checkbox"/>	Est Present <input type="checkbox"/>	Est X
Federal Employment	U.S. Attorney's Office, E.D. of Michigan	Assistant U.S. Attorney	Detroit, MI	1/2008	Est <input type="checkbox"/>	2/2011	Est <input type="checkbox"/>
Non-Government Employment	Ave Maria School of Law	Assoc. Professor and Assoc. Dean	Ann Arbor, MI	1/1999	Est X	1/2008	Est <input type="checkbox"/>
Non-Government Employment	University of Detroit Mercy School of Law	Asst. Professor and Assistant Dean	Detroit, MI	8/1994	Est <input type="checkbox"/>	1/1999	Est X
Active Military	Judge Advocate Division, Headquarters, U.S. Marine Corps	Assistant Head, Military Law Branch, Major	Wash., DC	6/1991	Est <input type="checkbox"/>	8/1994	Est <input type="checkbox"/>
Active Military	1 st Force Service Support Group	Prosecutor, Captain	Camp Pendleton, CA	1/1990	Est <input type="checkbox"/>	6/1990	Est <input type="checkbox"/>
Active Military	11 th Marine Expeditionary Unit	Senior Judge Advocate, Captain	Western Pacific	12/1988	Est <input type="checkbox"/>	12/1989	Est <input type="checkbox"/>
Active Military	1 st Force Service Support Group	Defense Counsel, Captain	Camp Pendleton, CA	8/1987	Est <input type="checkbox"/>	12/1988	Est <input type="checkbox"/>
Active Military	Naval Justice School	Student, Captain	Newport, RI	5/1987	Est <input type="checkbox"/>	7/1987	Est <input type="checkbox"/>
Active Military	Notre Dame Law School	Student, 1 st Lieutenant	Notre Dame, IN	8/1984	Est <input type="checkbox"/>	5/1987	Est <input type="checkbox"/>
Active Military	1 st Tank Battalion	Armor Officer, 1 st Lieutenant	Camp Pendleton, CA	5/1982	Est <input type="checkbox"/>	7/1984	Est <input type="checkbox"/>

Joseph L. Falvey, Jr.
Questionnaire
6 February 2018

Active Military	Armor Officer Basic Course	Student, 2 nd Lieutenant	Fort Knox, KY	1/1982	Est <input type="checkbox"/>	5/1982	Est <input type="checkbox"/>
Active Military	The Basic School	Student, 2 nd Lieutenant	Quantico, VA	8/1981	Est <input type="checkbox"/>	1/1982	Est <input type="checkbox"/>
Active Military	Officer Candidate School	Student, Candidate	Quantico, VA	5/1981	Est <input type="checkbox"/>	7/1981	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> (month/year) (check box if estimate)	Est <input type="checkbox"/>	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)	Est <input type="checkbox"/>	Present <input type="checkbox"/>
Reserve Legal Service Support Section (U.S. Marine Corps Reserve)	Commanding Officer, Colonel	10/2008	Est <input type="checkbox"/>	11/2010	Est <input type="checkbox"/>	Present <input type="checkbox"/>
Navy-Marine Corps Court of Criminal Appeals (U.S. Marine Corps Reserve)	Appellate Judge, Colonel	2/2004	Est <input type="checkbox"/>	2/2008	Est <input type="checkbox"/>	Present <input type="checkbox"/>
U.S. Central Command (U.S. Marine Corps Reserve)	Assistant Staff Judge Advocate for Operational Law, Lieutenant Colonel	2/1998	Est <input type="checkbox"/>	10/2002	Est <input type="checkbox"/>	Present <input type="checkbox"/>
Michigan Attorney Greivance Commission	Commissioner	9/2000	Est <input checked="" type="checkbox"/>	9/2001	Est <input checked="" type="checkbox"/>	Present <input type="checkbox"/>
Piedmont Circuit, Navy-Marine Corps Trial Judiciary (U.S. Marine Corps Reserve)	Trial Judge (Special Courts-Martial), Major	9/1994	Est <input type="checkbox"/>	2/1998	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.

Military Medals

Legion of Merit (2011 and 2008)
Defense Meritorious Service Medal (2002)
Meritorious Service Medal (1994)
Navy Commendation Medal (1990)
Joint Service Achievement Medal (2002 and 1995)
Navy Achievement Medal (1985)
Global War on Terrorism Service Medal (2004)

Selected Marine Corps Reserve Medal (2000 and 1997)
Armed Forces Reserve Medal (2004 and 2001)
National Defense Service Medal (1991 and 2002)

Academic or Professional Honors

Judge Advocate Association Outstanding Career Judge Advocate (2011)
Distinguished Graduate, Military Judge School (1994)
[Ranked 1st in Class]
Honor Graduate, The Judge Advocate General’s School of the Army (1991)
[Ranked 2nd in Class]
ABA Outstanding Young Military Lawyer (1990)
ABA Award for Professional Merit (1987)
[Ranked 1st in Class at Naval Justice School]
Notre Dame Law School Kirby Award for Excellence in Legal Writing (1987)
American Jurisprudence Award, Family Law (1986)
American Jurisprudence Award, Constitutional Law (1985)
American Jurisprudence Award, Contracts (1985)
American Jurisprudence Award, Civil Procedure (1985)
Moot Court Competition, First Speaker (1985)
Navy League Leadership Award (1981)

Honorary Society Membership

Omicron Delta Epsilon, Economics Honor Society (1980-81)

Scholarships

USMC Funded Law Program, Notre Dame Law School (1984-87)
NROTC Scholarship, University of Notre Dame (1977-81)

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>
Marine Corps Association and Foundation	2016-Present	Member

Federal Bar Association, Michigan Chapter	2011-Present	Member
Veterans of Foreign Wars	2010-Present	Member
National Rifle Association	2010-Present	Member
Knights of Columbus	1991-Present	Member
Federalist Society	1984-Present	Member
Michigan Chapter of the Federalist Society	1996-Present	Member
Catholic Lawyers Society	1994-2011	Member
Fellowship of Catholic Scholars	1994-2008	Member

6. Political Activity

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

Response: None

<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>
N/A			

(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.

Response: None

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

(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.

Response: Review of my records and the database at fec.gov do not reveal any contributions of \$200 or more in the past five years to any individual, campaign organization, political party, political action committee, or similar entity.

Name of Recipient	Amount	Year of Contribution
N/A		

7. Publications

List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet.

Title	Publisher	Date(s) of Publication
<i>Holding the High Ground: The Operational Calculus of Torture and Coercive Interrogation</i> (Coauthor with Brian. D. Eck).	32 CAMP. L. REV. 561	2010
<i>Reflections on Just Wars and Just Warriors</i>	47 J. CATHOLIC LEGAL STUD. 343	2008
<i>International Terrorism and the Use of Force: A Catholic Perspective</i>	CATHOLIC SOCIAL THOUGHT, SOCIAL SCIENCE, AND SOCIAL POLICY: AN ENCYCLOPEDIA (J. Varacalli, S. Krason, R. Myers, M. Coulter eds.)	2007
<i>Military Service and Catholic Moral Principles</i>	CATHOLIC SOCIAL THOUGHT, SOCIAL SCIENCE, AND SOCIAL POLICY: AN ENCYCLOPEDIA (J. Varacalli, S. Krason, R. Myers, M. Coulter eds.)	2007
<i>Conscientious Objection and Military Service</i>	CATHOLIC SOCIAL THOUGHT, SOCIAL SCIENCE, AND SOCIAL POLICY: AN ENCYCLOPEDIA (J. Varacalli, S. Krason, R. Myers, M. Coulter eds.)	2007
<i>Kill an Unborn Child—Go to Jail: The Unborn Victims of Violence Act and Military Justice</i>	53 NAVAL L. REV. 1	2006
<i>“Our Cause is Just”: An Analysis of Operation Iraqi Freedom Under International Law and the Just War</i>	2 AVE MARIA L. REV. 65	2004

<i>Doctrine</i>		
<i>Crime and Punishment: A Catholic Perspective</i>	43 THE CATHOLIC LAWYER 149	2004
<i>In Defense of Freedom: Operation Enduring Freedom</i>	NLA REVIEW	Spring 2003
<i>Enemy Combatants and the Right to Counsel</i>	RES IPSA LOQUITUR	Mar./Apr. 2003 at 19
<i>The Future of Fatherless America</i>	THE CATHOLIC FAITH 5	January 1999 at 5
<i>Multiple Petty Offenses Jointly Prosecuted and the Right to a Jury Trial: When Does Zero Plus Zero Equal One?</i>	7 A.B.A. PREVIEW 357	1996
<i>A Proposed Code of Leadership and Ethics for U.S. Marines</i>	THE MARINE CORPS GAZETTE	June 1996, at 41
<i>The Military Death Penalty: Should the President "Aggravate"?</i>	4 A.B.A. PREVIEW 180	1995
<i>United Nations Justice or Military Justice: Which is the Oxymoron? An Analysis of the Rules of Procedure and Evidence of the International Tribunal for the Former Yugoslavia</i>	19 FORDHAM INT'L L.J. 475	1995
<i>Health Care Professionals and Rights Warning Requirements</i>	40 NAVAL L. REV. 173	1992

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.

Response: The only testimony, official statements, or other communications related to matters of public policy which I recall are as follows:

- In 1997, I signed a letter along with numerous other law professors in support of the Partial Birth Abortion Ban Act of 1997. This letter argued that the proposed legislation passed constitutional scrutiny. The letter was placed in the Congressional Record. Similar legislation, the Partial Birth

Abortion Ban Act of 2003, was held constitutional by the U.S. Supreme Court in *Gonzales v. Carhart*, 550 U.S. 124 (2007).

- In 1995, I submitted an analysis of Michigan Senate Bill 515 (The Prenatal Protection Act) at the request of State Senator Wm. Van Regenmorter. I opined that the proposed legislation passed constitutional scrutiny and advanced sound public policy. My analysis was introduced before the Michigan Senate Judiciary Committee.

(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.

Response: I have given speeches and talks on various topics over the past 23 years. The below list includes every speech and talk of which I have a record or recollection at this time. All dates are estimates.

- Introduction of the Keynote Speaker, The Honorable Daniel Manion, U.S. Court of Appeals for the Seventh Circuit, Ave Marie Law Review Annual Dinner, Mar. 2007, Ann Arbor, MI
- Introductory Remarks, Ave Maria Lecture, Jan. 2007, Ann Arbor, MI
- Leadership, USMC Officer Selection Program Annual Dinner, 2006, Ann Arbor, MI
- Reflections on Just Wars and Just Warriors, Sept. 2006, University of Notre Dame, IN
- Fatherhood: Principles of Family Leadership, Dec. 2005, Ann Arbor, MI
- Just War Theory and its Implications on the Current World Situation, 2005, University of Kansas, KS
- Operation Enduring Freedom—Reflections of a Catholic Military Lawyer, Oct. 2002, Society of Catholic Social Scientists Annual Meeting, Oct. 2002
- Developments in Operational Law: Operation Enduring Freedom, Mar. 2002, Naval Amphibious Base, Coronado, CA
- Home School High School Graduation Address, Jun. 2001, Pinckney, MI
- International Criminal Court Debate, April 2001, Wayne State Law School, MI
- Introductory Remarks, Right-to-Life of Michigan Educational Fund Annual Dinner, May 2000, Livonia, MI

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

Response: Although I have given interviews on various topics during my professional career, I have no record or recollection of any interviews other than as follows:

- In Fall 2016, I was interviewed for a Federal Bar Association newsletter article regarding the U.S. Army Corps of Engineers, Detroit District.
- Between 2008-2011, while an Assistant U.S. Attorney, I was interviewed by local media on a few occasions regarding then on-going prosecutions.
- Between 1999-2008, while a law professor at Ave Maria School of Law, I was interviewed on the Ave Maria Radio show “Kresta in the Afternoon” on a few occasions on military law topics.
- In 1999 or 2000, I was interviewed, along with Notre Dame Law Professor Charles Rice, on an EWTN television show regarding the announced opening of Ave Maria School of Law.
- Between 1994-1998, while a law professor at the University of Detroit Mercy School of Law, I was interviewed by local media on a few occasions on criminal law topics.

9. Agreements or Arrangements

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)
I have no such agreements or arrangements. See attached AO 10, Financial Disclosure Report, filed 01/26/2008 (Attachment A)		

10. Lobbying

In the past ten years, have you 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).

Response: 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?

Response: Yes

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

Response: Yes

[Committee non-confidential supplemental questionnaire follows:]

Joseph L. Falvey, Jr.
Supplemental Questionnaire
6 February 2018

UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS

SUPPLEMENTAL QUESTIONNAIRE FOR NOMINEES
TO THE U.S. COURT OF APPEALS FOR VETERANS CLAIMS

PUBLIC

1. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels, or conferences of which you are or have been a member, and provide the titles and dates of any offices which you have held in such groups.

Response: I have belonged to the below bar associations, etc.:

- Member, American Bar Association, 1987-1990, 1994-1997, 2000-2007 (est.)
- Member, Federal Bar Association, 2011-Present
- Member, Federalist Society, 1984-Present (est.)
- Board of Advisors, Michigan Chapter of the Federalist Society, 1996-2007 (est.)
- Advisory Council, National Lawyers Association, 1995-2007 (est.)

2. **Bar and Court Admission:**

- a. Are you currently a member in good standing of the bar of a Federal court or of the highest court of a state?

Response: Yes

- b. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Response: I have been admitted to the bar in the below states without any lapses in membership:

- Indiana, Jun. 22, 1987 (currently inactive status)
- Michigan, Oct. 24, 1994

- c. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Provide the same information for administrative bodies that require special admission to practice.

Response: I have been admitted to practice in the below courts/jurisdictions without any lapses in membership:

- Supreme Court of the State of Indiana, Jun. 1987
- U.S. Supreme Court, Mar. 1991
- Supreme Court of the State of Michigan, Oct. 1994
- U.S. District Court for the E.D. of Michigan, Jan. 2008

3. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Question 12 on the Committee's initial questionnaire, to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, or conferences.

Response: The list provided in response to Question 12 on the Committee's initial questionnaire is complete with the following exception:

- Alliance for Marriage, Academic Advisory Council, 2004
- American Legion, 1995-1997, Member

- b. Indicate whether any of these organizations of which you are a member currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe what efforts, if any, you made to try to change the organization's discriminatory policies or practices.

Response: The Knights of Columbus (listed in response to Question 12 of the Committee's initial questionnaire) is a Catholic fraternal organization which only allows men to be members. I have not made any effort to change the organization's practices.

4. **Published Writings and Public Statements:**

- a. If you have published any written materials (letters to the editor, articles, reports, memoranda, policy statements, friend of the court briefs, testimony or other official statements or communications) relating in whole or in part to matters of public policy or legal interpretation related to veterans issues, please supply those materials to the Committee.

Response: I have not published any written materials relating to veterans issues.

- b. Supply transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions that related in whole or in part to veterans issues. If you do not have a copy of the speech or a transcript or recording of your remarks, provide the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

Response: I have not given any speeches or talks relating to veterans issues.

(Note: As to any materials requested in this question, please omit any confidential materials or materials protected by the attorney-client privilege.)

5. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

Response: Supplemental Questionnaire Attachment A chronologically describes my law practice and legal experience after graduation from law school.

- i. whether you served as clerk to a judge and, if so, the name of the judge, the court, and the dates of the period you were a clerk;

Response: I have not served as a clerk to a judge.

- ii. whether you practiced alone and, if so, the addresses and dates;

Response: I have never practiced alone.

- iii. the dates, names, and addresses of law firms or offices, companies, or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

Response: See Supplemental Questionnaire Attachment A.

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the ten most significant matters with which you were involved in that capacity.

Response: In 2015, I was trained as a Mediator by the Federal Mediation and Conciliation Service. Since that time, I have served as co-mediator on two minor EEO mediations.

- b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years;
- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized;
- iii. any law practice or legal experience that involved veterans' law.

Response: See Supplemental Questionnaire Attachment B

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.
- i. Indicate the percentage of your practice in:
 - 1. federal courts;
 - 2. state courts of record;
 - 3. other courts;
 - 4. administrative agencies.
 - ii. Indicate the percentage of your practice in:
 - 1. civil proceedings;
 - 2. criminal proceedings.

Response: See below table:

	1987-1990	1990-1994	1994-1998	1998-2002	2002-2008	2008-2011	2011-Present
Federal						20% of practice was litigation involving occasional appearances in Federal Courts [80% of litigation was criminal; 20% was civil]	10% of practice is litigation involving occasional appearances in Federal Courts [100% of litigation is civil]
State Courts (Courts-Martial)	66% of practice was litigation involving frequent appearances [100% of litigation was criminal]		20% of practice was litigation involving frequent appearances [100% of litigation was criminal]		20% of practice was litigation involving frequent appearances [100% of litigation was criminal]		
Admin Agencies							10% of practice is litigation involving occasional appearances before administrative agencies [100% of litigation is civil]

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather

than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

Response: As a Marine Corps judge advocate, I was a defense counsel or prosecutor in over 250 criminal courts-martial. Although most of these cases were resolved by plea, they all involved adversarial sentencing hearings where the rules of evidence apply and which require the same trial skills as required for a contested trial (opening statements, witness examination, closing argument). With few exceptions, I served as sole counsel in these cases.

As an Assistant United States Attorney, I was assigned to approximately 25 criminal investigations. Of these, ten were resolved by plea agreements. The remainder either resulted in no charges or remained pending when I transferred to the U.S. Army Corps of Engineers. I also handled approximately 25 civil forfeiture cases and 2 criminal forfeiture cases. One of these cases was tried to conclusion at a bench trial; the remainder of these cases were resolved by settlement. With few exceptions, I served as sole counsel in these cases.

In my current capacity as District Counsel with the U.S. Army Corps of Engineers, Department of Justice attorneys represent the Agency in litigation and I serve as the Agency Counsel. I have been Agency Counsel on numerous matters in various stages of litigation. As Agency Counsel, I am responsible for assisting with pretrial discovery, preparing and reviewing pleadings and motions, preparing witnesses and exhibits, and preparing and reviewing post-trial and appellate submissions. I also represent or supervise the attorneys who represent the Agency before various administrative bodies such as the Equal Employment Opportunity Commission (EEOC), Merit Systems Protection Board (MSPB), and Federal Labor Relations Authority (FLRA). In this capacity, I have been involved in 20 such administrative matters as either lead counsel, co-counsel, or supervisory counsel.

- c. Describe your practice, if any, before the Supreme Court of the United States. Supply any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

Response: I have not practiced before the U.S. Supreme Court.

6. **Litigation:** Describe the ten most significant litigated matters that you personally handled, whether or not you were the attorney of record. Provide the citations, if the cases were reported, and the docket number and date if unreported. Provide a summary of the substance of each case. Identify the party or parties whom you represented and describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

Response: See Supplemental Questionnaire Attachment C

7. Judicial Opinions/Offices:

- a. If you are or have ever been a judge, attach a statement providing (1) citations for the ten most significant opinions you have written, (2) a short summary of and citations for all appellate opinions either reversing your decision or confirming it with significant criticism of your substantive or procedural rulings, and (3) citations for significant opinions on federal or state constitutional issues, together with citations for any appellate court rulings on your decisions in those cases. (If any of the opinions were not officially reported, please provide a copy of the opinions.)

Response: (1) As noted below (7.b.), I have served as both a trial and appellate judge in the military justice system. Listed below are the opinions I authored. These unpublished opinions are attached (Supplemental Questionnaire Attachment D). In addition to these authored opinions, I wrote several *per curiam* opinions which are not listed and which are not attached. (2) In no instance were any of my trial decisions or appellate opinions reversed on appeal, nor were any affirmed with significant criticism of my substantive or procedural rulings. (3) I am unaware of any citations for significant opinions on federal or state constitutional issues or citations for any appellate court rulings on my decisions in these cases.

United States v. Dalton, NMCCA 200700766, Jan. 22, 2008
United States v. Parker, NMCCA 200600226, Nov. 6, 2007
United States v. Dowis, NMCCA 200700428, Oct. 23, 2007 (Falvey, J. dissenting)
United States v. Burnham, NMCCA 200700233, Jul. 18, 2007
United States v. Wilkerson, NMCCA 200300375, Dec. 20, 2005
United States v. Rice, NMCCA 200202357, Dec. 15, 2005
United States v. Fomby, NMCCA 200301912, Sep. 15, 2005
United States v. Clark, NMCCA 200400589, Mar. 14, 2005
United States v. Adams, NMCCA 200300980, Jan. 24, 2005
United States v. Cosby, NMCCA 9901704, Aug. 26, 2004
United States v. Richardson, NMCCA 200000366, Jul. 29, 2004
United States v. Story, NMCCA 200301271, Apr. 19, 2004

- b. State (chronologically) any judicial office you have held and whether you were elected or appointed. Please provide a description of the jurisdiction of each such court.

Response:

- (1) **Trial Judge (Special Courts Martial), Piedmont Judicial Circuit, 1994-1998.** I was appointed by the Judge Advocate of the Navy and presided over approximately 30 criminal cases (violations of the UCMJ) referred to trial by special court-martial including jury trials. At the time, the jurisdictional maximum of special courts-martial was six months confinement and a bad conduct discharge.
- (2) **Appellate Judge, Navy-Marine Corps Court of Criminal Appeals.** I was appointed by the Judge Advocate General of the Navy to sit as an appellate court judge considering appeals of courts-martial criminal convictions.
8. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities.

Response: In addition to the matters discussed elsewhere herein, I want to highlight the below significant legal activities with which I have been involved.

War Crimes Investigation: While mobilized by the U.S. Marine Corps Reserve in support of *Operation Enduring Freedom*, I was deployed to Afghanistan as the legal advisor to a multi-disciplinary team responsible for investigating war crime allegation arising out of air strike on a compound in an Afghan village. My duties included conducting the interviews of numerous witnesses involved in the air strike, as well as Afghan citizens, law enforcement, and military personnel. After completion of the evidence gathering phase, I was responsible for pulling together the various aspects of the investigation and authoring the investigative report and the executive summary. [July-August 2002]

Member, Department of Defense Working Group on the Prosecution of Serious Violations of International Humanitarian Law in the Former Republic of Yugoslavia: While assigned as the Assistant Head, Military Law Branch, Headquarters Marine Corps (1991-1994), I was assigned as the Marine Corps' representative to this working group. The working group drafted proposed rules of procedure and evidence for an international tribunal created by the United Nations to conduct war crimes trials arising in the former Republic of Yugoslavia. [May 1993 - June 1994]

Executive Secretary, Joint Services Committee on Military Justice: Also while assigned as the Assistant Head, Military Law Branch, Headquarters Marine Corps (1991-1994), I was assigned as the Executive Secretary to this Department of Defense committee which reviewed military and Federal law related to military justice and drafted proposed legislation related to rules of criminal procedure and evidence. [May 1993 - June 1994]

Investigating Officer/Investigation Legal Advisor: While assigned as the District Counsel, Detroit District, U.S. Army Corps of Engineers (USACE), I have been selected by the USACE Chief Counsel to serve as either the Investigating Officer for an Administrative Investigation or the Legal Advisor to several such investigations. These investigations involved sensitive matters under the Chief Counsel's cognizance. The matters included attorney professional misconduct, conflicting legal opinions and allegations of undue influence, and supervisory malfeasance and retaliation. I was selected because of my background and experience with sensitive investigations and the thoroughness of my work-product. [2012-2017]

(Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

9. **Lobbying Activities:** List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s).

Response: I have never engaged in lobbying activities.

(Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

10. **Teaching:** What, if any, courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

Response: I have taught the law school courses listed in the below table. If available, I have attached the syllabus for each course (Supplemental Questionnaire Attachment E):

Course	Year(s)	Subject Matter	Topics
Contracts I and II	Aug. 1994-May 1995 Aug. 1995-May 1996 Aug. 1996-May 1997 Aug. 1997-May 1998	An overview of contract law, including UCC Article 2.	Basis of Contract Liability, Agreement, Formation Defenses, Performance, Remedies, Third-Party Interests, and Other Topics.
Criminal Law	Jan. 1995-May 1995 Aug. 1995-Dec 1995 Jan. 2001-May 2001	An overview of criminal law, focusing on common law crimes and defenses.	Requirements of Criminal Liability, Principles for the Distribution of

			Criminal Liability and Punishment, Legality Principle, Mistake, Act/Omission Requirement, Causation, Impossibility, Attempts, Conspiracy, Complicity, Voluntary Intoxication, Justification Defenses, Excuse Defenses, Involuntary Intoxication, Insanity, Duress, Entrapment, Incapacity, and Other Topics.
Criminal Procedure	Aug. 1998-Dec. 1998	An overview of criminal procedure in the investigative stage, focusing on the 4 th , 5 th , and 6 th Amendments of the U.S. Constitution.	Government Action, Reasonable Expectation of Privacy, Probable Cause, Reasonable Suspicion, Search and Arrest Warrants, Warrantless Searches, Right Against Interrogation and Confession, the Right Against Self-Incrimination, Right to Counsel, Exclusionary Rule, Eyewitness Identification, and Other Investigative Procedures.
Evidence	Aug. 2001-Dec. 2001* Aug. 2003-Dec. 2003 Aug. 2004-Dec. 2004 Jan. 2005-May 2005 Jan. 2006-May 2006 Aug. 2006-Dec. 2006 Aug. 2007-Dec. 2007	An overview of the rules of evidence, focusing on the Federal Rules of Evidence.	Relevance, Unfair Prejudice, Character Evidence, Habit/Exclusions, Witness Examination, Impeachment, Lay and Expert Opinion Testimony, Hearsay, Statutory Nonhearsay, Hearsay Exceptions, Confrontation Clause, Privileges, Authentication, Judicial Notice, and Ethical Considerations.
Military Law	Jan. 2007-May 2007	A seminar course focused on military law related topics.	Uniform Code of Military Justice, Crimes and Defenses, Trial Practice, Sentencing and Appellate Review, Judicial Independence, Comparative Military Law, Military Justice Reform, Enemy Combatants, Detainees, and Military

			Commissions, War Crimes, Assassination, Torture, and Other Topics.
National Security Law	Jan. 2004-May 2004	A seminar course focused on national security topics, especially related to current topics.	National Security Law, National Security Strategy of the United States, Use of Force, Global War on Terrorism, Bases for Extended Detention, Military Commissions, Homeland Security, Assassination, Torture, and Other Issues.
Trial Advocacy	Jan. 1996-May 1996 May 1997-Jul. 1997 Jan. 2003-May 2003 Jan. 2004-May 2004 Jan. 2005-May 2005 Jan. 2006-May 2006 Aug. 2006-Dec. 2006 Jan. 2007-May 2007	A practical skills course devoted to developing the students' courtroom trial skills.	Real, Demonstrative and Photographic Evidence, Introduction of Writings, Direct and Cross Examination, Examination of Experts, Opening Statements, Closing Arguments, and Jury Selection.

*I was mobilized in response to the terrorist attacks of September 11, 2001, and an adjunct faculty member completed the semester.

** The bolded dates indicate a syllabus was maintained in my records and is attached (Supplemental Questionnaire Attachment E).

11. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

Response: I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service.

12. **Principal Office of the U.S. Court of Appeals:** By statute, the principal office of the U.S. Court of Appeals for Veterans Claims is in the Washington, D.C., metropolitan area. If confirmed, would you maintain your permanent residence within commuting distance of the Court while in active service?

Response: Yes.

13. **Charitable or Volunteer Work:** Please describe any charitable or volunteer work, including pro bono work, you have performed, particularly any work involving military personnel, veterans, or their families.

Response: From 1988 to present, my wife and I have devoted ourselves to numerous infant children by serving as foster parents in three jurisdictions: California, Virginia, and Michigan. During this period, we have opened our home to 15 infants in need of service due to abuse, neglect, or abandonment, including several special needs children. We eventually adopted five of these children.

[A letter from the Judicial Conference of the United States Committee on Financial Disclosure follows:]

**JUDICIAL CONFERENCE OF THE UNITED STATES
COMMITTEE ON FINANCIAL DISCLOSURE**

Judge Anthony John Trenga, Chair

Judge Roger T. Benitez
Judge Elaine E. Bucklo
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Judge William H. Steele
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Laurina Spolidoro
One Columbus Circle, N.E.
Washington, D.C. 20544
Telephone: (202) 502-1850

March 2, 2018

The Honorable Johnny Isakson
Chairman
The United States Senate
Committee on Veterans' Affairs
448 Russell Senate Office Building
Washington, DC 20510

Re: Nomination Financial Disclosure Report of Joseph Falvey

Dear Chairman Isakson:

The attached nomination financial disclosure report filed with the Judicial Conference of the United States Committee on Financial Disclosure by Joseph Falvey has been reviewed and, based upon the information contained therein, found to be in compliance with applicable laws and regulations.

Sincerely,



Anthony John Trenga
Chair

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO JOSEPH L. FALVEY, JR., TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Question 1. How has your background equipped you to serve in this role as a judge on the United States Court of Appeals for Veterans Claims?

Response. I believe that my background and experience as a Marine Corps officer and judge advocate and as a civilian attorney, including my litigation and judicial experience, equip me well to serve as a judge on the U.S. Court of Appeals for Veterans Claims.

Currently, I serve as the District Counsel for the U.S. Army Corps of Engineers Detroit District. As District Counsel, I am responsible for providing legal advice on a myriad of legal issues and have had to master a broad array of Federal civil law topics. During my tenure as District Counsel, I have been involved in numerous significant Federal cases as the agency counsel. I previously served as an Assistant U.S. Attorney in the E.D. of Michigan. As an Assistant U.S. Attorney, I was responsible for prosecuting violations of Federal criminal law related to international and domestic terrorism.

As a Marine Corps judge advocate, I held successive positions of increasing complexity and responsibility. My assignments included serving as a prosecutor or de-

fense counsel in over 250 criminal trials, serving on the staff of a special operations unit involved with crisis response planning and implementation, and providing legal advice to senior civilian and military leadership on various legal matters. I have also served as a Trial Judge in over 30 criminal trials. Certification as a military judge follows an intensive course covering evidence and criminal law and procedure. I was the distinguished graduate of this course, finishing first in my class with a cumulative grade of 100%. I also served as an Appellate Judge on the U.S. Navy-Marine Corps Court of Criminal Appeals and authored several panel and per curiam decisions.

Also, I have served as a law professor at the University of Detroit Mercy School of Law and Ave Maria School of Law and I have taught Evidence, Trial Advocacy, Criminal Law and Procedure, National Security Law, and Contracts.

I hold a Bachelor of Arts from the University of Notre Dame, a Juris Doctor with honors from Notre Dame Law School, and a Master of Laws with honors from the Judge Advocate General's School. This latter program involved extensive study of Federal law, including criminal law and procedure, evidence, administrative law, litigation practice, labor law, public international law, and government contract and fiscal law.

Although I do not have specific experience litigating veterans' claims, I have demonstrated throughout my career the ability to master a broad array of legal topics and to weigh legal arguments carefully and fairly. I believe these abilities, coupled with my extensive military, litigation, and judicial experience, equip me well to serve on the U.S. Court of Appeals for Veterans Claims.

Question 2. Can you describe what you believe are the appropriate temperament and traits of a judge?

Response. I believe that judges must not only possess the necessary education and experience, but they also must be persons of integrity, maturity, and judicial temperament. In this regard, they must exercise their judgment impartially, always recognizing the human dignity of all the participants, and avoiding even the appearance of impropriety. This requires that judges treat the individuals and counsel appearing before them with civility and respect.

Also, I think that certain character traits are important to the fair resolution of disputes and the administration of justice. These traits include integrity, strong oral and written communication skills, attention to detail, and a strong work-ethic.

I believe that I have the character and judicial temperament necessary to serve on the U.S. Court of Appeals for Veterans Claims.

Question 3. What examples from your personal experiences can you provide to demonstrate that you have both the temperament and traits of a judge?

Response. As noted above, I served as both a trial judge and appellate judge in the military justice system. I was selected to serve as a judge by the Judge Advocate General of the Navy based on my education, experience, maturity, judicial temperament, and professional reputation. My effective service as a military trial and appellate judge demonstrate that I have both the temperament and traits of a judge.

Also, my military and civilian litigation experience has equipped me with the temperament and traits needed to serve as a judge. Throughout my career, I have developed the ability to weigh legal arguments carefully and fairly, to speak and write with analytical precision, and to safeguard the fairness of our judicial system. I believe these traits would serve me well as a judge.

In addition, my wife and I are parents of nine children. We have been licensed foster parents in three states (California, Virginia, and Michigan), and our five youngest children were adopted out of foster care. As foster parents, we opened our home to more than a dozen infants in need of care due to abuse, neglect, or abandonment, including several special needs children. Each of these children was provided a loving, nurturing, safe environment in which they thrived until they could either be returned to their homes or be permanently placed. Although our experience as foster parents is unrelated to the law, I believe that being a parent helped develop traits that would make me an effective judge, such as patience, diligence, and a commitment to service.

Finally, I also have a great love for the men and women who serve and who have served our Nation. One hundred years ago, my grandfather served as an Army machine gunner with the American Expeditionary Force in France during World War I. My father enlisted in the Army-Air Corps at the end of World War II and served in the Air Force through the Korean and Vietnam wars. My older brothers each served for 30 years and are veterans of the Cold War era. I myself served in the U.S. Marine Corps for 30 years, including service in Afghanistan. Two of my sons are Marine Corps infantry officers (one completed two combat tours in Afghanistan and the other is preparing for his second overseas deployment), one of my daughters

is an Air Force officer, and a son-in-law and a daughter-in-law also served in the Marine Corps. Many other close relatives also served. Military service not only runs in my family, it runs deep within me. I believe this love of country and its veterans will serve me well on the U.S. Court of Appeals for Veterans Claims.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO JOSEPH L. FALVEY, JR., TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Question 4. Looking back at both your Federal and non-government employment, what experiences have prepared you to be a judge on the Court of Appeals for Veterans Claims?

Response. I believe that my background and experience as a Marine Corps officer and judge advocate and as a civilian attorney, including my litigation and judicial experience, equip me well to serve as a judge on the U.S. Court of Appeals for Veterans Claims.

Currently, I serve as the District Counsel for the U.S. Army Corps of Engineers Detroit District. As District Counsel, I am responsible for providing legal advice on a myriad of legal issues and have had to master a broad array of Federal civil law topics. During my tenure as District Counsel, I have been involved in numerous significant Federal cases as the agency counsel. I previously served as an Assistant U.S. Attorney in the E.D. of Michigan. As an Assistant U.S. Attorney, I was responsible for prosecuting violations of Federal criminal law related to international and domestic terrorism.

As a Marine Corps judge advocate, I held successive positions of increasing complexity and responsibility. My assignments included serving as a prosecutor or defense counsel in over 250 criminal trials, serving on the staff of a special operations unit involved with crisis response planning and implementation, and providing legal advice to senior civilian and military leadership on various legal matters. I have also served as a Trial Judge in over 30 criminal trials. Certification as a military judge follows an intensive course covering evidence and criminal law and procedure. I was the distinguished graduate of this course, finishing first in my class with a cumulative grade of 100%. I also served as an Appellate Judge on the U.S. Navy-Marine Corps Court of Criminal Appeals and authored several panel and per curiam decisions.

Also, I have served as a law professor at the University of Detroit Mercy School of Law and Ave Maria School of Law and I have taught Evidence, Trial Advocacy, Criminal Law and Procedure, National Security Law, and Contracts.

I hold a Bachelor of Arts from the University of Notre Dame, a Juris Doctor with honors from Notre Dame Law School, and a Master of Laws with honors from the Judge Advocate General's School. This latter program involved extensive study of Federal law, including criminal law and procedure, evidence, administrative law, litigation practice, labor law, public international law, and government contract and fiscal law.

Although I do not have specific experience litigating veterans' claims, I have demonstrated throughout my career the ability to master a broad array of legal topics and to weigh legal arguments carefully and fairly. I believe these abilities, coupled with my extensive military, litigation, and judicial experience, equip me well to serve on the U.S. Court of Appeals for Veterans Claims.

Question 5. How would you evaluate statute? How would you evaluate Congressional intent?

Response. In my view, the role of the judiciary is to faithfully interpret and apply the law, exercising judgment, rather than will. As such, when interpreting statutes, regulations, and rules of evidence and procedure, the judge must seek their objective, ordinary meaning, looking first to the language of the statute, regulation, or rule. In addition, the judge should consider the text, history, and structure of the statute, regulation, or rule. In this effort, sound interpretive canons are also helpful. Regarding the evaluation of Congressional intent, statutory text and its objective manifestation of Congressional intent, not the subjective intents of various drafters, are paramount because only the text has been democratically approved via bicameralism and presentment. Finally, whether interpreting the Constitution, statutes, or other texts, a judge of an inferior court must account for the precedents of higher courts.

Question 6. Would you reverse a VA position that is consistent with long-standing VA practice but you believe is an incorrect interpretation of statute?

Response. A judge on the U.S. Court of Appeals for Veterans Claims, like other Federal judges, should adhere to the principle of stare decisis. Such adherence pro-

notes stability in the law and ensures that similar cases are treated the same. However, if a court (not simply an individual judge) decides that the court was mistaken in a previous decision, it might consider overruling its previous decision. Moreover, the court would be obligated to reconsider precedents that have been called into question by Supreme Court or Federal Circuit decisions. It would be inappropriate for me to comment further on this as I may be faced with this issue if I am fortunate enough to be confirmed as a judge on the U.S. Court of Appeals for Veterans Claims. See Canon 3(A)(6) of the Code of Conduct for Federal Judges.

Question 7. Would the potential cost of overturning an established rule factor into your decision on how to adjudicate a case?

Response. If I am confirmed as a judge on the U.S. Court of Appeals for Veterans Claims, my role as judge would be to apply the law to the facts presented consistent with precedent and the principle of stare decisis. It would be inappropriate for me to comment further on this as I may be faced with this issue if I am fortunate enough to be confirmed as a judge on the U.S. Court of Appeals for Veterans Claims. See Canon 3(A)(6) of the Code of Conduct for Federal Judges.

Question 8. What do you believe is a reasonable timeframe for the court to make a decision?

Response. Each case is unique and requires that amount of time necessary for full and fair consideration of the issues presented. That said, I am committed to devoting the same level of energy and effort that I have brought to all my endeavors to ensure timely resolution of the cases that come before me if I am confirmed. Moreover, recognizing the tremendous backlog of cases and the lengthy appellate process faced by many veterans, if I am confirmed, I am committed to working with the court to develop processes and procedures for shortening the timeframe for the court to make decisions.

Question 9. Pro bono attorneys and non-attorney advocates play a significant role in providing representation to appellants who may otherwise have to represent themselves before the court. What are your views of attorney or advocate representation versus pro se representation?

Response. I am aware of the significant role pro bono attorneys and non-attorney have played before the U.S. Court of Appeals for Veterans Claims. Although I would make no distinction between those cases where an attorney is representing the veteran and those where a non-attorney advocate is representing the veteran or the veteran is proceeding pro se, I believe some latitude must be given in the latter instance in recognition of the lack of legal education and training. This is consistent with the veteran-friendly nature of the veterans' benefits system and the courts' sympathetic reading canon. This canon has been extended to include represented veterans. It would be inappropriate for me to comment further on this as I may be faced with related issues if I am fortunate enough to be confirmed as a judge on the U.S. Court of Appeals for Veterans Claims. See Canon 3(A)(6) of the Code of Conduct for Federal Judges.

Question 10. In response to the Committee's questionnaire, you note your membership in the National Rifle Association. How has membership in the NRA informed your views of Second Amendment rights? If a case were before the court regarding a VA beneficiary's assignment of a fiduciary, which initiates that beneficiary's name being forwarded to the National Instant Criminal Background System, would your membership in the NRA affect your decision on whether VA made the correct determination in assigning a fiduciary?

Response. My membership in the NRA has not informed my views of the Second Amendment. Rather, my understanding of the Second Amendment, like my understanding of all legal provisions, would be based on the text, history, and structure of the provision, as well as judicial precedent. My NRA membership would in no way affect any decision I may be faced with as a judge on the U.S. Court of Appeals for Veterans Claims. It would be inappropriate for me to comment further on this as I may be faced with this issue if I am fortunate enough to be confirmed as a judge on the U.S. Court of Appeals for Veterans Claims. See Canon 3(A)(6) of the Code of Conduct for Federal Judges.

Question 11. How has your membership in The Federalist Society informed your view of the role of government? The role of the courts?

Response. Although I am unable to measure how my membership in The Federalist Society has informed my view of the role of government and the courts generally, I share its commitment to "the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be."

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JON TESTER FOR
JOSEPH FALVEY, NOMINEE TO BE JUDGE, COURT OF APPEALS FOR VETERANS CLAIMS

Question 1. Please provide any suggestions you have that will help veterans receive a more timely decision on their cases.

Response. I recognize the tremendous backlog of cases at all stages of the veterans' claims process and the lengthy appellate process faced by many veterans. The Veterans Appeals Improvement and Modernization Act of 2017 should accelerate the process and ensure veterans receive the earliest possible resolution of their claims. This legislation holds some promise for easing the backlog of cases under review by the Board of Veterans Appeals (BVA) and, consequently, the Court of Appeals for Veterans Claims. Moreover, the recently recognized ability of the Court of Appeals for Veterans Claims to hear aggregate cases or "class actions" provides a mechanism for resolving common claims and provides some hope for more timely resolution of these claims. The use of non-precedential single-judge decisions of the Court provides a mechanism for the quick resolution of cases that present no novel legal issues. Although panel and en banc decisions of the Court take additional time, the precedential nature of these decisions provide valuable guidance to the BVA and, over time, will ensure more accurate and timely decisions by the BVA. Finally, I am personally committed to ensuring timely resolution of the cases that come before me and to working with the Court to develop processes and procedures for shortening the timeframe for the court to make decisions.

Question 2. Your responses to the Committee questionnaire and supplemental questionnaire for judicial nominees indicate membership or past activity in traditionally conservative groups or having more conservative beliefs. While I respect that people hold different beliefs, it would be helpful to better understand how you would separate your own beliefs from the law that you would apply to the facts of any given case.

a. Please describe how you will evaluate statute.

Response. When evaluating or interpreting statutes, a judge must seek their objective, ordinary meaning, looking first to the language of the statute. In addition, the judge should consider the text, history, and structure of the statute. Also, sound interpretive canons are helpful. Finally, whenever interpreting statutes, a judge of an inferior court must account for the precedents of higher courts and adhere to the principle of stare decisis.

b. Do you believe you believe that you can fairly administer the law when the facts of the case might be contrary to your personal beliefs?

Response. Yes. I firmly believe that I can fairly administer the law and my personal beliefs would in no way affect any decision I may be faced with as a judge on the U.S. Court of Appeals for Veterans Claims.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. MAZIE K. HIRONO FOR
JOSEPH FALVEY, NOMINEE TO BE JUDGE, COURT OF APPEALS FOR VETERANS CLAIMS

Question 3. To ensure the fitness of nominees for any of our appointed positions, I ask every nominee who comes before me to answer the following two questions:

a. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?

Response. No. I have never made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature.

b. Have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Response. No. I have never faced discipline, or entered into a settlement related to this kind of conduct.

Question 4. The American Recovery and Reinvestment Act of 2009 established the Filipino Veterans Equity Compensation Fund that provides a one-time benefit payment to eligible Filipino World War II veterans.

Response. Over 40,000 claims for this one-time benefit were received and processed. While more than 18,000 claims have been approved, nearly 24,000 were denied.

As of September 2017, VA estimates 11 appeals were pending with VBA and the Board of Veterans' Appeals. These cases can ultimately be appealed the Court of Appeals for Veterans Claims as well.

As the Filipino veterans are now in their 90s, the urgency of resolving their applications cannot be emphasized enough. Can you commit that you will make their

claims a priority and work with advocates like the Filipino Veterans Recognition and Education Project so that they receive the benefits they earned?

Response. Within the bounds of the law, I can commit to ensuring timely resolution of the cases that come before me and to working with the Court, the Department of Veterans Affairs, Congress, and Veterans Service Organizations to develop processes and procedures for shortening the timeframe for the Court to make decisions. Timely resolution is particularly important with respect to our World War II veterans, including those Filipino veterans who may be entitled to compensation from the Filipino Veterans Equity Compensation Fund.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JOE MANCHIN III FOR JOSEPH FALVEY, NOMINEE TO BE JUDGE, COURT OF APPEALS FOR VETERANS CLAIMS

Question 5. During your hearing, you mentioned that you had studied in preparation for your role as a judge on the Court of Appeals for Veterans Claims. This included spending time studying VA case law and reading the writings of certain scholars. Will you elaborate further about the type of preparation you did ahead of the hearing?

Response. In preparation for the hearing, I read recent decisions of the Court of Appeals for Veterans Claims, focusing on its precedential decisions, and applicable decisions of the United States Court of Appeals for the Federal Circuit and the United States Supreme Court. I also read numerous law review articles related to veterans law, focusing on the prolific scholarship of James D. Ridgway and Michael P. Allen. I also reviewed the annual reports of the Board of Veterans Appeals and the Court of Appeals for Veterans Claims.

Chairman ISAKSON. Well, thank you for your service to the country, and your family is just absolutely beautiful.

I am going to yield my time to begin with to Senator Moran. I am going to try and get everybody who gets here a chance to testify before they have to go to other Committee meetings, so I will be last, and I can move people around. Then, I will go to Senator Tester, and then we will go on from there.

HON. JERRY MORAN, U.S. SENATOR FROM KANSAS

Senator MORAN. Mr. Chairman, thank you for your courtesies.

Mr. Falvey and Dr. Lawrence, thank you very much for your distinguished service, your family's distinguished service to our Nation, and thank you for your interest and willingness to answer the President's call to serve in the Department of Veterans Affairs.

I think I will ask my questions to Dr. Lawrence, which I have two.

Dr. Lawrence, most of my efforts—I have been a member of the Veterans Committee since I came to Congress, for 22 years. I have served either in the House or Senate on this authorizing Committee. I serve on the Appropriations Subcommittee that funds the Department of Veterans Affairs, but most of my work in dealing with the issues that are associated with my tasks here in Washington, DC, are based upon what we call case work.

What my staff in Kansas, what they encounter, I would tell you that we spend more time on veterans' case work than any other topic. So, what I know about the VA and its service to veterans across the country, certainly in Kansas, is based upon the concerns they bring to me and to my staff asking for help.

A lot of our efforts have been associated with health care, but I certainly would not want to indicate that—in fact, it would be false to indicate that the benefits side of the VA generates those needs by veterans across Kansas who are asking for our help.

So, I want to be your ally in helping to see that those who come to me asking for help get their problems solved, and perhaps even more importantly than that, that we reduce the number of veterans who find it necessary to come to a member of the U.S. Senate to get what they believe and generally what turns out to be they are entitled to.

I am impressed by your experience, your technical skills, your management experience. You have a resume that seems very appealing to me for the position for which you have been nominated.

Let me ask you this. What do you think you can do? What can you accomplish? What do you bring from the private sector that can enhance the ability for the Department of Veterans Affairs Benefits Administration to meet the needs, to reduce the amount of case work, and to solve the problems before veterans find it required upon them to come to one of us here on the Committee and say, "I need your help"?

Mr. LAWRENCE. Certainly. First, thank you for your offer to work closely on this because I know that in my conversations with every Member prior to today, each has expressed a similar observation: that folks turn to them in their district, their State, and ask for help; and yes, we want to work closely to reduce that.

But, the second part, my second comment, that which ties to your broader question, what do I bring, it is an insight as to how that happens and why. The immediate problem is to understand the situation and resolve it, but the question you pose is how did this actually come to be. From a customer service perspective, we have to learn what it is that is taking place in the VBA that resulted in this. Do we not give transparency? Do we not let them know on their own where their issue is in the process? Have we done something that results in more questions and complaints, and if so, how come our educational materials are not sufficient enough to do that?

So, I think not only working closely to resolve the issues you are confronted with, but also understanding how that came to be, figuring out the root cause and addressing it.

Combined with my insights to problems like that, I also know about what other organizations do. They confront this problem and do not have the kind of things where they are calling people and the like. So, we should figure out what they are doing and copy some of those best practices as well.

Senator MORAN. What do you think the impediments to accomplishing that are specifically at the Department of Veterans Affairs? What will be your challenges related to that mission?

Mr. LAWRENCE. It is very hard for me to pick on specifics, given the level of knowledge that I have, but I think there is generally several ways to approach it, systematically thinking about it, that the multiple cases that are taking place have to be reviewed in the context of what the patterns and trends are, figuring out through the root cause, then figuring out what needs to be done, and actually doing it. I think it is interesting to talk about the problems, but you have to figure out what to do. Often it is training with a large number of employees, as you have pointed out. You have to figure out how to get that out quickly and fast to such a quick

number, and then reinforce the training, the constant measurement about how effective you are.

Senator MORAN. Let me mention in the 34 seconds I have left the issue of transition. Suppose somebody departs from the active military at Fort Benning, in the Chairman's State, but his hometown is Garden City, KS, and he is returning home with his family. We have 20 suicides a day, and my question involves how do we get the services that veterans need. What do we do to make certain when he transitions out of the military and into the care of the VA that that transition works well?

Any impediments, Dr. Lawrence, that the Department of Veterans Affairs creates on the benefit side or the health care side enhances the chances of that serviceman or -woman—that now veteran—having greater stress in their life, more challenges, which increase the chances that suicides continue, that the challenges that our veterans face are increased, not diminished.

And my point about—I picked Garden City, KS. It is 4 hours from any VA facility. It is a town of 35,000 people. It is not a small place, but there is no VA presence, at least in structure, in Garden City, KS. How do you provide service to someone who is that remote from a facility?

Mr. LAWRENCE. Certainly, a couple of points. One is that the coordination, collaboration with the Department of Defense is something I have to focus on because you are right. It starts there, and we need to make sure they are not just always starting anew when they eventually leave.

The second is—and you are not the first person to express this—the far distance from facilities where veterans are—and they just cannot simply walk into a clinic and the like. And I know that what I will call “the hard-to-reach” populations, because further, they might not even be on electronic medias, we have to figure out how to communicate with them and let them know.

I am very interested in exploring, because this seems to be coming up a lot in conversations, the systematic approaches we have in terms of allocating resources, making things available in a more friendly way for these type of situations.

Senator MORAN. Thank you both for your presence today, and thank you for your responses to my questions, Dr. Lawrence.

Chairman ISAKSON. Well, Dr. Lawrence, just a little bit of friendly advice; we have got a Montanan, a Kansan, an Alaskan, and a Hawaiian on this Committee. You have got some people that come from places where there is not necessarily a lot of facilities close by. So, the question you just heard is a frequent question from a segment of our veteran population that need that help. So, it was a great question and a good thing for you to have grown up on, although your answer was fine.

Senator TESTER. Thank you, Mr. Chairman.

Mr. Chairman, I have got a letter that AFGE sent to both you and I. That I would ask unanimous consent that this letter be put in the record.

It is about—Dr. Lawrence, who does not take a position on it, but talks about concerns with VBA, and Dr. Lawrence is——

Chairman ISAKSON. Without objection.

Senator TESTER. Thank you, Mr. Chairman.

[The letter can be found in the Appendix.]

Senator TESTER. I appreciate you both being here.

Dr. Lawrence, if you keep your answers concise, I can get to Mr. Falvey, but since your vocal chords are warmed up, I will start with you.

Last year, there were reports that the administration ordered agencies to not provide responses to information requests to Democratic Members of Congress.

In the prehearing question I sent, I asked what you would do if somebody from the White House told you not to answer the questions. You stated that you would seek to understand the purpose behind it, to evaluate, and decide the course of action based on what you learned. It should not be a surprise, but that is not the answer I wanted to hear.

I just want to be clear because we are an oversight committee. I think it is critically important that when we ask questions of agencies in the administration that it is not "I will think about it" or "I will try to figure out what the right thing to do is," and I could say it applies to Mazie or Joe or Patty, but it applies just as much to Tom and Jerry and Mike on the other side, too. We really do need to have an unequivocal answer, especially from the VA, which has not had politics inserted into this agency ever. I am concerned that it might be now.

So, I will ask the question one more time, and that is, if I or anybody else on this Committee sent you a request for information, would you agree to answer?

Mr. LAWRENCE. The answer is yes, with the caveat that you will let me read the question and understand if there is anything sensitive in there, such as PII or security concern, and talk to you about it so that the answer can be yes without a hesitation.

Senator TESTER. No problem. If it deals with security issues, that is a different story. OK. But, ultimately, we would have a conversation to make sure that was true, too. Good.

Mr. LAWRENCE. Absolutely. That was the intention of my written answer.

Senator TESTER. Thank you. Thank you very much.

One more question for you, and then I will move on to Mr. Falvey.

Currently, the VA is requiring Under Secretary level signoff to fill a fast majority of vacant positions. We have got 35,500-some positions open as of last November, and we are requiring an Under Secretary to sign off to fill these vast positions.

I can tell you that in my 61 years on this earth, I had been around a lot of good leaders and a lot of good administrative folks, and "delegation" is usually the most important word in their vocabulary.

This does not appear to be a good use of delegation of powers, holding people below you responsible. Do you think that it is necessary to get an Under Secretary, somebody right below the Secretary, to sign off on basic hiring for benefits managers in a place like Montana, say?

Mr. LAWRENCE. I appreciate your perspective on delegation, and I share it.

I am unfamiliar with the procedures of the VA, particularly in this instance. My conversations with the Assistant Secretary for Human Resources leading up to this moment were very high level and broad. It is something I have to look into and better appreciate, but I also can imagine, if confirmed, sitting there trying to do the task you just described—

Senator TESTER. Yep. We have got a lot of vacancies in the VA, and I will tell you that red tape is not something we should be working on. Give the task to somebody in middle management or even on the ground in Montana. If they do not do it right, we have given you the tools to get rid of them.

Mr. LAWRENCE. I agree.

Senator TESTER. OK. Thank you.

Mr. Falvey, thank you for being here. You have a lot of experience on matters that will come before the court. You have an impressive resume. You did not—let me take that back. You have an impressive resume, but you do not have a lot of experience in matters that come to the court, at least from my perspective. Correct me if I am wrong.

Do you anticipate needing to get up to speed on veterans law, or have you experience that I am not aware of?

Mr. FALVEY. Senator Tester, I think that my vast experience as a litigator and as a judge will serve me well before the court.

I have demonstrated throughout my career, the ability to be introduced to new areas of the law and quickly master them. That ability coupled with the ability to analyze legal situations, analyze the facts, apply the law to the facts, and clearly and concisely communicate will also serve me well.

I agree that I have little background in veterans law; however, I have spent the last 6 months exposing myself to it by reading the precedential decisions of the court. Over the last 15 years or so, there has been a growing amount of academic writings about the cases before the court, and I have read a lot of those, especially those written by Michael Allen, who recently joined the court, and James Ridgeway, who is prolific about issues of veterans law. So I have exposed myself to those, and if I am fortunate enough to be confirmed, then I understand that the learning curve has just begun. It is a very complex, vast area of law, and I am committed to climbing that steep incline.

Senator TESTER. Thank you, Mr. Falvey.

Unfortunately, I am out of time. We have some more questions, but I have got three more hearings I have got to get to. Besides that, Senator Tillis is salivating to ask you guys questions. [Laughter.]

Chairman ISAKSON. I do have to say, though, before you leave, is Mr. Toth here, please? Judge Toth?

Judge TOTH. Yes, sir.

Chairman ISAKSON. Would you stand, please, so I can see you.

All right. I have to tell you all, talking about education and preparedness, Mr. Toth graduated from Ave Maria School of Law, and Mr. Falvey taught at it. So, we are going to have a lot of divine intervention on the court—

[Laughter.]

Chairman ISAKSON [continuing]. Because they learned the law from a very high place. We are proud of both of them.

Next is, I guess, Senator Tillis.

HON. THOM TILLIS, U.S. SENATOR FROM NORTH CAROLINA

Senator TILLIS. Thank you both for being here, and congratulations on your nominations.

I cannot help but for shamelessly recognize one of my VA medical centers down in North Carolina. During the work period, I was at the Asheville VA. Actually, over the work period, I spoke with all the incoming directors of the medical centers. I am very impressed with the transition and particularly impressed with the continued high ratings that Asheville is getting. We have had the five-star rating. I believe that is the highest rating you can get in the VA. That puts us in the top 10 percent, so I appreciate it.

The fact of the matter is I believe a lot of what gets you to the fifth star is all the hard work that is done by the men and women in the facility, so I just want to thank them.

Now, Mr. Lawrence, have you had an opportunity in your preparation to look at the Protecting Veterans from Predatory Lending Act? It is a bill that I cosponsored with Senator Warren.

Mr. LAWRENCE. At a very high level.

Senator TILLIS. I am not going to cause you to drill down, but can you at least generally agree that there are some predatory lending practices, some churn, and probably only a small segment of the financial community that we need to figure out a way to hold them more accountable and protect our veterans?

Mr. LAWRENCE. Generally, that is true, and I would agree.

Senator TILLIS. When you get confirmed—and I will be supporting your confirmation—I would really like for you to dig into that pretty quickly. It is a bill that is now in the House, and we want to get it there. There may be some things that we can continue to work out, but I think the baseline bill is very important.

We have had reports just recently of some bad actors, and I think this is going to head off some of the future problems that some of our veterans are dealing with. So, I want to ask you to dig into the details.

This is another area that you are probably somewhat familiar with. Since I have been here the last 3 years, I have spent time along with Senator Burr on Camp Lejeune toxic substances. I am still a bit frustrated. I have worked well with the prior two Secretaries to try to move things along. I give the presumption to the people that may have been exposed to toxic substances. But, it seems like we are talking half steps to really get to a point to where the presumption favors the veteran.

But, we have language in the omnibus that we want answers to, and I assume that you will be a part of providing the answers. I would not expect a direct answer today, but I do expect one pretty soon.

One is why did we create a separate process that falls outside the traditional compensation and pension examination process? I do not understand that. I think at best, it is just a duplication of an existing process; at worst, it is possibly a process that will make it more difficult to help the veterans.

I do not know if you can respond to that now, but that is something that I will be watching pretty quickly. I have got a lot of focus on this issue, let us say.

We can talk later about the evidentiary standard, but again, I feel like there is a dual standard. And, I want to know based on the science why that would be. I am not a scientist. I do not pretend to be one, but I am pretty good at logic. I do not understand the logic behind it. So, once you are confirmed, you can expect us coming pretty fast after you to get answers to the questions that were posted in the omnibus.

I do not know if you want to respond to that. You are in a difficult position because you are not confirmed yet.

Mr. LAWRENCE. Sure, sure. I have actually had a preliminary conversation about this and done some research. I appreciate your perspective and understand. And, I understand that the review by SMEs is not unique, but I understand your point about is it appropriate and might it be special.

Were it not for the omnibus language, I would have suggested we work together to better understand it, but the language in there is clear. So, I look forward to the reviewing, participating, and coming back to you to figure out the right course of action.

Senator TILLIS. The only reason the omnibus language is in there is—I have been a Senator for 3 years. I have been working on it for 3 years, and I want to get it done. We need to get you in the job, and I want very specific answers to the question. Most importantly, I want expedited resolution for the veterans who I think rightly deserve care.

Thank you. I look forward to supporting your nomination.

Mr. LAWRENCE. Thank you.

Senator TILLIS. I do not promise all of our meetings will be amicable, but I will always be respectful.

Mr. LAWRENCE. Thank you.

Senator TILLIS. Hopefully, it is going to work out fine, but this is something that is very important to me.

In my remaining time, Mr. Falvey—is it the correct pronunciation?

Mr. FALVEY. Yes, sir.

Senator TILLIS. I am very impressed with not only your legal experience—we have got to figure out how to clear the docket more quickly. We need more resources to do that. That is why I will be supporting your nomination.

But, I am particularly impressed with your own military service and what looks like almost a Forrest Gump, you know, Lieutenant Dan sort of history of family service. So, tell me how the combination of what is clearly a generation's old military family and your legal experience—what kind of unique perspective does that actually bring to the appeals process?

Mr. FALVEY. Well, I think that, number 1, coming from a military family, being a military brat, if you will, and being raised all over the country, exposed me to the notion of public service, which has been true of myself, my siblings, and now my children, and it is why I am interested in continuing to serve the public, especially this special class of public we call veterans on this court.

My Marine Corps judge advocate experience, both as a trial counsel, defense counsel, in over 250 trials give me the perspective of the litigants, and then I also have judicial experience both at the trial level and at the appellate level in the Marine Corps.

Senator TILLIS. Well, your past experience and your family experience gives me great confidence you are going to be a great addition and a nomination I will proudly support.

Thank you, Mr. Chair.

Chairman ISAKSON. Thank you, Senator Tillis.

Senator Cassidy.

HON. BILL CASSIDY, U.S. SENATOR FROM LOUISIANA

Senator CASSIDY. Thank you, Mr. Chair.

Thank you, gentlemen.

Mr. Chair, first, I want to give a shout-out. We have had a bill sponsored with Dr. Yoho from the House side, the WINGMAN Act, which was Working to Integrate Networks Guaranteeing Member Access Now Act. Some folks in our State, veterans in our State, felt as if there was insufficient responsiveness by regional offices, but I can say that—and the VA opposed our WINGMAN Act, but let me just give a shout-out to the folks back home. Mark Bologna is one of them, who has just made incredible strides in terms of constituent service, so I just want to give credit where credit is due. The need that we were identifying in order to push this legislation on a local level, they have made strides in eliminating the need for it. So, I just had to say that.

Dr. LAWRENCE, I am really interested in exploring the increased incidence of suicide among veterans, and it is unclear to me that it is peculiar to veterans. If you look at the nonveteran population in the same demographic as the veterans who are committing suicide, the nonveteran demographic has—or cohort has the same suicide rate or higher. Does that make sense?

Mr. LAWRENCE. I am unfamiliar with the data, but I believe what you just said, yes.

Senator CASSIDY. So, I gather that the VBA has multiple business lines from which they can capture the data on veterans committing suicide; for example, the GI Bill, the Home Loan Guarantee Bill, et cetera. We have not been told how they do this, but we are just told they can.

We are also told that the Veterans Administration's Office of Suicide Prevention is in the initial stage of sharing information to try to collate this in an effort to prevent veteran suicides, but that it requires a memorandum of understanding even if it is within the VA. So, the GI Bill folks may have the info, but they need an MOU to share it with the Office of Suicide Prevention.

I raise it knowing I know the answer, but just to document. Would you support this effort, and would you support the Office of Suicide Prevention team's efforts in expediting what appears to be a cumbersome process of getting MOUs signed between VA agencies in order to get the data back to begin to analyze?

Mr. LAWRENCE. Yes, absolutely. In fact, I think we can even draw on the experience of the vocation rehab—rehabilitation and education folks, where they have counselors who work with folks to normally get them into education, but they have been trained.

They all have master's degree in case work and sociology. They also receive additional training for suicide identification and the like, so a model for that collaboration and sharing as quickly as possible across the organization exists.

Senator CASSIDY. That would be great.

I have shared this in the past with previous VA panels. I have been told they would be open, but it has never happened.

There is a researcher at Princeton, Anne Case, Ph.D. She is the one who has come up with the concept of death by despair, looking at folks 35 to 55, non-college educated, other things that are notable; these are the ones who have our high suicide rates. And what I was interested in is if you took the VA data and you gave her sort of an analysis, would we learn something that would help us identify?

I used to think it was all the kids coming back from Iraq and the current war, but then I later learned, no, it is Vietnam veterans, it is Korean veterans who are committing suicide, disproportionately.

So, I guess what I am asking is both internally but also externally doing the sort of data analysis that would give us insights as if there is something we can do to decrease the number of veteran suicides?

Again, just asking your commitment to at least be open to it because I have raised it in the past. People have assured me they are open to it, but it never happens, which is somewhat of a frustration.

Mr. LAWRENCE. Certainly. I appreciate your frustration. That sounds like thoughtful analysis and hypothesis. Yes.

Senator CASSIDY. OK. Well, I appreciate that.

With that, I yield back. Thank you.

Chairman ISAKSON. Senator Cassidy, thank you.

Senator Rounds.

HON. MIKE ROUNDS, U.S. SENATOR FROM SOUTH DAKOTA

Senator ROUNDS. Thank you, Mr. Chairman.

First of all, gentlemen, thank you for offering to serve. It is appreciated.

Mr. Falvey, I want to, first of all, thank you for appearing before our Committee and also thank you for your words to this Committee in which you make it very clear that you want to do right by our veterans.

As you know, I was involved in advocating for veterans in a case known as *Staab v. McDonald*. This related to emergency care reimbursement for veterans.

The U.S. Court of Appeals for Veterans Claims was the body that reversed standing VA policy, which then led to the VA dropping the appeal and revising its rules. It takes confidence and a strong understanding of veterans laws to write an opinion, such as the one given in *Staab v. McDonald*.

This was just, so that everybody understands—this was a case in which emergency services had been denied to veterans in direct conflict with what had been a directive by this Congress that emergency care be delivered to a veteran, regardless if it was at a VA facility or a private facility.

It took more than 3 years to get it resolved. There were veterans that died during that time, wondering whether or not that bill would ever be paid.

My question for you, sir, is can you explain to me how you will approach cases objectively and give full consideration to all arguments brought before the U.S. Court of Appeals for Veterans Claims.

Mr. FALVEY. I think it is important for a judge to apply the law as it exists and the facts before them. Each case is unique. They should not give consideration to extrajudicial matters such as—I was asked yesterday by, I think, Senator Tester's staff about the cost implications of a particular decision, and while the cost may be a very important factor for the Department, if it is not part of the law or regulation or the facts of a particular case, it should not be a consideration of the court.

Every veteran should be entitled to and should receive timely justice. I am committed to doing what I can as an individual judge and as a member of the court to ensure that happens.

Senator ROUNDS. Thank you, sir.

Mr. Lawrence, in your testimony, you cited improper payments as an initial effort that you would like to examine. Can you elaborate on this possible future effort, and can you explain how you would seek repayment, if any, from veterans?

I ask this because I recognize that there are instances of fraud, but also instances of no intentional wrongdoing. I would be concerned about how aggressive the VA would be in seeking repayment from a veteran in the case of no intentional wrongdoing.

Mr. LAWRENCE. Sure. There is a lot to be said about improper payments, but let me deal directly with your perspective on the final thing. After you determine why this exists and gone through those, getting the money back, and that interaction between the VA, the VBA, and the veteran is a really sensitive moment that has to appreciate the situation you are describing.

It is unlikely that it was their fault. They missed communication. They had particular life event whereby they were so distracted by the event—a death, a divorce, something like this. They just did not remember to fill out the forms. They find themselves now with more money. That moment of expressing empathy and dealing with it professionally and understanding the situation is very, very key and has to be handled delicately and with respect.

But, the goal is to prevent payments—prevent improper payments, and by virtue of the small fraction it is—I think it is .67, $\frac{2}{3}$ of 1 percent at the VBA, on a large number, that is still a large number, north of \$500 million. So, when I talk about dealing with that, that should be addressed so it does not happen. If it does not happen, the problems you are describing, which we are talking about, will not exist, and we will not find yourself in that situation.

Senator ROUNDS. Are these improper payments going to a veteran, or are they going to a third-party provider?

Mr. LAWRENCE. I believe these are going to veterans. So, it is overpayments, essentially, if you will.

Senator ROUNDS. And, these are primarily not based upon health care payments, as opposed to other payments for other benefits received?

Mr. LAWRENCE. Yeah. These are compensation payments. You have applied for a service-related injury, and now you are receiving something. Suddenly, now it is too much.

Senator ROUNDS. So, just to be clear, we are not talking about veterans who are receiving payments for health benefits that have been incurred; this is where I am getting at. This is a case where you are talking about benefits that have been received by a veteran as a requester of the benefits, and then the benefits that are being paid are greater than what the benefit—or than what the veteran should have been entitled to receive in the first place.

Mr. LAWRENCE. That is correct. That is correct.

Senator ROUNDS. OK. Very good. Thank you.

Mr. LAWRENCE. Thank you.

Senator ROUNDS. Thank you both.

Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Rounds.

I want to thank Senator Rounds for his dedicated work during the omnibus when we tried our best to get our Veterans Choice legislation through, which eventually we are going to get, so I appreciate your help very much. Nobody looks after veterans any more than you do.

But, I want to make this point. If I understood what he is talking about, the VA needs to do a better job of not making so many mistakes that require them to get refunds back from veterans who were overpaid for a benefit. I think that is what you were saying, is it not?

Mr. LAWRENCE. That was a pretty blunt way of saying it. Yes, sir.

Chairman ISAKSON. Yeah. Well, I did not mean to be blunt. I mean to be precise. Is that better? [Laughter.]

Succinct.

But, the less we have errors on our part that cause us to go ask for something back from a veteran, whether it is meritorious or not, the better off attitudes are going to be and reception of those benefits are going to be. So, I think that is one of the things Senator Rounds was talking about. I have seen the same thing in my office as well.

Mr. LAWRENCE. That is absolutely correct, and we save money because we do not have to go and get the money back into both the resources to that as well.

Chairman ISAKSON. Because otherwise they are left to go hire lawyers like Blumenthal, who will drive everybody crazy getting their benefit back.

Oh, Senator Blumenthal. Welcome. You are recognized. [Laughter.]

**HON. RICHARD BLUMENTHAL,
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Mr. Chairman, thank you.

Mr. Falvey, thank you for your service. I understand that you served in Afghanistan with a young man named Second Lieutenant Matthew Blumenthal.

Mr. FALVEY. Actually, Senator, that was my son, Joe.

Senator BLUMENTHAL. Oh.

Mr. FALVEY. They served together.

Senator BLUMENTHAL. Well, we are both proud of our sons. Thank you for your service also to our Nation.

Mr. FALVEY. Thank you.

Senator BLUMENTHAL. I want to ask you about backlogs. As you know, backlogs have plagued the VA appeals process for some time, and they have left thousands of veterans in limbo as they try to pursue their benefits. The Veterans Appeals Improvement and Modernization Act of 2017 takes some important steps in the right direction and seeks to improve this broken system in the fiscal years 2015 to 2017.

The number of pending appeals increased from 380,000 to 470,000. That is a 20 percent increase.

Have you thought about what the Court of Appeals for Veterans Claims can do to reduce the backlogs, either through its remands to the VBA or other steps that can be taken?

Mr. FALVEY. Yes, Senator. I think the Appeals Modernization Act is a great first step, and I think it holds great promise that it will reduce the number of cases as veterans choose other tracks than going through the VBA and to the court. Time will tell; however, that has not been yet implemented. So, we will see how that works.

A couple other things that I know are in the works at the court is that the court recently on a case reversed by the Federal circuit has opened up the possibility of aggregate cases or class actions, if you will, and I think that that opens up the possibility that similarly situated veterans who are facing the same issue can have their issue resolved as a class rather than waiting for their individual merits decision.

Third, I think that—I make note of the fact that most, the substantial majority of cases before the court are resolved by a single judge, non-precedential decisions, which is a valuable technique of moving a case timely along, but it should be reserved for those cases that are not unique that are pretty straightforward and do not require that sort of precedential decision.

But, in appropriate circumstances, these precedential decisions, although they take a little bit longer, give the BVA the guidance they need, such that they do not commit error, requiring intervention by the court. So, hopefully, those sorts of measures will do what the court can do to move these cases along, but the numbers you cited are largely—that is the backlog at the BVA, not at the court. So, it is coming out of the BVA that the court needs to move promptly on the cases before them.

Senator BLUMENTHAL. Thank you.

Dr. Lawrence, do you think the issue of privatization played a role in Dr. Shulkin's departure?

Mr. LAWRENCE. I do not know. I honestly do not know. My conversations leading up to—since I have been nominated have been with the team from Deputy Secretary below, did not have interactions with Dr. Shulkin.

I can say the team I have dealt with is very professional and very much focused on veterans issues.

Senator BLUMENTHAL. Do you have views on privatization?

Mr. LAWRENCE. No, I do not. I know that if confirmed as then Under Secretary of Benefits, I will devote all my time and energy

to get veterans the benefits they have earned, most effectively and efficiently.

I think, as you point out, the appeals modernization, the new GI Bill are a daunting task that will occupy all my time. I have no plans to privatize the VBA.

Senator BLUMENTHAL. In your contacts prior to your nomination, were you interviewed by the White House?

Mr. LAWRENCE. No, I was not.

Senator BLUMENTHAL. Who interviewed you?

Mr. LAWRENCE. Well, it is a commission process, as you know. The Deputy Secretary selects 11 people, resumes, all from the United States. The commission process, I am under the impression a limited number of resumes are brought or sent over to the Secretary.

I did interview with Dr. Shulkin in November of last year, a very short interview, a very busy guy, and that was it. That was the process.

Senator BLUMENTHAL. When was it completed, the process, that is?

Mr. LAWRENCE. I received notification from the White House or email early in January to complete my paperwork. At that time, it was not clear I was exactly the nominee, and then in early February, they announced the intent to nominate, and they called me and told me that.

Senator BLUMENTHAL. So that occurred—the decision occurred in early February or sometime before?

Mr. LAWRENCE. Yeah. Sometime between January and February, that is correct. Yes, sir.

Senator BLUMENTHAL. And you were never asked about your views on privatization by anyone?

Mr. LAWRENCE. Correct.

Senator BLUMENTHAL. OK.

Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Blumenthal.

Thanks to both of our nominees. Thank you very much for your service. You both have exemplary records that prepare you greatly for the task ahead of you.

Mr. Falvey, the appeals process is critical for a healthy VA. One of our biggest problems has been a long delinquency in decisions being made and final decisions being made in terms of eligibility or percentages.

Your help with that will be immeasurable, and now you will be the ninth sitting judge for the first time I think in—is it 1 year or 2 years? Two years? Almost 3 years. We can have a full court. So, having enough manpower is not an excuse, and Judge Toth is back there nodding his head, so he has heard this before. He knows that, and we want to use that manpower and woman power and legal power and veterans power to get the backlog resolved as quickly as we can and move forward to have a much better and more responsive appeals process for our veterans.

As far as benefits are concerned, every time, you, Dr. Lawrence, with all the experience you have in management consulting and consulting people in terms of organizational psychology and things

like that, the better we can run a streamlined agency where we do not create problems for ourselves, the better off we are going to be.

And, I can tell you from 3 years of being the Chairman of this Committee, we create as many problems for ourselves as were created by somebody else, and the best thing to do is start cleaning up your own problems first. I think you will be a good start for that.

I know the people that are at the VA now, I know that they have gotten this message, and we are all going to try and do so, so we have the responsive team that is on the field, working day and night for our veterans, just like they work day and night for us when they served our country.

With that said, I will repeat what I said at the beginning of the hear. We will have a confirmation hearing with the nominee for Secretary when the nominee's paper and everything else that we need to get as a Committee are over here from the White House. The earliest that could probably be and the latest it probably needs to be is the 25th of April, which right now we are on target to be able to meet that time if, again, the nominee and the people behind the nominee get us the paperwork that we will need. We will work expeditiously to do that.

In the meantime, it is full steam ahead, serve our veterans. Let us work hard for them, just like they worked for us.

I want to thank the Committee for making the effort for so many Members to get here for this hearing today and be a part of it. Thank you very much.

With that said, we stand adjourned.

[Whereupon, at 3:27 p.m., the Committee was adjourned.]

A P P E N D I X



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

Joseph P. Flynn
National Secretary-Treasurer

J. David Cox, Sr.
National President

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NVP for Women & Fair Practices

April 10, 2018

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U.S. Senate Committee on Veterans' Affairs
825A Hart Senate Office Building
Washington, D.C. 20510-6050

Dear Chairman Isakson and Ranking Member Tester:

I write to you today on the matter of Paul R. Lawrence's nomination as Under Secretary for Benefits in the Department of Veterans Affairs. The American Federation of Government Employees, AFL-CIO (AFGE) and its National VA Council (AFGE) represent more than 700,000 employees in the federal and D.C. government including 250,000 front line employees at the Department of Veterans Affairs, who provide vital care and services for our veterans.

AFGE does not take a position on Mr. Lawrence's nomination as the Under Secretary for VBA. However, AFGE is deeply concerned about the future of VBA and the direction Mr. Lawrence would take the agency, particularly in the areas of privatization, staffing, performance standards for its employees, and management of the National Work Queue.

In relation to privatization, AFGE is concerned that the department is moving VBA towards shifting the work of serving our nation's veterans from career civil servants, over half of whom are veterans themselves, to private contractors whose priority is profit over providing services to those who have served. As a veteran himself, AFGE believes Mr. Lawrence is committed to serve our nation's warriors. Additionally, while we know he has made a successful career working for private consulting firms, AFGE hopes he heeds the advice he gave on the "Government Matters" program on December 27, 2016 when he advised future political appointees to rely more on career staff, noting that "Careers [employees] were invaluable help and were a lot smarter than everyone had told me and more helpful."¹

Staffing continues to be a top concern for AFGE. Adequate staffing levels are essential to effectively serving veterans in everything from the processing of claims to vocational rehabilitation and employment services. AFGE would like to know Mr. Lawrence's opinion of the Independent Budget's (IB)² recommendation that in FY 2019 the VBA add 900 new full time equivalent employees (FTEs), including 500 FTEs to "address the pending and future appeals workload" and 350 FTEs to "address the backlog of dependency claims and other non-rating

¹ *Government Matters* (ABC 7 television broadcast Dec. 27, 2016), available at <https://govmatters.tv/advice-for-incoming-political-appointees/>.

² *Independent Budget for the Dept. of Veterans Affairs: Fiscal Years 2019 and 2020*, Feb. 2018.



related work.”^{3,4} Additionally, AFGE would like to know how Mr. Lawrence plans to handle the Rapid Appeals Modernization Program (RAMP) created by the Veterans Appeals Improvement and Modernization Act of 2017. In particular, does Mr. Lawrence plan to hire new staff to manage this program, or will he only divert current VBA staff to work on RAMP without backfilling the original positions, which would only exacerbate this problem?

Additionally, AFGE would like to know Mr. Lawrence’s position on unreasonable and counterproductive performance standards that have been applied to employees processing and rating of claims at VBA, as well as Board of Veterans’ Appeals attorneys handling appeals. These standards harm veterans by grossly valuing quantity over quality and do not accurately measure employee performance. These standards force employees to treat Veterans like widgets instead of the warriors they are. Congress has mandated time and motion studies for VBA in the past to determine the proper workload for VBA staff, including those contained in the “Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016” (Pub. L. 114-315, Sec. 106(b)(1)(A)) and the “Veterans’ Benefits Improvement Act of 2008” (Pub. L. 110-389, Sec. 226). Therefore, we would ask Mr. Lawrence his plan for conducting these mandated studies and working with AFGE in good faith to implement standards that best serve veterans and allow VBA staff to thrive.

Lastly, AFGE would like to know Mr. Lawrence’s position on ways to reform the National Work Queue (NWQ). The NWQ was billed as a way to reduce the backlog of Veterans’ claims in VBA. While well intentioned, the NWQ has left a lot to be desired in the effort to ensure efficient and accurate process of claims. By making some small and discrete changes to the NWQ, including requiring claims to be processed by Veteran Service Representatives (VSRs) and Rating Service Representatives (RVSRs) in the same regional office, VSRs and RVSRs would be better able to process claims in a collaborative work setting, and it would allow veterans and their advocates to more easily track the progress of their claims. AFGE is curious what proposals Mr. Lawrence has for reforming this tool that impacts all claims and claims backlogs, and his willingness to work with AFGE to incorporate frontline workers input to improve the VBA’s service to veterans.

I respectfully request that this letter be submitted for the record.

Sincerely,



Thomas S. Kahn
Director, Legislative Affairs
American Federation of Government Employees, AFL-CIO

³ *Id.* at 10.

⁴ *Id.*

**HEARING ON THE NOMINATION OF JOHN
LOWRY III TO BE ASSISTANT SECRETARY
OF LABOR FOR VETERANS' EMPLOYMENT
AND TRAINING**

TUESDAY, JUNE 13, 2018

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

The Committee met, pursuant to notice, at 3:20 p.m., in room 418, Russell Senate Office Building, Hon. Johnny Isakson, Chairman of the Committee, presiding.

Present: Senators Isakson, Boozman, Heller, Cassidy, Tester, Brown, Blumenthal, and Hirono.

**OPENING STATEMENT OF HON. JOHNNY ISAKSON, CHAIRMAN,
U.S. SENATOR FROM GEORGIA**

Chairman ISAKSON. This session of the Senate Veterans' Affairs Committee will come to order. The purpose of this hearing is for confirmation and questions.

Mr. Lowry, before we do so, I would like to ask Mr. Lowry if he would raise his right hand, and under the rules of the Committee, your testimony will be under oath. If you will repeat after me, I would appreciate it. Do you solemnly swear or affirm that the testimony you are about to give before the Senate Committee on Veterans' Affairs will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LOWRY. I do.

Chairman ISAKSON. Please be seated.

I will make a brief opening statement, and then I think Senator Tester will do the same. Then we will go to your statement, Mr. Lowry, which you will have up to 5 minutes to say whatever you would like to say. The longer you go, the bigger the votes against you are going to be, so try to stay within that 5 minutes. [Laughter.]

And, I count the votes.

Then, we will go to questions and answers from the Committee, and I know Mr. Young is here to introduce you, but before we get to that point, let me just make an opening statement and then turn to Jon. Then we will go to Mr. Young, if that is OK.

The most important thing for our—all aspects of life are important for our veterans, but nothing is more important than to return from combat or to return from deployment overseas, return from

active duty and find a place to work, find purpose, find meaning, and support your life and your family.

Employment is the key to doing that, and as we all know, there are difficult times going from active duty to being employed depending on the economy, depending on where you end up, depending on a lot of things. So, this today, Mr. Lowry's nomination, is for a most important position. It is for an Assistant Secretary position at the Department of Labor for Veterans' Employment and Training, which is a critical, critical program to help us reduce the amount of unemployment, raise the amount of employment, and see to it that we pay back our vets for the jobs that they have done for us overseas and around the world.

So, I am glad you are here, Mr. Lowry. I congratulate you on your nomination.

I recognize the Ranking Member for any remarks he may have.

**OPENING STATEMENT OF HON. JON TESTER, RANKING
MEMBER, U.S. SENATOR FROM MONTANA**

Senator TESTER. Well, thank you, Mr. Chairman, and I want to welcome not only Mr. Lowry but Senator Young to the Committee. I appreciate you being here, Senator.

Mr. Lowry, I want to thank you for your willingness to serve, and I want to thank you for the visit we had in my office the other day.

The Jobs for Veterans State Grant Program could work better in Montana. There are simply too few staff members available to cover the veterans who need your help.

And, Montana veterans are not the only ones struggling with getting the services they need to find meaningful employment. Many veterans who reside in rural areas—and we visited about this the other day—face the same challenges.

If you are confirmed, I want to know whether you believe that we need to modify the criteria used to deploy grant dollars to take into account rural State special circumstances.

Mr. Lowry, as Assistant Secretary, you are going to be tasked with meeting the unique employment needs of different cohorts of veterans; for example, issues faced by Native American veterans are not widely understood.

Under your leadership, we will want to know how DOL VETS can better support veterans who are Native American, who are women, and others who face burdens of employment.

Additionally, I will want your commitment to end veterans' homelessness by providing the necessary tools and resources through the Homeless Veterans Reintegration Program. I am sure that you would agree that these veterans need a path toward meaningful employment and financial security. All of this is directly related to a servicemember's transition to civilian life.

It is important that I can count on you to understand how employment, housing, family support, and dozens of other factors come together during the transition process.

I would also like to highlight family support. Military spouses sacrifice right alongside servicemembers, and their ability to succeed in the workforce is a key component of a family's successful transition.

Mr. Lowry, it is my sincere hope that your business experience can help DÖL VETS better understand what employers are looking for and how we get our transitioning servicemembers and veterans to a place where they are at the top of any hiring official's offer list.

I look forward to the discussion today, and I look forward to your testimony. By the way, assuming everything goes well, I look forward to your speedy confirmation.

Chairman ISAKSON. Thank you, Senator Tester.

Before I introduce Senator Young, I want to thank Senator Young from Indiana for being here today to introduce our witness and welcome him to the Committee.

Senator Young, you are recognized.

**INTRODUCTION BY HON. TODD YOUNG,
U.S. SENATOR FROM INDIANA**

Senator YOUNG. Well, thank you, Mr. Chairman and Ranking Member Tester. It is a privilege to be here, and it is an honor to introduce a fellow Marine and a one-time Hoosier, Mr. John Lowry, to serve as Assistant Secretary of Labor for Veterans' Employment and Training.

Mr. Lowry currently leads the U.S. operations and supply practice for the executive search firm, Egon Zehnder, where he has worked since 2016. Prior to his current role at that firm, Mr. Lowry gained a wealth of valuable business experience.

Mr. Lowry worked at Harley Davidson for 12 years, with the last 5 spent as a member of the company's senior leadership group. As a member of Harley-Davidson's senior leadership group, Mr. Lowry managed the company's plants in Kansas City and Milwaukee.

In 2013, Mr. Lowry made an excellent decision to accept a position as chief operating officer of the Allied Recreation Group in Indiana. Mr. Lowry helped turn around Allied Recreation Group and returned the company to profitability.

He also has a long and distinguished career in the Marine Corps and Marine Corps Reserve.

Following graduation from Princeton and service in the Marine Corps platoon leader class, Mr. Lowry accepted a commission in the U.S. Marine Corps. He spent 15 years as an infantry and force reconnaissance officer and served in operation Desert Storm. Mr. Lowry then left active duty to attend Harvard Business School. He remained in the Marine Corps Reserve, however, and would later command 1st Battalion 24th Marines and Headquarters Battalion for the 4th Marine Division.

As if degrees from Princeton and Harvard were not enough to demonstrate his intellectual prowess, Mr. Lowry also attained degrees from Stanford and the U.S. Army War College.

Mr. Chairman, it is clear that Mr. Lowry has a sterling reputation and reputation of success in both the private sector and service to his country. The position of Assistant Secretary of Labor for Veterans' Employment and Training, I know is critical to ensuring that our servicemen and -women are prepared to transition from the service to the civilian deployment.

Thank you so much for considering his nomination. I yield back.
Chairman ISAKSON. Thank you.

Before you are recognized to speak, before you speak, I want you to introduce that lovely lady that you introduced to me, your wife, and any other special guests that are here today.

STATEMENT OF JOHN LOWRY III, NOMINATED TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING

Mr. LOWRY. Thank you, Senator.

Right behind me, my wife, Meleda, a second-grade classmate from New Canaan, CT, where we grew up. I also have Craig Norman with me, in the back row—Craig and I worked at Harley-Davidson together—and Major General Paul Kennedy, who was in my rifle company when we were young lieutenants a couple years ago.

Thank you, Senator.

Chairman ISAKSON. You know, when you were introduced a second ago by Mr. Young, he called you a Marine, but he called you a former Hoosier. I know there are no former Marines, only all-time Marines.

Mr. LOWRY. Former Hoosier, that is right, sir.

Chairman ISAKSON. You are introduced, Mr. Lowry. Thank you.

Mr. LOWRY. Well, good afternoon, Mr. Chairman, Ranking Member Tester, distinguished Members of the Veterans Affairs' Committee. I want to thank you for this opportunity today to testify before you and for considering my nomination as the Assistant Secretary for Veterans Employment and Training Service, and I thank you for your support of veterans. It has been inspiring, and it means a lot to, I know, people, to the veterans and to their families.

I would also like to thank the President and Secretary Acosta for recommending me for this nomination, and I owe a special debt of gratitude to my wife, who we just introduced, for not only her support as a military spouse while I wore the uniform, but her support throughout my time in the private sector.

As a veteran and as a businessman, I am passionate about the VETS mission to prepare America's servicemembers and spouses for meaningful careers, to provide employment resources and expertise, to protect their well-earned employment rights, and to promote their employment opportunities.

I believe that fulfilling this mission is not only the right thing to do for our veterans, but it is also important for America.

As somebody who has served in leadership roles in plants in Indiana, Pennsylvania, Missouri, and Wisconsin, I know firsthand how veterans are some of the most exceptional employees we have, and when they live up to their potential, as you know, they are in a much better position to provide for their families, bring value to the organizations they serve, and ultimately strengthen American competitiveness.

Given my experience as a veteran of the regular active-duty force and as a drilling Reservist who has been activated, I have some insights into some of the challenges that veterans face.

In my private-sector role, I also have some insights into what businesses—challenges—face, and I have seen veterans help companies meet those challenges.

What I do today as the head of the Supply Chain Operations practice for Egon Zehnder, I am really in the business of helping companies address their talent challenges. I like to think that all of these elements of my career have relevance for this role.

I also like to think the privilege that I have had to work for some great leaders over the years is also relevant. Their example has rubbed off on my a little bit and helped make me a better leader and a manager. If I am confirmed, I will give my all to provide capable and able leadership to the VETS team as we serve this important mission for our great country.

As you are well aware, the screening and training that one goes through in the military, the responsibilities that servicemembers are given at a young age, and the fact that veterans spend their formative years in a culture of accountability and mission focus provide soft skills that are arguably unmatched by any other feeder pool.

Unfortunately, however, soft skills are not always enough, and that is why, if confirmed, I would make the ongoing apprenticeship initiative a particular priority as apprenticeships, which I have supported throughout my manufacturing career, provide a great opportunity. Apprenticeships are a great tool to get those critical skills to both transitioning and transitioned veterans alike.

So, too will engaging employers to participate in the Hire Vets Act recognition program be a priority. Broad participation will allow the program to pay for itself while also promoting the many benefits of hiring veterans.

And, my final priority, if confirmed, would be to promote a continuous improvement mindset in VETS whereby we think creatively on how we can better serve our veterans and be responsible stewards for our limited resources.

To that end, I would make it a personal priority to strengthen relationships with other governmental agencies, with the VSOs, and other external stakeholders who are supporting our veterans.

In closing, if confirmed, I will work closely with you, with our partners, stakeholders, and with the dedicated VETS team to provide transitioning servicemembers, veterans and their families with the best possible resources that they will need to enable their success in today's economy.

Thank you again for your dedication and commitment to our veterans and for consideration of my nomination. I appreciate the opportunity to testify before you today, and I look forward to your questions.

[The prepared statement of Mr. Lowry follows:]

PREPARED STATEMENT OF JOHN LOWRY III, NOMINEE FOR U.S. DEPARTMENT OF LABOR, ASSISTANT SECRETARY FOR VETERANS' EMPLOYMENT AND TRAINING SERVICE

Good morning Chairman Isakson, Ranking Member Tester, and distinguished Members of the Committee on Veterans' Affairs. Thank you for the opportunity to testify today and for considering my nomination to serve as the Assistant Secretary for Veterans' Employment and Training Service, and thank you for your inspiring support of our Veterans, transitioning servicemembers and their families. I also would like to thank the President of the United States for nominating me and Secretary Acosta for recommending me. And I owe a special debt of gratitude to my wife who is with me today. She knows from personal experience many of the challenges that our servicemember spouses face, and I am grateful for her tremendous

support both during my years in uniform and throughout my time in the private sector.

As a veteran and as a businessman, I am passionate about the VETS mission to prepare America's servicemembers and their spouses for meaningful careers, to provide employment resources and expertise, to protect their well-earned employment rights and to promote their employment opportunities. I believe that fulfilling this mission is not only the right thing to do for our veterans, but it is also important for America. As somebody who has served in leadership roles in manufacturing plants in Pennsylvania, Missouri, Wisconsin and Indiana, I know firsthand how exceptional our veteran employees can be. As you know, when veterans achieve their potential they are in a much better position to provide for their families, bring value to the organizations they serve and ultimately strengthen American competitiveness.

My experiences as a 15 year veteran of the regular active force and an additional 10 year veteran of the reserves (while working in the private sector) have provided me insights on the challenges our veterans face. My nearly two decades in the private sector also provide insights on the challenges facing businesses, and I've seen how veterans have helped companies meet those challenges. In my current role as the head of the US Supply Chain and Operations practice for Egon Zehnder (the world's largest privately held executive search and leadership consulting firm), I am in the business of helping companies address talent needs. I believe that all of these elements of my career have relevance for the VETS leadership role. Also relevant, I believe, is the great fortune I've had to work for many exceptional leaders over the years. I like to think that their example has influenced my leadership and management skills, and if fortunate enough to be confirmed, I would give my all to provide capable and ethical leadership to the VETS team as we serve this important mission for our great country.

As you are all well aware, the screening and training one goes through in the military, the responsibilities that servicemembers are given at a young age and the fact that veterans spend their formative years in a culture of accountability and mission focus, provide soft skills to employers that are arguably unmatched by other feeder pools. Unfortunately, however, these soft skills are often not enough to meet the needs of today's employers. That's why, if confirmed, I would make the ongoing apprenticeship initiative a particular priority as apprenticeships—which I have supported during my manufacturing career—are a particularly good tool to provide critical skills to transitioning and transitioned servicemembers alike. So too, will engaging employers to participate in the Hire Vets Act recognition program be a priority. Broad participation will allow the program to pay for itself while also promoting the many benefits of hiring veterans. My final priority, if confirmed, would be to promote a continuous improvement mindset at VETS whereby we think creatively on how we can better serve our veterans and be responsible stewards of our limited resources. To that end, I would make it a personal priority to strengthen relationships with other governmental agencies, VSOs and other external stakeholders who support our veterans.

In closing, if confirmed, I will work closely with you, with our partners, stakeholders and with the dedicated VETS team to provide transitioning servicemembers, veterans, and their families with the best possible resources that they will need to enable their success in today's economy. Thank you again for your dedication and commitment to our veterans and for your consideration of my nomination. I appreciate the opportunity to testify before you today and am happy to answer any questions you may have.

[The Committee questionnaire for Presidential nominees follows:]

Revised December 2016

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>
Assistant Secretary of Labor for Veterans' Employment and Training Services	April 26, 2018

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
John		Lowry	III

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 1 N. Wacker Drive Suite 2300		
<u>City:</u> Chicago	<u>State:</u> IL	<u>Zip:</u> 60610	<u>City:</u> Chicago	<u>State:</u> IL	<u>Zip:</u> 60606

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<u>Check if Maiden Name</u>	<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"/>

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day)	Place of Birth
1961	Bronxville, NY

<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"/>				

<i>Spouse's Name</i> (current spouse only)			
Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix
Meleda	Wegner	Lowry	

<i>Spouse's Other Names Used</i> (current spouse only)						
First Name	Middle Name	Last Name	Suffix	Check if Maiden Name	Name Used From (Month/Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)
Meleda	Ann	Wegner			Dec 1961 <input type="checkbox"/>	Feb 1997 <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>
Princeton University	University	September 1980 Est <input type="checkbox"/>	June 1984 Est <input type="checkbox"/> Present <input type="checkbox"/>	AB	June 5, 1984
Stanford University	University	September 1992 Est <input type="checkbox"/>	June 1995 Est <input type="checkbox"/> Present <input type="checkbox"/>	MLA	Sept 28, 1995
Harvard University	University	August 1999 Est <input type="checkbox"/>	June 2001 Est <input type="checkbox"/> Present <input type="checkbox"/>	MBA	June 7, 2001
US Army War College	Military Top Level School	August 2004 Est <input type="checkbox"/>	July 2007 Est <input type="checkbox"/> Present <input type="checkbox"/>	MSS	July 27, 2007

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	Egon Zehnder	Consultant & Head, US Supply Chain and Operations Practice	Chicago, IL	Feb 2016	Present
Unemployed	N/A	N/A	Fort Wayne, IN	May 2015	Feb 2016
Non-Government Employment	Allied Recreation Group	Chief Operating Officer	Decatur, IN	Sept 2013	April 2015

Non-Government Employment	Harley-Davidson	GM, Powertrain Operations & Member, H-D Senior Leadership Group	Menomonee Falls, WI (also served in York, PA, Milwaukee, WI and Kansas City, MO)	July 2001	Sept 2013
National Guard/Reserve	United States Marine Corps Reserve	Commanding Officer, 4 th MARDIV HQBN/Colonel	New Orleans, LA	March 2007	March 2009
National Guard/Reserve	United States Marine Corps Reserve	Student, US Army War College/Colonel	Carlisle, PA	Aug 2004	July 2007
Active Military Duty	United States Marine Corps Reserve (CJTF- HOA)	Dep Director, Plans, Policy & Strategy/ LtCol	Djibouti, Africa	Jan 2005	November 2005
National Guard/Reserve	United States Marine Corps Reserve	Executive Officer, 24 th Marines/ LtCol	Kansas City, MO	Oct 2003	Dec 2004
National Guard/Reserve	United States Marine Corps Reserve	Commanding Officer, 1 st Bn, 24 th Mar/ LtCol	Detroit, MI	Oct 2001	Oct 2003
National Guard/Reserve	United States Marine Corps Reserve	Executive Officer, 1 st Bn, 25 th Mar/ LtCol	Devens, MA	July 1999	June 2001
Active Military Duty	United States Marine Corps (MacDill AFB)	Plans Officer, CENTCOM/ Maj	Tampa, FL	June 1996	July 1999
Active Military Duty	United States Marine Corps (Council on Foreign Relations)	CMC Fellow/ Maj	New York, NY	August 1995	June 1996
Active Military Duty	United States Marine Corps (NMCRC San, Bruno, CA)	Inspector Instructor, 2d Bn, 23d Mar/ Captain	San Bruno, CA	June 1992	August 1995
Active Military Duty	United States Marine Corps (MCB Quantico, VA)	Student, Amphibious Warfare School/ Captain	Quantico, VA	August 1991	May 1992
Active Military Duty	United States Marine Corps (Camp Pendleton, CA)	Platoon Leader, 1 st Force Recon/ Captain	Camp Pendleton, CA	Jan 1986	July 1991
Active Military Duty	United States Marine Corps (MCB Quantico, VA)	Student, Infantry Officers Course/ 2 nd Lt	Quantico, VA	Nov 1984	November 1985

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

Name of Government Entity	Name of Position	Date Service Began	Date Service Ended	
		(month/year) (check box if estimate)	(month/year) (check box if estimate)	(check box "present" box if still serving)
		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.

Fellowships:

Joseph J. Malone Fellowship in Arab and Islamic Studies, National Council on US-Arab Relations, 1997; International Affairs Fellowship, Council on Foreign Relations, 1995-1996; Commandant of the Marine Corps Fellowship, United States Marine Corps, 1995-1996

Military Awards:

Legion of Merit, 2009; Defense Meritorious Service Medal, 2005, 1999; Meritorious Service Medal, 2003; Joint Service Achievement Medal, 1997; Navy Commendation Medal, 1995; Navy Commendation Medal with Combat "V" (valor device), 1991; Combat Action Ribbon, 1991. Campaign and service medals include: Selected Marine Corps Reserve Medal, National Defense Medal, Southwest Asia Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Armed Forces Reserve Medal, United Nations Medal, Kuwait Liberation Medal (Saudi Arabia), Kuwait Liberation Medal (Kuwait).

Academic Honors: Awarded 2nd Year Honors at Harvard Business School

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>
Marine Corps Association and Foundation	First joined MCA in 1984. Board member since 2012.	Vice Chairman of the Board of Directors; Executive Committee; Governance Committee Chair; Audit Committee Member
Lynde & Harry Bradley Technology and Trade School	2011-2013	Board Member, Executive Committee, Personnel Committee Chair
United Way of Greater Kansas City	2009-2011	Leadership Committee
Boys and Girls Clubs of Greater Kansas City	2007-2011	Board Member
Veterans of Foreign Wars	1991-present	Life Member
American Legion	2001-present	Life Member
Fort Wayne Country Club	2014-2016	Member
Zeroto6T (veteran owned start up)	2015-present	Investor and Board Member

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.

<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>
Kevin Nicholson (Republican candidate for the US Senate from the state of Wisconsin)	\$1000.00	2017
Senator Todd Young R-IN	\$1000.00	2016

6. Publications

List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>

7. 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.

None

(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.

I have given "Guest of Honor" remarks at a number of Marine Corps Birthday Balls, Military Mess Nights, Veterans Day, Memorial Day and other Military/Veteran recognition events. These events were entirely apolitical and were intended to recognize the service and sacrifice of our military members. The events I recall include:

Marine Corps Birthday Ball, Watertown, MA Nov 2000
 Memorial Day Event, Milwaukee, WI May 2002
 VFW York, PA Nov 2003
 Veterans Day Event, Milwaukee, WI Nov 2005
 Marine Corps Birthday Ball Cincinnati, OH 2008

Marine Corps Birthday Ball Milwaukee, WI 2009
 Milwaukee Recruiting Station Mess Night Apr 2012
 Everest Kansas Veterans Celebration May 2012

I have given remarks about Harley-Davidson Manufacturing Operations when I was a Harley executive on a few occasions. I recall remarks to:

Kansas City Rotary Club 13 in 2008
 Kansas City Chamber of Commerce 2008
 Lean Manufacturing Expo, Kansas City 2011
 American Legion Pewaukee, WI in 2012

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

Other than some quick sound bites when local news affiliates were covering "open house" events I hosted when leading Harley-Davidson manufacturing operations in Kansas City (2007-2011) and later in Menomonee Falls, WI (2011-2013), I have never been interviewed.

9. Agreements or Arrangements

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

In the past ten years, have you 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

[A letter from the Office of Government Ethics follows:]

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



May 2, 2018

The Honorable Johnny Isakson
Chairman
Committee on Veterans' Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by John Lowry III, who has been nominated by President Trump for the position of Assistant Secretary for Veterans' Employment and Training, Department of Labor.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,
**DAVID
APOL**

David J. Apol
Acting Director and General Counsel

Digitally signed by DAVID APOL
DN: cn=US, o=U.S. Government, ou=Office
of Government Ethics, ou=DAVID APOL,
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Date: 2018.05.02 16:38:27 -0400

Enclosures



[Letter from John Lowry III, Nominee for U.S. Department of Labor, Assistant Secretary for Veterans' Employment and Training Service:]

April 27, 2018

Mr. Robert M. Sadler
Alternate Designated Agency Ethics Official
U.S. Department of Labor
200 Constitution Ave., NW, Rm. N2700
Washington, DC 20210

Dear Mr. Sadler:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Assistant Secretary (Veterans' Employment & Training) of the U.S. Department of Labor.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my positions as Head of U.S. Supply Chain & Operations Practice of Egon Zehnder, Vice Chairman of the Marine Corps Association & Foundation, Trustee of Family Trust #1, and Trustee of Family Trust #2. For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know any of these organizations are or represent a party, unless I am first authorized to participate pursuant to 5 C.F.R. § 2635.502(d). In addition, I will not participate personally and substantially in any particular matters involving specific parties in which I know a former client of mine is a party or represents a party, for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Upon confirmation, I will also resign from my position as a Board Member of zero06t LLC. Because I will continue to own stock in zero06t LLC, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of zero06t LLC, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I will retain my position as Trustee of Family Trust #3. I will not receive any fees for the services that I provide as Trustee during my appointment to the position of Assistant Secretary. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Family Trust #3, unless I first

obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I will divest my interests in the following entities within 90 days of my confirmation: Comcast Corp.; Burlington Stores, Inc.; Valero Energy Corp.; Edwards Life Sciences Cor.; UnitedHealth Group, Inc.; Alphabet, Inc.; Apple, Inc.; and Berkshire Hathaway. With regard to each of these entities, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of the entity until I have divested it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I understand that I may be eligible to request a Certificate of Divestiture for qualifying assets and that a Certificate of Divestiture is effective only if obtained prior to divestiture. Regardless of whether I receive a Certificate of Divestiture, I will ensure that all divestitures discussed in this agreement occur within the agreed upon timeframes and that all proceeds invested in non-conflicting assets.

If I rely on a de minimis exemption under 5 C.F.R. § 2640.202 with regard to any of my financial interests in securities, I will monitor the value of those interests. If the aggregate value of interests affected by a particular matter increases and exceeds the de minimis threshold, I will not participate personally and substantially in the particular matter that to my knowledge has a direct and predictable effect on the interests, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1).

If I rely on a de minimis exemption under 5 C.F.R. § 2640.201(b) with regard to any of my financial interests in sector mutual funds, I will monitor the value of those interests. If the aggregate value of my interests in sector mutual funds that concentrate in any one sector exceeds \$50,000, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of any holdings of the funds that are in the specific sector in which the funds concentrate, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will meet in person with you during the first week of my service in the position of Assistant Secretary in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will also document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order no. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,



John Lowry III

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO JOHN LOWRY III, NOMINEE TO BE ASSISTANT SECRETARY FOR VETERANS' EMPLOYMENT AND TRAINING

Question 1. Please state why you want to be Assistant Secretary of Labor for Veterans' Employment and Training and what skills and experience make you qualified for this important role?

Response. As a veteran and as a businessman, I am passionate about the DOL-VETS mission to prepare America's veterans, servicemembers and their spouses for meaningful careers, to provide employment resources and expertise, to protect their employment rights and to promote their employment opportunities. I believe that fulfilling this mission is not only the right thing to do for our veterans, but it is also important for America. When veterans achieve their potential they are in a much better position to provide for their families, bring value to the organizations they serve, and ultimately strengthen American competitiveness.

My experiences as a 15 year veteran of the regular active force and an additional 10 year veteran of the reserves (while working in the private sector) have provided me insights on the challenges our veterans face. My nearly two decades in the private sector also provide insights on the challenges facing businesses and how veterans could help companies meet those challenges. As somebody who has served in leadership roles in plants in Pennsylvania, Missouri, Wisconsin and Indiana, I know firsthand how exceptional our veteran employees can be. Finally, in my current role as the head of the US Supply Chain and Operations practice for Egon Zehnder (the world's largest privately held executive search and leadership consulting firm), I am in the business of helping companies address talent needs. I believe that all of these elements of my career have relevance for the role. I am a capable manager and an ethical leader, and I would give my all to serve this important mission if fortunate enough to be confirmed.

Question 2. If confirmed, what will your priorities be?

Response. If confirmed, my priorities would align with the stated mission of DOL-VETS and the President.

The apprenticeship initiative that is underway more broadly in the Department of Labor is a particularly good tool to help provide critical skills to transitioning and transitioned servicemembers alike and will be a priority. So too, will engaging employers to participate in the Hire Vets Act recognition program, as broad participation will promote the many benefits of hiring veterans. I will also promote a continuous improvement mindset at DOL-VETS, whereby we think creatively on how we can better serve our veterans and be responsible stewards of our limited resources. There are opportunities to better leverage technology to expand DOL-VETS' positive impact. Related to this idea of continuous improvement, if confirmed, I would make it a personal priority to strengthen relationships with other governmental agencies, Veterans Service Organizations (VSOs) and other external stakeholders who support our veterans. By forging great working relationships and helping to harness the collective energies of the many entities in this space, we should be able to improve outcomes for all.

Question 3. Please describe your professional work for the last 10 years, including positions held, major job duties, operating budgets, and number of subordinate em-

ployees and/or organizations. Also please include any major accomplishments for each position.

Response. 2007–2011 General Manager, Harley-Davidson Vehicle Operations, Kansas City and member of Harley-Davidson’s Senior Leadership Group. At the time Harley was a \$4+ billion dollar company, and I was responsible for approximately 40% of the company’s global vehicle production. More than 1,000 employees reported to me in my plant. A major accomplishment on the Harley side of my responsibilities was helping H-D recover from the economic downturn by co-authoring and implementing a common operating system to drive continuous improvement in manufacturing.

Until 2009, I had roughly another 1,000 Marine Corps reservists who reported to me in my dual capacity of being the Commanding Officer of Headquarters Battalion for the 4th Marine Division. I retired from my reserve job in 2009 to focus on my corporate duties. The reserve units I led were spread out from North Dakota to Louisiana and we were rotating detachments in and out of theater to support Operation Iraqi Freedom and Operation Enduring Freedom (OIF/OEF). 2011–2013 General Manager, Harley-Davidson Powertrain Operations, Milwaukee and member of Harley-Davidson’s Senior Leadership Group. I led Harley’s manufacturing in the Milwaukee area where we made 95% of all engines and transmissions produced globally. This was a vertically integrated operation with 1,800 machine tools, more than 1,000 employees, and a large assembly operation. A major accomplishment was driving employee engagement. Powertrain Operations saw greater year over year engagement score improvements (as measured by Gallup) during 2012 and 2013 than any other plant or business function at Harley-Davidson.

2013–2015 Chief Operating Officer, Allied Recreation Group. ARG (now known as the REV Recreation Group) was a \$400 million manufacturer of recreation vehicles produced under the American Coach, Fleetwood, Holiday Rambler and Monaco brands. This was a private equity owned company, and I was responsible for design, engineering, procurement, manufacturing, quality, safety, logistics, distribution and human resources of this 1,500 person operation. During my watch we returned the company to profitability in year one and in year two grew EBITDA by 78%. REV is now a public company.

2016–present Consultant and Head, US Supply Chain and Operations practice. Since February 2016, I have been with Egon Zehnder in Chicago, the largest privately held executive search firm in the world. Given that this is a firm with a partnership model I do not manage employees. I do, however, collaborate with other consultants to serve our clients and drive business. Today our firm enjoys the leading market share in many of the markets in which we compete, and we are on pace to have a record year in 2018.

Question 4. Considering your experience working in the private sector and your own transition out of the military, what are the most significant challenges facing transitioning servicemembers, veterans, and employers in terms of veterans employment and overall economic success?

Response. The biggest challenge for the transitioning servicemember is overcoming the general lack of understanding of how to pick and pursue the right path for their civilian careers. This challenge is compounded by the fact that while they are still in and approaching their transition, none of their Staff NCO and Officer leaders have been through the transition themselves, so their mentors are not in a position to provide personal insights. This is the challenge that TAP is trying to address.

Part of pursuing the right path is understanding one’s skills gaps. This is not an easy thing to do when the servicemember doesn’t have a great understanding of the requirements in the private sector. In my own case, I decided that I should go to business school immediately after active duty to learn some of the mechanical aspects of business. In order to get into business school, I had to take the GMAT and submit my application in the fall preceding the academic year I would start. This meant that my transition effort began a year and a half before my resignation. Business school will not be the right path for everybody. There are other ways to close the skills gap. Apprenticeships are a great example. All of these gap closure measures, however, take time, and the earlier a servicemember can start thinking about their transition, the better the outcome will be.

On the employer side, the same can be said about a “general lack of understanding” being the biggest challenge. Although I think this is beginning to change, for many years the vast majority of employers didn’t understand what a veteran can bring to a business to help that company be successful. The screening and training one goes through in the military, the responsibilities that servicemembers are given, and the fact that veterans spend their formative years in a culture of accountability and mission focus provide soft skills to employers that are arguably unmatched by

other feeder pools. As more employers realize the benefits that veterans bring and understand the avenues by which they can hire more veterans, businesses will be that much stronger. VETS plays an important role in addressing all of these challenges.

Question 5. What is the role and responsibility of the Federal Government to support veteran job seekers and employers, and where do you see the Department of Labor's Veterans' Employment and Training Service (DOL-VETS) fitting into that role? Are there other Federal agencies that provide key functions to support veterans' economic success?

Response. The U.S. Government has a vested interest in supporting veterans in their efforts to find meaningful employment. The military's ability to continue to find volunteers to join will be enhanced if part of the "sales pitch" to would-be recruits is that on the back end of their service they will be able to leverage their military experiences to build a successful civilian career. Conversely, if this is not the case because we have not assisted our servicemembers during their transitions (or assisted unemployed veterans) our recruiting efforts will be that much harder. A fully employed veteran population also drives economic growth and helps reduce the burden of paying unemployment benefits.

VETS, as the recognized focal point within the U.S. Government for veteran employment, plays a critical role in helping achieve synergies. In the parlance of our military, a well synchronized inter-agency effort to support our veterans can be a "force multiplier."

Question 6. What role do state and local entities play in supporting veterans transitioning out of the military and seeking employment? How do you see DOL-VETS interacting with these entities to carry out its mission?

Response. State and local entities play a critical role because they are the ones in the field who have the most contact with our veterans. DOL funds and partners with the state workforce agencies who manage the network of 2414 American Job Centers (AJC) nationwide that served more than 850,000 veterans last year. DOL-VETS administers the Jobs for Veterans State Grant program (JVSG) which provides funding for Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representatives (LVER) staff located in AJCs and other locations. As the administrator of the JVSG program, DOL-VETS has a responsibility to ensure that resources are used wisely to deliver improved outcomes. To fulfill that responsibility DOL-VETS must have an open channel of communication with state and local entities.

Question 7. Veterans homelessness has declined by 45 percent since 2009, though the number of homeless veterans slightly increased in 2017. What is your perspective on DOL-VETS' role in addressing and preventing homelessness through programs such as the Homeless Veterans' Reintegration Program?

Response. I believe that DOL-VETS has a role to play in addressing the issue of veteran homelessness as homelessness often correlates to and is an outcome of unemployment. The Homeless Veterans' Reintegration Program provides employment and training services to homeless veterans equipping them with the skills to gain meaningful work. DOL-VETS also participates on the Interagency Council on Homelessness and if confirmed, I would support DOL-VETS continued engagement in this effort.

Question 8. Your questionnaire indicated that you were deployed as a Marine Corps reservist. Please describe any challenges you or your employer faced, as well as any lessons learned, and how that will inform your oversight of the Uniformed Services Employment and Reemployment Rights Act (USERRA) if you are confirmed as Assistant Secretary?

Response. The biggest challenge that my employer faced while I was deployed was that they suddenly had a hole in their organization that they hadn't planned on, and it needed to be filled in my absence. I don't believe there were any lessons learned on the company side from my activation. Harley-Davidson (my employer at the time) was well versed in their USERRA obligations and went above and beyond their legal obligations to support me. While deployed, they made me whole for the difference between my military base pay and Harley-Davidson salary, and upon my return I was actually promoted into a larger, more highly compensated position. Harley has received ESGR recognition, and the company is a good example of an employer who supports their employees who serve in the Guard and Reserve. Unfortunately, not every employer has this record.

If confirmed, my oversight of USERRA will be informed by my experiences as both an employer who has supervised mobilized employees and as a reservist who has mobilized reservists and educated them on their employment rights under the act. I have had Marines in my reserve units encounter USERRA abuses, and I under-

stand the impact. If confirmed, I would be committed to the efficient administration, informed interpretation and timely enforcement of this important law.

Question 9. DOL-VETS is part of an interagency team responsible for assisting servicemembers in transitioning out of the military. Please describe what you think are the key resources and areas of expertise that DOL contributes to this interagency team.

Response. I believe that the interagency team comprised of representatives from DOL-VETS, DOD, VA, DoEd, SBA as well as representatives from the military services is an important vehicle to improve the delivery, enhance the curriculum and better understand the efficacy of TAP. The key expertise that DOL-VETS bring is the insights obtained from being out in the field. Of all of the members on this interagency team DOL-VETS is in the best position to understand the needs of employers and what skills gaps exist. As an entity within the Department of Labor, DOL-VETS is uniquely positioned to bring to bear relevant resources that reside within DOL more broadly, particularly those within the Employment and Training Administration. Helping transitioning servicemembers gain access to apprenticeships so that they can take a running start at their next career is a good example of the kind of expertise and resources DOL-VETS can provide.

Question 10. Congress relies on the expertise of the professionals who deliver Federal programs when it drafts and considers new laws. DOL-VETS has testified before Congress about proposed changes to laws governing transition assistance, USERRA, the Homeless Veterans Reintegration Programs, and the Jobs for Veterans State Grant program. Do you think it is important for DOL-VETS to engage with Congress on these topics and provide testimony on proposed changes when asked?

Response. Yes, I believe it is important that DOL-VETS engage with Congress on these topics and provide testimony on proposed changes when asked.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO JOHN LOWRY III, NOMINEE TO BE ASSISTANT SECRETARY FOR VETERANS' EMPLOYMENT AND TRAINING

PRE-HEARING QUESTIONS FOR THE RECORD NOMINATION HEARING OF JOHN LOWRY III TO BE ASSISTANT SECRETARY FOR VETERANS' EMPLOYMENT AND TRAINING DEPARTMENT OF LABOR

Question 11. Have you and Secretary Acosta discussed the duties and the role you would assume as Assistant Secretary for Veterans' Employment and Training if you are confirmed? If so, what specific areas of the job were discussed?

Response. Yes, Secretary Acosta discussed the duties of the role. He emphasized the importance of forging good working relationships with interagency stakeholders to deliver the best outcomes for our transitioning servicemembers and their spouses and veterans. He is particularly interested in making sure that efforts are coordinated and mutually supportive.

Question 12. If confirmed, would you seek to be an independent advocate for veterans or would you be the executor of the Administration's policies relating to veterans? How would you address instances where your vision and the White Houses' are not aligned?

Response. If confirmed, I see my role as delivering on the DOL-VETS mission, and doing so in a manner that is aligned with Secretary Acosta's and the Administration's direction. My decades of military service and experience in business have taught me that I have an obligation to support my boss and part of that support is having the courage to speak up if I have a differing view. Sometimes that differing view will alter the direction and sometimes it won't, but I would be doing the Secretary and the Administration a disservice if I withheld my perspective if it was not entirely aligned.

Question 13. Are there any specific problems or challenges that you have already identified that you would like to tackle in this new position? If confirmed, what would you most like to accomplish in your new position?

Response. Not having served in DOL-VETS before, I do not have a sufficiently informed perspective to answer the first question. Experience has taught me that all organizations have room to improve, so if confirmed, I will be most interested in identifying and addressing the problems and challenges which undoubtedly exist. My objectives, if confirmed, are realizing improved and measurable outcomes for our veterans and their families and to have a positive impact on the culture of DOL-VETS that would endure beyond my tenure.

Question 14. How would you describe your management style and how is it suited to this particular position?

Response. I aspire to be a servant leader. I want to remove the barriers that are getting in the way of my team being able to accomplish their mission. The people in any organization who are closest to the customer are the ones who drive the most value, so it is up to people in leadership roles to support them in that pursuit. Being a servant leader, however, does not mean you don't hold people accountable or that you forego a leader's responsibility to set the tone and direction for the organization. I think the most influential tool a leader has is the power of his or her personal example. As such, I hold myself and those around me to high standards. I also believe that leaders should be visible and approachable. I try to be a good listener and I understand that good ideas can come from anywhere particularly when the leader has established an engaged and high-trust culture. Having had the privilege of leading a number of different teams over the years, I have found this approach to me effective and I suspect, if confirmed, it would be effective at DOL-VETS as well.

Question 15. What in your experience do you believe contributes to your qualifications for this new position?

Response. My experiences as a 15 year veteran of the regular active force and an additional 10 year veteran of the reserves (while working in the private sector) have provided me insights on the challenges our veterans face. My nearly two decades in the private sector also provide insights on the challenges facing businesses and how veterans could help companies meet those challenges. Finally, in my current role as the head of the US Supply Chain and Operations practice for Egon Zehnder (the world's largest privately held executive search and leadership consulting firm), I am in the business of helping companies address talent needs. I believe that all of these elements of my career have relevance for the role. I am capable manager and an ethical leader, and I would give me all to serve this important mission if fortunate enough to be confirmed.

Question 16. There are reports that the Administration has ordered agencies to not provide responses to Democrats' information requests. If you were to receive such an order, what would you do? Have you participated in or been aware of any communications where this topic was discussed? Please provide details on the participants in this discussion, the substance of the discussion, and any outcomes.

Response. Secretary Acosta has consistently instructed his staff to respond to all Members of Congress and if confirmed, I would comply completely with that directive.

Question 17. Please describe your past Veterans Service Organizations and Military Service Organizations interactions. Please give specific examples of how you anticipate involving the VSOs and MSOs if confirmed.

Response. I have maintained an active membership of the Veterans of Foreign Wars since 1996 and of the American Legion since 2001. I am a Life Member of both organizations. I appreciate what the VSOs and MSOs do for our veterans, and if confirmed, would continue DOL-VETS tradition of engaging with these important organizations. DOL-VETS participates in quarterly meetings with the "Big 6 VSOs." I believe these meetings provide a great opportunity for DOL-VETS to better understand the needs of the veteran community and coordinate our support efforts where it makes sense.

Question 18. Have you ever been the subject of or potential suspect in an Inspector General investigation or review? If yes, please describe the circumstances surrounding such investigation or review.

Response. I have not been the subject of nor a potential suspect in an Inspector General investigation or review.

Question 19. I believe much can be done to improve the coordination and cooperation between VA and DOL. What thoughts do you have as to how this might be achieved?

Response. The most important thing that can be done to improve coordination and cooperation between the VA and DOL is for the organizations to have an open channel of communication and a good working relationship on an ongoing basis. The tone is set from the top, and if confirmed, I would make it a priority to forge a positive working relationship with the VA in order that the two agencies can better coordinate efforts to support veterans.

Question 20. How do you believe special hiring authorities—for example, veterans' preference, might be promoted to increase the employment of veterans across all Federal agencies?

Response. Whether it be veterans' preference or the military spouse executive order, I believe that awareness of the various hiring authorities is key to enabling

the authorities to achieve their objectives. DOL-VETS can help promote awareness when investigating Veterans Employment Opportunities Act compliance complaints. DOL-VETS can also educate veterans and transitioning servicemembers about the hiring preferences which they and their spouses have earned. Again, broader awareness of these authorities both on the Federal hiring side and on the veteran side should increase the employment of veterans across all Federal agencies.

Question 21. How do you plan to use your role to enhance employment opportunities for homeless veterans?

Response. If confirmed, I would continue DOL-VETS engagement with Federal partners to address veteran homelessness across the country. Additionally, under the authorities of the Homeless Veterans Reintegration Program (HVRP), I would continue to forge partnerships with third party entities who are addressing the critical issue of veteran homelessness. I would seek to understand the root causes of the issue and advocate for programs and ideas that will promote an end to veteran homelessness.

Question 22. What role should VETS play in the effort to collect, aggregate, share, and leverage data to inform the employment situation of veterans for government and public consumption?

Response. As the focal point for veteran employment within the USG, I believe that DOL-VETS has a role to play in the effort to collect, aggregate, share, and leverage data to inform the employment situation of veterans for government and public consumption. At this point, I do not have a deep enough understanding of what that exact role should be, but if confirmed, I would engage on this issue.

Question 23. Do you believe DOL is doing enough to ensure that all Federal agencies are delivering a consistent message to transitioning servicemembers, veterans, and their families regarding the services and resource available to support employment? How would you ensure that they are?

Response. DOL-VETS membership on the interagency team that coordinates the Transition Assistance Program puts DOL in a good position to help drive a consistent message to transitioning servicemembers. It is an open question in my mind if transitioning servicemembers and veterans are hearing a consistent message. If confirmed, I would look into this question. If I discovered that messaging was not consistent I would engage the proper stakeholders elsewhere in government and work with them to resolve any inconsistency.

Question 24. What new initiatives do you plan to implement at DOL VETS if confirmed?

Response. If confirmed, I would like to instill a continuous improvement culture at DOL-VETS whereby the agency is able to deliver better outcomes with the same level of resources. By identifying and eliminating waste DOL-VETS will be able to increase its capacity to serve veterans. I am particularly interested in how DOL-VETS might make greater use of technology in support of the mission.

Question 25. VA and DOL "own" different portions of the military to civilian employment transition. Explain how the Agencies might better work together. Do you believe that different functions being housed at different Agencies is best for veterans? Do you anticipate advocating for any changes in this regard?

Response. In my mind, the division of effort between the VA and DOL-VETS makes sense, and so long as the two agencies coordinate with each other the disparate "ownership" should not have a negative impact on the transitioning servicemember and spouse. At this point, I do not know enough to say whether or not I would advocate for realignment of responsibilities, but in general, I believe that DOL-VETS should be the focal point for employment related matters and the VA should be the focal point for benefits because that aligns with the respective expertise of the two agencies. If confirmed, I would work closely with the VA to ensure that our transitioning servicemembers receive the support they need to enable a smooth transition.

Question 26. The Vocational Rehabilitation and Employment program is a VA run program designed to help veterans with job training, employment accommodations, resume development, and job seeking skills. What role do you think DOL should play in the administration of this program?

Response. It is my understanding that there are aspects of the VR&E program with which DOL-VETS can and does assist. If confirmed, I would ensure that DOL-VETS continues to play a role in identifying and referring veterans who would qualify for VR&E benefits.

Question 27. Local Veterans Employment Representatives (LVERs) and Disabled Veterans Outreach Program specialists (DVOPs) currently track three measures for veterans and spouses that utilize their services. Those measurements are the En-

tered Employment Rate, the Employment Retention Rate, and the Six Month Average Earnings. In addition to these three outcomes, which others should DVOPs and LVERs be tracking, and how do you think those measurements should be attained?

If confirmed, I look forward to taking a closer look at this issue.

Question 28. What improvements could be made to the DVOP and LVER programs? Do you foresee making recommendations for changes to the Jobs for Veterans State Grants program that provides funding for the states to maintain those positions at American Job Centers?

Response. I am not sufficiently knowledgeable about the efficacy of the programs to make any specific change recommendations, but if confirmed, I will review the programs' inputs and outcomes and be open to improvement ideas.

Question 29. Last year DOL met with the Employer Support of the Guard and Reserve (ESGR) Communications Team and identified opportunities for collaborating communications messaging to the reserve/guard community. How will DOL specifically improve its communications with ESGR and the reserve/guard community?

Response. I am not familiar with what was discussed during last year's meeting between DOL and ESGR, so I cannot provide any insight into how the two organizations have agreed to collaborate. That said, I know firsthand the critical role ESGR plays to avert USERRA violations, so I am encouraged that DOL and ESGR have an open dialog. If confirmed, I would continue that dialog and explore ways to partner in pursuit of our respective missions.

Question 30. Jobs for Veterans State Grants, which provide funding for states to hire DVOPs and LVERs, are based primarily on a state's population without any consideration of the size of the state. For large rural states, this has been a significant problem. Success has been impaired because there are far too few individuals expected to provide personalized assistance to veterans or to build relationships with local employers. How can you move these programs away from one-size-fits-all policies that do not serve the best interests of veterans, particularly those in rural areas?

Response. If confirmed, I would want to look into this issue as one size does not appear to fit all. I am sensitive, however, to the fact that the distribution of these funds are left to the discretion of each state. I would be interested in understanding if there are technology or partnership solutions that could improve our ability to provide for our veterans in rural areas. I would also explore ways to leverage DOL-VETS relationships with senior leaders in large companies that may have sites in rural areas.

Question 31. How can VETS better support Native American veterans?

Response. If confirmed, I look forward to being briefed on DOL-VETS existing programs and partnerships with Native American veterans and working with the President and Congress to better support the Native American veteran community. I would also be interested in engaging VSOs like the Native American Veterans Association that have special insights into the needs of Native American veterans.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JOE MANCHIN III TO JOHN LOWRY III, NOMINEE TO BE ASSISTANT SECRETARY FOR VETERANS' EMPLOYMENT AND TRAINING

Question 1. While the national veterans' unemployment rate is down to 3.4%, West Virginia's veterans' unemployment rate remains at 5.1%.

a. How do you plan to continue to drive down the rates of veterans' unemployment, particularly those areas with higher unemployment rates and rural areas?

Response. There are over six million open jobs currently in our Nation. Every veteran who wants a job should have an opportunity to work. Thus, as stated in my confirmation hearing, I see engaging employers and promoting opportunities for veteran employment as a critical role. It's one of the four pillars of the mission and if confirmed would be one of my top priorities.

Additionally, I would bring the full force of Department of Labor Veterans' Employment and Training Service (VETS) and agencies within the Department of Labor (DOL) to bear to address rural veteran unemployment.

Within the last fiscal year, VETS referred nearly 100 companies to the DOL Office of Apprenticeship for certification. Once approved, businesses can offer a veteran an opportunity to learn critical skills while receiving the housing portion of their GI Bill. Research shows that when completed, a veteran on average will make \$60,000 a year about par with their counterpart who attended a four year college. I would advocate for greater use of this program.

Also, VETS funds and administers the Jobs for Veterans State Grants (JVSG) program which provides funding to states for Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representative (LVER) staff. DVOP specialists provide intensive services to veterans, prioritizing service to disabled veterans. LVER staff promote hiring veterans in communities through outreach activities with local employers. While I am sensitive to the fact that States have discretion on how the JVSG funds are spent, I believe VETS has a critical partnership role to play with the States as we seek better outcomes for veterans in rural areas. If confirmed, I would also explore if there are ways to leverage technology to provide better service to rural areas.

I pledge to look for ways to measure the effectiveness of these efforts and work with you on state targets that create realistic yet challenging goals to reduce veteran unemployment in West Virginia.

b. If confirmed, will you come to West Virginia to see, first-hand, our employment programs and challenges?

Response. Yes, absolutely I would welcome an opportunity to visit West Virginia to see first-hand the employment challenges faced by veterans in your state.

Question 2. Regional hiring events are critical for reaching veterans who may not be able to travel to an American Job Center. How does VETS coordinate with communities to ensure they are reaching the maximum number of local businesses, hiring centers and veterans?

Response. One of the four pillars of VETS is to promote the Department's efforts to conduct employer outreach, intra/inter-agency coordination, and stakeholder outreach.

VETS conducts engagements with Federal, state, and local governments; private sector employers and trade associations; institutions of higher learning; non-profit organizations; and Veteran Service Organizations to establish and develop a network that enables servicemembers, veterans, and their families to successfully integrate into their communities.

Additionally, VETS initiated a regional engagement and integration strategy by staffing a Regional Outreach Specialist within each of the six Regional Offices nationwide. They work to provide a valuable bridge between national and regional employers, who are eager to commit to hiring veterans, and workforce development staff at the American Job Centers, who are tasked with building local employer relationships and assisting in entering gainful employment.

Question 3. As a component of the Transition Assistance Program, the Department of Labor provides a mandatory three-day employment workshop and an optional two-day Career Technical Training Track curriculum. How does VETS review these courses to account for input from employers, veteran service organizations and other stakeholders to address the skills gaps that hinder veteran employment?

Response. The curricula of the three day Department of Labor Employment Workshop (DOLEW) and the additional two day Career Technical Training Track (CTTT) are vital to the employment success of the transitioning servicemember (TSMs). I understand that VETS recently completed an in-depth review and revision of both DOLEW and CTTT curricula. VETS engaged over 40 stakeholders and Veteran Service Organizations such as Hiring Our Heroes, Veterans of Foreign Wars, and the American Legion in the review process.

The new curricula was piloted in FY 2018 with full implementation expected in FY 2019. If confirmed, I would work closely with TAP partner agencies on the TAP Curriculum Working Group to ensure training reflects industry best practices and meets the needs of transitioning servicemembers as well as employers.

VETS also receives post DOLEW and CTTT survey data from its Department of Defense partners which provides insights into how useful servicemembers find the courses.

Chairman ISAKSON. We welcome you and thank you, and congratulations on your nomination.

Let me ask you to begin with—are you familiar with the USERRA law, the Uniform Services Employment and Reemployment Rights Act?

Mr. LOWRY. Yes, Senator, I am.

Chairman ISAKSON [continuing]. And, the tremendous challenge that has, particularly for our soldiers and the effects it has when they are deployed, go overseas—the Guardsmen and Reservists—and then come back to make sure their rights and their jobs are

protected? Do you have any comments you would like to make about USERRA and its enforcement?

Mr. LOWRY. Yes, sir. As both an employer of Guardsmen and Reservists who have mobilized, as someone who has mobilized himself, and also as a commander of two battalions and the Reserves, where we were sending companies, rotating in and out of theater, supporting Operations Enduring Freedom and Iraqi Freedom, I probably learned more than I wanted to know about USERRA.

It is those times when you have those USERRA violations that causes you to understand what the law says and make sure that we are—that they are being enforced.

So, I have been an advocate for reservists. I would like to think I have been a responsible employer when I was on the employer side, and I think that protecting those well-earned rights are a critical part of this mission and one that I take very seriously, sir.

Chairman ISAKSON. Well, no doubt, because we are dependent, so dependent on Guard and Reserve for first line of defense, and the transition we went through under Rumsfeld, they are now just as important as the enlisted man and the regular Army, regular Navy or Air Force, and it is important that they have some degree of help and assurance when they leave their temporary employment or under deployment, to come back to the job, that that job is still there, their family was watched after while they are gone. I think it is important to always raise the visibility, that responsibility to those employers as they employ those people and also make sure that we get every one of them educated, to be sure they follow through on that and that representation.

Harley-Davidson obviously manufactures motorcycles. Obviously, the STEM subjects in the school systems are the most important subjects employers look for today, and Home Depot from my State and a Georgia company is one of the largest employers of veterans of any company in the United States of America.

What do you see in your role as a promoter of companies being more aggressive in terms of hiring vets when they leave the military, whether Reserve or whether active duty.

Mr. LOWRY. Thank you for your question, Senator.

I see promoting the opportunities for veteran employment as a critical role. It is one of the four pillars of the mission, and that is why one of my priorities is going to be engaging employers, getting them enrolled in the medallion recognition program, to hire more vets, retain them, and put them on the trajectory that they are going to need to be successful. But, I see this is a critical role for the job and one where I would personally engage in and advocate for them.

Chairman ISAKSON. Good.

Senator Young, you are free to leave, if you need to.

Senator YOUNG. Thank you for your courtesy, Mr. Chairman.

Chairman ISAKSON. I did not know if you needed to be dismissed or not. You are kind of a military guy, so I want to make sure I gave you the permission.

Senator YOUNG. Thank you. [Laughter.]

Chairman ISAKSON. Well, thank you, and thank you for your kind introduction.

Senator Tester.

Senator TESTER. Thank you, Mr. Chairman, and once again, thank you, Mr. Lowry, for your willingness to serve and serve our veterans in particular.

I had talked about how the grant program is not working well in Montana, but I have got a notion, anybody from a rural State or anybody from a rural area in a State could say the same thing.

I would ask that within the first 3 months of your confirmation if you would commit to providing this Committee with a review of the criteria of deployment of jobs for this Veterans State grant program, and I would say that in that review would be a discussion of whether rural and frontier States are being adequately served.

And, I think we would—now, if in fact you are up to this review, which I think is critically important to be able to get your feet on the ground and move forward in a direction that works for our veterans in both rural and urban areas as far as that goes, whether any of the recommended modifications you could do by rule or we need to do by an act of Congress.

Let me give you an example. Should we be looking at the number of veterans in a State only, or should we also be taking into consideration the service area, the geography, so to speak, that each one of these job counselors have?

So, does that seem like a reasonable request to you?

Mr. LOWRY. Yes, Senator, it does, and apparently, one size is not fitting all here, and I think that it would be important for me just doing my due diligence of understanding the role to be looking into the efficacy of this and other programs.

Senator TESTER. Well, I appreciate that. I think it could make what is meant to be a good program truly a real good program for everybody.

I would also mention that Native American vets serve in our armed services at a higher rate than any other minority, but as these veterans return home and they seek assistance that they are entitled, veteran services and benefits can fall short across the board. Oftentimes, they are less adequate than those that are provided to the non-Native counterparts.

Tribal lands and reservations in Montana are rural, very rural, with limited economic opportunity or development, which can increase barriers absolutely for jobs. So, for a Native vet returning home, this can make getting a roof over his head particularly challenging.

So, I guess the question is, are you willing to expand collaborations with our Native American communities to try to get their input and their expertise to add to your expertise to try to solve this problem?

Mr. LOWRY. Thank you for your question, Senator.

Yes. If confirmed, I would seek to do that, and I would seek to do that in partnership with—I know the Veterans Affairs has formal relationships with some of the Native communities as well as there is VSOs, as you know—

Senator TESTER. Yes.

Mr. LOWRY [continuing]. That are also focused on supporting that group and I think strengthening those partnerships and being an active listener to understand what their particular needs are.

Senator TESTER. So, once again, would you commit to providing this Committee—and I do not think we have ever asked for this—with a focused outreach plan for Indian Country, for Native American communities specifically on Tribal lands in order to make sure that the vets are getting the services that you can offer them?

Mr. LOWRY. Senator, I would commit to understanding this issue, and I am afraid at this juncture, I am not sure I know enough to know what a plan might look like, but I would certainly—

Senator TESTER. No, look, I think it is going to take time because it is a different population, quite frankly, with different challenges, the same way that inner city may have a different population with different challenges, more emphasis on different challenges because they are all vets.

Mr. LOWRY. Yes, sir.

Senator TESTER. So, if there is some way that—and I would be more than happy to help you, and I know there are other members in the Senate that would be more than happy to help you that particularly serve on the Indian Affairs Committee that will encourage you to do consultations with the Tribes and find out what can be done.

I would tell you what I have found in Indian Country is that we can put forth all the policies in the world, but the suggestions that come from Indian Country, from the ground, if we can take those and make them work, they are much more effective.

And, I think that is also very true when it comes to our veteran population.

I do not mean to give a speech, but thank you, Mr. Lowry. I appreciate your willingness to serve and appreciate you being here today.

Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Tester.

HON. BILL CASSIDY, U.S. SENATOR FROM LOUISIANA

Senator CASSIDY. Hello, Mr. Lowry. Again, thank you for your forgoing a lot of opportunity in order to serve veterans. I thank you for that.

My staff and I have been looking at veteran suicide rates, and there are some things that were counterintuitive to me. It turns out those who were never deployed were more likely to die by suicide than those who had been deployed. I would not have thought that. So, it is not PTSD, per se, and I wonder if it is not just the same as suicide among the nonveteran population.

I am giving a little bit of a preamble, and you will see why in a second. The data shows that life stressors predictably can bring on suicide: loss of a job; loss of housing; a marriage that does not do well because of financial stress.

Now, our government—I imagine when you are in your private-sector firms, the silos are consciously broke down, whereas here, it seems as though they are consciously erected. And, there is a Veterans Office of Suicide Prevention, and you are the ones providing the transition assistance.

The other thing I learned is that the suicide rate is highest for those separated from 3 months to 12 months, one and a half times more, and there is also an increased rate for those who are out for

3 months and less. But, the peak is from 3 months—so it is that transition assistance who you are going to be pivotal on, if you are with me.

So, your thoughts about that, and what do you see about the opportunities to work with the Veterans Affairs Office of Suicide Prevention to give us a better idea of what is going on?

I did not know this until my staff began to educate me, but I suspect my colleagues would like to know this information, as well. Your thoughts on that?

Mr. LOWRY. Thank you, Senator. I appreciate the question.

I was not aware of that really compelling statistic on why it is so important that we get the transitions right, and I do know there is a correlation between job loss and suicide. So, to the extent that, if confirmed, I can enable not only a smooth transition, but a transition that has a trajectory and has stability and long-term prospects for our veterans and their families, I think it would make a difference in this issue.

With respect to your observation around silos, I see the VETS playing a focal role on veterans employment and those transition issues, but we obviously partner in a number of other agencies—the Veterans' Affairs, Small Business Bureau, Department of Education. I know you know the whole laundry list, Senator. I would commit to being an active and able partner so that we can—not only across the interagency, but also external stakeholders, so we can harness the collective energies of a lot of entities that want to eradicate and fix this problem. But, I see that this would be a critical part of my mandate.

Senator CASSIDY. I do too. And, I think partly that we need creative thinking. Where can we get the data that is pertaining to transition housing to, again, integrate with that which is in the veterans—and several of us are on the Health, Education, and Labor Committee, so, believe me, we would cover your back on that.

But, I think what we need is a creative way to look at the data. For those people who are going through the transition program now, those are the ones who have an increased rate of suicide within the first year.

So, if we know financial stressors are part of it, I almost say that what we are currently doing may not be effective to the degree it needs to be and to the degree the life's financial stressors contribute to suicide.

Are you with me?

Mr. LOWRY. Yes, sir. I believe that is a very logical conclusion.

Senator CASSIDY. And, frankly, I am not blaming anybody because it is only because of I have enterprising staff folks that we are kind of overturning these relationships. So, I think what we would appreciate is a fresh look at this and maybe a retooling of the program, not only to have a transition seminar when folks are leaving the service, but rather to have a follow-up. Do you see where I am going with that?

Mr. LOWRY. Yes, sir, absolutely.

Senator CASSIDY. I appreciate your service, and I look forward to working with you on this issue. I just thank you for the life's experience that you are bringing to it, so thank you.

Mr. LOWRY. Thank you, Senator.
 Chairman ISAKSON. Thank you, Senator Cassidy.
 Senator HIRONO.

HON. MAZIE K. HIRONO, U.S. SENATOR FROM HAWAII

Senator HIRONO. Thank you, Mr. Chairman.
 Thank you, Mr. Lowry, for your service.

I ask this question of every nominee who comes before any of the Committees I sit on to ensure the fitness of the nominees for their appointed positions.

So, I am going to ask you the following two questions as a start. Since you became a legal adult, have you ever made unwanted requests for sexual favors or committed any verbal or physical harassment or assault of a sexual nature?

Mr. LOWRY. No, Senator, I have not.

Senator HIRONO. Have you ever faced discipline or entered into a settlement related to this kind of conduct?

Mr. LOWRY. No, Senator, I have not.

Senator HIRONO. Thank you.

As Assistant Secretary for Veterans' Employment, you will be managing homeless veteran employment programs such as the Homeless Veteran Reintegration Program, HVRP, and HVRP provides funding for grantees to assist homeless veterans to find jobs and/or training.

So, what are your thoughts on ways we can improve these programs? How can we continue the progress we have made in reducing veteran homelessness—estimated at around a 47 percent decline since 2010—which is really important? Which, as we were talking about, the indicators that lead to suicide, certainly homelessness and lack of jobs are two of them.

So, how can we improve the transition process to civilian life to prevent homelessness? What can you do? What are your thoughts?

Mr. LOWRY. Thank you, Senator, for your question.

What I can do is make sure that we are doing a better job transitioning our servicemembers into the civilian sector, so that some of the stressors that Senator Cassidy had mentioned are not as prevalent.

I also know that VETS sits on the Interagency Task Force on Homelessness, and I think we would have a critical role to play—or do have a critical role, and if confirmed, I would engage in that task force, but specifically focused on the employment side of the problem.

I also understand that homelessness issues, the drivers of them vary quite a bit from location to location. I do not know enough about this juncture on what the data would tell me as to what those drivers are, but I believe that it is very important that we direct some of those funds and partner with people that are in the local areas to help address the homelessness where it is happening. I am fully committed to the goal of eliminating homelessness, not just for veterans, but for all people.

Senator HIRONO. Well, certainly for the veteran population because there are many special programs that we have put in place in Congress to help veterans, various centers and all that, and I think that as our service people transition from active to veteran

status, that transition period is really important. And, I know we can do a heck of a lot more to make that transition seamless.

So, one of the things that I hear from veterans at all levels is that they do not get enough information about what kind of services, what kind of programs are available to them. So, if confirmed, what would you tell the local Department of Labor offices in Honolulu as well as across the country to promote more effective outreach and information to the veterans?

Mr. LOWRY. Thank you, Senator.

If confirmed, I would definitely want to spend quite a bit of time understanding how those local veteran employment representatives are messaging and getting the information out to the veterans.

I also think that ahead of the transition, while there is still—while the service people are still in uniform, there is an opportunity to partner with the Department of Defense to make sure that we are starting that messaging early.

As someone who has been a veteran, I realize that when you are in uniform, those mentors that you have, those staff NCOs and officers, not one of them have been through the transition themselves. So, it is particularly important that people on the outside get the message to them, and again, I would commit as one of the pillars of the VETS mission to, one, understand sort of how good or not we are, and then try to drive continuous improvement in that.

Senator HIRONO. And, I think part of that is there are preparatory kinds of information given to our service people while they are still in service just prior to transitioning out, and they are inundated with a lot of information that does not necessarily stick.

I think that it is very important as a consideration that some of this information is repeated to them when they reach veteran status because they do have a lot of information.

So, I did want to mention to you that Senator Rounds and I introduced a bill that was signed into law relating to how the full month of post-9/11 GI benefits are used to pay for licensing, certification, nationalization tests, and we have to make a change in the law so that they could use only part of their monthly pay for these purposes.

I would want to have you commit to work with us to ensure that this particular provision—and you can familiarize yourself with it—is implemented and communicated to the eligible participants.

Mr. LOWRY. I look forward to doing that, Senator, if confirmed.

Senator HIRONO. Thank you.

Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Hirono.

Senator Boozman.

HON. JOHN BOOZMAN, U.S. SENATOR FROM ARKANSAS

Senator BOOZMAN. Thank you, Mr. Chairman, and thank you, Mr. Lowry, for being here.

You have exactly the background I think that is needed for the job like the one you have been nominated for. With time on active duty and in the private sector, you understand how to make the transition from one to the other. You have gone through that. I think that is important.

Even more with your experience in the Reserves, you understand the toll of balancing the lifestyle of the citizen-soldier; in your case, a Marine. So, you know what commitments employers make when they hire Reservists and Guardsmen, and you know how important it is to protect these commitments.

I enjoyed getting some time to visit with you in the office last week, and I appreciate your willingness to take on this job that will impact the lives of veterans, their families, companies, and our communities.

In 2017, the Arkansas' veterans unemployment rate was 4.4 percent. I am proud to say that we have great companies and communities that support veterans, and our employment number reflects that. It is actually lower than that now. Of course, those numbers depend upon the resources provided to companies and to veterans for training and development, to ready them to fill the needs of today's workforce.

If you are confirmed for your position, you will be in a key position to ensure those resources are well used.

In your written testimony, you identified apprenticeships as a priority for your tenure at Labor. Can you expand a bit on how you have seen apprenticeships work from your manufacturing background and what you expect to do to encourage more apprenticeships for veterans?

Mr. LOWRY. Thank you, Senator. I appreciate the question.

Apprenticeships in my manufacturing background are absolutely essential or have been for the running of a manufacturing operation and the providing of great opportunities for advancement of those individuals that are able to take advantage of the program.

As you may know, Senator, the 91 percent of people that have gone through and completed an apprenticeship, their average wage in year one is approximately \$60,000, which puts them in, more or less, parity with what you might be able to earn with a 4-year degree, so it is a really great way to accelerate earnings.

And, frankly, in the manufacturing environment we live in now, it is absolutely essential to keep the factory running because the soft skills that that serviceman or -woman comes out with, which are great, out of the military, are not going to help them change that spindle on that lathe. They need the technical skills to do that.

Senator BOOZMAN. Very good.

Have you thought about what, if any, resources or authorities you would anticipate needing to support the priority?

Mr. LOWRY. Well, the beauty, as I see it, of VETS being nested inside the Department of Labor, is we have the Employment and Training Administration, which has key resources for us, for our apprenticeships that we can direct toward transitioning service-members, veterans, and also the greater population. I see a real opportunity to leverage those resources inside labor and also look for partnerships that are external to the Government.

Senator BOOZMAN. In your testimony, you said you will focus on strengthening relationships with other Government agencies that support veterans. Can you talk a little bit about how you intend to engage with the VA, the DOD, and key veteran stakeholders like the VSOs, which I see several are represented and always do such a good job? How can you build better cooperation?

Mr. LOWRY. Thank you, sir, for your question.

I believe that it all comes down to open lines of communication, building trust, being visible, and I would commit in my first 90 days on the job to figure out who those key nodes are within the various agencies, both within the Government, VSOs, and externally, and begin to build those relationships where relations do not exist and where they do, leverage them and reinforce them, sir.

Senator BOOZMAN. Very good.

Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you very much, Senator Boozman.

Senator Blumenthal.

**HON. RICHARD BLUMENTHAL,
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thanks, Mr. Chairman.

Good afternoon, Mr. Lowry, and welcome to the Committee. Thank you for your very extensive service to our Nation, in the Marine Corps, on active duty, and in the Reserve. We welcome you here and congratulate you on your nomination.

I know that the Chairman has covered the USERRA Act and that you have said you support and take USERRA seriously. There are currently areas where USERRA perhaps should cover discrimination and provide redress in court when it comes to that kind of employment discrimination.

I have led the Justice for Servicemembers and Veterans Act 2017. It is bipartisan, bicameral legislation that ensures that servicemembers and veterans employment and reemployment rights are effectively enforced under USERRA, so that, in effect, they have their day in court. I hope that you would support that legislation and effectively enforce it if you are confirmed.

Mr. LOWRY. Absolutely, Senator. If confirmed, I would—I think it is very important and would be happy to support it.

Senator BLUMENTHAL. Do you have knowledge yourself of employment discrimination that may affect either our men and women in uniform coming out of service or in the Reserves when they are called up and then come back?

Mr. LOWRY. I have had experience with it in the past, not as an employer. Most of my Reserve time—all my Reserve time was at Harley-Davidson, and that was one company that understood and did it right. But, as a battalion commander, 1st Battalion 24th Marines and 4th Headquarters Battalion for 4th MARDIV, when we were rotating units and individuals in and out of theater, too often we found violations of USERRA. So, I became more familiar with the Act than I wished to have, but, yes, I am familiar. I know it happens, sir.

Senator BLUMENTHAL. Let me ask about the Career-Ready Student Veterans Act in January 2017. As you may know, the Department of Education published the first round of debt-to-earnings rates under the Gainful Employment Rule, which is a measure of how the for-profit schools are doing in their education of veterans and others. More than 800 programs, 98 percent of them, for-profit colleges, had failing debt-to-earnings ratio. Another 1,239 programs were on the brink of failure.

Again, last Congress, I led a bicameral, bipartisan effort to unanimously pass what came to known as the Miller-Blumenthal Health Care and Benefits Improvement Act, which among other things included the Career-Ready Student Veterans Act that requires the VA to disapprove GI bill benefits for programs that lack appropriate accreditation for graduations to earn State licenses and certification.

The Career-Ready Students Act enables our veterans to essentially get work, and I hope that you will commit to ensuring that the VA is in compliance with that statute.

Mr. LOWRY. Senator, I will be nested inside Labor. I will not have—if confirmed, I do not think I have direct oversight, but certainly anything that I would see or become aware of, I would commit to making sure that that was—

Senator BLUMENTHAL. And, I assume you agree that the VA should not be contracting with organizations that fail those kinds of accreditation measures?

Mr. LOWRY. I would not presume to speak for the VA, Senator, but my personal opinion, that makes sense.

Senator BLUMENTHAL. Great. Congratulations and good luck. Thank you.

Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Blumenthal.

Mr. Lowry, I appreciate your testimony and your goals and the aspirations that you have set.

The departments of labor are sometimes misunderstood. They are agencies of the Federal and the State government. The Federal Government funds most of the departments of labor in the States, but the departments of labor do most of the work, if you follow what I am talking about.

We are at a point now, we have 3.8 percent unemployment, according to the statisticians, in the United States. If we have 3.8 percent unemployment, that means virtually everybody who is employable is employed, yet we have a lot of veterans who do not have their jobs. I think it is important to understand your job in part is by making the veterans of the State aware of where they can come to find a job, come to you for a job, come to you for support and training for a job.

We fund more job training programs through the Federal Government than the States fund in their own State. The Workforce Innovation and Opportunity Act, WIOA, which we passed and expanded a couple years ago, has a lot of money into it, and the Governors now have the authority to tailor-make the applications for those funds for purposes for training and employment that allow you to take a segment like veterans and appeal directly to them, so you can kind of customize your State program.

So, I would encourage—you have been with some wonderful—you have got three great degrees from Princeton, Harvard, places I could not get into on a bet, and I commend you for that. You have been in the Marine Corps. You have been with Harley-Davidson. You have been all over the place, done a great job, and have a great reputation.

This is your chance to shine and make us shine as well. So, you have got the encouragement and support of this Committee and

will have it, I am sure, to help you in any way possible. Further, I urge you to be a risk taker, be aggressive, do whatever you can to make the assets that are available to our veterans and our States and the assets that are available to them through the U.S. Department of Labor aware in every veteran's mind and every VSO and other support organizations to know the same thing because with knowledge is power and with power is employment and with employment is a satisfied vet. That is what we want to have.

In the absence of any other questions, since everybody but Richard has left me, I guess we can—I guess you dodged the big bullet, so—

Senator BLUMENTHAL. I am always with you, Mr. Chairman.

Chairman ISAKSON. He is my wingman.

We will adjourn this hearing. Congratulations on your nomination and great to see you, Mr. Lowry.

Mr. LOWRY. Thank you, Mr. Chairman.

[Whereupon, at 4:02 p.m., the Committee was adjourned.]

**NOMINATION OF ROBERT L. WILKIE TO BE
SECRETARY, U.S. DEPARTMENT OF VETER-
ANS AFFAIRS**

WEDNESDAY, JUNE 27, 2018

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

The Committee met, pursuant to notice, at 2:27 p.m., in room G50, Dirksen Senate Office Building, Hon. Johnny Isakson, Chairman of the Committee, presiding.

Present: Senators Isakson, Moran, Boozman, Heller, Cassidy, Rounds, Tillis, Sullivan, Tester, Murray, Sanders, Brown, Blumenthal, Hirono, and Manchin.

**OPENING STATEMENT OF HON. JOHNNY ISAKSON,
CHAIRMAN, U.S. SENATOR FROM GEORGIA**

Chairman ISAKSON. I call this meeting of the Senate Veterans' Affairs Committee together for purpose of a confirmation hearing for the nominee for the next Secretary of the Veterans Administration.

Before we introduce the nominee for his remarks, the Ranking Member and I will make opening remarks, and then we will turn it over to Senator Tillis who will officially introduce our nominee. Then, we will go to questions and answers after our nominee's testimony.

Yesterday in Atlanta, GA, a sad occasion and a tragedy took place when a veteran of the United States military set himself on fire and was severely injured near the State capitol. Being my homestate, my home city, my country, my capitol, and a veteran, I immediately called home to find out about the circumstances of the situation.

I am very proud of the response that was given to him almost instantaneously. The VA, in my conversation with them, were doing everything they could to ascertain everything that had led up to this incident and everything that they had done and everything that could have been done, and I am satisfied with the information that I have to date that their response has been thorough and complete.

Obviously saving the veteran's life is the number 1 goal and priority, which is in the process of being done now, and we hope and pray that will happen.

The reason I bring it up is this. We have had a situation here for my last 4 years here on the Committee where every headline

I ever saw about the VA was about something that happened 5 years ago that was wrong or bad, never about something happening now that is good. We have had so much good stuff happen, the Chairman—myself and the Ranking Member from Montana—that I just thought it was time to say this. We want to make good headlines. We want to confront every tragedy when it happens and do everything we can to put every resource behind it and see to it that it never happens again.

We also want to uplift those in the VA that are doing so much to make the VA a better VA today than it was in the past. Senator Tester and I are going to work as hard as we can to see that happens, and I am confident that Republicans and Democrats on this Committee will do the same thing.

We have a respected, talented nominee for Secretary who you will hear from in just a little bit. We will go through this hearing today. Hopefully, if everything goes smooth, in the near future, we will have a Secretary sitting on the President's Cabinet for the Veterans Administration who will begin building forward on the legislation this Committee has passed in the last 2 years to make caregivers possible, accountability possible, better health care for our veterans possible, accessibility for veterans who live in rural, sparsely-populated areas are cared for.

We have done a plethora of things to improve the plight, the service, and everything we give to our veterans in terms of VA health services. Senator Tester and I are going to see to it that we put a cherry on top of that sundae and every day is a good day at the VA and a better day for all the veterans of America.

With that said, I introduce our Ranking Member, Jon Tester.

**OPENING STATEMENT OF HON. JON TESTER, RANKING
MEMBER, U.S. SENATOR FROM MONTANA**

Senator TESTER. Well, thank you, Mr. Chairman. Our thoughts are certainly with the family of the veterans and certainly with the folks of Georgia and with you because what happened in Georgia is not good news. It is not the kind of news we ever want to hear about a veteran in this country. Just know that we are going to continue to work together, as the Chairman said, to make the VA all it can be, so thank you, Mr. Chairman.

Robert, it is good to see you. It is good to have you here today. I appreciate your willingness to serve as Acting Secretary, and I appreciate your willingness to step forward now during what I believe are unprecedented times at the VA.

If confirmed—and you know this—you will be tasked with ensuring that our Nation's veterans have access to timely care, services, benefits, both housing, education, and others that they have earned.

You will also be expected to treat every veteran, regardless of gender, race, sexual orientation, with the dignity and the respect that they deserve.

Today, this Committee is here to determine whether you are the right person for the job. Every new administration brings its own priorities and its own people to the table. That transition period can often lead to turmoil and confusion and can generate uncer-

tainty inside and outside the agency, but from my perspective, the VA has always been above that fray.

The sacred mission of serving our veterans and their families has always transcended personal and political agendas—or political affiliations.

Since I have been in this Committee, I have worked with Jim Nicholson as closely as I worked with Eric Shinseki, and I also worked with Jim Peake as closely as I worked with Bob McDonald. Each of them were focused on how best to serve the veterans, and they did not allow politics to get in the way of the progress.

Recently, we have seen VA political appointees work actively and publicly to undermine a Secretary and a Deputy Secretary who were unanimously confirmed by the Senate.

As we speak, the Secretary and Deputy Secretary positions are vacant within the VA, while those same political appointees continue to collect paychecks from the VA.

We are seeing nonpartisan senior leaders and subject-matter experts leave the VA in unprecedented numbers. Many are concerned that the sound policies and ideas are being increasingly marginalized at the expense of politics.

We are seeing VA implement reform after reform in a manner that is inconsistent with congressional intent.

We are seeing political interest groups given a seat at the table instead of veterans service organizations.

We are seeing VA leadership, none of whom have been confirmed, lash out at anyone who is seeking true transparency.

In the last couple of weeks, the VA's official media account has attacked news outlets as "fake news." The VA's official media account has attacked news outlets as "fake news," and the Acting Secretary has improperly claimed that the independent Inspector General is his subordinate, which could not be further from the truth.

I hope that you agree that this type of behavior undermines the VA's mission, and it does a disservice to the millions of veterans who rely upon VA services. And, I hope that everyone at the VA who was watching last week when the Senate voted 96 to nothing to reaffirm the independence of the VA IG.

Federal agencies cannot be trusted to police themselves. Veterans and taxpayers need to know that the VA is not above the law.

So, Robert, I need to know that you are the guy who understands the VA has larger challenges ahead, and I think you do. It simply cannot afford to get weighed down by unforced errors.

Veterans are counting on the VA to implement the MISSION Act within the next year, and it needs to be done with more transparency than the Accountability Act. Congress has provided the VA ample time to roll out the MISSION Act and to get it done and to get it done right. If it does not happen, the buck stops with you. Congress and veterans will hold you accountable, and I think you understand that.

I am already concerned the Department is not as ready as it should be for this monumental undertaking of the MISSION Act. For example, VA is supposed to be contracting for Community Care Networks that will help facilitate a veteran's access to community

care. Those dates have been pushed back multiple times now. I am concerned about that and I hope you are, too.

We will also be accounting on you to ensure that care inside the VA is accessible and of the highest quality. Congress has provided the VA with tool after tool to better carry out its mission, and by the leadership, I might say, of Chairman Isakson, they provide those tools. But, far too often, the VA has failed to properly utilize those tools to deliver better outcomes for veterans. This absolutely needs to change. I am going to be looking to you as the person who is ultimately responsible to make this happen.

Robert, I appreciate our working relationship. As I have told you recently, I believe you are a straight shooter, and I think that when confronted with a decision about what is best for veterans, you will act with the best of intentions. The question is how that decision will ultimately be impacted by the influence of others, whether talking about political appointees at the VA or over at the White House.

Sooner or later, you are going to come to a crossroads with these folks. That is what happened to David Shulkin. That is what happened to Tom Bowman, and that is what happened to countless other folks who are no longer with the Department.

My only advice to you is to take the cues from the veterans, the folks that are sitting in this audience, and do what you think is right, even if political forces threaten your job, because I want you to succeed. I really want you to succeed. I think the veterans across this country—in fact, I know the veterans across this country want you to succeed too.

This post requires courage, honesty, integrity, and a vision for the future. Leading this Nation's largest health care system is no small task, and it depends the very best.

I look forward to our discussion today, and once again, I want to thank you for your willingness to serve on behalf of this Nation's veterans.

Thank you.

Chairman ISAKSON. Thank you, Senator Tester.

I am now going to introduce Senator Thom Tillis from North Carolina for the purpose of introducing our nominee, after which I will administer the oath, and then he will have his testimony.

Senator Tillis.

**INTRODUCTION BY HON. THOM TILLIS,
U.S. SENATOR FROM NORTH CAROLINA**

Senator TILLIS. Thank you, Mr. Chairman.

Chairman Isakson, Ranking Member Tester, and distinguished Members of the Committee, I am proud to introduce my friend and colleague, Robert Wilkie, as the nominee for Secretary of the VA.

I have had the honor of working with Robert for 3 years now. Sometimes he worked for me, and many times I worked for him. His combination of knowledge, humor, humility, and heart has endeared him to all of my staff and to scores of North Carolina constituents, many of them veterans and servicemembers.

Robert was born in Frankfurt, Germany, the son of an Army artillery officer. He literally grew up on Fort Bragg, and he lived most of his early life on Fort Bragg or in Fayetteville, NC. He re-

ceived his BA from Wake Forest University, his JD from Loyola College of Law in New Orleans. He received his Master of Laws from Georgetown University and his Masters in Strategic Studies from the U.S. Army War College.

Robert is an intelligence officer in the U.S. Air Force Reserves today. Previously, he served in the Atlantic Intelligence Command and Joint Forces Intelligence Command, and he also served in the U.S. Navy.

He has long been regarded in Washington—and been held in high regard in Washington—especially here on Capitol Hill, where he has developed close relationships with members on both sides of the aisle. He has also forged an excellent working relationship with the Committee and the Committee staff, and he is universally recognized as a team player and a mentor.

Throughout his distinguished career in public service, Robert has also been a trusted advisor to some of the Nation's most respected leaders, including Condoleezza Rice, Robert Gates, Donald Rumsfeld, and Secretary Mattis.

Frankly, given his depth of experience, I was pleasantly surprised and very proud to have Robert accept a position with a newly sworn-in freshman Senator. It was clear to me from the start, he was destined to serve the Nation at a higher level.

And, last year, Robert received that call from the administration when he was nominated to be the Under Secretary of Defense for Personnel and Readiness. Robert demonstrated his extraordinary skills in just a few short months. So, it was no surprise to me that the administration identified him as the perfect fit to become the Secretary of the VA.

When he was appointed to the acting role as VA Secretary, he quickly worked to improve morale at the VA, earning strong reviews and trust from VSOs and Members of Congress and the VA staff.

He moved decisively to execute the electronic health record project, which we all know is a critical part of the VA transformation, and he also successfully pushed through the VA MISSION Act to the finish line.

Robert has all the education and professional experience required to be the Secretary of the VA. Yet, perhaps what makes Robert best suited for the job is his lifelong experience as an Army brat and the personal experience as the son of a gravely wounded soldier and being a servicemember himself.

He has literally lived the experience, so I know that Robert will bring his professional experience and his personal insight and an intensity to the role that will serve our veterans well.

Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you very much, Senator Tillis.

Would you please rise, Robert, and raise your right hand to affirm your pledge. Do you solemnly swear or affirm that the testimony you are about to give before the U.S. Senate Committee on Veterans' Affairs will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WILKIE. I do.

Chairman ISAKSON. Please be seated, and please introduce your lovely wife, Julie, so that everybody can get an eye on her.

**STATEMENT OF ROBERT L. WILKIE, NOMINATED TO BE
SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS**

Mr. WILKIE. Thank you, sir. My wife Julie is behind me. We have known each other since we were youngsters growing up in Fayetteville. As you know, Mr. Chairman, she has a very strong Georgia connection. Her grandmother was from Folkston, GA, and just—

Chairman ISAKSON. That is the real swamp.

Mr. WILKIE. That is the real swamp. That is right. [Laughter.]

And, just as in 2006 and 2017, she is with me; nothing that I have achieved would have been possible without her.

Mr. Chairman, Senator Tester, and distinguished Members of the Committees on Veterans Affairs, this is the third time I have appeared in the confirmation chair.

I mentioned how long I have known my wife, and one of the aspects of our relationship in those early years is that our high school was about three blocks away from the Fayetteville Veterans Hospital. Every day on our way to and from high school, we would see a sign outside the Veterans Hospital that says that the price of freedom is visible here.

So, I am humbled today not only by the confidence placed in me by the President of the United States and the support of our veterans service organizations, but to be introduced by Senator Tillis. Having grown up in the military world, he exemplifies what all of us from that world strive to be, and that is servant-leader.

As the Senator said, I have been privileged to experience military life from many angles. As the son of a gravely wounded combat soldier, as an officer, as a senior leader in the Pentagon, including leading the reform of the Defense Health Agency, and for 8 weeks as the Acting Secretary of the Department of Veterans Affairs.

My modest military service was inspired by my ancestors. I walked the field of Shiloh with my great-grandfather, Colonel Abram Somerville. As a young captain of field artillery, he witnessed thousands perish in a matter of minutes in the Battle of the Meuse Argonne in 1918. In the short time that I was privileged to know him, he impressed upon me the cost paid by ordinary Americans caught up in the incommunicable experience of war.

Mr. Chairman, as Senator Tillis noted, my own life changed when my father returned from his second combat tour in Vietnam. I was 7 when we received the word that he had been terribly wounded. When he came home after almost a year in Army hospitals, he weighed less than half of what he did when he left. I watched his agonizing recovery, and that experience was on my mind when I was asked to come to VA.

As Acting Secretary of Veterans Affairs, I visited five VA hospitals in 8 weeks, met with the combined leadership of our three major VA components—Benefits, Health, and Cemeteries—and visited our Claims Processing center in Baltimore as well as the Maryland Veterans Treatment Court. It was clear to me that the veterans population is changing faster than we realize. For the first time in over 40 years, half of our veterans are now under the age of 65. Of America's 20 million veterans, 10 percent are now women. The new generation is computer savvy and demands 21st century service, service that is quick, diverse, and close to home.

For the VA to thrive as an integrated health care network, it must be agile and adaptive.

But, more importantly, as I mentioned to Senator Sanders in our meeting last week, I experienced what can and will never be duplicated in the private sector, and that is the communal aspect of VAs. What does that mean? It means that when our veterans walk into any VA facility, they converse with men and women who speak the unique language of military service.

So, what are the priorities? First, improve the culture; offer world class customer service. Second, improve access to care through implementation of the MISSION Act and transformative IT modernization, such as the Electronic Health Records programs. Reduce the backlog of claims and payments, and finally, business transformation including reform of our human resources system.

Mr. Chairman, the prime directive is customer service. When an American veteran comes to VA, it is not up to him to employ a team of lawyers to get VA to say yes. It is up to VA to get the veteran to yes, and that is customer service.

Many of the issues I encountered as Acting Secretary were not with the quality of medical care but with getting our veterans through the door to reach that care. Those problems are both administrative and bureaucratic. Alexander Hamilton said that the true test of a good government is its aptitude and tendency to produce a good administration, and that is where VA must go.

The new Electronic Health Record system is the first step to modernize VA. It modernizes our appointment system. It is also the template to get us started on the road to automate disability claims and our payment claims, particularly to our providers in rural America and those who administer emergency care. More importantly, the interoperability of the new Electronic Health Records system will connect VA to the DOD, private doctors, and private pharmacies to create a continuum of care and organize health care around our veteran's needs. This is also our opportunity to turn the corner and be an industry leader on opioid abuse intervention and suicide prevention.

Business transformation to standardize our policies and procedures across the integrated service networks is also essential if we are to move past the mid-1990s compartmentalized model and give power to the professionals closest to our veterans. This means reforming human resources, to give those same people more leeway to manage their budgets and recruit, retain, and relocate the staff they need to serve veterans.

Transformation also means entering into more robust partnerships with our State and local communities to address veteran homelessness that particularly plagues our Vietnam veterans who also suffer the highest rates of suicide.

We are also pledged to help veterans transition to a new life in education and nonmilitary careers. If confirmed, I will leverage VA's partnership with Labor, Small Business Administration, Defense, and other agencies to carry out this pledge.

Mr. Chairman, as Secretary Mattis said when this Congress passed a \$700 billion Defense budget, there are no more excuses. You and the Ranking Member have infused VA with a \$200 billion budget. You have passed the Accountability Act, to shake up com-

placency, and you have passed the MISSION Act to bring the institutional VA, community care, and caregivers closer together. The future now is up to the Department.

I would like to take the opportunity to close with a charge from President Eisenhower. Five months after his inauguration, about 40 Korean War veterans climbed aboard Presidential yacht *Williamsburg*, docked about 2 miles from where we were sitting. Many of those veterans were missing limbs, and some were horribly disfigured. When Ike arrived at the pier, the Secret Service ran up the plank to separate the President from his troops. Seeing that, Eisenhower yelled, "Halt. I know these men."

The agents retreated, and the soldiers gathered around the President. He asked to address them at attention, and those who could did stand, but he said that there was nothing that the country could do for them to compensate what they had given to America. Though, he also said, "You never put your uniform away. You have to get well to remind your countrymen every day that freedom is never free."

Mr. Chairman, that is why VA must succeed. It is to remind Americans every day that freedom is not free.

Mr. Chairman, I thank you and look forward to the questions.

[The prepared statement of Mr. Wilkie follows:]

PREPARED STATEMENT OF ROBERT L. WILKIE, NOMINEE FOR SECRETARY,
U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. Chairman, Senator Tester and distinguished Members of the Committee on Veterans Affairs. This is the third time I have appeared in the confirmation chair. Just as in 2006 and 2017, my wife Julie is with me. We have known each other since we were youngsters in North Carolina. Our high school was two blocks from the Veterans Hospital in Fayetteville. On our way to and from school we could not help but read the sign at the entrance—"The price of freedom is visible here."

I am humbled today not only by the confidence placed in me by the President and the support of our Veterans Service Organizations, but to be introduced by Senator Tillis. No one better exemplifies what those of us who have come through the military world strive to be—a servant leader.

I have been privileged to experience military life from many angles, as the son of a gravely wounded combat soldier; as an officer; as a senior leader in the Pentagon, including leading the Defense Health Agency reform, and eight weeks as Acting Secretary of Veterans Affairs.

My modest military service was inspired by my ancestors. I walked the field of Shiloh with my great grandfather, Colonel Abram Somerville. As a young captain of field artillery, he saw thousands perish in minutes in the Meuse Argonne in 1918. In the short time that I was privileged to know him, he impressed upon me the cost paid by ordinary Americans caught up in the incommunicable experience of war.

Mr. Chairman my own life changed when my father returned from his second combat tour in Vietnam. I was seven when we received a message that he had been terribly wounded. When he came home after a year in military hospitals, he weighed less than half of what he did when he left us. I watched his agonizing recovery and that experience was on my mind when I was asked to come to VA.

As Acting Secretary of Veterans Affairs, I visited five VA hospitals across the country—met with the combined leadership of our three major VA components—Benefits, Health and Cemeteries—and visited our Claims Processing center in Baltimore and the Maryland Veterans Treatment Court presided over by my childhood friend, Judge Halee Weinstein.

It is clear that the Veterans population is changing faster than we realize. For the first time in forty years—half of our veterans are under the age of sixty-five. Of America's twenty million veterans, ten percent are now women. The new generation is computer savvy and demands 21st century service—service that is quick, diverse and close to home. For the VA to thrive as an integrated health care network, it must be agile and adaptive.

More importantly, I experienced what can never be duplicated in the private sector—the communal aspect of VA. What does that mean? It means that when our

veterans walk into any of VA facility they converse with men and women who speak the unique language of military service.

What are the priorities?

- Improve the culture—offer world class customer service
- Improve access to care through implementation of the MISSION Act and transformative IT Modernization such as the Electronic Health Records Program.
- Reduce the backlog of claims and payments.
- Business transformation including reform of the human resource systems

Mr. Chairman, the prime directive is customer service. When an American veteran comes to VA it is not up to him to employ a team of lawyers to get VA to say YES. It is up to VA to get the Veteran to YES—that is customer service.

Many of the issues I encountered as Acting Secretary were not with the quality of medical care but with getting our veterans through the door to reach that care. Those problems are administrative and bureaucratic. Alexander Hamilton said, “The true test of a good government, is its aptitude and tendency to produce a good administration.” That is where VA must go.

The new Electronic Health Record system is the first step to modernize our appointment system, it is also the template to get us started on the road to automate disability claims and our payment claims particularly to our providers in rural America and those who administer emergency care. More importantly, the interoperability of the new electronic health records system will connect VA to the DOD, private doctors and private pharmacies to create a continuum of care and organize the healthcare around our veteran’s needs. This is also our opportunity to turn the corner and be an industry leader on opioid abuse intervention and suicide prevention.

Business transformation to standardize our policies and procedures across the VISNs is also essential if we are to move past the mid-1990s compartmentalized model and give power to the professionals closest to our veterans. This means reforming human resource systems to give those same people more leeway to manage their budgets and recruit, retain and relocate the staff they need to serve veterans.

Transformation also means entering into more robust partnerships with our state and local communities to address Veteran homelessness, that particularly plagues our Vietnam Veterans who also suffer the highest rates of suicide.

We are also pledged to help veterans transition to a new life in education and non-military careers. If confirmed, I will leverage VA’s strong partnership with Labor, Defense, and other agencies to carry out this pledge.

Mr. Chairman, as Secretary Mattis said when this Congress passed a \$700 billion Defense budget, there are no more excuses. You have infused VA with a \$200 billion budget, you have passed the Accountability Act—to shake up complacency—and you have passed the Mission Act to bring the institutional VA, community care and caregivers closer together. The future is up to the Department. If confirmed, I pledge to help build on your work.

I would like to close with a charge from President Eisenhower.

Five months after his inauguration, about forty Korean War Veterans climbed aboard the yacht Williamsburg—many were missing limbs, some were horribly disfigured. When Ike arrived at the pier, the Secret Service ran up the plank to separate the President from his troops. Seeing that, Eisenhower yelled “Halt! I know these men.” The agents retreated, and the soldiers gathered around the President. He addressed them at attention and said there was nothing the country could do for them to compensate for what they had given to America but, he said, “You never put away your uniform. You must get well, to remind your countrymen every day that freedom is never free.”

Mr. Chairman that is why VA must succeed—to remind Americans every day that freedom is not free.

[The Committee questionnaire for Presidential nominees follows:]

Revised December 2016

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>	
Name of Position	Date of Nomination
Secretary Department of Veterans Affairs	

<i>Current Legal Name</i>			
First Name	Middle Name	Last Name	Suffix
Robert	Leon	Wilkie	Jr.

<i>Addresses</i>					
Residential Address (do not include street address)			Office Address (include street address)		
1709 North Kenilworth Street			Street:4000 Pentagon		
City: Arlington	State: Virginia	Zip: 22205	City: Washington	State: DC	Zip: 20301

<i>Other Names Used</i>						
First Name	Middle Name	Last Name	Suffix	Check if Maiden Name	Name Used From (Month/Year) (Check box if estimate)	Name Used To (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
6 August 1962	Frankfurt, West Germany

<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>			
Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix
Julia	Bullard	Wilkie	

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

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

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>
US Army War College	Military College	07/2000	07/2002	Master of Strategic Studies	2002
Georgetown University School of Law	University	01/1989	05/1992	Master of Laws in International & Comparative Law	1992
Loyola University College of Law (New Orleans)	University	08/1985	05/1988	Juris Doctor	1988
Wake Forest University	University	08/1982	05/1985	Bachelor of Arts, Politics	1985

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)
Federal Government	Department of Defense	Under Secretary, Personnel & Readiness	Washington DC	2017	Present
Non-government employee	Trump – Presidential Transition Office	Defense Policy Team	Washington DC	2016	2017
Congressional Staff	Senator Thom Tillis	Senior Advisor & Counsel	Washington DC	2015	2017
Federal Contractor	CH2M Hill, Limited	VP for Defense Integration & Strategic Initiatives	Englewood, CO	2010	2015
Federal Government	Department of Defense	Assistant Secretary, Legislative Affairs	Washington DC	2005	2009
Federal Government	National Security Council	Special Assistant to the President for National Security Affairs, Senior Director to the NSC	Washington DC	2003	2005
Congressional Staff	Senate Majority Leaders, Trent Lott	Counsel & Advisor on International Security Affairs	Washington DC	1997	2003
Candidate, Seventh District of North Carolin	Self	Candidate	Fayetteville, NC	1996	1996
Congressional Staff	Congressman David Funderburk	Legislative Director	Washington DC	1995	1995
Congressional Staff	Senator Jesse Helms	Counsel	Washington DC	1988	1995
Active & Reserve Military Duty	US Air Force	Lt Col	Pentagon, Washington DC	2008	Present
Active & Reserve Military Duty	US Navy	LCDR	Various Locations	1997	2008

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere. None

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

- Defense Distinguished Public Service Medal
- Intelligence Office of the Year for the Office of Naval Intelligence Command (2x)
- Meritorious Service Medal
- Navy-Marine Corps Achievement Medal
- Air Force Organizational Excellence Award
- National Defense Service Medal
- Air Force Longevity Service Medal
- Global War on Terrorism Service Medal
- Armed Forces Reserve Medal

5. Memberships

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

\$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>
Jesse Helms Foundation	2013-2017	Board of Directors
Council on Foreign Relations	2010-Present	Member
The Atlantic Council	2010-2015	Member
Royal Institute for International Affairs	2010-2015	Member
Royal United Services Institute	2010-2015	Member
Henry Jackson Society	2010-2015	Member
US Army War College Foundation	2002-Present	Member
Air Force Association	2008-Present	Air Power Working Group

6. Political Activity

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

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service</u> (if applicable)
7 th District, North Carolina	Candidate	1996	n/a

(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.

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
Republican National Convention, Houston TX	Deputy Chief of Congressional Relations		1992
Republican National Committee	Author and Editor of the National Security Chapter of the Republican Presidential Platform	Drafted the National Security Chapter	2000, 2012, 2016
Trump for President	National Security Policy Advisory Team		2017

(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. NONE

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>

7. Publications

List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
What Would Curtis Do? Reform and the Survival of the United States Air Force	Royal United Services Institute, London	July, 2014
Where is Dick Nixon When You Need Him?	Richard Nixon Presidential Library Forum	April, 2014
Hybrid Warfare: Something Old, Not Something New	Air and Space Power Journal	Winter, 2010
Fortress Europa, Strategy for Empire: US Regional Security Policy in the Post-Cold War Era	Brian Loveman, ed. Lanham MD: Rowman and Littlefield Publishers	2004
Balancing Star Wars and Muddy Boots	PROCEEDINGS	Vol. 126, issue 10, Oct 2000
Navy 2001: Back to the Future	The Naval War College Review	Spring 2000

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.

- Senate Confirmation Testimony: 2005 & 2017
- Senate Posture Statement, USD P&R: March, 2018
- Multiple memos, issuances and policys as USD and ASD

(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.

- Multiple remarks, panel discussions and speeches as a congressional staffer and as Under Secretary of Defense, Personnel & Readiness
- Multiple remarks and speeches as Acting Secretary, Veterans Affairs

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

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

In the past ten years, have you 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

[A letter from the Office of Government Ethics follows:]

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

June 25, 2018

The Honorable Johnny Isakson
Chairman
Committee on Veterans' Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Robert L. Wilkie, who has been nominated by President Trump for the position of Secretary, Department of Veterans Affairs.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,
DAVID
APOL

David J. Apol
Acting Director and General Counsel

Digitally signed by DAVID
APOL
Date: 2018.06.25 13:35:45
-04'00'

Enclosures



[Letter from Robert L. Wilkie to the Office of General Counsel,
U.S. Department of Veterans Affairs:]

June 21, 2018.

Ms. CATHERINE MITRANO
Designated Agency Ethics Official
Office of the General Counsel
Department of Veterans Affairs
Washington, DC

DEAR MS. MITRANO: The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Secretary of the U.S. Department of Veterans Affairs.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I resigned from my position with the Jesse Helms Center and Foundation on November 1, 2017. For a period of 1 year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know the Jesse Helms Center and Foundation, is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I understand that as an appointee I must continue to abide by the Ethics Pledge (Exec. Order No. 13770) that I previously signed and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I will meet in person with you, or another designated ethics official, during the first 15 days of my service in the position of Secretary in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

ROBERT L. WILKIE.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO
ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT
OF VETERANS AFFAIRS

Question 1. What do you see as the most significant challenges facing VA and what would be your highest priorities if confirmed as Secretary?

Response. Customer service is the prime directive. When an American veteran comes to VA it is not up to him to employ a team of lawyers to get VA to say “YES.” It is up to VA to get the Veteran to “YES”—that is customer service. Most of the problems I encountered were not with medical care but with getting our veterans through the door to reach that care and receive the benefits they deserve. The problems are primarily administrative and bureaucratic.

Question 2. How did your time as Acting VA Secretary inform your perspective on the role and what your priorities would be if confirmed as Secretary?

Response. I learned from my 8+ weeks as Acting Secretary that the VA has thousands of great stories—of Veterans serving Veterans every single day, and that

those stories need to be told. To do that I will commit to even greater transparency, communications, and continuing to bring the VA to the forefront of technology with electronic health records management (EHRM) and telehealth and further reducing opioid use/prescriptions—showcasing areas where we lead the Nation and in some cases the world. My priorities are to ensure the proper oversight and implementation of the MISSION Act, of the EHRM program, and of the Appeals Modernization backlog reduction legislation. I commit to unsurpassed communication with our partners in Congress, Veterans Service Organizations (VSOs), and Veterans to meet or exceed the deadlines required by law.

Question 3. Would you please detail what experiences you have had while serving at the Department of Defense (DOD) that you believe have helped prepare you to lead VA?

Response. Both former Secretary Bob Gates and Secretary Jim Mattis have believed that Personnel & Readiness (P&R), although the most important of the DOD Under Secretariats, was fundamentally broken—morale was rock bottom and leadership was fractured. Secretary Gates referred to P&R as the dysfunctional family picnic. My priority was to restore morale. I walked the post and talked to the employees across the department. I replaced those who had been in their positions too long and promoted leaders who showed promise and new ideas. I directed that all outstanding NDAA directives—some going back to the FY 2010 Act—be implemented including a DOD Sexual harassment policy; Defense Health Agency Reform and the Exceptional Family Member Program. This signaled to the staff and to the Department that P&R was a changed organization.

Secretary Mattis rewarded P&R with what he considers his most important project—the Close Combat Lethality Task Force.

P&R has the same complex history as VA. In scope it is every bit as large as VA—700,000 civilian employees (not to mention responsibility for the training and readiness of the entire uniformed force) plus the second largest health system in the United States. I intend to pursue the same leadership philosophy at VA that was used to right the P&R ship.

Question 4. What do you see as the role of this Committee in conducting oversight regarding VA and what steps would you take to ensure that the Committee is promptly notified of any emerging trends, issues, or developments at VA?

Response. This Committee is the strong partner of the Secretary to ensure he or she is making the best decisions on behalf of Veterans across this country. If confirmed, I will make the time to reach out personally and regularly to the Chairman and Ranking Member to make them aware of any issues. Additionally, my team in the Office of Congressional and Legislative Affairs will have real time information on the issues, trends, or developments that are briefed to me daily and will make Committee staff aware of emergent and systemic issues.

Question 5. Congress recently passed S. 2372, the VA MISSION Act, to streamline the Veterans Choice Program and VA's other non-VA care programs into one program. Going forward, how do you envision expanding veterans' access to non-VA care while preserving within the Veterans Health Administration (VHA) the care and services VHA performs well?

Response. If confirmed, I would like VA to continue its focus on the evolution of VA health care delivery, including investing in and growing foundational services, attracting and retaining high quality staff, using innovative technologies to optimize health outcomes, and enhancing partnerships to support education and training clinicians treating our Veterans.

Question 6. Under the Veterans Appeals Improvement and Modernization Act, enacted in August 2017, the Secretary is responsible for certifying that the new system for processing veterans' appeals is ready before fully replacing the existing system. If confirmed, how do you intend to approach the responsibility of certifying that VA is prepared to implement the new system to timely address appeals, while at the same time addressing the more than 460,000 legacy appeals?

Response. Through a series of initiatives that offer Veterans choices and streamline functions, VA is on track to ensure on time certification and implementation of the Appeals Modernization Act in February 2019 while reducing the wait time for those appealing disability benefits claims. The legacy appeals system is a lengthy, complex, and confusing system; ensuring that VA is ready to implement the new streamlined modernized appeals system will be one of my top priorities if confirmed. Currently, VA has taken a multifaceted approach to planning and I would continue the focus that the agency has placed on planning for this historic change.

VA lines of business have been working collaboratively with internal and external stakeholders, to include VSOs, since prior to passage of the Appeals Modernization Act to ensure timely certification and successful implementation. I will continue to

seek the advice of our stakeholders in order to determine readiness for certification, as required by the Act.

Through this planning process, VA has identified risks, primarily among them is the stringent timeline for publishing regulations, and possible delays in the development of information technology necessary to update our computer processing systems. While VA has mitigation strategies in place for these risks, if confirmed I would continue to track progress, and evaluate any new or emerging risks.

I am aware that VA needs decisive leadership action to address the legacy appeals inventory, but to be successful we also need assistance and support from our Congressional partners. As such, I urge you to approve the fiscal year (FY) 2019 President's Budget request for an additional 605 full time equivalents (FTE) for appeals processing at the Veterans Benefits Administration.

However, despite the need for additional resources, VA has made some noteworthy gains through the use of innovative programs such as the Veterans Benefits Administration's Rapid Appeals Modernization Program (RAMP).

Additionally, the Board of Veterans' Appeals is issuing decisions to Veterans and their families at historic levels. As a result of increased funding, the Board added personnel, primarily Veterans Law Judges and decision writing attorneys. The Board has modernized technology processes, enhanced training initiatives, and increased efficiencies. Through June 18, 2018, the Board has signed a (to date) record number, 58,557 decisions, which is more decisions than the Board has ever signed in a fiscal year.

The Chairman, the Director of VBA's Appeals Management Office (AMO), and the Office of General Counsel (OGC) provide VA's Office of the Secretary with weekly updates on VA's progress with Appeals Modernization. VA's Office of Enterprise Integration conducts ongoing review and analysis. Additionally, the Board and AMO report on the Appeals Modernization Act implementation as part of the Agency Priority Goal (APG) Action Plan. Finally, the Board responds to all requests and inquiries from internal and external stakeholders.

In sum, Appeals Modernization has garnered extensive attention and monitoring at the highest levels of the agency. This attention will ensure that any issues with the readiness indicators, such as the status of the rulemaking; lessons learned from the processing of higher-level reviews and supplemental claims in RAMP; and the status of IT systems development, are addressed and mitigated as necessary to ensure successful implementation. If confirmed, I would champion and encourage innovative solutions to deal with the legacy appeals inventory while improving service for Veterans.

Question 7. Congress passed a law last year to give the Secretary of Veterans Affairs authority to hire critical employees and suspend or remove employees who don't meet the needs of the Department. If confirmed, how would you approach workforce management at VA, and what principles would you apply to ensure the right employees get hired and the wrong employees are removed?

Response. Similar to the way DOD approaches workforce management, I intend to approach workforce management holistically—by addressing the entire employee lifecycle: recruitment, onboarding, developing and retention. My overall strategy will be to target one key performance indicator—how well we meet the needs of the Veterans we serve. I'll concentrate on using the VA healthcare system to maximize our ability to provide optimal care to Veterans. While some recent events have raised concerns about VA's staffing capabilities, I will work aggressively to address concerns from Congress, GAO and OIG to implement corrective measures and recommendations to ensure we are hiring the right employees to care for our Veterans.

VA has recently established a manpower management office, and has updated its H.R. System of Record to enhance talent acquisition capabilities. I intend to continue with efforts already underway to develop new staffing models and decision matrices for medical facilities to use when setting specialty care staffing requirements. By benchmarking access, quality and staffing against similar healthcare systems, the VA established a databaseline, demonstrating the relationship between Veteran demand for specialty care services with corresponding cost, complexity and productivity factors. I'll use these models to identify facilities at risk of critical staffing shortfalls, and then validate and refine the models to provide a robust and comprehensive staffing capability.

With respect to accountability, VA programs have a significant impact on millions of Americans, and the Department is accountable to our Veterans for the services it provides. Be assured that my guiding principles will fully demonstrate, by example, VA's obligation to maintain high standards of employee integrity, conduct, effectiveness, and service to the public. To ensure these principles are met, I will insist and expect that leadership at all levels promote a culture of accountability to make certain our Veterans are treated with respect and provided the services to which

they are entitled, due to their service to our Nation. When employees fail to uphold these principles, I expect managers to judiciously employ corrective action based on their evaluation of an employee's misconduct or performance deficiencies and consider action that is reasonable and commensurate with the facts of the case.

Question 8. Women constitute an ever-growing segment of the Armed Forces and, consequently, the overall veteran population. What do you see as the primary challenges to appropriately treating and serving women veterans in VA facilities?

Response. VA provides full services to women Veterans, including comprehensive primary care, gynecology care, maternity care, specialty care, and mental health services. VA is on the forefront of information technology for women's health and is redesigning its electronic medical record to track breast and reproductive health care. VA also tracks quality by gender and, unlike other health care systems, has been able to reduce and eliminate gender disparities in important aspects of health screening, prevention, and chronic disease management.

However, I believe that there are several challenges in meeting the demand of the increasing women Veteran population. While VA is training providers and other clinical staff, VA is unable to keep up the demand to have trained providers to care for women Veterans. By end of fiscal year (FY) 2017, VA reached the milestone of training more than 5,000 VHA providers and nurses in the women's health mini-residency. VA has at least one Women's Health Primary Care Physician (WH-PCP) at all of VA's health care systems. In addition, 90 percent of community based outpatient clinics (CBOCs) had a WH-PCP in place. VA continues to train additional providers to ensure that every woman Veteran has the opportunity to receive her primary care from a WH-PCP. VA has implemented women's health care delivery models of care that ensure women receive equitable, timely, high-quality primary health care from a single primary care provider and team, thereby decreasing fragmentation and improving quality of care for women Veterans.

Additionally, privacy and safety for women Veterans needs to remain a high priority for VA. If confirmed I will ask that VA continue working to improve standards and maintain its facilities to provide gender-specific healthcare delivery in a sensitive and safe environment.

Question 9. Given your experience as a military leader, what priorities would you pursue, if confirmed as Secretary of VA, to work on with DOD in order to improve the transition from military service to civilian life? Is there anything you would recommend DOD do differently to improve veterans' overall well-being?

Response. If confirmed, I will continue the improvements we've begun with the Transition Assistance Program (TAP). While I was serving as Acting Secretary, VA released updated curricula to the VA portion of TAP, making an already valuable program for Veterans even better. Using adult learning research and past participant recommendations, the new VA Benefits I and II curricula for TAP were developed to be collaborative and stimulating, helping servicemembers make informed decisions about their health care, employment, housing, and other transition benefits. Suggestions made by Veterans, VSOs, and post-9/11 Veteran groups included taking a more holistic view of a servicemember's new life, including the psychosocial aspects of the transition to civilian life. The implementation of the new electronic health record will also serve as a key enabler and allow us to focus on the most "at risk" transitioning servicemembers. Additionally, the President's Executive Order 13822 tasked VA/DOD-DHS to develop a joint action plan to address the complex problems of transitioning servicemembers. Our implementation of these initiatives, to include early and constant contact and peer support, will also improve the transition process.

Given that no two transitions are the same, the updates deliver elements relevant to each transitioning servicemember based on where they are in their transition. This redesign will encourage whole health support for servicemembers and their family members, include relevant information about VSOs and allow time for familiarization with local VSO representatives.

With respect to DOD, I would encourage strong collaboration to enable the deployment of Military Life Cycle concepts throughout Servicemembers careers, where VA and partner agencies will deliver timely and useful education and services at multiple touchpoints, so servicemembers can access the benefits and services at the times they need them in the manner they desire throughout their lives.

Coming from Department of Defense, I am familiar with the TAP program, and I believe these changes will strengthen the program and provide real-life relevance to those who have given a portion of their lives to serving our nation.

Question 10. The National Cemetery Administration (NCA) has repeatedly earned the highest customer satisfaction score among the private or public sectors, yet the American Customer Satisfaction Index ranked the Department of Veterans Affairs

third last in customer satisfaction among Federal agencies for 2015. What factors set NCA so far apart from the rest of VA and how would you leverage their best practices to improve customer satisfaction across the rest of the department?

Response. NCA's high level of customer satisfaction can be attributed to several factors. There is a commitment from senior leadership and all levels of the organization to provide the best service possible to Veterans and their families. This is accomplished through continuous process improvement. For example, NCA has established an Organizational Assessment and Improvement Program based on Malcom Baldrige criteria for organizational excellence. Standards and measures for each cemetery are aligned with drivers of customer satisfaction and clearly defined with input from all levels of the organization. Cemeteries are evaluated against those criteria on an annual basis and employees are held accountable. Tools are provided to enable success and to communicate expectations, such as a robust training program at NCA's National Training Center in St. Louis, MO. NCA also collects quarterly survey feedback from stakeholders (Veterans, family members, funeral home directors) to validate what the organization is doing well, as well as to make improvements when needed. Finally, the composition of the NCA workforce is unique. Nearly three quarters of the employees in the field are Veterans, which provides NCA an exceptional sense of pride and ownership regarding the operations and maintenance of our national shrines.

Many of NCA's best practices are already being employed and leveraged within the department. For example, VA's Veterans Experience Office (VEO) is working to enable the department to be the leading customer service organization in government. VEO is capturing Veteran feedback and is implementing solutions based on Veteran-centered designs and industry best practices. Forrester's 2018 Customer Experience Index reported that VA was one of two Federal agencies to improve in customer experience, in the past year. VA is also seeking to centralize certain administrative functions to provide more efficient and effective support services to the field.

Question 11. VA has been criticized in the past for a lack of coordination between its Benefits Administration and Health Administration. Do you think these two major arms of the Department need to better align their efforts to improve wellness among the veterans they serve?

Response. Business practices in huge bureaucracies can always stand to be improved. If confirmed I will ensure that the VA improves its overall customer service to ensure Veterans are at the center of everything the department does and that Veterans have a growing confidence that VA is working with them to provide high quality health care and benefits.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. If confirmed, how would you address instances where your vision and the White House's are not aligned?

Response. I had the privilege in the 8+ weeks at the VA to meet with the President for several hours. He and General Kelly, have open door policies and in the event that our opinions differ, we will have ample opportunity to discuss.

Question 2. Describe how you managed the Department during your tenure as Acting Secretary. Did you take a hands-on role in the day-to-day operation of the Department? Please describe significant actions you made during your tenure as Acting Secretary that are specific to each of the Department's three administrations.

Response. I come from a long line of military service. You are taught to "walk your post" and talk to the Veterans who utilize our facilities day in and day out. During my short 8+ weeks I was able to visit five VA hospitals across the country—meet with the combined leadership of three major VA components—Benefits, Health and Cemeteries—and visit the Claims Processing center in Baltimore and the Maryland Veterans Treatment Court.

My goals for the short time I was the Acting Secretary were straight forward. Restore morale and collaborate and clear any Department hurdles to allow this Committee to pass the groundbreaking MISSION Act. I wanted to quickly do my due diligence on the EHRM program/contract to ensure Veterans and their providers will have the best technology at their fingertips and the best transition of care from DOD to the VA for generations, third, I wanted to lead the effort to get back to great customer service for Veterans at all facilities by calming the waters and moving VA forward. I achieved those goals.

Question 3. What are your top three specific and measurable goals as Secretary of Veterans Affairs and how would you achieve them?

Response. My three goals are to ensure the proper oversight and implementation of the MISSION Act, of the EHRM program, and of the Appeals Modernization backlog reduction legislation. VA has established working groups that meet weekly and if confirmed, I will get frequent updates in daily meetings and “walk my post” to visit with those teams and get personal updates as well. I commit to transparency (and competence) with our partners in Congress, VSOs, and Veterans to meet or exceed the deadlines required in law.

Question 4. One of the Secretary’s major roles on an annual basis is developing and then defending VA’s budget for a given year. Do you anticipate working within the limits established by the Office of Management and Budget or going to the President to advocate for the level of funding that is needed to fully fund the Department in the coming year?

Response. I will advocate for the level of funding that I believe is needed to fund the VA’s critical mission to both OMB and the President. It’s my responsibility to successfully justify my budget request such that we are all in agreement that the resource request is both adequate and reasonable.

Question 5. The sheer size and scale of the Department necessitates a Secretary having the ability to appropriately delegate responsibilities while ensuring that initiatives are executed according to leadership’s vision. How do you envision making sure your direction to the field is carried out correctly, in a non-military organization?

Response. VA is embarking on the largest transformation and modernization effort in recent history. The scale and criticality of these efforts requires management discipline and strong governance. I will review and validate the strategic objectives of each initiative, Administration and Staff Office. Based upon this review, it may be necessary to adjust or adapt our execution plans. As we implement plans, I will apply a consistent governance process to measure progress against anticipated milestones, anticipate and mitigate risk, and hold leaders accountable.

Question 6. a. During your tenure as Acting Secretary, did you make a point to meet with members of the labor unions? If confirmed, what will be your plan to work with employee unions? Do you believe they play an important role in bridging communication between VA employees and management? What is your experience in dealing with unions or employees who have collective bargaining rights?

Response. I specifically did not meet with our labor union partners because of ongoing negotiations and the expectation that I would return to the Department of Defense as the Under Secretary of Defense for Personnel & Readiness. It is my desire to work with our labor partners and develop innovative solutions to ensure all groups are on the same page and working hard to improve Veterans’ healthcare. I believe if we put Veterans first during our discussions with our labor partners, the outcome will be better services and benefits to our Nation’s Veterans and their families.

b. Do you believe they play an important role in bridging communication between VA employees and management?

Response. In some cases, I believe the unions can be an important part of the discussion with our employees regarding the changing environment in which we find ourselves. At the same time, management is responsible for managing the Department. VA management can always do better when communicating with employees at the front lines of providing care and benefits for our Veterans. The discussion leadership needs to have with our labor partners and the employees they represent is acknowledging that our sole purpose is to serve Veterans. And we can only accomplish this together by implementing the modernization of the Department of Veterans Affairs. We need to have this discussion and remember to preface every idea with putting Veteran’s first. Management and labor must speak from the same book to modernize the Department and become more efficient in delivering care and services to our Nation’s Veterans.

c. What is your experience in dealing with unions or employees who have collective bargaining rights?

Response. As a military officer and leader, I have had the opportunity to engage with Federal unions throughout the Department of Defense. I have always maintained a productive relationship with Federal employee unions without compromising the mission, no matter the issue.

Question 7. Last year Congress passed legislation that made it easier for the Department to sanction underperforming employees. VA has been using the new authorities in this legislation in a fairly severe way against people who have minor

first time offenses. Will you commit to reviewing how VA is utilizing this authority? Moving forward, how would you ensure that the law is executed fairly and uniformly? Please describe your leadership philosophy, specifically including whether you believe people should be afforded opportunities to correct their behavior and work, or whether you support firing and removal for first offenses.

Response. I am committed to improving accountability and enhancing transparency throughout the Department. My commitment includes the fair and uniform application of corrective measures. In my experience, the vast majority of Federal employees are diligent stewards of the public trust. However, when an employee violates that trust, through misconduct or extremely poor performance it is essential that they be held accountable. The necessary actions for that accountability will vary depending on the specifics of the individual case. In egregious cases or repeated offenses, removal is entirely appropriate. I agree that minor, first offenses or correctable performance deficiencies should not automatically be met with removal. In those instances employees should be afforded the opportunity to correct their behavior or bring their work product to a satisfactory level.

Question 8. Will you commit to quarterly meetings to update this Committee on progress the Department has made on recommendations from OIG, GAO, OSC, and other investigative reports? Who is responsible within VA for tracking and ensuring that these recommendations are implemented?

Response. I will commit to updating this Committee on progress the Department has made on recommendations received. The Office of Accountability and Whistleblower Protection was given this centralized responsibility through the VA Accountability and Whistleblower Protection Act, Public Law 115-41. I will ensure this function is brought to full implementation.

Question 9. How do you anticipate building and maintaining a positive relationship with the Department's Inspector General, who plays a key role in making sure taxpayer dollars are spent wisely and that facilities are operating in accordance with policy? What have been your dealings with the Inspector General during your tenure as Acting Secretary? Describe your dealings with Inspectors General while at the Pentagon and in uniformed service. Did those experiences color your view of the work of the Office of Inspector General?

Response. The Inspector General must be a full partner with the Secretary of the VA to ensure the Department runs smoothly and ethically every day. It doesn't work any other way. If confirmed, I will expect the Inspector General to do his due diligence, and uncover wrongdoing at any level.

Question 10. Please give specific examples of how you anticipate involving the VSOs and MSOs if confirmed.

Response. Veterans Service Organizations (VSOs) will play an integral role under my leadership. I am committed to actively engaging and soliciting input and feedback from VSOs on key issues, best practices and/or opportunities to improve VA programs and services for our Nation's Veterans. During my tenure as Acting Secretary, I personally met with the VSOs several times through a monthly breakfast, one-on-one meetings, and calls and at White House, Congressional or VSO events. In addition, I am committed to traveling to VSO conventions, meetings, and events to meet with national, state and local leaders. I will continue to develop relationships, understand key priorities and identify and resolve any issues or concerns. All these engagements are necessary and will continue as VSOs are an important partner of the Department so that we understand what improvements are needed to better deliver care and services to our Nation's Veterans. There are several areas of planned collaboration and ongoing communication between VA and the VSOs going forward to include: Choice/Community Care, Accountability, Caregivers, Electronic Health Record, Suicide Prevention, GI Bill and Appeals Modernization Programs.

Question 11. Will you commit to continuing to make data public, including the Monday morning workload report and wait times by medical facility?

Response. I commit to continuing to make data public including wait times by medical facility. I also commit to determine what additional metrics would be of benefit for public release and to release those metrics.

Question 12. VA has put out solicitations to build community care networks to help it manage veterans access to non-Department care. How familiar are you with this issue? Do you foresee any delay in awarding community care network contracts to help ease veterans' access to non-VA care?

Response. I don't foresee any delay. In December 2016 the VHA Office of Community Care let a request for proposals (RFP) for a future Community Care Network (CCN) contract. This RFP and subsequent contract will serve as the bridge, allowing VA to fix current issues in community care while providing flexibility for the future of VA Community Care. The potential new contract will lead to the replacement of

existing community care contracts, and will enable VA to leverage innovative solutions to expedite how Veterans receive care and make it easier for providers to work with VA. Through the CCN, Veterans will benefit from improved timely access to care closer to home and an increased number of providers available for their community care needs. VA is committed to awarding Community Care Network (CCN) contracts as soon as possible. To accomplish this, VA intends to award CCN regional contracts using a phased award rollout by Spring 2019.

Question 13. Many veterans, especially those with complicated health issues, rely upon VHA's specialized services. Many of these services, like spinal cord injury, blind rehabilitation, and prosthetics, are not widely available in the private sector. In an era of declining budgets and decentralization of funds, please describe your views on VA's responsibility to maintain capacity in these programs. What is your perspective on the future of VA specialized services (spinal cord injury, polytrauma, blinded rehabilitation, mental health)?

Response. I am fully committed to ensuring that VA maintains these capabilities to provide timely access to high quality, recovery-oriented care that anticipates and responds to Veterans' needs and supports their reintegration into their communities.

Rehabilitation and Mental Health are foundational services of the Veterans Health Administration. VA offers an extensive health continuum of care including many outpatient, intensive outpatient, partial hospitalization, residential, and inpatient services for Veterans with disorders and disabilities related to these areas.

In 2017, over half of all Veterans treated in VHA received prosthetic and sensory aids items and services; VA spent over \$3B to provide 21 medical items, devices and services to more than 3.4M Veterans. Additionally, nearly one third of all Veterans treated in VHA saw a rehabilitation provider, and 28 percent of all VA patients received mental health care.

Thankfully Congress has taken measures to support VHA in maintaining its capacity to treat disabled Veterans that need specialized treatment or rehabilitation, including those with spinal cord dysfunction, Traumatic Brain Injury, amputations, blindness, and mental illness through 38 U.S.C. § 1706. This law provides specific criteria for measuring the capacity to provide these forms of treatment for Veterans with these disorders.

Question 14. The roll-out and execution of the Veterans Choice Program in Montana and many other states has been nothing short of a disaster. As many of these issues remain the responsibility of the Third Party Administrators in Choice, what are you going to do to hold them accountable for a continued failure to meet the terms of their contract, and to meet the basic expectations of veterans and community providers?

Response. If confirmed I will hold the Third Party Administrators (TPA) accountable, when they do not meet the standards outlined in the contract. When the Veterans Choice Program (VCP) Third Party Administrator (TPA) fails to meet the terms of the contract, I will personally contact the CEO to ensure he or she fully understands the problem and corrects it.

Question 15. In your time as Acting Secretary, have you developed an opinion as to whether more needs to be done to improve personnel recruitment and retention at VA health care facilities? What specific actions would you take to make VA an employer of choice in the medical community?

Response. In my time as Acting Secretary, I learned that, as the Nation's largest integrated health care delivery system, the Veterans Health Administration's (VHA) workforce challenges mirror those of the health care industry as a whole. Some factors affecting this include: a growing national shortage of experienced, quality candidates who possess the competencies required for the position; the salaries typically paid by private industry for similar positions; employment trends and labor-market factors that may affect the ability to recruit candidates; and other supporting factors such as rural/highly rural locations that may be considered less desirable.

VHA's hiring process is also administratively burdensome and lengthy. Additional investment in Human Resources—including adequate staff to recruit, credential, and onboard providers—as well as better H.R. IT systems that make the candidate experience seamless and easy, are long-term strategies VA needs to implement to effectively recruit and hire scarce talent.

Question 16. What is the appropriate level of oversight and responsibility that VA should have for the care veterans receive from community providers?

Response. I believe that VA's current level of oversight and responsibility for the care Veterans receive from community providers is appropriate. Currently Network Veteran Quality and Safety Peer Review and the Joint Quality Oversight and Safety Committees meet to discuss and/or resolve quality and safety issues from a variety of sources including, but not limited to; quality metrics, Veteran safety events, med-

ical documentation, claims data, Veteran satisfaction data, Veteran complaints and other quality and safety concerns associated with the performance of the contract.

Question 17. Do you anticipate making any enrollment changes regarding Priority Group 7 or 8 veterans?

Response. The determination to revise enrollment categories includes consideration of relevant internal and external factors (e.g., economic changes, changes in medical practices, and waiting times to obtain an appointment for care). If confirmed, I would ask the team to conduct an impact analysis to make an informed decision on whether enrollment changes for Priority Group 7 or 8 Veterans is necessary.

Question 18. What do you see is the role of the Secretary in directing the implementation of the EHR modernization? Drawing on your recent work at DOD and VA, what part of this project do you believe will be the most challenging aspect, and what plans do you have to mitigate that challenge?

Response. This initiative is a top priority for both Departments. If confirmed as VA Secretary, I plan to work with VA leadership, DOD, and partners such as Veteran Service Organizations to ensure the EHRM Program is interoperable with DOD, and with community providers and meets the needs of Veterans—providing them with the best patient experience possible. I observed the thoroughness of VA staff in evaluating the Cerner solution and have great confidence it will meet the needs of our Veterans while being a good steward of taxpayer dollars.

Throughout the years, VA clinicians and leaders have continued to pioneer medical advancements in support of the best care for our Veterans. In today's world, technology solutions are rapidly changing and drastically reshaping the medical field; therefore, VA needs to be able to quickly and effectively adopt state-of-the-art solutions that will allow providers to meet the evolving needs of Veterans. Yet EHR implementations are never easy and the magnitude of the VA only intensifies the challenges. Additionally, there is a sense of ownership by many VA staff with the legacy EHR system. VA is fully committed to effectively implementing a robust change management strategy that will include regular communication with the field and training to all VA staff that will start well before the new EHR will be deployed. All aspects of the deployment will include VA representatives from across the Nation to ensure we address the true needs of our front-line staff.

Question 19. Please explain how you will ensure that the challenges experienced in the first deployment of MHS GENESIS are not experienced at VA, and what relationship with DOD do you have to draw on lessons learned? Project governance has been identified as a critical failure in prior VA/DOD IT efforts. How do you foresee the agencies coordinating on this and how will you monitor these efforts? Further, how will you ensure that the absence of permanent leadership and a lack of prior experience in EHR implementation and change management by your senior VHA and OIT leadership will not hamper the project?

Response. VA is fully committed to the successful implementation of the new EHR ensuring interoperability at VA, with DOD, and with community providers. By learning from DOD, VA will be able to proactively address these challenges to further reduce potential risks at VA's IOC sites. VA and DOD are working closely together to ensure lessons learned at DOD sites will enhance future deployments at DOD as well as VA. In addition, VA has proactively engaged stakeholders to identify requirements critical for the success of Cerner implementation. As challenges arise throughout the deployment, VA and DOD will work closely and urgently to mitigate the impact to Veterans health care. VA strongly believes that implementing a single electronic health record will improve seamless care for our Nation's Servicemembers and Veterans.

To ensure inter-agency coordination, there is an emphasis on transparency through integrated governance both within/across VA and with DOD. DOD and VA have instituted a working group to review use cases and collaborate on best practices for business, functional, and IT workflows. VA and DOD's leadership meet regularly to strategic leadership, advance interoperability goals, and successfully implement the new EHR.

The EHRM Program Executive Officer, Mr. John H. Windom, is leading VA's EHR effort and reports directly to VA Deputy Secretary. The EHRM leadership team includes senior leaders permanently assigned from the Veterans Health Administration (VHA) and VA's Office of Information and Technology (OIT). This organizational alignment will enhance senior leadership engagement across the VA, as well as the appropriate strategy alignments with VHA and OIT leadership.

Question 20. Many industry leaders believe that VHA staff will be challenged in adopting Cerner's EHR package because VistA was home-grown and there is a sense of ownership in its success. What is your plan to ensure that VHA clinicians, pro-

viders, and employees are bought into the cultural change required to make the EHR transition a success?

Response. With any large-scale transformation, there will always be some level of criticism in moving in a new direction. Understanding that much of the success of the new EHR rollout relies on leadership buy-in and employee acceptance, VA is deploying a robust change management strategy to support this transformation effort. The strategy includes working with affected stakeholders to identify and resolve the employee resistance. Beginning with VA medical center leadership, managers/supervisors, and staff, VA will provide on-going communications regarding deployment schedule and changes to their day-to-day work. VA has also created clinical councils, with representatives from the field, who will develop national workflows and elevate concerns regarding proposed changes. VA is prepared to offer additional training for staff if additional reinforcement is needed.

Question 21. There has been increasing pressure in recent years for VA to contract for services in local—especially rural—communities where VA facilities are not easily accessible. Mental health is one area of particular emphasis in this regard. What do you believe is VA's responsibility for meeting the needs, including mental health needs, of rural veterans? If confirmed, what emphasis would you place on this issue?

Response. Rural Veterans rely on VA for care at a much higher rate than urban Veterans—this should compel us to place even greater emphasis on finding innovative technological and staffing solutions and developing strong community partnerships to meet all of our rural Veterans health care needs. If confirmed, under my leadership, VA will aggressively use the tools provided by the MISSION Act to pursue community care alternatives to serve Veterans; by ensuring the timely scheduling of medical appointments, ensuring continuity of care and services, coordinating coverage for Veterans who utilize care outside of a region from where they reside and ensuring Veterans do not experience lapses in health care service

Continue on a path of increased use of telehealth to extend care, including mental health, to rural Veterans closer to home and even in their homes; and

Place significantly greater emphasis on overcoming the challenges associated with rural provider recruitment and retention.

Question 22. How do you think changing the culture of how mental health issues are addressed in DOD would help reduce servicemember and veteran suicide? How can VA and DOD improve the services they offer, and what changes do you think you can effect to reduce veteran suicide?

Response. Veterans who seek care for mental health issues have got to find peace and comfort in their surroundings. Telehealth allows them to receive care anywhere. This is just one piece of taking care of them holistically. The new EHRM system may help us turn the corner on suicides by seeing and documenting the relationships between mental health issues, opioid abuse, sexual assault, and suicide attempts. Efforts to facilitate a culture where Servicemembers and Veterans seeking help is seen as a strength that begins the first day of service/ during a servicemembers duty time and naturally extends throughout their veteran status are helpful. Cultural shift takes time but it is something that we should continue to work on and measure our effectiveness on overtime.

Question 23. Last year, HUD conducted a nationwide point-in-time (PIT) count of homeless veterans and saw a slight increase in 2017, making it the first increase in homeless veterans since 2010. This year, HUD conducted another nationwide PIT count and it was reported to me that my state of Montana saw a 135% increase in homeless veterans. While VA has cut the homeless veteran population in half over the past eight years, it is alarming to see a rising trend. I am concerned about VA's recent commitment to this issue and about current programs receiving the proper attention and resources for this underserved population. If confirmed, how will you prioritize this issue and what will you do to ensure that this trend is reversed and reflects a commitment to ending homelessness among veterans?

Response. Last year's selective increase in the Point-in-Time count was limited to cities with very high market rate rents and low vacancies where HUD—VASH vouchers rates and SSVF subsidies are noncompetitive. If confirmed I would be committed to prioritizing this issue through continued efforts and collaboration with our Federal, state and community partners and other stakeholders.

Based on the 2017 Annual Homeless Assessment Report published December 2017 from HUD, homelessness in the general population in Montana in 2017 rose 7.8% from 2016 levels but showed a significant -10.5% reduction from 2015 levels. Paralleling this change, the number of homeless Veterans in Montana in 2017 (205) rose 24% from 2016 levels (165) which was still a -26% reduction from 2015 levels (277). VA Montana routinely seeks out and takes advantage of resource opportunities to

address Veteran homelessness in Montana. This year VA Montana was awarded an additional 26 HUD-VASH vouchers to place homeless Veterans in safe housing. Currently, 95% of the 410 vouchers allotted to Montana are in use, resulting in 388 Veterans who now access to have stable housing.

Question 24. According to the VA's National Center on Homelessness Among Veterans, the fastest growing subpopulations of homeless veterans are female veterans and those who have deployed to Afghanistan and Iraq under OEF/OIF/OND in the last decade and a half. What will you do to ensure that VA homelessness programs address the needs of these specific groups?

Response. If confirmed I would continue the emphasis on homelessness programs and ensure resources are available to reduce veteran homelessness in all populations.

VA provides a range of resources to meet the unique needs of women Veterans who are experiencing or at-risk of homelessness.

A higher percentage of women Veterans have a service-connected disability, have no income, and are in poverty, than are their male counterparts—compounding risk factors that greatly increase the risk of homelessness. Designed to provide permanent housing to chronically homeless Veterans, HUD-VASH prioritizes disabled Veterans with dependent children, many of whom are women. Unlike grant-based housing programs, HUD-VASH provides eligible Veterans with housing subsidies that can be used to securing housing options that can accommodate an entire family instead of a single person.

Services for Veteran Families Program's (SSVF) ability to directly serve family members of Veterans is unique within the VA. SSVF grantees are required to provide assistance to family members that will help support housing stability and this includes connecting family members to health and mental health care, income supports, child care, and a range of other services. Furthermore, SSVF allows this assistance to continue even if for any reason the Veteran is separated from the household.

Question 25. Over the last 16 years, Congress has worked to improve health care, benefits, and care coordination for our most seriously wounded, ill and injured servicemembers, veterans, and their caregivers/family members to ensure a seamless transition between the DOD and VA systems and to provide continuity in care and services. Given your unique experience of leading Personnel-related issues for DOD, how do you plan to strengthen collaboration and cooperation between these two agencies and improve upon the existing health and benefit systems?

Response. If confirmed, I intend to use my experience to strengthen interagency collaboration to ensure we provide a more personalized, customer service experience for military members as they transition from DOD to VA. The Joint Executive Committee provides a strong governance structure and we are implementing several joint efforts that will improve our ability to care for the most at risk servicemembers and Veterans. These efforts include: deploying a new electronic health record to improve continuity in care and services, implementing the President's executive order to expand access to mental health care through a joint action plan, and re-designing our Transition Assistance Program to enable servicemembers to register for healthcare and initiate a disability benefits claim during the transition process.

Question 26. Historically, VBA has come under fire for the lack of timeliness of its claims processing. While VBA has made progress in improving timeliness and accuracy of disability claims processing, further improvement is needed. VBA turned its attention to decreasing the amount of time it takes to process a claim, but that improvement seems to be at the cost of a decrease in the quality of its decision-making. Do you have any views on how a more balanced approach can be reached?

Response. VBA successfully deployed the National Work Queue (NWQ) in May 2016 to all regional offices (ROs), which provided the capability to strategically prioritize and distribute claims workload across the Nation based on the workforce's real-time capacity. The NWQ has allowed VA to reduce the overall time it takes to process Veterans' claims, and in April 2017 VA expanded the NWQ's functionality to include administrative adjustments.

Prior to NWQ, VBA's workload was largely processed at the Regional Office (RO) nearest the Veteran's home. This resulted in an unbalanced workload across the Nation due to a fluctuating volume of receipts in relation to each RO's staffing level. Some RO's received more work than they had capacity to keep up with, while others did not have a sufficient amount of work for their employees. This meant Veterans who lived in certain parts of the country waited longer for decisions solely because our resources could not be adjusted quickly enough to match the inventory changes.

Since May 2016 deployment of NWQ, VBA's timeliness of rating disability claims has improved significantly. Initial development timeliness has improved from 24.7

days in January 2016 to 8.5 days in May 2018, a decrease of 16.2 days. The average time claims are waiting for a rating decision has dropped from 28.5 days in January 2016 to 3.1 days in March 2018, an improvement of 25.4 days.

Since expansion of NWQ in April 2017, VBA's inventory of dependency claims, which represents a significant portion of the non-rating/administrative adjustment workload, has seen a commendable reduction. Dependency inventory has decreased 38% from 111.4K in October 2016 to 69.6K in May 2018, and the average days pending for a dependency claim has decreased by 59% since October 2016.

On March 1, 2018, VBA implemented a new in-process review (IPR) for the 800 claims processors that were having the most significant impact on quality. This IPR has allowed VBA to identify error trends and provide additional training to these employees. In addition, VBA believes that targeted training and consistent messaging through national quality calls, consistency studies, and transparent reporting and feedback, will result in an improvement in the timeliness and accuracy in disability claims processing.

Question 27. As VBA and the Board of Veterans' Appeals prepare to fully implement the Veterans Appeals Improvement and Modernization Act, VA is currently piloting two of the five new appeals options through a pilot known as RAMP. The GAO recently released a report that highlighted the importance of thoroughly utilizing RAMP to identify and mitigate key risks associated with implementing the new appeals process. That same report also indicated that VA's current appeals plan does not fully address all required elements. As Secretary, what will you do to ensure that RAMP and the VA's appeals plan are being optimized to ensure a smooth rollout of appeals reform?

Response. I will actively meet with and supervise Appeals Modernization implementation project teams with chairman Mason and USB Lawrence. The project managers meet regularly to coordinate at the enterprise level and integrate all activities and timelines from the individual project teams into VA's Master Project Schedule. VA's continued outreach to Veterans, Veterans Service Organizations, and additional stakeholders, as well as VA's sensitivity analysis, test programs, and project plan coordination will allow for a smooth implementation of the Appeals Modernization Act.

Question 28. For some medical conditions that occur after service, the scientific information needed to connect the medical condition and the circumstances of service may be incomplete. When information is incomplete, the Secretary has authority to presume disabilities and diseases as service-connected for purposes of compensation. If confirmed as Secretary, what would be your approach for establishing presumptions?

Response. The law requires that a positive association exists between service and a disease before the Secretary may add a disease to the list of presumptive diseases. As Secretary, my duty is to review all available sound scientific and medical evidence in making the determination of whether to add a disease to a presumptive list. This would include review of any relevant studies conducted by scientific bodies such as the National Academy of Medicine, as well as consultation with medical and scientific experts within the VA, other Federal agencies, and from outside the Federal government.

Question 29. The National Academy of Sciences made recommendations to VA regarding three new presumptive conditions associated with Agent Orange exposure, as required by law, on March 10, 2016. VA has not yet implemented those recommendations. What will you do to ensure those recommendations are implemented, and that future recommendations from the National Academy are acted upon in a timely manner?

Response. As I understand it, the National Academy of Medicine (NAM) reviews evidence from available scientific and medical literature on veterans and non-veterans to determine the health effects of exposure to Agent Orange used in Vietnam. Based on its literature reviews of available evidence, NAM would then classify the reviewed conditions under one of the following categories: Sufficient Evidence of an Association; Limited or Suggestive Evidence of an Association, and Inadequate or Insufficient Evidence to Determine an Association. NAM does not make presumptive recommendations to VA. If confirmed, I am committed to thoroughly review the evidence presented in the NAM report and consult with VA epidemiology experts to determine the appropriate course of actions that VA should take to address this issue.

Question 30. VA and DoL both different "own" portions of the military to civilian employment transition. Explain how the Agencies might better work together.

a. Do you believe that different functions being housed at different Agencies is best for veterans? Do you anticipate advocating for any changes in this regard?

Response. VA and DoL both different “own” portions of the military to civilian employment transition. Explain how the Agencies might better work together.

The Department of Veterans Affairs (VA) will continue to promote the Department of Labor (DOL) Employment Workshop and work alongside the Transition Assistance Program (TAP) interagency partners to support transitioning servicemembers (TSMs), their families, and caregivers throughout their transition journey. As required by the 2011 VOW Act, VA continues to collaborate with DOL to better assist our TSMs in achieving their post-military goals. There have been significant gains in reducing unemployment among TSMs due to TAP components, such as the employment workshops.

b. Do you believe that different functions being housed at different Agencies is best for veterans?

Response. The needs of TSMs are multi-faceted and require a holistic Federal Government approach. The interagency partners have made progress toward making TAP more relevant and beneficial to TSMs, even though each partner is responsible for components of transition support. Interagency TAP has achieved operational efficiencies by moving civilian career preparation and transition assistance from an end-of-service event to involve planning across a servicemember’s entire military career.

c. Do you anticipate advocating for any changes in this regard?

Response. I will request the support of Congress in developing data-sharing agreements among agencies and orchestrating the movement of data collection processes to, for example, create a fast-track authority for veteran outcome-associated research. If these data-sharing agreements and fast-track authorities existed, interagency partners would have more access to things like earnings data, which could help inform enhancements to transition service delivery.

Question 31. VA’s vocational rehabilitation and employment program is one of the smallest, yet most important, programs within the Department. It is the linchpin for helping veterans who incur service-connected disabilities achieve a fulfilling and gainful future. What are your thoughts on the role that vocational rehabilitation plays in terms of the total rehabilitation of an individual recovering from severe combat-related injuries and on how VA’s current efforts might be improved?

Response. The Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) program, also known as the Chapter 31 program, plays an integral role in the total rehabilitation of a Servicemember or Veteran recovering from severe combat—related injuries. VR&E staff are trained to provide a holistic approach to the rehabilitation process. To accomplish this, VR&E assists Veterans and Servicemembers with service-connected disabilities and an employment barrier to prepare for, obtain, and maintain suitable employment. VR&E provides comprehensive services to include vocational assessment, rehabilitation planning, and employment services. For Veterans with service-connected disabilities so severe that they cannot immediately consider work, the VR&E program offers services to improve their ability to live as independently as possible in their families and communities.

VR&E remains engaged in a number of transformation efforts to improve the delivery of rehabilitation services. These include the use of Tele-counseling, which allows the VRC and participant to meet remotely, if the participant wishes to utilize this technology. VR&E is also in the process of transitioning from a paper-based model to a digital and electronic system, which will decrease the amount of time the VRC must spend on administrative tasks; allowing for more time to be spent in a counseling relationship with each participant.

VR&E is also leveraging technology to implement a process where our participants are reminded of upcoming appointments through a text message on their mobile device.

Question 32. The Harry W. Colmery Veterans Education Assistance Act is the most sweeping reform of VA education benefits since the Post-9/11 GI Bill was passed into law. One section of this law directs VA to extend up nine additional months of GI Bill benefits for veterans in STEM programs that require more credit hours than a standard degree program. If confirmed what will you do to ensure that VA implements this provision in such a way that predatory schools don’t inflate program requirements to get access to this expanded benefit?

Response. Given its magnitude, Section 111 of Public Law 115–48 (STEM Scholarship) requires extensive work by VA to implement this provision, so that Veteran students are able to maximize their benefits while also ensuring safeguards are in place to protect beneficiaries and taxpayers from ill-intentioned entities. Currently, VA is analyzing statutory requirements to develop planning documents for the STEM scholarship, which goes into effect August 1, 2019. VA has identified the Re-

gional Processing Office in Buffalo, NY, as the sole site dedicated to processing and tracking the STEM Scholarship.

In further support and recognition of the STEM Scholarship's uniqueness and significance, VA is hiring additional temporary staff in Buffalo to stand this initiative up, process related claims, and provide the necessary oversight to ensure statutory requirements are met. VA is also working with its SAA partners to better understand STEM program requirements, so that it can leverage such information and available data as it sets program requirements and outlines its oversight activities.

Question 33. VA currently uses the criteria of 170,000 un-served veterans within a 75-mile radius for purposes of establishing new national cemeteries. In the past, the Senate has supported this standard and authorized new cemeteries based upon VA's recommendations. Do you believe this should continue to be the standard practice? In the absence of a VA recommendation, do you believe Congress should legislate the location of new national cemeteries?

Response. Recognizing the need to enhance burial access for Veterans and their families, VA revised its national cemetery establishment policy in 2011. With Congress' support, VA reduced the Veteran population required to establish a new national cemetery from 170,000 to 80,000 residing within 75-miles of a proposed site.

VA's approach to cemetery establishment has served the Veteran community very well for many years. Prior to the implementation of the new policies referenced above, 88 percent of the Veteran population had convenient access to a burial option in a national, state or tribal Veterans cemetery (i.e. within 75 miles of their homes). After new national cemeteries are established, VA will provide 95 percent of Veterans with such access. VA is working to address the remaining five percent.

I do not believe Congress should legislate the locations of new national cemeteries. VA has worked very closely and cooperatively with Congress over the years to implement burial policies that recommend the placement of new cemeteries based on objective criteria to best serve Veterans nationwide. VA moves proactively when revisions to policies are needed to address emerging burial requirements. This degree of flexibility would not be possible if legislation was needed to determine cemetery locations.

Question 34. VA's capitol infrastructure has been underfunded for some time at VA, many construction policies are old, and the workforce requires further training; how will you examine VA's construction and facilities practices and policies to ensure they are industry best practices? What is your understanding of existing plans to reorganize OALC and CFM and what action would you take to reorganize construction activities, if confirmed?

Response. Over the past five years, VA's major construction (and leasing) programs have undergone significant improvements to better align with industry guidelines and best practices, update construction policies and provide appropriate training to the facilities and construction workforce. If confirmed, I will swiftly review these operations to ensure we are applying best business practices.

VA is still considering the realignment of its Acquisition, Logistics & Construction functions. VA has had the benefit of multiple external reviews that provided many recommendations for improvement; I am aware that VA Integrated Project Teams have completed significant work, and that decisions are now needed on the way forward. I plan to make those decisions as swiftly as possible, targeting key areas for consolidation, eliminating unnecessary duplication and ambiguity, and ensuring responsible and accountable leadership and management of the capital programs at the VA with oversight at the highest levels of the Department. This will allow for consistent application of industry best practices and standards, as well as a more integrated and comprehensive approach to training for the workforce.

Question 35. Previously, VA's recognized a need for market assessments to help design high performing networks of care for Veterans. Based on reports to Congress on Federal healthcare planning and design, I am concerned VA does not have in-house experience properly complete the assessments on its own. VA started and stopped a project that would review each local market with the help of objective experts in public sector and commercial healthcare planning. This project takes on new importance given the assessments central involvement in the Asset and Infrastructure Review Act of 2018. What is your understanding of this program and when do you plan on reviving it?

Response. I understand that VHA did not voluntarily stop work on the market assessments. In September 2017 the contract for the Market Assessment work was awarded to PricewaterhouseCoopers. Unfortunately, there was a contract protest on September 30, 2017 with an initial 60 day cease work order. After significant and continued delays, with several extensions requested by the judge, a final decision against VA was made on March 5, 2018.

VA is working on a plan to go forward. VA will file a corrective action plan, and with a favorable decision by the judge, VA will be back on track to gain contractor support to complete the market assessment work.

These assessments will review in significant detail each of VHA's 96 markets for health care demand and available capacity through a combination of care provided by VA, Academic Affiliates, Federally Qualified Health Centers, Indian Health Service, and private sector capabilities.

Each VISN, with anticipated contractor support, will determine the recommendations that will be considered for implementation to move toward a fully integrated high performing network to best serve our Veterans. Additionally, these market assessments will be used to create a National Realignment Strategy as stipulated in the Appropriation Bill of 2014, 2016 and most recently the 2017 Military Construction, Veterans Affairs and Related Agencies Appropriation Bill.

Question 36. In your current role as Co-Chair of the Joint Executive Committee, what value do you see that Committee improving care and benefits for veterans and servicemembers? Specifically from in-person meetings of the Committee, what insight did you gain into VA operations and managing VA's bureaucracy?

Response. The Joint Executive Committee (JEC) provides the foundation for strategic planning between the Departments. The JEC leadership has strengthened collaboration and accountability through the Joint Strategic Plan and annual guidance on priority initiatives such as efficiencies in healthcare delivery and sharing, expanding telemedicine, and developing closer coordination between DOD and VA suicide prevention offices. As Co-Chair, I gained insight into VA's efforts to adopt a new electronic medical record, improve medical supply chain, and expand eligibility for mental health care. These efforts are critical to ensuring we provide a seamless transition for servicemembers, Veterans, their families and caregivers. I strongly believe in holding senior leadership accountable for delivering results and improving our capabilities to provide world-class service to our customers.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. I'm sure you're aware of GAO's concerns that national policies aren't implemented uniformly across the Department. Folks have come to many of us expressing concerns about difficulties and inconsistent applications of the Kingdomware case and VA's guidance on set-aside rules. Earlier this year, the Appropriations Committee directed VA to issue guidance that would help standardize contracting officers' decisions nationally as they evaluate veteran-owned businesses. Did you deal with this issue while you were Acting Secretary and will you commit, if confirmed, to ensuring this guidance is swiftly issued to maximize consistency across VISNs?

Response. I commit to conducting a thorough review of VA's contracting processes and policies and will issue guidance to help standardize contracting processes that provide maximum practicable opportunities for veteran-owned businesses.

Question 2. The National Academies of Sciences has concluded that bladder cancer, Parkinson-like syndromes and hypothyroidism have an increased association with Agent Orange exposure. That update came out in 2016, and despite letters, hearings, and public outcry, the VA still has not made a decision on the findings in that report. In my opinion, it is an embarrassment that these veterans are continuing to suffer while waiting for VA to make a decision on extending presumptive service-connection for these conditions. In fact, we've heard VA will not be able to issue a decision on these conditions until 2020. In response to my pre-hearing question, you stated, "I am committed to thoroughly review the evidence presented in the NAM report and consult with VA epidemiology experts to determine the appropriate course of actions that VA should take to address this issue." Will you commit to making a final decision on these findings within 120 days of your confirmation?

Response. If confirmed, I will review all available evidence within 120 days of my confirmation. While I am unable to commit to a specific timeframe for a decision, I remain committed to reviewing all available medical and scientific evidence related to findings on diseases that are related to Agent Orange exposure, to include the National Academy of Medicine (NAM) report. I will continue to consult with VA epidemiology experts and policy staff to determine the appropriate course of actions that VA should take to address the issues and its association with exposure to Agent Orange.

Question 3. I am concerned about recent statements by the Acting Secretary that suicide prevention is no longer THE top clinical priority but one of many clinical priorities at VA. If confirmed as Secretary, what should be VA's top clinical priority?

Response. There are many clinical priorities, but the overarching priority, if confirmed, will remain suicide prevention. Every death by suicide is a tragedy, and we will not relent in our efforts to connect Veterans who are experiencing an emotional or mental health crisis with lifesaving support. Suicide prevention ties into many Veteran issues, such as opioid abuse, mental health, PTSD, homelessness etc. VA's number one clinical priority has to be to reduce suicide and suicidal behavior and that requires a focused, national approach to engage with all Veterans whether or not they receive care in the VA.

Question 4. There has also been recent reporting on performance metrics for Vet Center counselors—an underutilized resource for mental health care. I'm glad we opened a new Vet Center in Missoula, and will soon see a refreshed Vet Center in Billings. While we need performance standards that are in tune with the needs of veterans and providers, I also want to make sure that we have the right staffing mix. If confirmed, will you commit to ensuring Vet Centers have the resources they need to support their providers delivering the in-depth, detailed care Vet Centers are renowned for and report back to us on your findings?

Response. I will. The value that our Vet Centers provide to Veterans, Service-members and their families is a critical component to VA's efforts to deliver access to mental health services and inhibit acts of suicide. I commit to ensuring that we have the right staffing mix and resources across the VA and will work with you and other members of Congress on our human capital plan.

Question 5. The Miller-Blumenthal Health Care and Benefits Improvement Act contained a provision that any program approved for GI Bill benefits that provides licensure or certification must meet any state instructional curriculum licensure or certification requirements and be licensed by that state board or agency. The VSO community has expressed that many improper programs continue to receive GI Bill funding. Will you commit to reviewing the implementation of this statute, and providing the Committee with your findings within 120 days?

Response. Yes.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JOHN BOOZMAN TO ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

I would like to bring to your attention an issue raised by my constituents regarding a VA regulation for emergency ambulance reimbursements for veterans.

When a veteran experiences a medical emergency and a bystander makes the prudent decision to call for emergency ambulance service, the veteran is rushed to the nearest medical facility that can treat the potentially life threatening condition. This "Prudent Layperson Standard" for emergency care is applied by all other Federal payers and insurance companies when making their decision to reimburse ambulance services for their provision of clinical care and transport.

Despite the fact that the "Prudent Layperson Standard" is included in the VA's regulations, the VA is the only major payer that applies it in a different manner. Instead of relying on the information known at the time the ambulance paramedics and EMTs render care, the VA requires hospital documents that contain the patient's final diagnosis to decide after-the-fact whether the clinical care provided by the ambulance service is covered. If the hospital records are reviewed by the VA and it is determined that the patient's final diagnosis was not necessarily emergent in nature, or if they are unable to obtain records from the hospital and other providers who cared for the veteran on the day in question, the claim for the ambulance service is denied. When this happens, the veteran becomes responsible for the bill.

Question 6. Will you commit to addressing this issue of reimbursement for emergency ambulance service providers and fixing this problem to ensure veterans in Arkansas and around the country are not left responsible for a bill for emergency ambulance services?

Response. Yes, I will commit to working on the issues surrounding payment of emergency ambulance claims. The office of Community Care has already begun implementing changes to meet the needs of our Veterans and I will commit to providing proper oversight of this important program

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. BILL CASSIDY TO ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

PROCUREMENT

Question 7. A recent report by the Government Accountability Office (GAO) raised concerns about inconsistent implementation at the regional and local levels of national policies adopted by the Department. This has been a particular problem in the contracting process, with local contracting officers acting to overturn or deny contract awards based on a misinterpretation of the Supreme Court's decision in the Kingdomware case and the Department's related guidance regarding set-aside rules.

Response. By overturning prior contract awards and declining to exercise contract option years, some contracting officers are potentially increasing costs for the VA and limiting Veterans' access to quality care. What are the Department's specific plans to address the GAO's findings and these serious concerns regarding inconsistent decisionmaking in the contracting process?

I am unaware of the Department's specific plans to address the GAO's finding but I commit to ensuring a full review of VA's contracting policies and processes to ensure they comply with statute and GAO's recommendations.

Question 8. In the Joint Explanatory Statement accompanying the Fiscal Year (FY) 2018 Consolidated Appropriations Act, Congress directed the VA to "issue additional guidance to provide a standard set of criteria for contracting officers to evaluate veteran-owned providers' capabilities and to take steps to ensure their implementation in a consistent manner across the VISNS, in alignment with the GAO's recommendations, especially with regard to option years."

a. The Department is currently conducting a study of the impact of the Kingdomware decision, including potentially increased costs for the VA and reductions in access to care for Veterans. What conclusions have been reached by the VA based on this analysis, and when will the detailed findings be released for review by Congress and the public?

Response. I am unaware of the Department's specific plans to address the GAO's finding but I commit to ensuring a full review of VA's contracting policies and processes to ensure they comply with statute and Federal regulations.

b. If confirmed, what immediate actions will you take as Secretary to ensure the issuance and consistent implementation of new guidelines to accomplish these objectives?

Response. I will commit to a full review of VA's contracting policies and processes and will issue guidance to ensure VA complies with statute and GAO's recommendation.

FACILITIES

Question 9. A recent Inspector General Audit found that costs are increasing for maintenance and repair work that has been put off for years. As buildings in the VA system continue to age—and many are already over 50 years old—isn't this problem only going to get worse? Are these deteriorating buildings threatening the core mission of delivering healthcare to our veterans and what do you plan to do to address this issue if confirmed.

Response. Maintenance and modernization of its infrastructure must be a priority of any healthcare organization in order to deliver state-of-the-art healthcare in a safe and healing environment. It will be a priority for VA as it strives to deliver quality healthcare at world-class facilities. VA-owned facilities currently have facility condition deficiency correction costs estimated at \$20 Billion. The FY 2018 Budget and Infrastructure Plus-Up provides funding support for non-recurring maintenance and minor construction programs at a level that begins to address these facility deficiencies. I will continue to support future budget requests that provide similar funding levels for this purpose. Another priority will include a review of the VA Strategic Capital Investment Plan and processes to assure VA does the right project, at the right facility, and at the right time.

Question 10. Your background in defense makes you aware of the Military Housing Privatization Initiative (MHPI), a Public-Private Partnership which allowed the Department of Defense to address its significant backlog of deferred maintenance. The Department of Housing and Urban Development borrowed extensively from the MHPI model for its Rental Assistance Demonstration (RAD) program to address a similar backlog in our Nation's public housing. Since the VA is facing a similar deferred maintenance problem, would you consider evaluating elements of MHPI and RAD to address VA's facilities challenges.

Response. Yes, all ideas, to include evaluating MHPI and RAD, will be on the table to address VA's facility challenges.

MISSION ACT

Question 11. Recently enacted into law, the VA MISSION Act provides the VA an additional \$5.2 billion to continue Choice through May 2019. However, it is my understanding the MISSION Act doesn't authorize additional resources to pay for the new program past May 2019 and into 2020.

With another funding gap on the horizon, it seems extremely important that the VA continues to seek increased public-private partnerships with capable organizations that can successfully fulfill the needs of our Veterans while providing for efficient and effective allocation of limited government resources.

These public-private partnerships can result in creative and innovative ideas to provide enhanced benefits and services to our Veterans.

Under your leadership, does the VA plan to seek new, innovative approaches to leverage public-private partnerships and that stretch limited government resources.

Response. Efficient and effective implementation of the VA MISSION Act is critical and one of my top priorities. I would be open to new and innovating approaches, to include public-private partnerships, which help fulfill the needs of Veterans while providing for efficient and effective allocation of limited resources.

ELECTRONIC HEALTH RECORD

Question 12. In January 2018, the GAO issued a report on VA's health IT Modernization, EHR. It noted "the Department's dedication to completing and effectively executing the planning activities that it has identified will be essential to helping minimize program risks and expeditiously guide this latest electronic health record modernization initiative to a successful outcome—which VA, for almost two decades, has been unable to achieve."

Response. Without leadership and appropriate oversight the EHR program will not be successful. History has demonstrated that time and time again. On January 2018, the then Secretary signed organization charts for the EHR program which outlined the planned approach for phase 0 and phase 1. Both phases had the Deputy Secretary in charge of this important, critical initiative.

a. Given that the Deputy Secretary position is vacant, who do you think should be in charge of EHR? And if the Deputy Secretary, who should take their place as that position is now vacant? Who should be held accountable?

Response. I am fully committed to the successful implementation of the new EHR program. The EHRM Program Executive Officer, Mr. John H. Windom, is leading VA's EHR effort and if confirmed, will report directly me as the SECVA until an Acting Deputy Secretary is selected. The EHRM leadership team includes senior leaders permanently assigned from the Veterans Health Administration (VHA) and VA's Office of Information and Technology (OIT). This organizational alignment will enhance senior leadership engagement across the VA, as well as the appropriate strategy alignments with VHA and OIT leadership.

b. The Department of Veterans Affairs operates the largest integrated health care system. The VA is undertaking an historic electronic health care record modernization program that could solve some of the health industry's long-standing challenges with respect to interoperability. To support this effort, a number of leading health systems voluntarily announced their support via an "Open API Pledge" which will advance API standards development and use. What are your thoughts on the continuation of the "Open API Pledge" and if you are not supportive of the pledge, how will you achieve true interoperability?

Response. The interoperability of the new electronic health records system will connect VA to the DOD, private doctors and private pharmacies to create a continuum of care and organize the healthcare around our veteran's needs. An "Open API Pledge" is critical to success and I anticipate that this system will push industry to solve long-standing challenges with respect to interoperability.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. MIKE ROUNDS TO ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 13. Has the VA considered consulting with CMS on best practices to combat potential waste, fraud and abuse that may occur in the VA's legacy and future community care programs, to include the use of third-party contractors with expertise in identifying waste, fraud and abuse in other Federal programs?

Response. I understand VA and Centers for Medicare and Medicaid Services (CMS) recently established a partnership focused on maturing VA's Seek to Prevent Fraud, Waste, and Abuse (STOP FWA) initiative. VA and CMS each pay billions of dollars to community healthcare providers and will mutually benefit from aligned efforts for detecting and preventing fraud, waste, and abuse. Through the partnership, VA and CMS are working to put the required data sharing agreements in place to perform analytical comparisons, establish best practices, and share lessons learned between agencies. If confirmed I will continue to utilize the CMS partnership to expand opportunities to reduce VA's exposure to fraud, waste, and abuse.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. DAN SULLIVAN TO ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 14. Now that the VA is moving from a 2 region model (Triwest/HealthNet) toward the CARE concept and a 4 region model, the Community Care (CC) office has carved out Alaska into its own region due to high costs of serving the AK market. Upon confirmation, please commit to consulting with AK VA Healthcare System (AK VAHS) Director Dr. Timothy Ballard on the feasibility of allowing the local VA to assume oversight of the AK healthcare market as they did back in 2013. This includes setting up the provider network with provider agreements and taking back the billing/reimbursement process for Alaskan providers.

Response. If confirmed I intend to fully implement the community care provisions of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks (MISSION) Act of 2018 and will work with all stakeholders, including the AK VA Healthcare System to ensure VA meets the requirements of the law when implementing the provider network.

Question 15. I am asking these questions on behalf my constituent, DA Anderson: "What is your vision for the VA in going forward? How can the VA be run more like a business that has accountability for its actions and treats the veterans of this country with fairness and respect.

Response. My priorities are to: improve the culture—offer world class customer service; improve access to care through implementation of the MISSION Act and transformative IT Modernization such as the Electronic Health Records Program; reduce the backlog of claims and payments; and business transformation including reform of the human resource systems. VA has established reform working groups that meet weekly and if confirmed, I will get frequent updates in daily meetings and "walk my post" to get personal updates as well. I commit to accountability and transparency and will work with our partners in Congress, VSOs, and Veterans to ensure all veterans receive the care and benefits they have earned.

Question 16. I am asking this question on behalf my constituent, Tony Molina: "I would like to ask if our VA can establish a special help desk for VSO and Tribal Veteran Representatives, so when a family member asks for a copy of their DD214 today, [they can receive immediate assistance.] I have been given many answers but there is still no quick way for us to attain a DD214 ... with one phone call and online takes forever."

Response. VBAs Nashville VA Regional Office already maintains a dedicated toll-free number available to all veteran service officers (VSO) and Tribal Veteran Representatives (TVR). That number is 1-855-225-0709. Additionally, accredited VSOs and TVRs can also print a DD Form 214 directly from VBAs electronic systems.

Question 17. I am asking this question on behalf my constituents, Bob and Judy Lavigne: "We called one of the VA phone numbers and they said on the recording that if there was someone who was feeling suicidal to call a hotline number or call 911. So why is it that the VA phone systems cannot give an immediate option to press a number to go immediately to the hotline or to the 911 services.

Response. VHA Office of Mental Health and Suicide Prevention (OMHSP) has worked closely with the VHA Office of Information and Technology (OI&T) since 2016, in order to implement a Press 7 option at all VA medical centers (VAMC), VA Community-Based Outpatient Clinics (CBOC), and VA Outpatient Clinics (OPC). Implementation of Press 7 ensures that Veterans calling a facility receive the same messaging and can connect immediately and directly to a Veterans Crisis Line (VCL) responder by pressing the number seven.

To date, VA has implemented Press 7 in 100% of all VAMC main telephone numbers, and approximately 75% of all CBOC and OPC facility telephone numbers. Remaining facility implementations are dependent on needed OI&T enhancements,

budgetary factors, and contract modifications. I would ask OMHSP to further coordinate with VHA and OI&T until full implementation is achieved.

Question 18. I am asking this question this on behalf my constituent, Bejean Page: “Can you seek out veterans [upon confirmation] and ask them what they need.

Response. Customer services for our veteran’s in my prime directive and when a veteran comes to VA it is not up to him to employ a team of lawyers to get VA to say YES. It is up to VA to get the Veteran to YES—that is customer service.

Question 19. I am asking this question on behalf my constituents, Mike and Sandy Coons: “Why can’t vets with 20 plus year or 100% disability get full dental coverage for all needs, routine cleanings, fillings, crowns, dentures, partials, etc.

Response. All 100% (total) service-connected-disabled Veterans by scheduler rating or individual employability are eligible for continuing comprehensive care. Federal statute defines the eligibility and scope of care provided by VA dental services as cited in the United States Code and the Code of Federal Regulations. These laws and regulations mandate dental care as a benefit for specifically defined Veterans groups.

Question 20. I am asking this question on behalf my constituents, Bob and Judy Lavigne: “Retired disabled vets have access through the VA, but also carry the TRICARE military insurance. The VA process is very time-consuming or slow. We find that the veteran affairs primary doctors or Nurse Practitioners seem to be unwilling to refer us via the TRICARE (to any other region in TRICARE) from when requested by veterans to reach specialty doctors on the outside that are already part of the TRICARE (TriWest) service or network partners for quicker access. Also, the regions for the VA and the regions for the TRICARE create difficulty to receive services because of the delays trying to cross over the region lines.

The regions need to be seamless for the veteran. We understand it might work for the VA and TRICARE to have management regions, but it doesn’t work well for the veteran when we have to see doctors outside of our region or if we want to have services provided that might put us in the hospital and/or we want to be closer to family (especially for people in Alaska). Also, when we travel outside of Alaska to go see family members or for recreation, it is not a streamlined process for us to go see another doctor without having to call for some pre-authorizations to make sure that we’re covered and the time zones from the East Coast to Alaska definitely doesn’t help us at all trying to call back to Alaska during the day. So typically, we use urgent care or emergency room visits using our TRICARE services and we pay the co-pays. Then we have to get copies of the records to bring back to the VA so they can scan them into MyHealth. Can you please improve this.

Response. I commit that VA and DOD will continue to partner and seek to identify new and innovative methods for coordinating care for our Veterans.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. PATTY MURRAY TO
ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT
OF VETERANS AFFAIRS

TRANSGENDER VETERANS

You played a key role in developing the Administration’s ban on transgender troops. Thousands of transgender veterans rely on VA for their health care.

Response. This characterization is incorrect. I recused myself from that decision and had no role in the formulation of that policy.

Question 21. Will health care services provided to transgender veterans change if you are confirmed to lead the Department?

Response. I assure you that all veterans, regardless of race, gender or sexual orientation, will be treated with the respect and support they deserve. VA is proud to provide care, benefits and other VA services to all Veterans, including transgender Veterans. That policy will remain unchanged.

Question 22. Will eligibility for benefits change for transgender veterans?

Response. All veterans, including transgender veterans, will remain eligible for VA benefits.

Question 23. Under the Trump Administration, the Department of Health and Human Services has indicated it will roll back protections designed to ensure transgender Americans are not discriminated against when seeking health care. Do you agree or disagree with the Administration’s policy of undermining health care access for transgender Americans?

Response. I would refer you to the Department of Health and Human Services for questions about HHS policy, but as for VA, the department is proud to provide care, benefits and other VA services to all Veterans, including transgender Veterans. That policy will remain unchanged.

Question 24. Will VA employees be treated with dignity and respect without fear of employment discrimination or harassment due solely to their gender identity or support for transgender individuals?

Response. Yes, VA's EEO policy currently addresses these protections for LGBT employees. If confirmed as Secretary, I will re-issue and reaffirm this commitment. It is the policy of the Federal Government to treat all employees with dignity and respect and to provide a workplace that is free from discrimination whether that discrimination is based on race, color, religion, sex (including gender identity or pregnancy), national origin, disability, political affiliation, marital status, membership in an employee organization, age, sexual orientation, or other non-merit factors.

DIVERSITY

According to the Washington Post, you had worked as a staff member of Majority Leader Lott to oppose an equal pay resolution in the Senate in 1997.

Response. That's not entirely correct. I was the floor manager for the majority leader. Senator Lott's instructions were that he saw every piece of legislation that came through. I took this issue to him, and he and the staff responsible for that issue made changes. I was not an expert in that field and my involvement was limited to communicating the changes the senator and his staff requested.

Question 25. Do you support equal pay for equal work, and would you support a resolution affirming that women should be paid equally for equal work in the VA and all workplace?

Response. I support equal pay for equal work. Pay parity is very important. If confirmed, I will place a renewed focus on hiring employees with the right skills, passion, and commitment to provide timely, quality and customer-focused support for our Nation's Veterans. I will make certain the VA Leadership Team understands that to be a model employer, we must ensure that all employees are treated fairly and equitably. I will direct the VA's Corporate Senior Executive Service Management Office to review and evaluate the effectiveness of existing executive pay-setting practices to ensure we are making pay decisions—equal pay for equal work—that are fair to all employees.

It has also been reported that you attended Confederate memorial ceremonies and fought to protect images of the Confederacy in a United State patent.

Given how so many veterans and other Americans view the Confederate flag and the associations it has with slavery and the darkest moments of our Nation's history—

Question 26. How would you assure people that under your leadership, VA would be truly committed to diversity and opposed to racism—and what specific steps would you take to make this a reality?

Response. I am committed to a diverse and inclusive workplace. I understand that diversity and inclusion are essential for a high-performing organization that delivers the best service to our Nation's Veterans. If confirmed I will affirm my commitment to anti-discrimination to include discrimination based on race, through issuance of a non-discrimination policy. I will hold individuals found to have engaged in discrimination accountable for their conduct through swift investigations and timely disciplinary action. I will ensure all VA leaders and employees are trained on the EEO laws and processes for reporting discrimination as well as the consequences when findings of discrimination are confirmed.

Question 27. Would you support Confederate flags at VA facilities or cemeteries?

Response. NCA permits the display of the Confederate flag in national cemeteries where Confederates are interred only on Memorial Day or a State-observed Confederate Memorial Day, or an "in lieu of" Confederate Memorial Day (if Confederate Memorial Day is not observed by the State). Display of the Confederate flag is permitted only at the gravesite or memorial for a Confederate soldier, or as part of a ceremony when carried by an individual and placed in a temporary stand. The Confederate flag is never flown from a permanently fixed flagpole at a VA national cemetery.

Question 28. Please submit for the record the text of any speeches or remarks you gave at Confederate memorial events.

Response. The memorial ceremonies at Arlington Cemetery which I attended or made remarks at were all DOD-sanctioned events with broad attendance and recognition by U.S. Presidents and elected leaders of both political parties. President

Barack Obama sent memorial wreaths to the event, as did President George W. Bush before him. The annual Confederate Wreath Laying Ceremony honors all veterans who served in the Civil War. It has also included special recognition of African-American Buffalo Soldiers in addition to Confederate, and Union Soldiers. The sanctioned events included participation from U.S. military bands at Arlington Cemetery. I did not keep copies of the remarks as they were made over 15–20 years ago.

SEXUAL HARASSMENT

You were a key player in implementation of the Department of Defense's new sexual harassment policy. Currently VA has significant problems in this area, including as shown in a recent report by the Merit Systems Protection Board. In your confirmation hearing you indicated you would do a comparison between the Department of Defense policy and VA policy.

Question 29. In your view, what types of policies are most effective in combatting sexual harassment in the workplace?

Response. If confirmed, I will ensure the VA's policy fully complies with EEOC guidance and I will ensure such policy is disseminated throughout the workplace on a regular basis. As the Secretary I will firmly and clearly indicate to VA employees what is unacceptable, as well as the process for filing complaints and emphasize that the VA will protect the confidentiality of harassment complaints.

I will not tolerate or condone sexual harassment. Sexual harassment weakens trust within VA and is fundamentally at odds with the obligations of Federal employees to treat others with dignity and respect.

Question 30. Please provide more information about how you will work to change the culture at VA to reflect American values and standards of behavior.

Response. The vast majority of VA employees work hard every day to do the right thing for our Nation. Their commitment to public service is in keeping with American values and standards of behavior. If confirmed, I will focus on creating a culture that is psychologically safe so that employees and Veterans alike will be comfortable bringing concerns to the forefront and can be confident that their concerns will be addressed fairly and quickly. I will also utilize annual employee surveys to gauge organizational health and to help focus efforts on a Veteran-focused culture and work place improvements.

EDUCATION

Question 31. The Forever GI Bill included provisions restoring benefits to veterans who attended Corinthian Colleges, Inc. and ITT Education Services, Inc.. However, VA has struggled to get in contact with potential beneficiaries and has had a low level of take-up in benefits restoration. What methods would you commit to employing to ensure that benefits restoration is provided to all of those eligible?

Response. If confirmed I will work with VBA leaders to ensure proper notification is made to eligible beneficiaries.

Question 32. Many outside experts and veterans service organizations have indicated that they believe the "90/10 loophole" results in the improper targeting of veterans by predatory colleges and training programs. Do you believe it is reasonable to close the "90/10 loophole" for for-profit colleges, and to count veteran and military benefits as part of the 90 percent cap on Federal funding? If not, please explain why you do not think this is reasonable.

Response. The "90/10 rule" is a restriction on Federal Student Aid funding and is administered exclusively by the Department of Education. While VA defers to the Department of Education (ED) on the 90/10 calculation, there is an argument for including the Post-9/11 GI Bill in the 90 percent cap. Under the present structure, some institutions may be marketing to Veterans because the Federal education benefits they receive are treated the same way as private funds in the 90/10 calculation. I believe institutions should not aggressively recruit Veterans principally because of financial motives.

I would welcome the opportunity to work with ED and the Committee if it considers changes in this area.

Question 33. After the confirmation hearing for Former Secretary of Veteran Affairs David Shulkin, he was asked in writing whether Department of Veterans Affairs Post-9/11 GI Bill and Department of Defense Tuition Assistance benefits, paid for by Federal taxpayers, are Federal funds. He replied simply "Yes" that they are indeed Federal funds. Additionally, a Senate Appropriations Committee hearing last year with Secretary of Defense James Mattis, he was asked a similar question, and Secretary Mattis said that "with respect to the Department of Defense Tuition Assistance benefits, yes, the Department agrees that these benefits are Federal funds

approved by Congress.” Do you believe that GI bill benefits, paid for by Federal taxpayers, are Federal funds?

Response. Yes.

Question 34. Do you believe it is reasonable to expect that institutions of higher education receive at least 15 percent of their revenues from sources other than taxpayer dollars, including veterans’ benefits? If not, please explain why you do not think this is reasonable.

Response. I defer to the Department of Education regarding the “90/10 rule” and/or whether such percentages are reasonable but welcome the opportunity to work with ED and Congress if changes are warranted

Question 35. The U.S. Department of Education (ED) recently announced a process to share data with VA to enable the discharge of Federal loans for totally and permanently disabled veterans with a 100 percent service-connected disability. This arrangement allows ED to identify such veterans who are eligible, but still requires them to submit a form to process this discharge. I have previously called on these discharges to be automatic for totally and permanently disabled veterans, particularly given that there are no tax consequences to the discharge. Do you agree that these loan discharges should be automatic?

Response. Yes, however I defer to the Department of Education as to the feasibility of such automation.

Question 36. The Consumer Financial Protection Bureau (CFPB) is currently involved in litigation with Navient, one of the Nation’s largest student loan companies, which has been alleged to have harmed millions of student loan borrowers, including thousands of disabled veterans. Can you commit to meeting with Acting Director Mulvaney, or his successor, to discuss the allegations of harm against veterans by the student loan industry, including Navient?

Response. Yes.

Question 37. The Department of Defense has called the Public Service Loan Forgiveness (PSLF) program a “powerful incentive for public service-minded people to pursue a career in the Armed Forces of the United States.” Do you agree that the PSLF program is an important tool for VA to recruit qualified individuals to serve our Nation’s veterans?

Response. I agree that PSLF is a powerful incentive for public service and has been a great recruiting program for the DOD. If confirmed, I look forward to reviewing programs such as the PSLF to see if it makes sense at the VA.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. BERNARD SANDERS TO ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 38. It is my understanding that you support President Trump’s ban on transgender servicemembers. Quite frankly, I think this ban is reprehensible for both moral and national security reasons, and I am extremely disappointed to see you support it. I am also gravely concerned about how this support will influence your actions if you are confirmed as the Secretary of the VA. Right now, we have transgender veterans throughout this country who are entitled to, and receive, health care at the VA. Can you assure me that, if you are confirmed, you will take no action to limit access to care to transgender veterans and you will endorse all activities of the VA that support our LGBT veterans?

Response. I assure you that all veterans, regardless of race, gender or sexual orientation, will be treated with the respect and support they deserve. VA is proud to provide care, benefits and other VA services to all Veterans, including transgender Veterans. That policy will remain unchanged.

Question 39. During our conversation last week, I very much appreciated your clear understanding of the value of, and science behind, integrative health care – practices like yoga, guided meditation, and acupuncture. I have long fought to increase access to these proven-effective health care options for veterans. If confirmed, will you commit to work with me and the Committee to continue the expansion of these options within the VA – both at medical centers and clinics?

Response. If confirmed, the continued exploration of complementary and integrative health care for Veterans would be a priority of the VA. To successfully integrate these approaches into clinical practice, however, we must commit to shifting the entire model of health care delivery to a whole health system of care. This redesign of health care to help people live their fullest life is modeling the future for the VA, and for the Nation.

Question 40. How much additional funding do you think the VA needs to really expand these integrative health care services to the veterans that could benefit from them?

Response. If confirmed, I will research and will work with you to ensure proper funding for integrated health care services.

Question 41. As women continue to play a vital role in our military operations, it is my belief that we have an obligation to honor their service and sacrifice when they return home and transition to civilian life. Can you expand on how you will specifically address and improve essential health care services for women veterans at VA facilities?

Response. If confirmed, I will ensure the VA meets the needs of the increasing number of women Veterans through increased access to women's health providers, training for providers in rural areas, and enhanced access to health services through telehealth.

I will ensure that privacy and safety of women Veterans remains a high priority and that the VA is continually working to improve standards and maintain facilities to provide gender-specific healthcare delivery in a sensitive and safe environment.

Question 42. I appreciate your acknowledgement, both in our meeting and in your public testimony, of the importance of the communal aspect of the VA, as a place where veterans know their unique experiences are understood. How will you make sure that any VA resources directed into private care are matched by spending on internal VA needs such as infrastructure and hiring, making sure that we have a strong VA into the future?

Response. VA healthcare should be centered around what is best for that individual veteran and should be integrated, agile and adaptive. In some cases that requires VA medical facility care and in other cases it requires community care. If confirmed, I commit to working with Congress and the VSOs to develop a program that ensures proper funding for both VA facilities and the community care program.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. SHERROD BROWN TO ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 43. The VA has been treating our servicemembers since the 1930's and the buildings that house these medical centers are rapidly aging. Can you commit to allocating the resources required to modernize and upgrade aging VA medical facilities if confirmed?

Response. Maintenance and modernization of its infrastructure must be a priority of any healthcare organization in order to deliver state-of-the-art healthcare in a safe and healing environment. It will be a priority for VA as it strives to deliver quality healthcare at world-class facilities. VA-owned facilities currently have facility condition deficiency correction costs estimated at \$20 Billion. The FY 2018 Budget and Infrastructure Plus-Up provides funding support for Non-Recurring Maintenance and Minor Construction programs at a level that begins to address these facility deficiencies. I will continue to support future budget requests that provide similar funding levels for this purpose. Another priority will include a review of the VA Strategic Capital Investment Plan and processes to assure VA does the right project, at the right facility, and at the right time.

Question 44. What are your plans to align the VA's physical infrastructure with the services that they provide?

Response. VA intends to conduct market area assessments for each of VHA's 96 markets and to evaluate each market to determine supply and demand of healthcare services and what health care services are available. Through the conduct of the market assessments, VHA can thoughtfully, with a uniform methodology, create a high performing network in each market to improve and expand access to care for Veterans.

Once the market assessments are complete and the evaluation is done, and if they show a need to reconsider the current allocation of resources, then a realignment strategy can be contemplated. I would ask VA to maintain points of care through VA providers and external partnerships and will strive to enhance the convenience and quality of services offered.

Question 45. The Military Housing Privatization Initiative (MHPI) was established to ensure that the military had the flexibility to address pressing housing needs for our veterans. The program has reportedly suffered from extreme maintenance and repair backlog that threatens the safety of thousands of vets and their families. What are your plans to eliminate this backlog if confirmed?

Response. MHPI is a DOD program. If the program suffers failures, if confirmed, I will identify those shortcomings that are impacting former servicemembers so that the Pentagon may address them.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL
TO ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

TRANSGENDER VETERANS

Question 46. Please provide a written commitment that you will not deny transgender veterans access to the specific health care and resources they need – including the care they currently can receive through VA such as gender transition counseling, evaluations for hormone therapy, and evaluations for gender transition surgeries.

Response. VHA policy on the treatment of transgender Veterans has been unchanged since 2011 and was renewed in May 2018 as VHA Directive 1341. The services that you listed are all covered care under this policy. VHA Directive 1341 does not expire until May 2023.

Question 47. As Undersecretary for Personnel and Readiness, you were responsible for overseeing DOD's transgender service panel. Can you please provide answers to the following questions:

a. Please provide a list of the medical professionals with expertise in gender dysphoria who testified before the panel and a description of their expertise, as well as a list of the medical professionals with expertise in gender dysphoria who were involved in drafting the report and recommendations and a description of their expertise.

Response. Because this matter is subject to ongoing litigation in multiple Federal courts in which the government is asserting privileges, lodging objections to requests for information, and relying on existing protective orders to ensure robust deliberation and protect confidential and sensitive information, I am unable to provide details regarding the names of individuals who advised or provided information to the Panel of Experts. However, the Department's Report and Recommendations on Military Service by Transgender Persons describes the process and the categories of individuals the Panel consulted on pages 17–18 and provides a thorough explanation of the Department's recommendations on pages 32–43.

b. Please provide a list of any government employees who testified before the panel, as well as a list of any government employees who were involved in drafting the report and recommendations.

Response. Same answer as above.

c. Please provide a list of any other non-government employees who testified before the panel, as well as a list of any other non-government employees who were involved in drafting the report and recommendations.

Response. Same answer as above.

INTERFERENCE IN VA OPERATIONS BY PRIVATE CITIZENS

Question 48. There are several reports of individuals using their political connections to the President to influence the VA with little to no transparency of the nature of these contacts. Please provide the Committee records of your contacts with CEO of Marvel Entertainment, Ike Permuter; West Palm Beach physician, Dr. Bruce Moskowitz; and restructuring consultant at Alvarez & Marshal, Mark Sherman while you served as Acting Secretary or while awaiting your confirmation. Please provide the date of each contact, the purpose of the contact, and disclose any information you provided to them concerning the VA.

Response. I met with Ike Permuter, Dr. Moskowitz, and Mark Sherman on April 19th, 2018 while serving as Acting Secretary. They are all great Americans who are concerned about veterans. I also met with many others throughout my tenure who sought to make progress at the VA. I am willing to listen to any and all who care about veterans and who seek to improve veteran's experience.

RECOGNIZING SERVICE-CONNECTED RADIOGENIC DISABILITIES FOR
PALOMARES VETERANS

Question 49. In 1966, approximately 1,600 servicemembers participated in the clean-up of plutonium dust dispersed by the conventional explosion of two U.S. nuclear bombs that resulted from a mid-air collision near Palomares, Spain. To date, the VA has failed to exercise its authority to presumptively recognize the connection

of radiogenic diseases these veterans suffer to their service cleaning up radioactive dust.

a. If confirmed, will you commit to reviewing the claims of Palomares veterans suffering from service-connected radiogenic disabilities and diseases?

Response. Yes.

b. Can you please describe the process you will use to evaluate the claims of Palomares veterans and what steps you will take to ensure their claims are given a full and fair review?

Response. I am committed to fair and sympathetic evaluation of all disability claims from Veterans potentially exposed to nuclear radiation. VA laws provide presumptive service connection for Veterans directly associated with nuclear detonations and testing. Procedures are also in place to evaluate potential ionizing radiation exposure among Veterans involved with clean-up operations of radiation contaminated sites, such as Palomares. All claims of service connection for radiogenic diseases are evaluated on case-by-case bases with input from VA and Department of Defense (DOD) medical personnel.

Question 50. The VA has relied on the Air Force's scientifically flawed dose estimate methodology which underestimates radiation exposure, thus denying service-connected disability claims for radiogenic diseases by Palomares veterans.

If confirmed, will you use your authority to ensure the VA relies on a scientifically valid dose estimate methodology to evaluate service-connected radiogenic disability claims, including for Palomares veterans?

Response. Yes I would.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. MAZIE K. HIRONO TO ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

TRANSGENDER VETERANS

Question 51. In your current position as Undersecretary of Defense for Personnel and Readiness, you played a central role in implementing President Trump's transgender ban in the military, a blatantly discriminatory attack on those who have volunteered to risk their lives for our country. You told me in our meeting that VA needed to become a more welcoming place for all veterans especially for women veterans.

a. Does this welcome extend to transgender veterans?

Response. Yes. I value the service of all veterans regardless of race, gender or sexual orientation, and they will all be treated with the respect and the support they deserve. VA is proud to provide care, benefits and other VA services to all Veterans, including transgender Veterans. That policy will remain unchanged.

b. How do you justify the transgender ban you implemented while also stating you wish to make the VA more inclusive?

Response. I recused myself as a voting member on the DOD Transgender Panel of Experts because I was sworn in as Undersecretary toward the end of the process. This policy decision was not implemented while I was Undersecretary and in fact, DOD continues to comply with the court order accessing transgender applicants and retaining transgender servicemembers for military service beginning Jan. 1, 2018.

ETHICS

Question 52. If you were asked by the President or anyone in the Administration to do something illegal, unethical, or immoral, would you comply? If not, would you be willing to resign?

Response. I have not in the past, nor would I do anything illegal, unethical, or immoral, even if asked to do so by someone in the Administration. Yes, I would be willing to resign.

PLAN TO END VETERAN HOMELESSNESS

Question 53. As Secretary, you will be responsible for managing over \$1 billion in funding to assist homeless veterans and their families. While we have made progress in reducing veteran homelessness (47 percent decline since 2010), the VA did not meet its goal of ending it by the end of 2015.

Moving forward, if confirmed, what is your plan to realize this goal and also improve the transition process to prevent homelessness?

Response. The number of Veterans experiencing homelessness in the United States declined by nearly half since 2010. Nationally, the total number of homeless

Veterans from the January 2017 point in time count, was just over 40,000. While this represents a slight increase in Veteran homelessness over 2016, decreases in Veteran homelessness in the majority of the Department of Housing and Urban Development (HUD) Continuums of Care in 2017, coupled with the overall decline in Veteran homelessness since 2010, demonstrate that the evidence-based strategies employed by the VA and its partners to help Veterans become and remain permanently housed are working. I am committed to prioritizing this issue through continued efforts and collaboration with our Federal, state and community partners and other stakeholders.

COMMUNICATION BETWEEN VA AND VETERANS

Question 54. One of the issues I often hear from veterans in Hawaii is the lack of access to information and VA outreach to the neighbor islands on their earned benefits. If confirmed, can you keep an open line of communication between VA and veterans of all generations using the methods of communication they feel most comfortable with?

Response. Yes. Absolutely I will.

VETERAN SMALL BUSINESS CONTRACTS AT VA

Question 55. The VA is required by law to prioritize veteran-owned small businesses in procuring its goods and services. However, I have been hearing from veteran small businesses in Hawaii and nationally that the VA has not fully complied with this mandate. What actions will you take to ensure the Department is meeting this obligation to veteran small business owners?

Response. If confirmed, I plan to do a full review of VA's contracting programs to ensure VA has fully complied with statute and Federal regulations.

FILIPINO VETERANS EQUITY COMPENSATION FUND

Question 56. The American Recovery and Reinvestment Act of 2009 established the Filipino Veterans Equity Compensation Fund that provides a one-time benefit payment to eligible Filipino World War II veterans. Over 40,000 claims for this one-time benefit were received and processed. While more than 18,000 claims have been approved, nearly 24,000 were denied. As of September 2017, VA estimates 11 appeals were pending with VBA and the Board of Veterans' Appeals. These cases can ultimately be appealed the Court of Appeals for Veterans Claims as well. As the Filipino veterans are now in their 90s, the urgency of resolving their applications cannot be emphasized enough. Can you commit that you will not use FVEC funds for unrelated purposes, make their claims a priority and work with advocates like the Filipino Veterans Recognition and Education Project so that they receive the benefits they earned?

Response. Yes.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JOE MANCHIN III TO
ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT
OF VETERANS AFFAIRS

Question 57. With VA's expertise on substance abuse and the Department's robust Office of Research and Development, I believe that the VA is well equipped to be on the forefront of alternative pain therapy research for the entire country.

a. Please elaborate on how you will increase the number of alternative treatments for pain management.

Response. Effective pain management is a research priority for VA Office of Research and Development (ORD). ORD's pain portfolio consists of many different non-pharmacological approaches to treat chronic pain, including movement-based (e.g. exercise, activity, tai-chi, yoga, etc.), massage, acupuncture, acupressure, light, bio-feedback (e.g. virtual reality), electrical stimulation (e.g. spinal cord stimulation, nerve stimulation, brain stimulation), bio-behavioral (e.g. peer-coaching, cognitive behavioral therapy, acceptance-based therapy), orthotic (e.g. smart canes, foot orthoses), and cell-based (regenerative medicine for intervertebral disc and knee meniscus) approaches.

b. What investments will you make and are there authorities you need from Congress?

Response. If confirmed, I will ask ORD to continue to encourage its investigators to study the use of innovative non-pharmacological approaches to treat chronic pain and strengthen collaborations with clinical partners to provide clinical evidence to

support the use of these non-pharmacological approaches for Veterans in the clinic. I will work to ensure adequate funding is available to continue this important work.

Question 58. The VA has pursued a number of significant electronic health record (EHR) modernization efforts over the past two decades with lackluster results. This includes the ‘integrated EHR’ (iEHR) initiative, a joint program between the VA and DOD that was intended to replace their separate EHR systems with a single, shared system; iEHR was abandoned in February 2013 and the Secretaries of VA and DOD announced they would not continue development of a joint system.

a. How is the current EHR modernization (EHRM) initiative distinct from previous efforts?

Response. The current solution to the overlying question of interoperability and EHRM is different from previous initiatives because the VA has committed to a COTS application and is moving forward with private sector solutions instead of trying to produce something in house that does not meet the DOD’s internal needs.

b. What approaches will you take to ensure this effort succeeds where others have failed?

Response. In the presence of inaction there is failure. From my understanding there has historically been a lack of leadership within VA IT modernization. That has already changed, and if confirmed, unlike my predecessors, I will be holding my senior leaders accountable for both the successes and failures of their project management.

Question 59. ‘Big Data’ is becoming increasingly important in medical research to discover risks, causes, and treatments for diseases afflicting Veterans, including PTSD, suicide, and substance abuse. Because the VA research program is embedded in a hospital system that utilized EHRs for decades, the VA is in a unique position to make advancements in this area. Studies that leverage and combine very large data sets (genomics, EHRs, imaging data, etc) require significant investments in IT infrastructure, however.

a. How is the VA investing in research IT infrastructure?

Response. I agree that ‘Big Data’ is important in medical research and I will work with VHA to ensure proper investment in IT infrastructure for research purposes.

b. Does the VA have the IT resources it needs to fully take advantage of all the data it is collecting to improve Veteran health?

Response. If confirmed, I commit to ensuring the VA has the IT resources needed to improve Veteran’s health.

Question 60. The VA MISSION Act contains an Infrastructure and Asset Review (AIR). In the act congressional intent was clear that AIR commission members appointed by the President will be by and with consultation of the Senate and that he has to consult with majority and minority leadership of both houses and the VSOs. However, in his signing statement the President said, “After reviewing recommendations of the Secretary regarding modernization and realignment of facilities of the Veterans Health Administration, the Commission will make recommendations for the President’s approval or disapproval. I anticipate that I will be able to consult with Members of Congress on these appointments and will welcome their input, but a requirement to consult with the Congress in executive decisionmaking violates the separation of powers, including where the Congress has vested the President alone or a department head with authority to make appointments. I will accordingly treat this provision as hortatory but not mandatory.”

a. Do you agree with the President’s statement?

Response. I commit to working with Congress throughout the process of modernization and realignment of VHA facilities. I will also consult with and receive input from Congress on the appointments for the Commission.

b. When the AIR is implemented will you advise the President to consult with Members of Congress in both chambers and on both sides of the aisle on these appointments?

Response. I commit to a transparent and inclusive process for AIR implementation and will advise the President accordingly.

Question 61. The most recent data from HUD found that the number of homeless veterans increased by almost 2 percent from 2016 to 2017, the first time the number has risen since 2010. Meanwhile, over the past year, VA has issued and subsequently reconsidered proposals to terminate or reallocate funding within programs like Grant Per Diem and HUD-VASH. This has left providers in West Virginia concerned about whether their grants will be renewed and forced difficult decisions on staffing and capacity.

How do you plan to keep local providers informed of changes relevant to their grant programs in a timely manner?

Response. I commit to working with VHA to ensure the mediums used to provide information are effective to ensure local providers are apprised of any changes in program guidance.

Question 62. On March 7th, then-Secretary Shulkin announced a nationwide restructuring plan that included the consolidation of three Veteran Integrated Service Networks (VISNs) into one. West Virginia's VA hospitals would be lumped together with hospitals in the Desert Pacific and New England under a single VISN. The VA was expected to release a report on July 1st on the long-term plan for VISN reorganization.

a. Do you plan on moving forward with the organizational restructuring?

Response. If confirmed I plan on reviewing the recommendations from the VISN review before making a determination on the way forward.

b. If confirmed, do you commit to keeping the Veterans' Affairs Committee informed on the status of the VISN consolidation and realignment?

Response. VHA is currently completing a systematic review of the Veterans Integrated Service Networks. The purpose of the review is to make recommendations to improve VISN oversight, accountability, performance and strengthen lines of communication throughout the organization. I will keep the Veterans' Affairs Committee updated on the corrective actions taken in response to the recommendations from the VISN Redesign report.

Question 63. It is well known that many hospitals and CBOCs in the VA system need renovations and maintenance. The process the VA uses to prioritize minor construction projects is not very transparent, however.

What meaningful steps can you take to increase transparency and ensure minor construction dollars are being spent effectively?

Response. If confirmed, a priority for VA capital programs will include a review of processes to assure VA does the right project, at the right facility, and at the right time. Improvements to the VA Strategic Capital Investment Plan (SCIP) are needed and have been identified in various audits and reviews. I commit to transparency with this Committee to ensure minor construction dollars are being spent effectively.

Question 64. You have mentioned there would be value in the VA adopting private sector business practices for processes like managing supply chains.

a. Can you elaborate on how you intend to use private sector practices to improve Veteran services?

Response. If confirmed, business transformation will be a top priority and upon completion of a thorough review of VA's processes and business practices, I will apprise this Committee of any recommended changes.

b. What specific VA processes would you update using private sector practices?

Response. Same answer as above.

RESPONSE TO ADDITIONAL POSTHEARING QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO ROBERT L. WILKIE, PRESUMPTIVE NOMINEE TO BE SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

MODERNIZING THE VA'S MOTTO

Question 1. Mr. Wilkie, the VA's official motto originates from President Lincoln's second inaugural address in 1865 and currently reads:

"To care for him who shall have borne the battle and for his widow, and his orphan"

This motto is prominently displayed on the VA's website, in its publications, and on two plaques at the entrance of the VA's headquarters. Women veterans deserve acknowledgement for the service and require more respect from the VA. Today, there are nearly 2 million women veterans in the United States and over 345,000 women are deployed in support of current conflicts. Likewise, the number of women using VA services has increased by 80 percent since 2001. Changing the VA's gendered and exclusionary motto is an imperative first and fundamental step for truly welcoming women into the culture and community of veterans.

- Do you believe it is time that the VA update its motto to better reflect the population it is serving?

- If confirmed, will you use your authority to revise the VA's motto in order to better include female veterans?

Response. Lincoln's words serve as a historic tribute to all Veterans, including women Veterans, whose service and sacrifice inspires us all. They are a timeless and poignant reminder of the debt America owes all who have worn the uniform

and not only from one of the greatest leaders in America history but in the history of the world.

When it comes to serving women who have worn the uniform, I understand that VA has made enormous progress. VA is on the forefront of information technology for women's health and is redesigning its electronic medical record to track breast and reproductive health care. Quality measures show that women Veterans are more likely to receive breast cancer and cervical cancer screening than women in private sector health care.

VBA, in partnership with the Veterans Health Administration (VHA), is utilizing more technology such as social media channels to reach women Veterans and their families.

That said, there is still more work to be done to ensure we meet the needs of women Veterans, and, if confirmed, I will make that a top priority.

I have attached a link to an address I gave at the Women In Military Service Memorial. This is a civil rights address, that highlights the ever-expanding role of women in service that I believe applies equally to those women veterans within the VA. I delivered this before I knew that I would be asked to become Secretary.

<https://www.blogs.va.gov/VAntage/48637/acting-secretary-participates-in-congressional-caucus-for-womens-issues-wreath-laying-ceremony/>

HEALTH SERVICES FOR FEMALE VETERANS

Question 2. As the population of female veterans increases, we must make sure we do everything to ensure female veterans have access to quality health care and support services. For example, veterans do not have the same access as service-members to maternity care (VA covers up to 7 days of newborn care after birth, TRICARE covers newborns up to 60 days).

If confirmed, will you ensure that female veterans seeking care through the VA have access to the same health services as their civilian and active duty counterparts?

Response. VA provides full services to women Veterans, including comprehensive primary care, gynecology care, maternity care, specialty care, and mental health services. VA has enhanced provision of care to women Veterans by focusing on the goal of developing Designated Women's Health Primary Care Providers (WH-PCP) at every site where women access VA. We have a long way to go and if confirmed, I look forward to your partnership to continue to innovate and improve services for women Veterans.

VA INFRASTRUCTURE IMPROVEMENTS AND WEST HAVEN VA, SPS FACILITY

Question 3. Thank you for taking the time to meet with me in my office, I appreciated our discussion about the importance of capital investment in VA facilities. As we discussed, the West Haven VA in Connecticut requires \$17 million to design and construct a new Sterile Processing Service (SPS) facility. This is necessary to assure adherence to national guidelines to sterilize and properly store medical equipment.

a. If confirmed, will you commit to ensuring funding for the design and construction of a new SPS facility at the West Haven VA is approved expeditiously?

Response. Yes, I will commit to ensuring funding for design and construction of a new SPS facility in West Haven.

b. What action will you take to reduce the backlog of maintenance and construction at VA facilities? Absent funding for repairs and upgrades, how will you take meaningful action to improve VA facilities?

Response. Maintenance and modernization of its infrastructure must be a priority of any healthcare organization. If confirmed, I will ensure proper governance structures, processes, and policies are in place to ensure we deliver quality healthcare at world class facilities.

ELECTRONIC HEALTH RECORD MODERNIZATION

Question 4. EHR modernization—a historic, multi-billion dollar overhaul of the system used to track veterans' health records—requires input from specialized professionals to align the VA and U.S. Department of Defense with an interoperable system. During our meeting, you mentioned that you consulted with experts and appropriate parities prior to moving forward with the VA's contract with Cerner.

Who specifically did you seek input from on this contract? Did Dr. Bruce Moskowitz or any other individual outside of VA provide input on EHR modernization?

Response. As part of VA's overall due-diligence in assessing various aspects of the Electronic Health Record (EHR) Request for Proposal (RFP) and related require-

ments documents, the EHRM Team utilized dozens of external executives and technical/clinical subject matter experts throughout the health care industry and had them sign VA Non-Disclosure Agreements. Dr. Moskowitz was one of those experts.

VA VACANCIES AND OIG REPORT

Question 5. The VA Office of Inspector General recently published its fifth annual report on staffing shortages at VA. While staffing levels vary across the country, the report identified three common challenges across nonclinical and clinical vacancies. These included a lack of qualified applicants, salaries that are not competitive with the private sector, and a high turnover rate.

a. If confirmed, what actions will you take to recruit and retain VA employees? How do you plan to incentivize qualified applicants to not only accept an offer for employment, but also to make a career at VA?

Response. It is critical that leaders at all levels have the tools and authorities to manage talent in their organization. One size does not fit all and a human capital plan should be tailored to the needs of each community. If confirmed, I am committed to ensuring we have the right leaders with the skills, passion and commitment to serving our Veterans. Pay parity is absolutely important. I will direct the VA's Corporate Senior Executive Service Management Office to review and evaluate the effectiveness of existing executive pay-setting practices to ensure we are making pay decisions that are fair to all employees. In addition, I will commit to personally reviewing annual salaries of all VA executives on an annual basis.

b. What will you do to rapidly hire the expertise necessary for spearheading the VA's EHR modernization and appointment scheduling?

Response. I will direct VHA to work closely with the Department, and with program and project managers, to ensure human resource requirements are properly defined, both in terms of quantity and in terms of skills. VHA will support timely recruiting, hiring and on-boarding activities to ensure the best qualified professionals are assigned to these critical initiatives. VA will make full use of Direct Hire Authority to staff key IT vacancies in EHRM.

EQUAL PAY FOR FEMALE VA EMPLOYEES

Question 6. The *Washington Post* article, "Trump's VA pick, a longtime aide to polarizing politicians has defended extreme views," asserts that as an aide to Majority Leader Trent Lott, you rebutted a resolution regarding equal pay for women. Across the Federal Government, there is a gender disparity in compensation that widens the more senior the positions.

If confirmed, what will you do as Secretary to address the gender gap in the workforce compensation and leadership of the Department of Veterans Affairs?

Response. VA compensation data demonstrates that the average salary of female senior executives compares favorably to the average salary of male senior executives. This is due in part to ensuring pay-setting practices are reviewed annually, with a focus on consistency and excellence. If confirmed, I will direct the VA's Corporate Senior Executive Service Management Office to review and evaluate the effectiveness of these practices for further improvement and application to other clinical and leadership positions. I will also be happy to have data provided to you for review.

Chairman ISAKSON. Robert, congratulations on your nomination, and thank you for an outstanding statement. As I read it the night before last, before I met with you yesterday, I thought about what a compelling statement it was and how appropriate it is for the challenges that we face.

I also want to repeat here what I told you yesterday because there needs to be no one out there that misses or has any equivocation about what we are looking to. You are getting an agency that has had its problems, an agency that represents the promises we have made to those who served and risked their lives for our country, an agency that is in need of help, an agency that we are all proud of and want to be more proud of.

Senator Tester and his Democratic side of the aisle with me and ours on this side have done everything we could in the last year and one-half from accountability to COLA increases to everything

in the world we could do to make the VA change in thought—to respond to the questions the VA has had.

You had mentioned the \$200 million infusion as well—or billion-dollar infusion.

Mr. Wilkie, there are no excuses anymore. Failure is not an option. We know what the problems are. We know what we need to do to take them. We stand ready to be right and be the wind at your back and to have your back to see to it our veterans get what they fought for and risked their lives for. The American people see us reward them with the type of service the VA ought to have given always and I think will give now and in the future.

So, that is my one admonition. Whatever my phone number you have got, I am on duty 24/7 when it comes to the VA. If you have a problem, you call us because we want to fix it before it festers, not wait for it to fester.

Now, when you say customer service to a veteran, tell me what customer service to a veteran means to you.

Mr. WILKIE. Customer service, Mr. Chairman, means that before the veteran walks into the door of the VA, he has already been greeted through schedulers, through medical professionals, with Americans who are ready to serve him.

I noted that in some of the debates this Committee had, the greatest problem that you all saw was actually getting the veteran through the door. I have no doubt that VA provides some of the finest care in America, but I also understand that getting to that care is something that the leadership of the Veterans Affairs Department has to focus in on like a laser beam. A world-class customer service is the key.

That ties into something that you and I talked about in your office, and that goes to human resource management. The first people our veterans contact are usually the schedulers. VA has had a hard time keeping those schedulers. We train them, and then they often leave. I do believe that it is incumbent on the Secretary of VA to have long discussions with the Office of Personnel Management to make sure that the Secretary and those who work for him have the ability to adjust pay scales so that people who are there at the very ground level when a veteran comes to work—or comes to be seen, treat him respectfully and stay in that job and learn what it means to talk to our veterans.

Chairman ISAKSON. Mr. Wilkie, as you know, Senator Sullivan, Senator Rounds, Senator Boozman, Senator Tester, other Members of this Committee represent States where our veterans are a long distance away from our VA facilities, a full-day's drive in some cases, like Montana as big as it is. And, as you may know in the debate on the MISSION bill and in the markups, a choice program that works to make VA health care services available to the veteran is a key to that argument and that debate.

Will you work as hard as you can and tell us what you plan to do to see to it that choice is a reality and the timing of appointments is good and that we end the problem that we have had with veterans not being able to reach the services they deserve and they earned?

Mr. WILKIE. Yes, sir. This goes to something that Senator Tester and Senator Sullivan and I talked about. So, I will say that those

of us from the East, even in the 21st century, do not understand the scale of the American West.

In Montana, a normal journey will sometimes take 600 miles round trip to get to a VA facility. What choice means is giving those veterans and their family caregivers the opportunity to engage with VA any time of the day through things like telehealth, but also with the development of the Community Care Networks, which will provide them access to services that VA cannot provide, VA services that will be close to home, so that the burden is not on them to get to VA.

The problems with choice were also—were such that because it was so rapidly implemented, particularly in rural America, our providers were not being paid, not only the small-town doctors, but the small community hospitals, where veterans go to get emergency care. If we do not automate that system and make it part of an integrated Community Care Network, we will have failed veterans, but in particular those veterans who live in our largest States, geographically.

Chairman ISAKSON. Senator Tester.

Senator TESTER. Thank you, Chairman, and thank you for being here, Mr. Wilkie.

When you agreed to take this job, were there any conditions attached?

Mr. WILKIE. No, sir, there were no conditions.

Senator TESTER. Will you have the autonomy to be able to appoint your own deputies to carry out your vision at the VA?

Mr. WILKIE. Yes, sir.

Senator TESTER. Are you empowered to do what you believe is best for our veterans, even if that is in disagreement with the President?

Mr. WILKIE. Yes, sir. And, I will say, Senator, as Senator Tillis noted, I have been privileged to work for some of the most high-powered people in this town: Dr. Rice, Dr. Gates, Secretary Rumsfeld, and General Mattis. They pay me for their opinions, and I give those to them or I would not be working.

Senator TESTER. OK. As I had mentioned earlier in my opening statement, the Acting Secretary recently directed the independent VA Inspector General to act as a subordinate. I can go through his direct quote, but do you think that is appropriate?

Mr. WILKIE. The Inspector General—and coming from a military life, the Inspector General is an integral part of any military organization.

I am not familiar, since I left VA, with all the particulars that you are talking about.

Senator TESTER. Yes.

Mr. WILKIE. But, the IG is a partner, is not subordinate to the Secretary and VA. Because of the work this Committee has done, has three prongs of what I would call the investigation and enforcement tool; not only the Inspector General, but the Office of the General Counsel as well as the Accountability and the Whistleblower Protection Office. My vision is that those three offices work symbiotically.

VA suffered, as everyone on this Committee knows, with places like Phoenix because the IG office at that time was not as diligent as it should be, and it lost the train on that.

Senator TESTER. OK. You do not believe that the IG works for you, though, do you?

Mr. WILKIE. I believe the IG works with me.

Senator TESTER. Independently.

Mr. WILKIE. Yes. But, the IG, as any IG—and I have certainly worked with the Department of Defense IG—is given assignments by the Secretary. The Secretary feels that it is something that needs to be investigated.

Senator TESTER. Yep. Gotcha.

Would you commit to not interfere or hinder the independence of the IG and be transparent with information with asked to get it?

Mr. WILKIE. Not only do I commit to that, but interference with the Inspector General's investigation, even though I am a recovering lawyer, is probably criminal.

Senator TESTER. All right. Thank you.

Look, we have heard about—the choice program has been a train wreck. You talked about little time for rolling out. I think that is part of the problem with the Choice Act. It is not the case with the MISSION Act, though. Congress has provided the VA with a full year to implement that program with funding for a full year to get that program off the ground. Any delays or snags, as I said in my opening statement, will not be—I just do not think it is going to be accepted by this Committee.

The implementation of the rules established in standing up the Community Care Networks, I talked about them in my opening statements. I am troubled that these contracts are—the awards have been delayed. I think they potentially could undermine your ability to establish a robust program, and we would fall right back into the same pitfalls we had with Choice.

So, the question is, day one, when you get on the job, as it applies to the Mission Act, what are you going to do to make sure this program works?

Mr. WILKIE. Yes, sir. The last project I began before I had to leave and return to the Department of Defense was a deep dive on the integration of the three regional Community Care Network contracts. My understanding is that they are on schedule to be signed or implemented at the end of the year. I did not get much beyond that, but I will pledge to come back here, if confirmed, and give you a report as soon as I get there as to where that is—

Senator TESTER. OK.

Mr. WILKIE [continuing]. Because it cannot be delayed any longer.

Senator TESTER. OK. Good.

You talked about one of the problems is getting veterans through the door—I agree—of the VA. I had a bunch of interns in my office today, and they said if you could do one thing with the VA, what would it be. I said we have not got enough docs, we do not have enough nurses. In Montana, there are 200 clinical vacancies. That is unacceptable.

What do you intend to do differently? Because these shortages have to be filled. The VA is a good health care system, as you have

already said and we know. What are you going to do differently to make sure we get folks on board?

Mr. WILKIE. Two things. First of all, because of the size and complexity of VA, a blunderbuss approach to filling the vacancies that you rightly mentioned will not work. We have to target where VA has the greatest need.

To me, even though I am not a doctor, that is primary care physicians, internists, two skills that are vital, particularly in the American West; mental health workers; and medical professionals who specialize in women's health.

The second part of that would be to finally create a holistic approach to veterans' care. I was stunned when I visited the Small Business Administration and was told that I was the first Secretary they had seen in a long time. There are a lot of places in the Federal Government we can go to leverage resources to help veterans, particularly in those things that we do not often talk about: education, vocational rehabilitation, and job training.

Chairman ISAKSON. Senator Rounds.

**STATEMENT OF HON. MIKE ROUNDS,
U.S. SENATOR FROM SOUTH DAKOTA**

Senator ROUNDS. Thank you, Mr. Chairman.

Mr. Wilkie, first of all, thanks for being here. I appreciate your service to our country and taking on this very challenging job.

I am one of the Senators up here that voted against the new MISSION Act, and I did it not because there were not some good ideas being brought forth in the new proposal, but rather because of some protections that were found within the previous Choice Act are no longer there anymore. One of them was the fact that if you went for 30 days without being able to get in that you could go to the doctor of your own choice. That guarantee is now gone.

At the same time, today, the most recent count that I have says 53 percent of those veterans who were initially applying for services were going beyond 30 days. Those folks no longer have that promise that they can go someplace else.

You have made it very clear that you want to be able to provide world-class customer service. What I would like you to be able to do is to share with the veterans out there, the number of days that they should expect to have to wait, if any, in order to get in and how long will it take you to change it from more than 30 days, which it is now, to a reasonable number of days under the proposal that includes a Community Care Network.

Mr. WILKIE. Yes. I will keep mentioning that I am not a doctor, but I certainly was responsible for the reform of the Defense Health Agency and tackled the waiting times that our military dependents were facing. We had, as the VA did, on many military installations, our families still making appointments on paper.

The threshold question—I think it is a complicated question—is it depends on what the veteran is seeking. If the veteran is seeking a yearly physical, I would not expect VA to handle that in 2 or 3 days. If the veteran is ill, I would expect VA to move as rapidly as possible, and that would be the demand.

The 30 days is unacceptable. It goes back, though, to the reforms that are contained in MISSION Act, and I think the beauty of the

Electronic Health Record System is that it actually gets to that. It has markers put into the system that will alert institutional VA as to how rapidly they have to get that veteran into the system, and it will. There will be a scale based on what that veteran needs. Thirty days is unacceptable, and again, with the new automation coming, I think we will have for the first time the ability to do a triage as soon as that veteran or his pharmacy or his local doctor puts information into that system.

Senator ROUNDS. Let me just ask how long do you think it will take to implement that system before veterans can actually expect to have their waiting time less than 30 days.

Mr. WILKIE. Well, that system will take several years, but the changes—

Senator ROUNDS. So, what are we doing in the several years in which veterans have got right now wait times that are in excess of 30 days?

Mr. WILKIE. Yes, sir. The changes that I will be advocating in terms of bridges in the appointment system will address those issues as well as better training for those making the schedules for our veterans.

We will have a computer system that does that. It does need to be updated, but we will be able to transfer in increments. The problem—

Senator ROUNDS. OK. What you are saying is it is going to be a while, but that you are focused on it, OK?

Mr. WILKIE. Yes, sir. Focus is important.

Senator ROUNDS. Next, I have got literally dozens of providers in South Dakota who had provided services to veterans who have never been paid, and we are talking anywhere from hundreds of thousands of dollars to millions of dollars. Would you commit to us today that you will work so that those folks that still are owed dollars have an appropriate avenue to get reimbursed for the services they provided to the veterans?

Mr. WILKIE. Absolutely, absolutely.

Senator ROUNDS. OK. Thank you.

Last, you said something in my office, which I think was very compelling, and I just want you to—you bring a huge perspective from being a military dependent, an Air Force officer, a congressional staffer, a senior civilian leader in the DOD to a very difficult job right now. I want to thank you once again for the service.

When we met in my office last week, you brought up a number of challenges you witnessed during your time as an Acting VA Secretary. Would you expand on your reference to walking the post and other experiences you have had from your time in and around the military? How would you like to bring that to the VA?

Mr. WILKIE. Yes, sir. Thank you.

“Walking the post” is an ancient military term that requires the commander to walk amongst his troops. I think Senator Tillis will laugh at me. It comes from Shakespeare. It is beaten into our heads from the time we raised our hands.

I will tell you—and I am not casting aspersions on anyone—I was amazed walking in the headquarters in some parts and being told that I was the first Secretary that many of those folks have seen.

I mentioned in the first statement that I gave at VA that it has to be a bottom-up organization. That anyone who sits in the Secretary's chair and claims he has the answers should not be there, and he is pulling the wool over eyes.

So, "walking the post" means talking to the people and to the veterans who are using VA services and getting out in the field.

Thank you, sir.

Senator ROUNDS. Thank you.

Mr. Wilkie, I think you are the right man for the job. I think you have got a huge job ahead of you.

Mr. Chairman, thank you.

Chairman ISAKSON. Thank you, Senator Rounds.

Senator Sanders.

**STATEMENT OF HON. BERNIE SANDERS,
U.S. SENATOR FROM VERMONT**

Senator SANDERS. Thank you, Mr. Chairman.

Thanks for being here, Mr. Wilkie, and thanks for the visit in my office.

Let me be blunt and tell you what my dilemma is. We discussed this a little bit last week. The veterans organizations and the veterans in the State of Vermont are, in fact, quite proud of the VA. They feel that everything being equal, once they get into the VA, they receive high-quality care. There is, to the best of my knowledge, overwhelming opposition to the privatization of the VA from The American Legion, the VFW, DAV, and all of the major veterans organizations.

We had a State-wide veterans meeting in Vermont a couple of months ago, and what all of the Vermont veterans are saying, "Bernie, do everything you can to prevent the privatization of the VA."

We have a President who last year introduced the budget, which called for trillion-dollar cuts in Medicaid over a 10-year-period, \$500-billion cut in Medicare. We have a Congress that wanted to end the Affordable Care Act. We have a sentiment here that is not terribly in favor of public health or government-run health care, and yet, of course, the VA, for all intents and purposes, is a socialized health care system.

Why should—and then on top of all of that, we have the former Secretary, David Shulkin, who I thought did a pretty good job, when he was fired by the President, Shulkin indicated he thought it was because he was not moving forward on privatization as fast as the President had wanted.

Given that context, let me ask you two questions. Number 1, do you believe in the privatization of the VA? That is question number 1.

Mr. WILKIE. No, sir. No, Senator, I do not.

Senator SANDERS. OK. Will you vigorously oppose, whether it is the Koch brothers and their various organizations or the President of the United States, any effort to privatize the VA?

Mr. WILKIE. My commitment to you is that I will oppose efforts to privatize VA.

Senator SANDERS. OK. The difficulty is, of course, the devil is in the details. Chairman Isakson made a good point, which I agree

with, that we constantly hear negative stories about the VA, but you and I know that every single day, the VA is doing phenomenal work all over this country. There is no disagreement on this Committee that if somebody has to travel 300 miles to get a physical checkup, that is insane when they can get it in their community office or, in fact, if somebody cannot get the services they need at a local VA, of course, they should be able to get a local caregiver. No one debates that.

But, the devil then is in the details. So, what happens if you have a VA where people can walk in, get care in a prompt manner, but somebody prefers to go to a private-sector doctor, number 1? And, on top of that, one of my concerns—and the reason I voted against the MISSION bill—is that it put \$5 billion into the Community Care program, zero dollars into the VA.

My fear is that we are going to see a drip-by-drip depletion of funds for the VA and the services they provide, putting that into the Choice program.

Mr. WILKIE. Yes, sir.

Senator SANDERS. What do you feel about my concerns?

Mr. WILKIE. Senator—and you and I had a great discussion about this in your office—I believe in the centrality of VA to care.

I will also say that there are things that the VA does—and I mentioned one, but let us go through the medical items that will never be replicated in the private sector: spinal cord injury, traumatic brain injury, rehabilitative services, prosthetics, audiology, and services for the blind. You are not going to find that anywhere, even in the Mayo Clinic.

Senator SANDERS. Right.

Mr. WILKIE. I do believe, though, that if we believe that the veteran is central, we can also make the argument that as long as VA is at the central node in his care and that that veteran has a day-to-day experience with the VA and walks through where VA can help him with care when he immediately needs it, that reinforces I think the future of the VA, and then that is what I believe. And, I also think that that—

Senator SANDERS. I apologize to interrupt you. I have very little time.

Mr. WILKIE. Yes, sir. That is fine.

Senator SANDERS. Let me just ask you a couple of questions. I am probably going to preempt Senator Murray here who has led the effort on Caregivers.

Mr. WILKIE. Yes.

Senator SANDERS. Would you support the full funding of Caregivers, the Caregivers Program, so that every generation of veterans will have that service?

Mr. WILKIE. Senator, as I said, I come from—I am a dependent of the Vietnam era. Yes, sir.

Senator SANDERS. OK. One of the concerns that many veterans organizations have is that central care, which to me is an integral part of health care, is not part of VA health care, other than service-connected. Would you be willing to look with me at expanding health care to dental care for veterans, even when it is not service-connected?

Mr. WILKIE. Actually, Senator, I left your office and yesterday talked with the Chairman about that issue. If the Chairman is desirous, we will explore that with you. I do not know enough about it, but if there are hearings down the road, would certainly participate.

Senator SANDERS. All right. Mr. Chairman, it is my understanding we will have a hearing on that issue; is that correct?

Chairman ISAKSON. The Senator is correct. In fact, I brought it up when we talked yesterday, and I told you on the floor that we would not do any add-ons to any bills going through, which was the request that you made on the appropriations bill, but that I would assure you that we would have a hearing and that it would be timely, which means not put off for a long time. And, I have got a couple other promises just like that I made, including one to Senator Murray, which we will certainly do. I live up to my promise to do that, and if the facts merit making the decision, we will deal with that when it comes.

Senator SANDERS. OK.

Chairman ISAKSON. You will have that chance.

Senator SANDERS. Thank you, Mr. Chairman.

Thank you, Mr. Wilkie.

Chairman ISAKSON. Senator Moran.

**STATEMENT OF HON. JERRY MORAN,
U.S. SENATOR FROM KANSAS**

Senator MORAN. Mr. Chairman, thank you very much.

Mr. Wilkie, thank you for your presence with us today. Thank you for your service to our Nation and to your service as a public official.

You have been through a few confirmation hearings, and I am delighted to have you back to have a conversation.

When I judge whether the VA is working for veterans, I do so by what we call casework, which is when veterans seek help from my staff to solve problems, the number of those instances is increasing, not diminishing, and it suggests to me that we need to do more and to work harder to make certain that those who need our help receive our help.

Right now, we have 80 open veteran cases with a steady stream of about 30 cases each month.

You indicate that you want—you indicate in your statement that when the veteran comes to the VA, he or she ought not have to employ a team of lawyers to get the VA to yes. I want to commend you on that. And, I want to work with you to make certain that you have the best opportunity you can to get the VA to a position of yes on behalf of those that the Department is created to serve.

Before I jump into a couple of questions, I want to highlight a couple of things in construction, both at Leavenworth and at Wichita VA Med Centers. There are efforts afoot for a long time to create a partnership—in the case of Leavenworth, a public-private partnership; in the case of Wichita VA, a partnership between the Air Force Base, McConnell, and the VA. I raise those today in your confirmation hearing because I will be back with you. Those have been on a list, off and on a list for a long time. Those partnerships

are something we ought to pursue, and to date, the VA has failed to do so.

In regard to my questions, I acknowledge and believe that you have a monumental task ahead of you. I think in reforming and successfully implementing the VA MISSION Act, if it is implemented correctly, it can be transformative. It can reduce those number of cases that my staff and I pursue on behalf of veterans.

One of my complaints—and I raised this in the confirmation hearing of one of your predecessors—is so often when Congress passes legislation, the VA's implementation, in my view, is contrary to the intent, and in many instances, contrary to the letter of the law that we have implemented. What can you tell me about your efforts in regard to implementation of VA MISSION Act? How will you make certain that the will of Congress is pursued?

We have seen—I have seen, in my view, pushback from the Department of Veterans Affairs in regard to Community Care. How can you overcome that reticence?

Mr. WILKIE. Well, sir, first of all, I support, as I told Senator Sanders, Community Care and its funding, but may I take a step back and tell you how I did it at DOD?

As many of you know who work military issues, Personnel and Readiness had not had any confirmed leadership, I think since the Bush administration. In order for me to send a signal to the Congress and to those who work in P&R that the organization was capable of moving forward, my first directive was to implement outstanding instructions from national defense authorization bills going back to fiscal year 2010.

VA has a problem, as you mentioned, but the problems at DOD for P&R were catastrophic. DOD had not implemented the Exceptional Family Member Program from the fiscal year 2010 bill. It had not implemented the sexual harassment policy from the fiscal year 2013 bill, and it had not begun the full implementation of defense health reform from the fiscal year 2017 bill.

I issued the directives for DOD to carry out those programs. We now have a sexual harassment policy. Exceptional Family Member Programs are moving out, and we are looking at October 1st for the first implementation of defense health.

I do not know all of the specifics, Senator, of the outstanding directives from past authorization bills, but I will give you the same pledge that I gave Senator McCain that I will get the list and start moving out.

Senator MORAN. I look forward to working with you in that regard.

I do not have much time, but I would say—and I know that Senator Tester raised the issue of vacancies, positions unfilled. I think the Department of Veterans Affairs has a challenge not only in filling current vacancies, but also in adding employment and finding different types and more providers for the medical services. Again, I would hope that you would confirm to me that you will have an aggressive approach to filling vacant positions and adding more where needed.

Mr. WILKIE. Yes, sir, I do.

Senator MORAN. Thank you.

Thank you, Mr. Chairman.

Chairman ISAKSON. Senator Murray.

**STATEMENT OF HON. PATTY MURRAY,
U.S. SENATOR FROM WASHINGTON**

Senator MURRAY. Thank you, Mr. Wilkie. I appreciate your being before us today.

Before I get into some of the specific veterans' policy issues, I do want to express my concerns with reports about your opposition to equal pay for equal work and your record on diversity and your passionate advocacy for the confederate flag. I am not going to ask you about it at the Committee hearing. I am going to be submitting questions for the records, and we do have a limited time. But, I do want to get full answers back on those from you in writing.

Mr. Wilkie, as part of the MISSION Act, Congress expanded eligibility for the Caregivers Program that Senator Sanders mentioned to veterans of all eras and added critically-needed services. Accordingly, I worked to include in the veterans appropriation bill almost \$861 million for the Caregiver Program, \$365 million above the President's request. VA has the resources it needs to start implementing this expansion. So, we need the VA to commit to making the needed reforms, to enhancing capacity, and strict oversight of this program's operations.

So, it is extremely important. If confirmed, I want to know, will you make this a top priority for the VA to fully implement the new caregivers law as Congress intended?

Mr. WILKIE. Absolutely. Yes. Yes, Senator.

Senator MURRAY. OK. We will count on that. We will be watching.

Mr. Wilkie, 2 years ago, this Congress gave VA the authority to provide IVF and other necessary fertility treatments for ill or injured veterans and their spouses. Access to this care is really important. It can help our veterans realize their dream of starting a family, but access to this care promised to our veterans is still difficult. If confirmed, will you ensure additional providers are enrolled into the program and any other necessary steps taken to make sure our veterans do have easy access to this treatment in the country?

Mr. WILKIE. Senator, women's health is the frontier, the new frontier for VA, absolutely. The issues that I confronted at DOD are similar to the ones at VA.

In response to Senator Moran's question, the Congress has spoken on the services that you just described, and we will move out on those.

Senator MURRAY. OK. Well, this is really important. This is about veterans who have been injured through no fault of their own. Our country has promised to make them whole again, and being a family is part of it. So, this is something I am going to be following very closely under your jurisdiction.

Mr. WILKIE. Yes, Senator.

Senator MURRAY. Senator Sanders asked about privatization. I appreciate that. I stand where he does, and your answer was important to all of us.

Let me ask you. I know DOD has been struggling with the roll-out of the new Electronic Health Care Record. You are well aware

of that. I have heard from providers in my State, from Fairchild Air Force Base to JBLM, about their dire concerns about the impacts on quality of care.

You signed the contract to move forward on procuring the same system. We cannot see the same problems that DOD has experienced. I want to know what you will do to oversee the rollout and what specific steps you are going to take to make sure quality and access to care is not diminished.

Mr. WILKIE. Well, Senator, one of the reasons I got a lot of criticisms for not showing up in VA and immediately signing off on the health care record is that I wanted to see that it could work.

I had the best minds from the West Coast and experts from other parts of the country take a look at it and convince me that it could work.

I do want to say, though, that the report that we saw at DOD on MHS—I believe it is MHS GENESIS—not working 2 years ago, I am glad it did not work because what that was was—I will give you an example. I am the head of the Secretary's Close Combat Task Force. My job is to make sure that our weapons are tested, our systems are tested before we put them in the hands of any of our soldiers.

The testing of that system was designed to show us where it was not working before we fully implemented. That is due diligence in business. It is due diligence in government.

I believe that many of those problems that they were experiencing have been remedied because they found the kinks when they started the beta testing several years ago.

I will not commit to putting any problem online until it is properly tested.

Senator MURRAY. Since becoming interim VA Secretary, what are you doing to hire qualified leaders and individuals so they can manage the implementation of this?

Mr. WILKIE. In the short term, I found experts in complex DOD systems to come aboard. It stopped when I—when I left VA and went back to DOD. I will have to pick it up when I return, if I return.

Senator MURRAY. OK. Can you get back to me on that on what steps you will take then?

Mr. WILKIE. Yes.

Senator MURRAY. OK. Thank you.

And, I do have additional questions that I will submit for the record.

Chairman ISAKSON. Thank you, Senator Murray.

Let me inject right here something. What the Senator has just brought up is extremely important. One of my ventures in life or misadventures in life was being selected by a Governor to take over a department of education for Y2K preparation for 187 school systems, all of whom had their own software that was different from everybody else's, to keep up with the student information system, the grading system, the finance systems, and everything else.

I was not a computer expert, but I had run a pretty large company. So, I knew I needed to go hire people that were able to do it, and after about a week, I found out that we had problems in

our own agency cooperating with the professionals we had hired to be able to do what we did.

So, we turned around and fired everybody, canceled the contracts, got people in that knew what they were doing, and got it finished in 6 months and passed Y2K.

I am going to expect you to be that type of a flyspecker when it comes to this as well because what happens in this, the backups can continue, and all of a sudden, you have a crisis of a lack of cooperation. So, the first thing we have to do is have everybody at the ground level in VA cooperating with everything that is required of them to input into the system to make it work to begin with.

I am sorry I interrupted, but this is important.

Senator Boozman.

**STATEMENT OF HON. JOHN BOOZMAN,
U.S. SENATOR FROM ARKANSAS**

Senator BOOZMAN. Thank you, Mr. Chairman, and thank you, Mr. Wilkie, for being here, as well as your wife, Julie. We appreciate—when you take on a task like this, these are certainly family affairs, and we appreciate both of you all.

Mr. WILKIE. Thank you, sir.

Senator BOOZMAN. You have got a varied background, and I believe that you will serve well in the job that we are asking you to do. As a military child, military officer, and civil servant, you understand many of the complexities associated with serving our Nation and experienced firsthand the importance of taking care of our Nation's veterans.

We have not been able to get together yet, and I look forward to doing that. On the other hand, I have enjoyed working with you in the capacity of enjoying MilCon-VA on several occasions. I do support your nomination and will enthusiastically vote for you—

Mr. WILKIE. Thank you, sir.

Senator BOOZMAN [continuing]. Because of the experience I have had with you.

One thing I would like to visit with you which I think is very, very important, we had really a tragedy in Arkansas. The Fayetteville VA Medical Center greatly impacted a number of families in a very, very negative way. A former pathologist was found to be impaired and was terminated. Now all of his cases are under review by a third party.

I am pleased to hear that the initial response phase of the incident is being met with positive reports from veterans, VSOs alike. The call center handling patients' inquiries, all of that is working well. We appreciate the concerted effort of the team on the ground. I think it really was a model as to how you responded to that, so we appreciate that very much.

I see Dr. Clancy here. She has been personally involved and done a very, very good job.

I guess the thing, though, that I would like to follow up with, I would like to know if I have your personal commitment that you keep a close eye on the situation as it continues to unfold to ensure timely notifications continue to remain a priority; veterans receive timely follow-up care should they need or request it, and the inde-

pendent reviews are handled expeditiously while maintaining the integrity of the review process.

Mr. WILKIE. Yes, sir. I do very much.

And, Senator Boozman, I will follow up by referring back to something Senator Tester said. The responses in Arkansas on the tail end was outstanding because you saw the coming together of the U.S. Attorney, the VISN leadership, VA, and the State of Arkansas.

The problem, obviously, was terrible by the time it reached that, and where Senator Tester was talking about a vigorous Inspector General, that is one of those areas—

Senator BOOZMAN. Right.

Mr. WILKIE [continuing]. That without a robust Inspector General, we are going to have problems finding them. It ties into what the Ranking Member was saying.

Senator BOOZMAN. No, I appreciate that, and really my follow-up was that I like your commitment that we review the policies and procedures within the VA to enact the necessary changes to prevent such a tragedy as a result of this type of misconduct from occurring again—

Mr. WILKIE. Yes, sir.

Senator BOOZMAN [continuing]. In the future in the VA facility.

Mr. WILKIE. You did.

Senator BOOZMAN. We appreciate that very, very much.

Mr. WILKIE. Thank you, sir.

Senator BOOZMAN. The other thing is Senator Murray asked about the IT system and things, and I think we all shared in the questions that she had. I appreciate the response that you had concerning that. I guess what I would like to know is how you believe the program is progressing now. It has not been very long, yet the progress now, and do you anticipate any additional delays or challenges during the implementation phase?

Mr. WILKIE. I do not anticipate any additional delays now, but I do want to say that it cannot happen overnight. It is a 4-year implementation system for the Caregiver Network. Veterans injured before May 7, 1975, their programs will be fully online, I believe, by 2019; 2 years later, those who come after the end of the Vietnam War will be fully online.

I will do my best to accelerate that, but I read a lot in the papers about this program happening overnight. This is a radical change in terms of the MISSION Act for VA. It is still taking the Department of Defense a while to get TRICARE right, which is much better than it was 4 years ago.

This is one of those programs that we will implement, and I will give it my full attention.

Senator BOOZMAN. Good.

Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Boozman.

Senator Hirono.

HON. MAZIE K. HIRONO, U.S. SENATOR FROM HAWAII

Senator HIRONO. Thank you, Mr. Chairman.

Welcome, Mr. Wilkie. Thank you for the time you spent talking with me earlier.

Mr. WILKIE. Thank you, Senator. Thank you, Senator.

Senator HIRONO. To start, I ask every nominee who comes before any of my committees to answer the following two questions. One, since you became a legal adult, have you ever made unwanted requests for sexual favors or committed any verbal or physical harassment or assault of a sexual nature?

Mr. WILKIE. No.

Senator HIRONO. Second question. Have you ever faced discipline or entered into a settlement related to this kind of conduct?

Mr. WILKIE. Never.

Senator HIRONO. I wanted to ask you about some outstanding VA projects in Hawaii. We did discuss this briefly in our meeting, and of course, as an island State, veterans in Hawaii face unique challenges accessing VA care. Oftentimes veterans need to fly from the islands that they live on to Honolulu if care is not available in their home island. This is why I have consistently fought for construction of community-based care options for Hawaii veterans living on the neighbor islands, including the new VA clinics planned for Maui, Kauai, and Hawaii Island. There are a total of seven outstanding VA clinic projects at various levels in the procurement process that my office has been monitoring, including the future Leeward Oahu Outpatient Health Care Access Multispecialty Clinic, which I worked to authorize in the 2014 Choice Act.

Can you commit to me to continue to provide my office updates—

Mr. WILKIE. Yes.

Senator HIRONO [continuing]. From VA on the status of these projects and ensure that they are completed in a timely manner?

Mr. WILKIE. Yes, Senator. I am very well aware of the unique challenges both Hawaii and Alaska face, and if confirmed, I will take you up on your invitation to come see those facilities.

Senator HIRONO. Thank you very much.

As Under Secretary of Defense of Personnel and Readiness, you implemented a new sexual harassment policy early in your tenure, and I commend you for that.

A few months ago, the Merit Systems Protection Board, MSPB, came out with a troubling survey of Federal employees that found VA had the most reported instances of sexual harassment of any Federal agency.

I assume that this will be a high priority for you, and that I will be in touch with you as to what your plans are to address this serious problem at the VA.

Mr. WILKIE. Yes, Senator. I will start by comparing what was done by my office at the DOD to what has been done at the VA.

Senator HIRONO. We will certainly stay in touch with you on your progress.

Senator Murray referred to a recent article in *The Washington Post*, and she will submit some questions for the record, but I just wanted to ask you. When you were working for then-Senate Majority Leader Lott, you marked up a draft resolution meant to highlight the pay gap and call for equal pay for women for equal work, and some of the reported edits could be considered rather offensive and condescending, particularly a provision that you put into this resolution that “called on Congress to require young women to fin-

ish high school as a condition of receiving welfare.” Those were your edits to this proposed resolution.

Why did you make that addition to the resolution?

Mr. WILKIE. Well, thank you for bringing that up. I had to put on my memory cap to go back and review that. I was the floor manager for the Majority Leader. Senator Lott’s instructions was that he saw every piece of legislation that came through. I was not an expert in that field. I took it to him. He and the staff made changes. Some of the changes that I remember making that did not get put into *The Washington Post* story that Senator Lott, as the Leader, wanted to recognize American women who chose to stay at home and also that the tax—

Senator HIRONO. Excuse me. I am sorry. Did you put in that edit?

Mr. WILKIE. I do not—I do not remember. I was not—I passed it off to staff.

Senator HIRONO. Do you think it is a good idea, then, to require young women to finish high school before they can receive welfare?

Mr. WILKIE. I would not make that a requirement; again, I was just the floor manager.

Senator HIRONO. I understand.

Mr. WILKIE. I was not an expert in any of those matters.

Senator HIRONO. So, do you believe that women, including veterans, should have to finish high school to receive government benefits?

Mr. WILKIE. That would never enter my mind.

Senator HIRONO. Thank you.

Now, there are—the article also noted some other positions that you took because you worked for some very conservative people such as, of course, in addition to Senator Lott, Senator Helms, and they had some views that would now be deemed very offensive.

Considering that there are some concerns being raised about your own attitudes toward the kinds of views that your previous bosses held, would you welcome the scrutiny that you will probably face based on your past positions to make sure that you are treating women and minorities fairly and with respect as the head of the VA should you be confirmed?

Mr. WILKIE. Well, Senator, I will say—and I say it respectfully—I welcome a scrutiny of my entire record.

The Washington Post seemed to stop at my record about 25 years ago. If I had been what *The Washington Post* implied, I do not believe I would have been able to work for Condoleezza Rice or Bob Gates or Jim Mattis.

I think I have had 11—nine full field background investigations by the FBI. And, I will tell you, the first question they ask anyone they talk to, is this person someone who discriminates against anyone on the basis of race, sexual orientation, or creed. They just finished an investigation going all the way back to my 18th year. So, I will stand on my record.

Senator HIRONO. Thank you for that reassurance.

Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Hirono.

Senator Sullivan.

**STATEMENT OF HON. DAN SULLIVAN,
U.S. SENATOR FROM ALASKA**

Senator SULLIVAN. Thank you, Mr. Chairman. Mr. Wilkie, thank you for volunteering to serve again. I think that was a very powerful opening statement, one of the best opening statements I have heard of any Cabinet nominee, and I want to thank you for that.

I fully intend to support your nomination, and hopefully, most of my colleagues—or all my colleagues will as well.

I appreciate you and the Chairman already talking about rural issues. As I have said before, there is rural America, there is extreme rural America, and then there is Alaska. And, it is not just the size. I do not like doing this to the Ranking Member, but you mentioned Montana. I think we are close to five times the size of Montana, and it is also the expanse. As we talked about in our meeting, if you looked at the expanse of Alaska and superimpose it over the Lower 48 southeast communities, like Ketchikan in my State would be in kind of northern Florida. Northern communities in my State like Barrow would be the northern part of North Dakota, and the Aleutian Islands chain would extend out to San Francisco.

My State is actually a continental-wide place, yet we do not have a full-service VA hospital in the State of Alaska, while we have the highest number of vets per capita and an incredibly patriotic population. That includes the Alaska Native population, almost 20 percent of my constituents who serve at some of the highest rates in the military of any ethnic group in the country despite—you know, let us face it. During World War II, Korea, Vietnam, there was a lot of discrimination going on from the Federal Government to this group of incredible patriotic Americans.

We had a very good discussion, and I appreciated that. Most of it was about these challenging issues as it relates to Alaska, so the first thing I would like from you is to get a commitment to come with me to Alaska soon in your tenure to meet with my veterans, see some of these challenges, see these patriotic Americans firsthand.

I think I mentioned Dr. Shulkin did that with me for almost, gosh, 6 days, and I think it really had an impact on him on some of our challenges. Can I get that commitment from you?

Mr. WILKIE. I would be honored to come.

Senator SULLIVAN. Great. Thank you.

One of the ways that the VA extends its reach into parts of my State is through partnerships with Alaska Native Health Organizations, what are called Tribal Sharing Agreements of the VA.

One of the many aspects of the MISSION Act that focus on extreme rural States like ours and some of the other States is these Tribal Sharing Agreements are actually mandated in the MISSION Act. So, can I get your commitment that you will initiate consultation with the Alaska Native Health Board and other Tribal Health Organizations upon your confirmation on renewed negotiations for the VA Tribal Sharing Agreements to nail these down?

We are working on a 5-year extension to the current contract, but that contract is expiring next year. And, the clock is ticking. So, it is a very high-priority issue for me and my constituents. Can I get your commitment on that?

Mr. WILKIE. Yes. Yes, sir.

Senator SULLIVAN. The other issue we talked about was how you suggested—and I could not agree more with you—that when it comes to understanding the needs of local veterans in different States, oftentimes the local VA really knows best. Do you agree with that still?

Mr. WILKIE. Yes, sir.

Senator SULLIVAN. Can I get your commitment upon confirmation that you will come to Alaska and consult with our local VA leadership? I think, again, one of the things that we see here is we have challenges at the headquarters, no doubt, but a lot of times, the VA local leadership is working quite well. Can I get your commitment on that as well?

Mr. WILKIE. Yes, you can.

Senator SULLIVAN. Let me ask you; I had asked Dr. Shulkin this. I had put out a post to a bunch of my veterans just on questions that they would like to ask you, when Dr. Shulkin was up for his confirmation, and we are going to submit a number of those for the record.

One of the questions was from a guy by the name of Bob Thoms. His nickname is Cajun Bob. He lives in Mat-Su Valley in Alaska. He is very well known in my State, beloved, but he is actually a little bit more well known in Washington. People probably do not know his name, but if you had been going down Constitution Avenue for the last 6 months and seen that giant portrait of a Marine in the Tet Offensive at the News Museum (the Newseum). In the photo he is counter-attacking. He is a staff sergeant or a gunny in the Tet Offensive in the Hue City Battle. His cammos are shredded. That is Cajun Bob. He received six Purple Hearts in the Marine Corps, a Silver Star in the Battle of Hue City—that battle is depicted. I think it is still up there at the Newseum. You should go take a look.

His question to me, a real hero among us—and we have so many that we are proud of—was the concern that we hear from so many veterans that there has been stories of senior leadership at the VA not being held accountable for some of the actions they have taken. I think we have tried to address this with the Accountability Act, but that the veterans themselves feel sometimes they are stuck in a system that works against them, not for them.

So, he had a very basic question when Dr. Shulkin was up for his confirmation. I am just going to repeat it. Forgive the language. He is a bit of a salty marine, and a hero. The question was “Will you be able to kick ass and take names for the veterans”—for the veterans—

Mr. WILKIE. Yes.

Senator SULLIVAN [continuing]. Above anybody else if you are confirmed to be the Secretary, and how will you do that?”

Mr. WILKIE. Well, being an Air Force Reserve Officer, we do not use language like that, but—

[Laughter.]

Mr. WILKIE. It takes away from other things, but yes, sir.

I was very proud—and you can tell Cajun Bob this—when I was sworn in at the Pentagon. It was referenced that I had been born

in khaki diapers, and I think my attitudes toward that and leadership flow from having been in that world my entire life.

Senator SULLIVAN. Thank you. I look forward to your confirmation.

Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Sullivan.

Senator Manchin.

**HON. JOE MANCHIN III,
U.S. SENATOR FROM WEST VIRGINIA**

Senator MANCHIN. Thank you, Mr. Chairman.

Thank you, Mr. Wilkie, for your service and continued desire to serve.

As you can tell, we are all proud of the veterans in our States. We just want to make sure you do not move everything to Alaska.

Mr. WILKIE. That is right.

Senator SULLIVAN. We still do not have a hospital, so I do not think that is going to happen.

Mr. WILKIE. Senator Tillis is not going to let me move everything to Alaska.

Senator MANCHIN. That is right.

Anyway, this morning, there were 93 VA jobs posted on USAJOBS, the Federal jobs posting site, for West Virginia. I will tell you where we are going. We have a full-time primary care physician that is needed in Petersburg CBOC, psychiatrist at Martinsburg and Huntington, social work program coordinator at Clarksburg, registered nurses and IT specialists at several of our facilities. We will go ahead and submit everything for you.

I know we brought this to your predecessors before, but what plan do you have in recruiting, especially in rural areas, whether it be in Alaska, West Virginia, rural North Carolina, or Nevada—all of our States—Montana, Georgia? What is your plan of basically getting more people involved and helping us in the VA with their expertise?

Mr. WILKIE. Yes, Senator.

I am going to go back to an experience I had with Senator Tillis when the ribbon was cut on the new VA Center in my hometown.

One thing that the directors asked Senator Tillis was that one-size job process does not fit VA. Fayetteville, NC, has very different needs from West Los Angeles. It probably has different needs from West Virginia.

My pledge—and I think I mentioned it in my opening statement because I believe it—is to allow those medical directors and those VISN directors—the ability to move their funds to address the kinds of critical needs, if they have the funds available—and we will work with them to make sure that they do—to address the immediate medical needs in those areas.

I have to do a deep dive, Senator, on the whole USAJOBS process. I could tell you Secretary Mattis is thinking deeply about it in terms of VA and VA's relationship with other elements of—

Senator MANCHIN. We look forward to working with you on that because we all have disparate needs.

Let me move on because my time is limited.

The opioid epidemic that we have—not only just in our States, but in our military—how do you propose to have input on basically not getting our veterans hooked when they are deployed and the treatment, alternative treatment centers when they come back? So, twofold, if we can stop them from getting hooked and then how we are going to treat them in a non-opioid way when they come back.

Mr. WILKIE. I have responsibility for one end right now.

Senator MANCHIN. I know, but we are asking for your input because you are seeing the end result. Sometimes on the front end, if we can prevent that from happening—

Mr. WILKIE. And—yes, sir. I think this is a case—and Senator Sanders mentioned it—where VA has taken the lead.

VA has come up with what appears on its face to be a very simple way of addressing this and bringing down opioid addiction, and that is with alternative therapies, the use of Advil, Tylenol, and aspirin in place of Tylenol 3 or other opioids.

The other thing that VA has done is emphasize rehabilitative care, motion care. DOD is just getting on the cusp of that. So, yes, I think DOD is moving in the direction that VA has moved in, and it is absolutely vital that we stop it there. Yes, sir.

Senator MANCHIN. My final question is going to be since 1998, the VA's budget has quadrupled from \$42.38 billion to \$188.65 billion. A lot of these factors can be pointed to the Vietnam veterans getting older, the fact that combat medicine improved and therefore VA is dealing with more complex injuries and illnesses than ever before, the cost of health care in the United States has become more expensive, and we have expanded. I say that we have expanded with good intentions, made a lot of benefits.

People are going to ask are we making sure we are getting our best service and best care for our veterans with the bucks we are spending. So, my question would be what steps do you plan to take to ensure both that high-quality services are available for our veterans and families, but are also looking out for the American taxpayers to make sure that we are spending their money wisely and giving the care that is needed.

Mr. WILKIE. Yes, sir. I will start by saying there are no more excuses because of the infusion of money that this Committee has given.

I do believe, though, that we do have to make sure that the world-class health services, the priority health services are fully funded.

I was asked two questions by two Members of this Committee, to the point that does VA's expansion into Community Care mean that world-class services like spinal cord or traumatic brain injury are going to diminish. No. We will go where the need is greatest.

Senator MANCHIN. Thank you, Mr. Wilkie.

Chairman ISAKSON. Thank you, Senator Manchin.

Senator Heller.

**STATEMENT OF HON. DEAN HELLER,
U.S. SENATOR FROM NEVADA**

Senator HELLER. Mr. Chairman, thank you, and to the Ranking Member also, thank you for this meeting. Mr. Wilkie, thank you for taking time and to your family that is here today with you.

Mr. WILKIE. Thank you, sir.

Senator HELLER. I appreciate you being here and willing to spend time with us.

You were in my office yesterday. We had a great conversation. I appreciate that time also, but I think today is a different opportunity. Yesterday, it was about you and me. Today, it is about the veterans that are behind you, the veterans service organizations that are represented, also the veterans back in the State of Nevada. The point, of course, is to prove that you are ready to manage an agency of this size that is, in my opinion, quite a bit of bureaucracy.

I told you yesterday, we have about 300,000 veterans in the State of Nevada, good men and women, patriotic, will take the call again, regardless of age, to serve and defend this country. And, I am just pleased that we both have come to the same conclusion that they deserve the best quality of care and benefits that our Nation has to offer.

But, saying that, there is a lot to be done. We need VA doctors. It has been mentioned several times. Clearly, it is a national issue. I am working to get a veterans rural cemetery in one of our rural counties. Our Caregiver Program in Las Vegas and the VA nursing facility in Reno need improvement, and unfortunately, the veteran suicide issues remain quite a challenge in Nevada.

Several times, as I mentioned, doctor shortages have been raised, but I think Nevada has really felt the impact, especially in our urban areas like Las Vegas and even in our rural areas like Elko, Gardnerville, and Pahrump.

Let me give you an example, 2016, I was at the ribbon cutting of a VA clinic in Pahrump and with all the pomp and circumstances, and here we are in 2018, and they still do not have a full-time doctor. So, 2016, here we are 2 years later, all the pomp and circumstances for that community, they have been waiting years to get this done, the work by my office, myself, this Committee, this Congress to get that clinic into that town, and they still do not have—2 years later, they still do not have a full-time doctor.

Can I get your commitment to work with me to get a full-time doctor into that clinic by the end of the year?

Mr. WILKIE. Absolutely, I will work with you on that.

Senator HELLER. We have problems in some of our rural areas with access to mental health services for our veterans. Can you share with me how you plan on bringing more doctors or mental health professionals to these rural areas in Nevada?

Mr. WILKIE. Yes, sir. And, I thank you for the time that you took with me.

I think we have to take a deeper look at how we bring doctors into VA. There have been many things that the Federal Government has tried in terms of recruiting doctors, and I think VA has to look at those. We have to do a better job of recruiting doctors coming out of the military.

I would like to learn about how we can get commitments from doctors to work at the VA. This is my opinion; I have not cleared it with anyone. And, in exchange for their service with VA, do we go down the road where we take care of their medical school loans in exchange for long-term service with VA?

We do need to make an assessment again as to where we need our doctors, and we do need to also, in those underserved areas, look at how we incentivize people to go out there.

The blessing that I have is that I have been learning a lot about these things from Carolyn Clancy, who is running VHA now, and I know she is hard at work trying to address rural needs in particular.

Senator HELLER. I will follow up with you. Time is running out.

One of the things—I want to kind of steal from Senator Sullivan and his request, and that is that the Nevada veterans have been in this VA system for decades. They know the ins and outs. They know the dos and do nots, and frankly, they know how to fight for their care. Can I be allowed to make the same request that I could get you out to Nevada so that you could spend some time with our veterans at a roundtable to discuss issues that are important to them?

Mr. WILKIE. Yes, sir. I would be honored to.

Senator HELLER. One more question, which is about Agent Orange. I hear from a lot of Nevada veterans on this particular topic, especially from our Blue Water Navy veterans.

As you know, the VA does not provide these Blue Water veterans the disability benefits that they deserve after being exposed and experiencing these harmful effects. I think we can agree that this is not right. How do you plan on helping the Blue Water veterans as well as the veterans exposed to Agent Orange?

Mr. WILKIE. Well, I will speak to Agent Orange first. I am from the generation who saw the effects of that on those who have come back from Vietnam, so that is an experience from adolescence that remains with me.

On the Blue Water issue, the House has spoken, and it is my understanding that the issue will be taken up by the Senate. I stand ready to answer any questions or go down any avenue that this Committee wants in terms of how we address Blue Water.

Senator HELLER. Mr. Wilkie, thank you.

And, to the Chairman, thank you for the time.

Chairman ISAKSON. Thank you, Senator Heller.

Senator Brown.

HON. SHERROD BROWN, U.S. SENATOR FROM OHIO

Senator BROWN. Thank you very much, Mr. Chairman.

Chairman ISAKSON. Last, but not least.

Senator BROWN. Thank you very much for saying that, Mr. Chairman.

Thank you, Mr. Wilkie. I enjoyed very much our conversation and wish you well through this process—

Mr. WILKIE. Thank you, sir.

Senator BROWN [continuing]. Then, I expect you to be confirmed as the new VA Secretary.

Yesterday, *The Washington Post* ran a story about your time as a staffer for a very divisive—a very racially divisive Senator. You have been appointed to this job by a very racially divisive President.

That being said, I will just ask you this. The VA Secretary needs to serve all veterans, regardless of race, gender, ethnicity, and sex-

ual orientation. Just yes or no questions. Will you commit to doing that?

Mr. WILKIE. Absolutely.

Senator BROWN. Thank you.

I have worked with two previous Secretaries to establish the History Research National Heritage Center at the Dayton VAMC. Will you commit to implementing the existing MOA on this important project? Yes or no.

Mr. WILKIE. I do, and I look forward to going to Dayton. As you and I said, I just—this is my geek mode. I just finished reading a biography of one of Ohio's great Presidents and learned that Dayton has been the center for VA care for well over 140 years.

Senator BROWN. Good. Thank you. Thank you for saying that.

We have heard reports that VHA cannot account for medical equipment in VISN 10. Can you commit to get my office information on the missing equipment?

Mr. WILKIE. Yes, sir.

Senator BROWN. Thank you, sir.

I have grave concerns regarding the position in the administration about privatizing veterans' health care. At times, Community Care is necessary, which is why we passed the VA MISSION Act. However, VA should not siphon funding off from VHA to expand Community Care. Will you commit to fully fund VHA and stop efforts to privatize the VA?

Mr. WILKIE. I am opposed to the privatization of the Veterans Affairs Department and will continue to make sure that VHA is fully funded.

Senator BROWN. Thank you.

ProPublica and *POLITICO* have reported the bulk of the approximately 1,700 employees fired since the passage of last year's accountability bill had been low-level employees with limited offenses, not senior employees with egregious offenses, which is how the VA said it would use the authority. This gives me great concern. Will you commit to me that you will not use this authority to go after whistleblowers or individuals with limited offenses?

Mr. WILKIE. Absolutely, sir. Absolutely.

Senator BROWN. Thank you.

I worked on a provision in the VA MISSION Act to increase VA vacancy transparency. Will you commit publicly to post—will you commit to publicly post vacancy data?

Mr. WILKIE. Yes.

Senator BROWN. Thank you.

Do you believe the VA has an obligation to provide medical care and disability compensation for veterans who have been exposed to toxic chemicals while serving our country?

Mr. WILKIE. Yes.

Senator BROWN. Thank you.

Will you increase transparency with Congress on the Department's position on Agent Orange, presumptive conditions on Blue Water Navy veterans' eligibility for benefits and to establish a process to diagnose constrictive bronchiolitis, a condition caused by burn pit exposures at VA?

Mr. WILKIE. Yes, sir. And, I will add that transparency is key with this Committee and with the country. During my time with

Senator Tillis, he had me working on the first efforts to raise the issue of burn pits.

Senator BROWN. Good. Thank you. I enjoyed our conversation, as I said, the other day and appreciated the work that when Senator Tillis and I cosponsored so many bills together, I appreciated the work that you did with he and my office. I thank the both of you.

Mr. WILKIE. Thank you, sir.

Senator BROWN. Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Brown.

Senator Tillis.

HON. THOM TILLIS, U.S. SENATOR FROM NORTH CAROLINA

Senator TILLIS. Thank you, Mr. Chairman, and, Mr. Chairman, I first want to thank you and Ranking Member Tester because you, a couple of years ago, encouraged and endorsed what became a regular meeting with the leaders of the VA to track their progress. So, I specifically want to thank Ranking Member Tester for always being there at every single meeting over the course of that process with two Secretaries.

Mr. Wilkie, I hope that we have your commitment to continue that discussion because I think it was very helpful.

Mr. WILKIE. Yes, sir.

Senator TILLIS. Mr. Wilkie, I wanted to ask you something. I had the—I am not going to say the name of the newspaper, but I am going to have—the person that was reporting the story called me up. I spent probably 15 minutes, maybe as much as 20 minutes on the phone with them to talk about you. Somehow that insight was—and much of your recent work history was not at all reported.

Mr. Chair, without objection, I would like to submit an article that actually provides context that was written back in, I believe, 2002 that provides context for a statement that was asserted in *The Washington Post*, which I think was out of context.

Chairman ISAKSON. Without objection.

[The article appears in the Appendix.]

Senator TILLIS. There is something else I wanted to ask you, and this may require—you have got an incredible sense of history and a great memory, so hopefully, you will remember this. It was a vote recommendation in the NDA a couple of years ago, and at that time, you were my senior advisor. The specific amendment was related to providing same-sex spouses with veterans and Social Security benefits. Do you recall how you recommended that I vote on that?

Mr. WILKIE. Yes, sir. I recommended that you vote yes.

Senator TILLIS. And, how did I end up voting?

Mr. WILKIE. You voted yes.

Senator TILLIS. Thank you for that recommendation.

There was also a reference—I know Senator Murray was going to submit questions for the record, but I think it would be helpful here for some Members who may not see that. I think you already brought up your role as a floor manager and the question on equal pay, but there was another reference to the confederate flag. I do not know exactly how Senator Hirono framed it, but can you tell me a little bit at least in the context of the article that has been

mentioned here, maybe the broader context around the confederate flag?

Mr. WILKIE. Yes, sir. The article mentioned participation in events. There were three events, two sanctioned by the Department of the Army and Department of Defense and one by the Speaker of the House. Those events in those days were big events, participation by Senate and the House Members. At the last one, the only thing I did was introduce a fellow named Ron Maxwell, who is the producer of the famous movie "Gettysburg," and I thanked President Obama for his support of an event that celebrated America's veterans, both Union and Confederate. President Obama brought—had a wreath delivered by the Old Guard of the Army.

The broader issue of the flag, to address what *The Washington Post* said, I stopped doing many of those things at a time when that issue became divisive; and I do, though, believe—and I will say it—and I heard it on Memorial Day at this Capitol at the Memorial Day concert. I think it was Gary Sinise who pointed out that 150 years ago in the first Decoration Day (now called Memorial Day), the most ferocious warrior in the Union Army, a guy named William Tecumseh Sherman, said what this Committee is now responsible for. We honor all veterans, and he ordered flowers and wreaths placed on the graves of both Union and Confederate soldiers.

So, my last statement on that is I think they have the last word and that we celebrate veterans.

Senator TILLIS. Thank you.

You mentioned Condoleezza Rice, Gates, Rumsfeld, and Mattis and said that if you had in fact had any history of the sorts of behaviors that this article put forth, you would not be working for them. Is there any doubt that if I believe you had any of that history of behavior, you would ever work for me?

Mr. WILKIE. Absolutely no doubt, sir.

Senator TILLIS. You are going to do a great job as Secretary. I leaned over to Mike Rounds. I said I have got to make sure I let him know to enjoy the honeymoon because the floggings will begin soon.

Mr. WILKIE. Yes, sir.

Senator TILLIS. We need to make sure that we get you in there, you act decisively, you have a sense of priority, and you bring the resources in that will allow you to accelerate some of the transformation initiatives that you were briefed on. I should mention that every one of those meetings that Senator Tester and I have had over the past few years also included Mr. Wilkie. You have got a keen insight into what works and what we need to accelerate. I know you have a commitment, and you are going to bring the intensity that is necessary and then lacking for quite some time.

So, I look forward to working with you in your new capacity, and I wish you very well.

Mr. WILKIE. Thank you very much.

Senator TILLIS. Thank you, Mr. Chair.

Chairman ISAKSON. Mr. Wilkie, we have a couple more questions for you, if you have the patience and the time. I will have a few, and so does Senator Tester.

One, I would like you to tell me, in your position as the Under Secretary of the Army, what major accomplishments as Under Secretary are you proudest of—Under Secretary of Defense—and how did that experience prepare you for what you are about to take on at the Veterans Administration?

Mr. WILKIE. Thank you, sir.

First of all, I am extraordinarily proud that someone of Secretary Mattis' stature asked me to serve with him.

I am very proud that the Office of Under Secretary of Defense for Personnel and Readiness is now a place where many people want to work.

I mentioned walking the post and transformative leadership in that vein, and I think that has begun to happen.

In terms of accomplishments: employing the Exceptional Family Member Program for the 132,000 military families who have children with exceptional needs—autism, mental health issues, cerebral palsy, et cetera; the reform of the Defense Health Agency, so that we no longer have three independent health services—Army, Navy, and Air Force—we now have a Defense Health Administration; and the sexual harassment and assault policy, which sends a clear message that the military of the United States has changed, that everyone who signs up for service deserves dignity and protection.

Finally, to show how P&R has moved, the Secretary of Defense has empowered my office to take charge of what he considers to be his most important project, and that is the Close Combat Task Force. That is the task force that takes the very deep look into how we train, equip, and fight our front-line forces, our infantry forces, where 85 to 90 percent of the casualties take place.

Coming from Secretary Mattis, there is probably no greater assignment that anyone could have, and I am honored that he gave me the responsibility to help him on that.

Chairman ISAKSON. You acknowledged in your testimony earlier, your speech, that you had been surprised how many people at the VA had told you they had never seen the Secretary in that part of the building before.

Mr. WILKIE. Yes, sir.

Chairman ISAKSON. I can tell you one of the first things I did when I became Chairman of the Committee is go visit the VA here and go on the floors. I found the same thing. They had never seen a Member of Congress either over there, and I do not think much changed to improve that.

Of all the problems that we have, morale at the VA may be the biggest single problem. You and I have talked about the morale change at the CIA when Pompeo went over there and how much he improved it after some difficult times they had. That is going to be your biggest challenge. Senator Tester and I are here to back you up and help you with that. Anything you can do on the morale issue, we are looking forward to helping you build the morale of that agency and the esprit de corps.

Mr. WILKIE. Thank you, sir.

Chairman ISAKSON. Last, I would like to ask unanimous consent—I guess as Chairman, I can grant. I submit for the record a letter signed by eight members of the United States military re-

tired, a former Joint Chief of Staff, a former Deputy Joint Chief of Staff, and six major flag officers of the United States military, all in glowing endorsement of your position as Secretary of the Veterans Administration. I submit this for the record, without objection.

[The submitted letter is in the Appendix.]

Mr. WILKIE. Thank you, Mr. Chairman.

Chairman ISAKSON. Senator Tester.

Senator TESTER. Thank you, Mr. Chairman.

Once again, thank you for being here today, Mr. Wilkie.

Electronic medical records have been talked about a bit, and I would just say that I am encouraged with the VA's purchase of Cerner. You know what the goal is, but I have concerns about how the VA is communicating its plans to Congress for this modernization. It has a price tag of \$16 billion, and we have a ton of leadership. Vacancies are going to impact this moving forward at least, I believe. For example, there is no permanent Deputy Secretary, no Under Secretary for Health, no Deputy Under Secretary, no Assistant Secretary for OIT, and no Deputy in OIT.

So, the question is, who do people on this Committee hold accountable for this program other than yourself?

Mr. WILKIE. Well, that is where—that is where—that is the ball and end-all.

Coming from my world, I think Admiral Nimitz was the one who said if you cannot point to the man in charge, nobody is in charge; so that is me.

I have pledged to the Committee that I will move as rapidly as I can, if confirmed, to get those people in place.

I mentioned Dr. Carolyn Clancy as the executive in charge of VHA. We could not have anybody finer doing that. The process is moving along because of people like her.

I do pledge that I will be talking with you all about filling those jobs.

Senator TESTER. So, what do you have folks in mind right now?

Mr. WILKIE. I do not have a list, sir. I have got to be honest with you. In the 8 weeks that I—

Senator TESTER. That is perfectly fine. The Chairman and I talked about doing an oversight hearing. Man, it is really tough to do an oversight hearing on the VA right now because there is nobody to hold accountable, and you need to have some oversight, quite frankly. I think you would appreciate it.

There was a situation that happened—it is probably over a year ago—where folks were told not to respond to requests made by committees. It has never been a problem on this Committee, and it has never been a problem with previous leadership. But, I still have got to ask it. If you are asked for information, are you going to be as transparent as you possibly can to give that information to anybody on this Committee or anybody in the Senate, for that matter?

Mr. WILKIE. Absolutely, sir. I was raised in this institution, and I take Article I seriously.

Senator TESTER. OK. So, when it comes to Freedom of Information Act requests, there are a couple ways to handle it. People can either turn over the information or they can slow-roll it. If con-

firmed, will you require that political employees comply with any FOIA in a timely manner?

Mr. WILKIE. I will demand that they comply with the law and with the request from them.

Senator TESTER. Aye, Kurumba.

Mr. Chairman, Sen. Blumenthal is coming, so you know.

Chairman ISAKSON. We are not waiting much longer.

Senator TESTER. And, he is not waiting much longer, the Chairman just told me.

I will give you my closing statement right now, OK?

You have gotten pretty good at this—confirmation. I do not know how many times you have been in front of a committee to be confirmed, but you are not a rookie. You not only answered questions, but you anticipated questions as good as anybody I have ever seen in front of a Senate committee, not that I have been here all that long. Yet, I would just say that I, as others, believe that you are going to be confirmed.

I do not know if I will say it will be a public flogging, but you will be held accountable. I think that is our job to make sure that things are moving. We are here representing veterans because that is who we take our cues from too, so it is going to be really important that we have a strong leader. You have got a lot of challenges in front of you, and I would just say that I think you have the tools to do the job. I do not think it is going to be easy, and I think there will be rough waters on occasion, but in the end, if there is good communication between you and the Members of this Committee, particularly the Chairman and myself, I think we can smooth a lot of those rough waters.

Mr. WILKIE. Thank you, sir, and I thank you for your courtesy to me.

Chairman ISAKSON. Thank you, Senator Tester. Further, Senator Tester, if you would inform Senator Blumenthal that we will adjourn—I will ask the nominee, in the next 48 hours, if Senator Blumenthal gets you his questions for the record, would you respond as quickly as possible so he gets those?

We will be in the process of moving toward a confirmation vote some time in the not-too-distant future, so the quicker you get those answered, the better off. If you, Senator Tester, will let Senator Blumenthal know to do that, I would appreciate it.

Senator TESTER. Absolutely, sir.

Chairman ISAKSON. I want to thank Julie for being here. You are lucky you married a great lady. You know that. She sat there the whole time. She has had your back the whole time.

I want to thank everyone. Our VSOs, we are so grateful for you being here. You have been a part of this process from the beginning, and to the Members of the Committee, I thank them for their insightful questions and the endurance of time they have spent here and all they have done to help us make this successful.

We have all got each other's back. We are all going to work hard to make our Veterans Administration of the United States of America better than it has ever been before with a new Secretary, Mr. Wilkie.

We stand adjourned.

[Whereupon, at 4:15 p.m., the Committee was adjourned.]

A P P E N D I X

ENDORSEMENT LETTER SUBMITTED BY HON. JOHNNY ISAKSON

June 8, 2018

The Honorable Johnny Isakson
Chairman
Committee on Veterans' Affairs
United States Senate

The Honorable Jon Tester
Ranking Member
Committee on Veterans' Affairs
United States Senate

Dear Chairman Isakson and Ranking Member Tester,

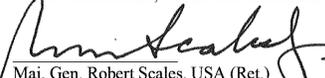
We are writing to you as members of the veteran community in support of Robert Wilkie's nomination to be Secretary of Veterans Affairs. We have each known and worked with Mr. Wilkie throughout our careers and can attest to his integrity, professionalism, and proven experience for this critical position.

Mr. Wilkie, a Navy and Air Force veteran, takes the military ethos of honor, integrity, and respect to heart. As the son of a career soldier, he was taught these values from a young age, and they remain at the heart of every decision he makes. He has dedicated most of his life to public service; from military duty, to Senate staffer, to senior positions within the Department of Defense and White House. Through his career he has worked with people of all stripes within the military, the public sphere and the private sector, all of whom sing his praises as a knowledgeable expert and ethical colleague. His knowledge of history is nearly unparalleled and he knows the value of understanding and learning from history to ensure a better present and stronger future.

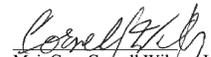
We urge you to support Mr. Wilkie's nomination and quick confirmation. He is the consummate public servant and will use his many years of proven experience and knowledge to improve the Department of Veterans Affairs and ensure all our veterans are treated in a timely manner with the respect and honor they so rightfully deserve.

Sincerely,

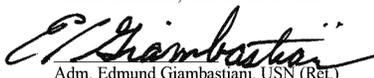

Gen. Hawk Carlisle, USAF (Ret.)
Former Commander, Air Combat Command


Maj. Gen. Robert Scales, USA (Ret.)
Former Commandant, US Army War College


Maj. Gen. Arnold L. Punaro, USMC (Ret.)
Former Staff Director, SASC


Maj. Gen. Cornell Wilson, Jr., USMCR (Ret.)
Former Commanding General Marine Forces
Southern Command


Gen. Peter Pace, USMC (Ret.)
Former Chairman, Joint Chiefs of Staff


Adm. Edmund Giambastiani, USN (Ret.)
Former Vice Chairman, Joint Chiefs of Staff


Vice Adm. John G. Cotton, USN (Ret.)
Former Chief of Navy Reserve


Vice Adm. Robin Braun, USN (Ret.)
Former Chief of Navy Reserve

N.C. Republican says Lott was misunderstood

Fayetteville man works with Condeleeza Rice

FAYETTEVILLE (AP) — A North Carolina man who begins work Monday as a special assistant for national security affairs said Sen. Trent Lott was merely trying to be nice when he commented about South Carolina Sen. Strom Thurmond.

Robert Wilkie of Fayetteville said Lott was trying to be nice to Thurmond when he made comments that cost him the position of Senate majority leader. Wilkie worked for Lott from 1997 until the White House job was offered him.

When Lott made his remarks, praising Thurmond's 1948 presidential campaign, he was trying to be "gracious to an American icon," said Wilkie, who attended the event.

"To suggest in that anyone in 2002 is endorsing a platform of 1948 is ludicrous," Wilkie said. "It is a sad way to end what is a remarkable career."

"It's not fair but the GOP hasn't done a good job of telling people we are the race-neutral party."

Wilkie begins work Monday for Condeleeza Rice, the president's national security adviser.

Wilkie, 40, said security advisers in previous administrations didn't see

troops, like the 82nd Airborne Division soldiers, the same way he does. He is a graduate of a Fayetteville high school and grew up on Fort Bragg where his father was stationed.

"They saw the 82nd as a square on a map. That square represents people who sacrificed incredibly for their country. I will never talk flippantly about sending people to fight," Wilkie said.

Wilkie was the executive director of the North Carolina Republican Party in 1996 and 1997. He lost a Republican primary in the 7th District to Robert Anderson in 1996. He also was an adviser to Sen. Jesse Helms from 1988 to 1994.

HEARING ON PENDING NOMINATIONS

WEDNESDAY, SEPTEMBER 5, 2018

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

The Committee met, pursuant to notice, at 2:32 p.m., in room 418, Russell Senate Office Building, Hon. Johnny Isakson, Chairman of the Committee, presiding.

Present: Senators Isakson, Moran, Heller, Cassidy, Rounds, Sullivan, Tester, and Brown.

OPENING STATEMENT OF HON. JOHNNY ISAKSON, CHAIRMAN, U.S. SENATOR FROM GEORGIA

Chairman ISAKSON. I call to order this meeting of the Veterans' Affairs Committee of the U.S. Senate, and welcome everybody that is here today.

The purpose of this hearing is to have a hearing on two nominees for positions within the VA of tremendous responsibility and importance. The Ranking Member and I will make opening statements. We will then go to our two distinguished nominees for their opening statement, then question and answer on behalf of all of the Committee.

I want to start this by saying something that is not in my prepared remarks. This morning there was an announcement or it came to my attention, that the Veterans Administration has screwed up accountability and responsibility for a Forever GI bill provision and benefit, which is going to potentially change about 346,000—the checks of 346,000 veterans.

When I heard about it I said, "How could we do that?" It turned out we did it because we were not watching our responsibility. The changes should have been made in the Technology Center, and it was not made, the checks and balances we have built in the system were not followed, and there was nobody to really take responsibility.

I am not springing this on our two nominees today because I explained it to them in the back room before the meeting. I hate people to come in and embarrass anybody; I am not here to embarrass them for 1 second.

Now, if it is a year from now and they are in their position, and we are talking about the same thing, I will embarrass the hell out of them, because it is time that we stopped having a VA—it is time that our VA caused its own support and brought its support behind it and supported them, because they were making the right deci-

sions at the right time, finding out what was wrong and fixing it, and taking pride in their job.

We have a lot of great people at the Veterans Administration. We have a lot of great people—physicians, technologists, mental health folks, providers of educational services, all types of things like that—changing lives for veterans who have served our country. They deserve a better VA than we have given them in the past, which the Ranking Member and I have tried, as Committee officers; we tried through Mr. McDonald, as Secretary, we tried in other ways with Secretaries to get the agency itself to be achieving peak performance.

I think with Mr. Wilkie in place that will happen. I have been very impressed, as most of you—all of you that have talked to me have been impressed with Mr. Wilkie. Although I am talking about this problem today, it is his problem. The buck stops with him.

But, we also happen to have the information technology guys responsible. Mr. Gfrerer—and if I have missed that French pronunciation I apologize. Gfrerer—is that right?

Mr. GFRERER. Gfrerer.

Chairman ISAKSON. Gfrerer. That is close. But, it is your responsibility now, and you are on notice. I am going to talk to him as soon as—he and I will be together Friday in Atlanta anyway, so we will have a chance to talk about this. We are going to take great pride in finding out where we can make ourselves strong. We are going to take great pride in making our agency an agency that is responsive and responsible to our veterans. We are going to keep our promises. We are not going to wake up to stories in the newspaper that we had not heard anything about.

I just do not want to be waking up in North Dakota, or South Dakota, or wherever you might be, and reading the newspaper and finding out something happened at the Veterans Administration, and run into a reporter who says, “Oh, you are on the Committee. Do you know anything about this?” “No.” That just should not happen; which is a breakdown between me and you, or me and the Committee, or the Committee and the VA. We are going to make sure we know what we need to fix, then we are going to fix it. We are going to do it with a smile on our face, a positive attitude, and do it for all the right reasons. We serve the people who have served us, which are the veterans of the United States military.

I had a nice speech which I was prepared to give all of you, but it just occurred to me this would be the perfect time to deal with a real dilemma. It would have to be contemporaneous with our hearing today, to go ahead and address it in the way I want to address everything, and that is identify the problem, locate the person responsible, hold them accountable—which is where our second nominee comes in today because she is doing the whistleblower and accountability portion that we passed in the change we made at the VA anyway. So, we have really got all the appropriate characters here, and then we are the other characters that have the responsibility as well. We are going to all work together to be a very responsive and responsible Veterans Administration.

With that said I am proud to introduce the Ranking Member, Jon Tester, for any remarks that he may have.

**OPENING STATEMENT OF HON. JON TESTER, RANKING
MEMBER, U.S. SENATOR FROM MONTANA**

Senator TESTER. Thank you, Chairman Isakson. I appreciate your leadership and I appreciate what you have done for veterans and this Committee.

Ms. Bonzanto and Mr. Gfrerer, thank you for being here. Thank you for your willingness to serve. You have both been nominated for two very important positions in the VA. If you are confirmed, I hope that we have a constructive conversation, because communication is critically important.

I would also say that one of the things that I have talked to many folks in the VA about, including Secretary Wilkie, was we need to start out by talking about good things that the VA does, so I am going to do that.

I think the VA has done some great work with the appeals, and I hope they continue to do that, and I hope they do not take their foot off the gas. That being said, late last Friday afternoon, on the cusp of a holiday weekend, the VA issued data that it was required to make public under the recently passed VA MISSION Act, that this Committee worked very hard on. That data showed there are more than 45,000 vacancies in the VA. These numbers are significantly different than what the VA previously shared with this Committee and with the public, so think about that for a second.

Instead of constructively engaging with Congress about the magnitude of that information, especially the more than 40,000 vacancies at the Veterans Health Administration, VA shared that information a few minutes before it issued a press release late Friday afternoon, before the Labor Day weekend.

Mr. Chairman, beyond the larger issue of how VA communicates with this Committee, I have some serious concerns about the Department's ability to thoughtfully address workforce shortages. It is the biggest problem within the VA. Most people in the VA understand that.

In my view, the VA has not fully utilized the tools and resources that this Committee has pushed through Congress in recent years, including those in the MISSION Act. I will soon be calling on the Department to release information about how it uses the tools, because these vacancies continue to be the biggest barrier for health for our veterans in this country. And, if the VA is not taking the matter seriously enough—I do have confidence that Secretary Wilkie will—but we are going to have to make it a priority, because the VA is not going to get better until the vacancies are addressed.

So, confirmed nominees, I hope that you will do better than this. Friday night news dumps do not work. Shirking off requirements set into law, they do not work. The VA MISSION Act mandated that three additional reports be delivered to Congress yesterday. As of today we received two of the three. One of those reports was very important to generations of Americans and has to do with the Caregiver Program. That is a problem. The VA needs to be hitting these early milestones. If it is going to meet the later ones, it needs to do better. And, I hope that if you are confirmed you will do better.

Ms. Bonzanto, your role would be to advise Secretary Wilkie on all matters relating to accountability and to be an effective voice

on behalf of VA employees and whistleblowers. I met with you. You answered the questions. I appreciate it, but this is no easy task. We are living in a time when accountability has become shorthand for firing and when whistleblowers from the VA make up more of the Office of Special Counsel's workload than any other agency.

We will want to know how you seek to transform the Office of Accountability and Whistleblower Protection from a loosely organized office that it has been, criticized for withholding information from the IG, standing by while low-level employees are targeted for accountability actions rather than managers and senior levels.

According to both the GAO and the whistleblowers, who have reached out to my office, allowed their complaints to be investigated by the very individuals that the complaints are against in the first place.

Ms. Bonzanto, I think you have a real opportunity to initiate cultural changes within the agency, so it welcomes an airing of problems and concerns so that the VA can truly be a welcoming place for employees and deliver even better, high-quality health care and benefits for those that the VA serves, our veterans.

As I am sure you know, VA is routinely found to be one of the least attractive agencies to work, and I think that is a real travesty, given that more than 30 percent of the VA's workforce is veterans. I want to hear more about your plans for the office for which you have been nominated and how you intend to help to build the VA to become the employer of choice for those who are called for Federal service.

Mr. Gfrerer, I will not sugarcoat this. You will be heavily involved in the largest care IT transformation in American history. It is not going to be a small task. You and the Secretary will be held accountable by myself, the Chairman, and this Committee, and the American public if the Electronic Health Record modernization project goes south. That is a lot of money. It is very important. We have been talking about this issue for literally more than a decade.

So, today I want to hear how you are going to ensure that the project does not go south, and I will need to know how you will balance that effort with other high priorities within the VA, including appeals modernization and improving the agency's education IT platform. We will also need your support for continued development for VISTA for veterans who will not be treated on the Cerner EHR for several years.

What I really want to learn today is whether both of you are up for this task. These jobs are important jobs. We need to know that you are the right folks for these jobs. I look forward to the discussion and I also want to thank you, and I mean this. Thank you for your willingness to serve.

Chairman ISAKSON. Thank you, Senator Tester. We will administer the oath before your testimony, before your speeches. So, if you will both stand please and raise your right hand.

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

Mr. GFRERER. I do.

Ms. BONZANTO. I do.

Chairman ISAKSON. Please be seated.

We are pleased to welcome Ms. Tamara Bonzanto to be Assistant Secretary for Accountability and Whistleblower Protection, Department of Veterans Affairs. Welcome. We are glad to have you here today.

Also here today is James Paul Gfrerer—and I am always going to get his name wrong. I apologize. I am trying to say my high school French, which I made a D in, by the way—to be Assistant Secretary for Information Technology at the Department of Veterans Affairs, which is the signature point of contact for the benefits that are paid to our veterans, and for the information that we need as a Committee to create the programs and the solutions to the problems our veterans have. Both of you have tremendously important appointments.

I have expressed to you, behind the door here, my complete confidence that you have the capability of doing it, and in front of all these people here I am telling you exactly what Jon just said a minute ago. We are going to hold you accountable. We want you to be a success in the worst kind of way, and we want to help you do anything you need to do to be a success, but you have got to talk to us, you have got to work with us, and you have got to do your job; plus you have got to empower the Veterans Administration people under you to do the job for our veterans.

We are delighted that both of you are here. Ms. Bonzanto, we will go to you first to give your testimony. Hopefully, you can hold it to about 5 minutes. If you go a little bit longer, if you let that time go too long, I will interrupt you. So, welcome, and please introduce your family who are here with you.

STATEMENT OF TAMARA BONZANTO TO BE ASSISTANT SECRETARY FOR ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION, U.S. DEPARTMENT OF VETERANS AFFAIRS

Ms. BONZANTO. Yes, sir. Chairman Isakson, Ranking Member Tester, and distinguished Members of the Committee, I want to thank you for the opportunity and privilege to come before you and seek your endorsement to serve as the Assistant Secretary of VA's Office of Accountability and Whistleblower Protection. I am honored to have been nominated by President Trump and I am thankful for the opportunity to have met individually with many of you following my nomination. This Committee's support and commitment to our Nation's veterans and their families are encouraging and greatly appreciated.

I am joined here today by my husband Benjamin Bonzanto, an Army combat veteran, who served in Operation Iraqi Freedom and Operation Enduring Freedom; my twins, Lilliana and Sophia; and my mentor, Dr. BethAnn Swan, my nurse colleague. My eldest daughter, Alexandra, is not here, and I want to wish her well on her first day in high school.

I am honored to be testifying before the U.S. Senate, and I want to tell you my American story. I grew up in Trinidad, in a poor area with poor prospects and limited educational opportunities. I migrated with my family to this great nation when I was 15 years

old. I am the eldest of four children and my parents could not afford my education beyond high school.

During a high school college fair, I told a Navy recruiter my dilemma, and he had a solution. On September 4, 2001, I enlisted in the U.S. Navy. I served as a Hospital Corpsman in a variety of roles and was honorably discharged in 2006. After active duty service, I earned my bachelor of science degree in nursing from Jefferson College of Nursing at Thomas Jefferson University in Philadelphia. I continued my work in health care with the Philadelphia Housing Authority as a nurse case manager.

In 2012, my passion for assisting servicemembers brought me back to the military as a contracted nurse case manager for the Army Reserves. While in this role, I became an expert in coordinating soldiers' health care between the Department of Defense, Department of Veteran Affairs, and civilian health care providers in 13 northeastern States.

In 2015, after my contract ended, I left my family in New Jersey and came to Capitol Hill when a nationwide VA health care access crisis was revealed. My unique blend of experiences and passion for the mission made me the ideal choice to become the House Veteran Affairs Subcommittee on Oversight and Investigation health care investigator.

In this role, I witnessed firsthand the work of VA employees and the impact it has on the everyday lives of our Nation's veterans. As a veteran and the wife of a combat veteran, I have seen and experienced the commitment of hardworking VA employees. As a veteran myself, I utilized the Post-9/11 GI bill to complete my undergraduate and graduate degrees in nursing. After my husband's combat tours, he also accessed health care services and used his Post-9/11 GI Bill benefits to complete a graduate degree. After service to our country, we relied on VA for services and benefits to help us integrate into civilian life.

Professionally, I have worked with countless service men and women, veterans and their families to coordinate care and services with VA. I know and understand the importance of VA's mission. As a nurse, I have seen the struggles servicemembers experience when integrating into civilian life after war and military service. I can say from personal experience that the battle continues after our servicemembers return home.

I have been asked on numerous occasions, why do you want this position? I have put much thought into this, and I know this will not be an easy task. I have agreed to take on this mission because my fellow veterans deserve a health care and benefits system where there is trust, advocacy, transparency, and accountability. Every era of veterans have struggled at some point to access services within VA. I do not want history to keep repeating itself.

We need to change our approach to serving veterans, and I see this office as a catalyst for changing the culture in VA. As a registered nurse, I understand the importance of having transparency, advocacy, and accountability in health care. The Office of Accountability and Whistleblower Protection has the potential to improve communication and employee engagement, build trust, enhance advocacy, and improve transparency with both VA employees and the veterans they serve. I see many opportunities to bring stakeholders

from all aspects of VA to the table to have a meaningful dialog about improving the delivery of services.

Whistleblowers have been an essential part of our oversight work in Congress and I value their commitment to improving care and services for my fellow veterans. I want VA to be a place where an employee can trust that their chain of command will be honest and have integrity.

Veterans and employees should feel safe reporting concerns about the services they receive. If confirmed, I pledge to work with the Secretary and internal stakeholders to improve customer service and the culture of VA and improve communication with external stakeholders, including the Office of Special Counsel, the VA's Office of Inspector General, the Government Accountability Office, and Congress. I am also committed to improving and developing policies and processes to guide OAWP operations as well as improve OAWP staff training. That is a key point.

I am committed to continuing advocating for veterans and VA employees. I know what it takes to leave your family and serve in the military. I want all veterans to know that after their service, the VA will be here to fulfill President Lincoln's promise, "To care for him who shall have borne the battle, and for his widow, and his orphan."

Thank you all for this opportunity, and I look forward to your questions.

[The prepared statement of Ms. Bonzanto follows:]

PREPARED STATEMENT OF DR. TAMARA BONZANTO, RN, DNP, NOMINEE TO BE ASSISTANT SECRETARY FOR ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION, U.S. DEPARTMENT OF VETERANS AFFAIRS

Chairman Isakson, Ranking Member Tester, and Distinguished Members of the Committee on Veterans Affairs, I want to thank you for the opportunity and privilege to come before you and seek your endorsement to serve as the Assistant Secretary of VA Office of Accountability and Whistleblower Protection. I am honored to have been nominated by President Trump, and I am thankful for the opportunity to have met individually with many of you following my nomination. This Committee's support and commitment to our Nations veterans and their families are encouraging and greatly appreciated.

I am joined here today by my husband Benjamin Bonzanto, an Army Combat Veteran, who served in Operation Iraqi Freedom and Operation Enduring Freedom, my twins Lilliana and Sophia, my brother Christopher, and my mentor Dr. BethAnn Swan. My eldest daughter Alexandra is not here, and I want to wish her well on her first day in high school.

I am honored to be testifying before the U.S. Senate, and I want to tell you my American story. I grew up in Piporo, a small village in Trinidad, in a poor area with poor prospects and limited educational opportunities. I migrated with my family to this great nation when I was fifteen years old. I am the eldest of four children and my parents could not afford my education beyond high school. During a high school college fair, I told a Navy recruiter my dilemma, and he had a solution—on September 4th, 2001, I enlisted in the U.S. Navy and was on my way to boot camp. I served as a Hospital Corpsman in a variety of roles and was honorably discharged in 2006. After active duty service, I earned my Bachelor of Science degree in nursing from the Jefferson College of Nursing at Thomas Jefferson University in Philadelphia. I continued my work in healthcare with the Philadelphia Housing Authority as a nurse case manager.

In 2012 my passion for assisting servicemembers brought me back to the military as a contracted nurse case manager for the Army Reserves. While in this role I became an expert in coordinating soldiers' healthcare between the Department of Defense, Department of Veteran Affairs, and civilian health care providers in 13 north-eastern states. I also served as a medical readiness advisor to the Army Reserves in the Northeast Region.

In 2015, after my contract ended, I left my family in New Jersey and came to Capitol Hill when a nationwide VA health care access crisis was revealed. My unique blend of experiences and passion for the mission made me the ideal choice to become the House on Veterans' Affairs Subcommittee on Oversight and Investigation, healthcare investigator. During my time on the Committee, I was also committed to continuing my education and completed a Master of Science in Nursing and Doctor of Nursing Practice-Community Systems Administration.

In this role, I witnessed first-hand the work of VA employees and the impact it has on the everyday lives of our Nation's Veterans. As a Veteran and the wife of a combat Veteran, I have seen and experienced the commitment of hardworking VA employees. As a veteran myself, I utilized the Post-9/11 GI Bill to complete my undergraduate and a graduate degrees in nursing. After my husband's combat tours, he also accessed healthcare services and used his Post-9/11 GI Bill benefits to complete a graduate degree. After service to our country, we relied on VA for services and benefits to help us integrate into civilian life. Professionally, I have worked with countless service men and women, veterans and their families to coordinate care and service with VA. I know and understand the importance of VA's mission. As a nurse, I have seen the struggles servicemembers experience when integrating into civilian life after war and military service. I can say from personal experience that the battle continues after our Soldiers and Sailors return home. The physical, psychological and emotional wounds of war haunt our service men and women years after service and VA has a critical role to in delivering quality healthcare and timely benefits.

I have been asked on numerous occasions, why do you want this position? I have put much thought into this, and I know this will not be an easy task. I agreed to take on this mission because my fellow veterans deserve a healthcare and benefits system where there is trust, advocacy, transparency, and accountability. Every era of veterans have struggled at some point to access services within VA, and I do not want history to keep repeating. We need to change our approach to serving veterans, and I see this office as the catalyst for changing the culture in VA. As a Registered Nurse, I understand the importance of having transparency, advocacy, and accountability in healthcare. The Office of Accountability and Whistleblower Protection has the potential to improve communication and employee engagement, build trust, enhance advocacy and improve transparency with both VA employees and the Veterans they serve. I see many opportunities to bring stakeholders from all aspects of VA to the table to have meaningful dialogs about improving the delivery of services.

If confirmed I am committed to collaborating with both internal and external stakeholders to support a working environment where employees feel safe identifying concerns and comfortable with the processes for reviewing or investigating concerns.

Whistleblowers have been an essential part of our oversight work in Congress, and I value their commitment to improving care and services for my fellow veterans. I want VA to be a place where an employee can trust that their chain of command will be honest and have integrity. Veterans and employees should feel safe reporting concerns about the services they receive.

In the next few months, the Veteran's Health Administration will be undergoing significant transformation, with the planning and implementation of the Mission Act, Caregiver expansion, transformative IT Modernization and the implementation of the Electronic Health Records Program. The Veterans Benefits Administration will be focused on reducing the claims and appeals backlog. We cannot afford to keep the status quo; we need all hands on deck committed to executing the President's and the Secretary's priorities for our Nation's Veterans.

If confirmed, I pledge to work with the Secretary and internal stakeholders to improve customer service and the culture of VA and improve communication with external stakeholders, including Office of Special Counsel, the VA Office of Inspector General, the Government Accountability Office and Congress. I am also committed to improving collaboration with VA Human Resources and Administration to develop policies and processes to guide OAWP operations and improve OAWP staff training.

Serving this country provided me with the opportunity to become educated and live my American dream. I understand the importance of public service and as a nurse I am passion about caring for people.

I am committed to continuing advocating for veterans and VA employees. I know what it takes to leave your family and serve in the military. My shipmates became my family when I joined the Navy, and I have lifelong brother and sisters who are still serving this great country. I want them and all Veterans to know that after

their service, the VA will be here to fulfill President Lincoln's promise "To care for him who shall have borne the battle, and for his widow, and his orphan."
Thank you all for this opportunity, and I look forward to your questions.

[The Committee questionnaire for Presidential nominees follows:]

Revised December 2016

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>
Assistant Secretary for Accountability and Whistleblower Protection	20 JUL 2018

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
TAMARA	NO MIDDLE NAME	BONZANTO	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 337 CANNON HOUSE OFFICE BUILDING		
City: CROFTON	State: MD	Zip: 21114	City: WASHINGTON	State: DC	Zip: 20515

<i>Other Names Used</i>							
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	Check if Maiden Name	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)	
TAMARA		CHOTALAL		X	8/1983 Est <input type="checkbox"/>	10/2002 Est <input type="checkbox"/>	
TAMARA		MUDRINIC			10/2002 Est <input type="checkbox"/>	12/2009 Est <input type="checkbox"/>	

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day)	Place of Birth
1983	SAN FERNANDO, TRINIDAD

<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</i> (current spouse only)			
<u>Spouse's First Name</u>	<u>Spouse's Middle Name</u>	<u>Spouse's Last Name</u>	<u>Spouse's Suffix</u>
BENJAMIN	MARTINI	BONZANTO	

<i>Spouse's Other Names Used</i> (current spouse only)						
<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)
N/A					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
First Name	Middle Name	Last Name	Suffix
N/A- children are under 18			

2. Education

List all post-secondary schools attended.

Name of School	Type of School (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	Date Began School (month/year) (check box if estimate)	Date Ended School (month/year) (check box if estimate) (check "present" box if still in school)	Degree	Date Awarded
NAVAL HOSPITAL CORPS SCHOOL, IL	MILITARY SCHOOL	11/2001 Est <input type="checkbox"/>	3/2002 Present <input type="checkbox"/>	N/A	
THOMAS NELSON COMMUNITY COLLEGE, VA	COLLEGE	1/2005 Est <input type="checkbox"/>	6/2005 Present <input type="checkbox"/>	N/A	
BURLINGTON COUNTY COLLEGE, NJ	COLLEGE	6/2006 Est <input type="checkbox"/>	8/2008 Present <input type="checkbox"/>	NA	
JEFFERSON COLLEGE OF NURSING, THOMAS JEFFERSON UNIVERSITY, PA	COLLEGE	9/2008 Est <input type="checkbox"/>	5/2010 Present <input type="checkbox"/>	Bachelors of Science in Nursing	5/2010
RUTGERS UNIVERSITY, NJ	COLLEGE	1/2014	5/2016	N/A	
JEFFERSON COLLEGE OF NURSING, THOMAS JEFFERSON UNIVERSITY, PA	COLLEGE	6/2016	11/2017	Masters of Science in Nursing-Community System Administration	11/2017
JEFFERSON COLLEGE OF NURSING, THOMAS JEFFERSON UNIVERSITY, PA	COLLEGE	9/2017	PRESENT	PENDING-Doctorate Of Nursing Practice-Community Systems Administration	

3. Employment

4. (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)	
				Month	Year	Month	Year
Federal Employment-Legislative Branch	U.S. House of Rep. Committee on Veterans' Affairs	Healthcare Investigator	Washington D.C.	06/2015	Est <input type="checkbox"/>	Est <input type="checkbox"/>	Present <input checked="" type="checkbox"/>
Federal Contractor- US Army Reserves	Professional Developmental Group	Nurse Case Manager	Joint Based Maguire-Dix-Lakehurst, NJ	06/2014	Est <input type="checkbox"/>	6/2015	Est <input type="checkbox"/>
Federal Contractor-US Army Reserves	ERP International	Nurse Case Manager	Joint Based Maguire-Dix-Lakehurst, NJ	2/2013	Est <input type="checkbox"/>	6/2014	Est <input type="checkbox"/>
Federal Contractor-US Army Reserves	ATC Healthcare	Nurse Case Manager	Joint Based Maguire-Dix-Lakehurst, NJ	07/2017	Est <input type="checkbox"/>	02/2013	Est <input type="checkbox"/>
Unemployed			Riverside NJ	05/2011	Est <input type="checkbox"/>	07/2012	Est <input type="checkbox"/>
Federal Employment	Philadelphia Housing Authority	Nurse Case Manager	Philadelphia, PA	10/2010		08/2011	
Unemployed			Philadelphia PA	5/2010		10/2010	
College	Thomas Jefferson University-Jefferson College of Nursing		Philadelphia PA	09/2008		5/2010	

Non-Government	Cooper University Hospital	Practice Coordinator	Cherry Hills NJ	08/2007	08/2008
College	Burlington County College		Pemberton NJ	06/2006	08/2008
Military	U.S. Navy Portsmouth Naval Hospital VA	Hospital Corpsman	Portsmouth VA	01/2005	06/2006
Military	U.S. Navy Naval Healthcare New England	Hospital Corpsman	Newport RN	03/2002	12/2004
Military	U.S. Naval Training Command	Naval Recruit	Great Lakes IL	04/2001	03/2002

(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> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
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"/>
		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.

Nursing Honor Society- Sigma Theta Tau International Honor Society of Nursing-Delta Rho Chapter

Military Service- National Defense Service Medal, Global War on Terrorism Service Medal
Award- Jefferson College of Nursing's Alumni Emerging Leader Award (2017)

Academic Scholarships- Thomas Jefferson University Jefferson College of Nursing- Friends of West Park Scholarship (Spring 2017), Mabel C. Prevost Scholarship (Fall 2016)

5. Memberships

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

Professional Membership- Sigma Theta Tau International Honor Society of Nursing-Delta Rho Chapter

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>
N/A.		

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</u> (if applicable)
N/A			

(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.

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

(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>
None to report		

7. Publications

List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet.

The only portfolio of my writings I maintain are course requirements for my graduate degree program. Link <https://portfolium.com/tbonzanto>. This information is not publically published.

I current have no professionally published work. However, my current doctoral practice inquiry project is to examine registered nurses capacity to deliver culturally competent health care to veterans and their families in a community health system. My data collection is completed and I am in the analysis phase and expect to present my findings to my project committee in August. This is an educational requirement to be awarded a degree.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
N/A		

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. None to Report

(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.

- May 2016- Philadelphia, PA- Jefferson College of Nursing 125th Anniversary Alumni Panel
 - o 125 Years: From Tradition to Tomorrow ... Looking Back, Leading Forward.
- December 2017- Towson, MD- Towson University Department of Nursing
 - o Nursing Leadership Panelist
- March 2018- Washington DC- American Association of Colleges of Nursing
 - o On the Hill: Nursing's Contribution to Shaping Policy

(C) List all interviews you have given to newspapers, magazines or other publications, and radio or television stations (including the dates of such interviews). None to Report

9. Agreements or Arrangements

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

In the past ten years, have you 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

[A letter from the Office of Government Ethics follows:]

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



August 3, 2018

The Honorable Johnny Isakson
Chairman
Committee on Veterans' Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Tamara Bonzanto, who has been nominated by President Trump for the position of Assistant Secretary for Accountability and Whistleblower Protection, Department of Veterans Affairs.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

DAVID APOL

David J. Apol
General Counsel

Digitally signed by DAVID
APOL
Date: 2018.08.03 16:08:32
-04'00'

Enclosures



[Letter from Tamara Bonzanto to the Office of General Counsel,
U.S. Department of Veterans Affairs:]

July 30th, 2018

Ms. Catherine C. Mitrano
Deputy General Counsel
Designated Agency Ethics Official
U.S. Department of Veterans Affairs
Washington, D.C. 20420

Dear Ms. Mitrano,

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Assistant Secretary, Office of Accountability and Whistleblower, U.S. Department of Veterans Affairs.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), or obligations of the United States.

I will meet in person with you during the first week of my service in the position of Assistant Secretary in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

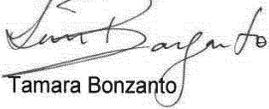
I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

2.

Ms. Catherine C. Mitrano

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely yours,



Tamara Bonzanto

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO TAMARA BONZANTO, NOMINEE TO BE ASSISTANT SECRETARY FOR ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. Please describe your background and qualifications to be Assistant Secretary for Accountability and Whistleblower Protection.

Response. In my current role as a Health Investigator for the House Veterans' Affairs Committee, I have worked extensively with VA whistleblowers and Veterans. In the last three years I have conduct site visit and Congressional staff visits to VA facilities across the country to review and investigate multiple VA programs. I also recently completed a Doctor of Nursing Practice degree focused on Community Systems Administrations. Evidence-based practices guide my practice, and I have used my skills as a Registered Nurse to collect, review, investigate and refer cases to the VA OIG, the Office of Special Counsel and the Government Accountability Office.

Question 2. Please describe your understanding of the role of the Assistant Secretary for Accountability and Whistleblower Protection at the Department of Veterans Affairs (VA) and how you would fulfill that role if confirmed.

Response. As a Registered Nurse, I understand the importance of having transparency, advocacy, and accountability in healthcare. This role presents the opportunity to build trust, enhance advocacy and improve transparency with both VA employees and the Veterans they serve. If confirmed, I am committed to collaborating with both internal and external stakeholders to support a working environment where employees feel safe identifying concerns and are comfortable with the processes for reviewing or investigating concerns.

Question 3. What experience have you had working with whistleblowers and how would that experience inform your work as Assistant Secretary for Accountability and Whistleblower Protection, if confirmed?

Response. Over the last few years, my interactions with whistleblowers included phone calls, emails, fax, mail and face to face contact during oversight visits or in Washington D.C. I have worked extensively with whistleblowers to review evidence and also refer their cases to the appropriate entities. Whistleblowers have been an essential part of our oversight work, and I value their commitment to improving care for veterans.

Question 4. If confirmed, what would be your priorities as the first Assistant Secretary for Accountability and Whistleblower Protection at the VA?

Response. If confirmed, I pledge to work with the Secretary and internal stakeholders to improve customer service and the culture of VA, improve communication with external stakeholders, including OSC, VA OIG, GAO and Congress, improve collaboration with VA Human Resources and Administration and develop policies and processes to guide OAWP operations and improve OAWP staff training.

Question 5. Please explain your experience with investigating wrongdoing in government agencies and how that experience would help you lead the Office of Accountability and Whistleblower Protection.

Response. In my current role on the House Veterans' Affairs Committee, I have reviewed evidence files, conducted site visits, met with witnesses, investigated allegations of wrongdoings and worked with Congressional stakeholders. I understand the importance of transparency and building trust within the organization. I have

worked extensively to collecting evidence and referring cases to VA OIG, OSC, and the Government Accountability Office.

Question 6. If confirmed, how would you plan to work with Congress to ensure it is kept aware of challenges related to accountability and protecting whistleblowers in the VA?

Response. If confirmed, I plan to have regular briefings to Congress on OAWP operations, policies, and procedures. I also will ensure the timely submission of all congressionally mandated reports on the office.

Question 7. Have you met with Secretary Wilkie, and if so, how did that meeting inform your expectations of what your role would be at VA if confirmed?

Response. No. I have had no conversations with Secretary Wilkie regarding this role. However, if confirmed, I plan to regularly meet with the Secretary to provide advice and receive direction.

Question 8. Do you believe the Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017 provides VA with all the tools it needs to sufficiently hold its employees accountable and protect whistleblowers who are trying to improve the Department?

Response. Yes.

Question 9. If confirmed, what kind of working relationship would you seek with VA's Inspector General and with the Office of Special Counsel? How would you like to see these offices work with VA's Office of Accountability and Whistleblower Protection to make sure VA is serving veterans?

Response. If confirmed, I am committed to collaborating and communicating with the VA OIG and the Office of Special Counsel. In my current role on the House Veterans' Affairs Committee, I have referred cases to both of these agencies and have been in numerous briefing with the staff. I currently have a positive working relationship with VA OIG and OSC.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO TAMARA BONZANTO, NOMINEE TO BE ASSISTANT SECRETARY FOR ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. Why do you seek this position?

Response. I seek this position to help address concerns related to accountability and whistleblower protection. Over the last three years, I have worked with numerous Veterans and VA employees to address administrative barriers to getting responses to inquiries within VA.

As a Registered Nurse, I understand the importance of having transparency, advocacy, and accountability in healthcare. This role presents the opportunity to build trust, enhance advocacy and improve transparency with both VA employees and the Veterans they serve. If confirmed, I am committed to collaborating with both internal and external stakeholders to support a working environment where employees feel safe identifying concerns and are comfortable with the processes for reviewing or investigating concerns.

Question 2. Please describe your understanding of VA's mission. In your response, please describe how you would use the position for which you have been nominated to further that mission.

Response. VA's mission is "To fulfill President Lincoln's promise "To care for him who shall have borne the battle, and for his widow, and his orphan" by serving and honoring the men and women who are America's Veterans." This mission statement is clear, and as a Veteran and wife of a combat Veteran, I have first-hand experience of how VA cares for and provides benefits to Veterans. My husband completed several tours in Operation Iraqi Freedom and Operation Enduring Freedom. VA health services and benefits allowed him the opportunity to get healthcare and earn a graduate degree. As a Veteran myself, I utilized the Post-9/11 GI Bill to complete undergraduate and graduate degrees in nursing. After service to our country, we relied on VA to help us integrate into the civilian workforce. Professionally, I have worked with Veterans and their families to coordinate care and service with VA. If confirmed, I will use this office to help improve transparency and build public trust. I am committed to working with all stakeholders to ensure Veterans receive quality health care and services they deserve.

Question 3. Have you spoken to the Secretary about his expectation for what your role would be within his team? If yes, what was discussed?

Response. No. I have not had any conversations with Secretary Wilkie regarding this role.

Question 4. Have you spoken to the President or anyone at the White House about what your role would be within the Administration? If yes, what was discussed?

Response. Yes. I met with Presidential Personnel Office staff as part of the interview process. We discussed my qualifications and relevant work experiences.

Question 5. On matters of policy, do you believe you will be receiving direction from the Secretary or someone at the White House?

Response. Yes.

Question 6. What are your top three specific and measurable goals as Assistant Secretary of Accountability and Whistleblower Protection and how would you achieve them?

Response. If confirmed I hope to accomplish these items within the first 90 days:

- Complete an analysis of the current office.
 - i. Identify the organization strengths, weaknesses, opportunities and threats related to internal and external factors and evaluate current staffing models
- Improve internal and external stakeholder engagement and communication.
 - i. Meeting with stakeholders to discuss expectations and ways to improve communication and engagement
- Collaborate with Human Resources and Administration to develop standardized staff training to enhance awareness about OAWP roles and responsibilities.
 - i. Use clearly defined processes and guidelines so employees and managers can have a clear understanding of their rights as a whistleblower.

Question 7. Please describe your prior interactions with labor unions, whether public or private. What is your experience in dealing with unions or employees who have collective bargaining rights? If confirmed, what will be your plan to work with employee unions? Do you believe they play an important role in bridging communication between VA employees and management?

Response. In my current role on the House Veteran Affairs' Committee, I have met with multiple local union leaders and members. During site visits, whistleblowers occasionally request their union representative be present during our meetings. If confirmed, I am committed to collaborating with my VA colleagues within the Office of Human Resources and Administration to cultivate engagement and improve communication with union employees.

Question 8. How do you anticipate building and maintaining a positive relationship with the Department's Inspector General, who plays a key role in making sure taxpayer dollars are spent wisely? Please describe your dealings with Inspectors General previously. Did those experiences color your view of the work of the OIG?

Response. If confirmed, I am committed to regularly collaborating and communicating with the VA OIG. In my current role, I have referred cases to the IG and have been in numerous briefings with the staff. I currently have a positive working relationship with the VA OIG staff.

Question 9. How do you anticipate building and maintaining a positive relationship with the Office of Special Counsel, which assists in protecting Federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing. Please describe your dealings with OSC previously. Did those experiences color your view of OSC's work?

Response. I currently have a working relationship with staff from the Office of Special Counsel. As part of my current role, we have met to discuss VA case loads and whistleblower retaliation. I do not anticipate any problems collaborating on issues related to VA employees.

Question 10. Earlier this year, the Department released a statement that said in part, "[E]mployees who were wedded to the status quo and not on board with this administration's policies or pace of change have now departed VA." Is such a statement the right message to be sending to rank and file VA employees? Potential employees? Whistleblowers?

Response. I read this message, and the context highlights that employees who are not aligned with the mission of VA have departed. In my opinion, employees in any organization have the right to leave an organization if they do not believe in the mission.

Question 11. VA oftentimes has difficulty recruiting medical professionals into the system in the face of frequent negative media reports about the Agency. How would you use the Office of Accountability and Whistleblower Protection as a positive factor in recruiting these individuals? How would you use your experiences as a committee staff member to assist in improving recruitment and retention of these critical professionals?

Response. If confirmed, I am committed to working with HR&A leadership to improve the retention of employees. I will also use my experience as a Health Investigator to be a voice for both employees and Veterans. I have conducted numerous oversight visits, and this experience has taught me that we need to listen to employees and Veterans. I believe having meaningful dialogs will improve communication and transparency.

Question 12. If confirmed, what will you do to foster an environment that allows employees with concerns to be able to express them?

Response. If confirmed, I will work with VA's Patient Advocacy Office and VA's human resources department to improve customer service. I will also work to ensure that employees have the opportunity to communicate with leadership through town-halls and online forums.

Question 13. Describe your previous management experience, to include the number of employees you supervised or managed. Of those experiences, which have best prepared you to succeed in the office for which you have been nominated?

Response.

- Hospital Corpsman—Responsible for coordinating training and maintenance of training records for approximately 25 servicemembers, was also the safety coordinator for the primary care practice.

- Practice Coordinator of Internal Medicine Clinic—directly supervised ten front-line employees and was responsible for the oversight of 5 physicians in the practice.

- Ave Elderly and Disabled Services, Nurse Manager—I assumed the responsibility and accountability for all the nursing care of 30 clients that attend the adult day center. Supervised licensed nurse and 3 certified nursing personnel in the delivery of therapeutic care daily. Also completed care plans, comprehensive assessments and deliver care accordingly.

- Contract Nurse Case Manager—Managing contract nursing team of 5 nurses and advised military commanders about Soldiers medical readiness. At any given time, I was responsible for case managing 150–175 Soldiers in 13 northeastern states. Responsible for coordinating care between DOD, VA and civilian health systems.

- I can manage cases remotely and oversee my patient's care in multiple health systems. The complexity of these cases often varied and required me to be flexible and adaptable. My experiences as a nurse on the Committee have broadened my knowledge about VA's operations and accountability issues. As a registered nurse, my approach to problem-solving has always been evidence-based, and I intend to use this approach if confirmed as the Assistant Secretary for OAWP.

Question 14. What is your management style? Are you a “hands-on” manager? Do you rely on significant delegation? Do you seek consensus before making a decision or do you generally gather relevant information and input, and then make a decision?

Response. I am a transformational leader, and I believe that good performance should be recognized. I also believe in creating a trusting working environment which fosters open communication.

Question 15. How would your prior subordinates describe your management style?

Response. They would say I am trustworthy and transparent.

Question 16. Do you agree that VA employees have an absolute right to petition or communicate with Members of Congress and congressional staff about matters related to VA matters and that right may not be interfered with or denied?

Response. Yes.

Question 17. What would you do to ensure that Members of Congress are advised in advance of problems, issues, and emerging matters?

Response. I will ensure the Secretary is aware of critical issues that Congress should be aware of and then follow his guidance for informing members and their staff.

Question 18. Do you agree to supply the Committee with such non-privileged information, materials, and documents as may be requested by the Committee in its oversight and legislative capacities if confirmed?

Response. Yes. I agree to respond appropriately to such Committee requests.

Question 19. In response to question 9 of the Committee's Questionnaire for Presidential Nominees, you noted three nursing-related public statements. As a staffer on the Committee on Veterans' Affairs, did you ever provide any other remarks, lectures, panel discussions, conferences comments, political speeches or participate in any question-and-answer sessions in your capacity as a staff member of that Committee?

Response.

- Nurse Organization of Veteran Affairs Legislative Round Table—3/16/2018
 - i. I did not provide any statements for the record
- I staffed committee members during roundtable discussions or committee hearings.

Question 20. There are reports that the Administration, through the Office of General Counsel or other individuals, has ordered agencies to not provide responses to Democrats' information requests. If you were to receive such an order, what would you do? Have you participated in or been aware of any communications where this topic was discussed? Please provide details on the participants in this discussion, the substance of the discussion, and any outcomes.

Response. I am not aware of any such conversations.

Question 21. Please describe your interactions with whistleblowers during your time working on the Committee on Veterans Affairs.

Response. Over the last three years, my interactions with whistleblowers included phone calls, emails, fax, mail and face to face contact during oversight visits or in Washington D.C.

Question 22. Have you recused yourself from interactions with whistleblowers since being nominated?

Response. No.

Question 23. Since your nomination, have you engaged in any Committee oversight business or inspections at locations that may be the subject of OAWP investigations?

Response. Since my nomination, I have conducted oversight visits within VA. I cannot speak to any OAWP investigation at the sites I visited.

Question 24. Do you believe that facility leadership is capable of performing unbiased investigations into whistleblower complaints at their own facilities?

Response. No.

Question 25. Do you believe whistleblower retaliation occurs at VA and what will you do to address it?

Response. Yes. I will use my skills to assess the evidence, evaluate the action taken and give my recommendation to the Secretary.

Question 26. Have you used your position on the Committee to further the interests or treatment of yourself or your family members?

Response. No.

Question 27. Given your role and experience on the Committee, please explain your perspective on Congressional Oversight, and how it will shape your work if confirmed as Assistant Secretary?

Response. Congressional oversight is a necessary part of the American system of checks and balances. Committee oversight allows Congress to review and monitor programs, activities and policy implementation within the executive branch. I understand the importance of transparency and collaboration with Congressional partners. It is vital that executive leadership communicate with lawmakers on issues impacting constituents.

Question 28. Do you believe that whistleblowers should have access to final investigative reports on their disclosures?

Response. I believe that VA OIG reports and the Office of Special Counsel final reports are public interest documents. I do believe that there should be a level of transparency of feedback to the whistleblower, which should be dependent on the type of disclosure.

Question 29. A recent GAO report found that VA maintains 12 different information systems in which partial data are collected related to employee misconduct and disciplinary actions. They further found that every single one of those systems had data-reliability issues. How will you, if confirmed, work to turn OAWP into the repository of this type of data, as was intended by the law that created the office?

Response. I understand the importance of tracking disciplinary action and will work with VA human resources department and VA office of General Counsel to implement a standardized process for tracking senior employees' misconduct case files and disciplinary actions.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. SHERROD BROWN TO TAMARA BONZANTO, NOMINEE TO BE ASSISTANT SECRETARY FOR ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION, U.S. DEPARTMENT OF VETERANS AFFAIRS

Ms. Bonzanto, I have some concerns that VA has used this new authority to fire low-level employees with marginal offenses, not the senior managers who have had egregious offenses. Over 2,700 employees have been fired since last July.

Question 1. Can you walk me through your understanding of how the VA Accountability and Whistleblower Protection Act has been implemented?

Response. OAWP receives, reviews and refers whistleblowers disclosures; referrals from other entities; and recommendations from reports. The staff also investigates allegations of misconduct, poor performance or retaliation involving VA senior leaders. It is my understanding that claims of retaliation involving non-senior leaders are referred to the administrations for review and investigation, but actions taken are required to be sent to OAWP for data capture.

Question 2. We have heard that facilities are no longer using performance improvement plans or progressive discipline, if confirmed will you commit that VA will once again use these tools to address employee performance, instead of firing?

Response. Yes.

Question 3. Will you commit to addressing that?

Response. I believe that VA is already addressing how performance issues can be addressed without reinstating the PIP.

Question 4. Will you commit to keeping the Committee informed on any changes to the Office's policies and update us on how VA continues to implement the law, including sending information related to adverse actions taken against whistleblowers, the position and grade of the employees, and whether the Office of Special Counsel was involved?

Response. If confirmed, I will ensure OAWP continues to implement and enforce the whistleblower protections in the Accountability and Whistleblower Protection Act under 38 U.S.C. Section 714. I will ensure the Committee is timely informed of activity under this provision.

Question 5. Will you provide timely information to my office and the Committee?

Response. Yes.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO TAMARA BONZANTO, NOMINEE TO BE ASSISTANT SECRETARY FOR ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION, U.S. DEPARTMENT OF VETERANS AFFAIRS

SUPERVISOR TRAINING

There are troubling reports that nearly 17% or 2,500 management posts are vacant. The malign neglect of the VA workforce denies veterans meaningful choice for their health care, as the failure to adequately staff VA medical facilities pushes veterans out to private contractors who are not held accountable for quality and prompt treatment as the VA is by the law that established the Office of Accountability and Whistleblower Protection. The failure to hire managers places immense burden on the supervisors and managers that remain, working tirelessly to save the system.

Section 209 of the law that authorized the office to which you are nominated requires VA to invest in periodic training to supervisors on: (a) the rights of whistleblowers and how to address a report of a hostile work environment, reprisal, or harassment, (b) how to effectively manage employees and (c) access assistance from the human resources office and General Counsel of the Department to address employees who are performing at an unacceptable level.

Question 1. Have supervisor training programs been robustly implemented as required by the law? If confirmed, what are your specific plans to improve management training to make VA first preference in the Nation for all healthcare employees?

Response. If confirmed, I am committed to continuing the current robust senior leader training and the development of the employee training. Recognizing that the statute called for "face-to-face" training for all employees, I will rigorously support the development of "train-the-trainer" programs to meet that every two-year requirement.

Question 2. Can you please identify the dates that these supervisor training programs took place at the West Haven VA and a description of the training that took place?

Response. If confirmed, I am will commit to following up on this issue and providing you a response.

POLITICAL INTERFERENCE

If confirmed, you will be statutorily responsible for reporting to this Committee next year on the effectiveness of the VA Accountability and Whistleblower Protection Act of 2017. I am concerned that the law is being applied in an inconsistent and inappropriate manner.

Question 3. Will you commit as part of that report, to address the ability of our legislation to protect Senior VA Executives from the corrosive impact of political interference from the so called “Mar-A-Lago” cronies on “the morale, engagement, hiring, promotion, retention, discipline, and productivity of individuals in senior executive positions at the Department of Veterans Affairs?”

Response. Yes.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. MAZIE K. HIRONO TO TAMARA BONZANTO, NOMINEE TO BE ASSISTANT SECRETARY FOR ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION, U.S. DEPARTMENT OF VETERANS AFFAIRS

SEXUAL HARASSMENT HISTORY

To ensure the fitness of nominees for any of our appointed positions, I ask every nominee who comes before me to answer the following two questions:

Question 1. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?

Response. No. I have not.

Question 2. Have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Response. No. I have not.

ACCOUNTABILITY OF VA MANAGEMENT

Question 3. You state in your testimony that “whistleblowers have been an essential part of our oversight work in Congress, and I value their commitment to improving care and services for my fellow veterans. I want VA to be a place where an employee can trust that their chain of command will be honest and have integrity.” Could you elaborate on how you will ensure that whistleblowers and the rank and file workers at VA, many of whom are veterans themselves, can have the confidence to know that their management chain of command will be held to this standard?

Response. If confirmed, I am committed to working with VA’s Office of Human Resources & Administration to improve the leadership development and relationship, responding to employees who have made disclosures is the prime issue that OAWP performs in a timely manner, and I will remain committed to the values required to promote trust within the system.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JOE MANCHIN III TO TAMARA BONZANTO, NOMINEE TO BE ASSISTANT SECRETARY FOR ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. Last October, *The Washington Post* reported that a culture of retaliation against whistleblowers has continued at the VA in spite of the passage of the VA Accountability and Whistleblower Protection Act. Do you believe that a culture of retaliation against whistleblowers exists at the VA and, if so, does it exist at local hospitals and offices, at central office, or both? Also, as Assistant Secretary what policies will you be implementing to create an atmosphere in which VA staff will be comfortable coming forward?

Response. Based on my experience as a Health Investigator on the House Committee on Veteran Affairs, I believe that retaliation against VA employees sometimes happens at the local and senior levels in VA. If confirmed, I am committed to creating a system in place where employees can file complaints anonymously and at the same time improve employees’ awareness of their rights. I also understand that many of those that claim retaliation are not recognized as whistleblowers, or have pending disciplinary action against them when they have “claimed” a disclosure. OAWP’s current application of the law is in line with intent, and I promise to continue to work initiatives that are fixing multiple portals of disclosure, the

Whistleblower Re-Integration Program, and the continued education to all levels of senior leadership the roles, responsibilities and rights that they should know to successfully engage this spectrum of issues.

Question 2. Your experience as a Navy Corpsman from 2001–20016, nurse case manager for the army reserves 2012–2015, and most recently as a health care investigator for the House Veterans Affairs Subcommittee on Oversight has given you a great deal of hands-on experience. Given your experience on both the DOD and VA sides what policies have you found are ineffective, and what would you change to implement a positive change? What obstacles do you see to implementing these changes, and how could Congress be helpful moving forward?

Response. Improving communication and care coordination between DOD and VA are the most critical steps to enhance Servicemember and Veteran health and benefits. Currently, the implementation of the EHR between DOD and VA presents many opportunities to collaborate improve services for our veterans and their families. I would recommend there are incentives to coordinate health services between VA and DOD. Congress play a critical role by performing continuous oversight of the collaboration between both departments to ensure success.

Question 3. As Assistant Secretary you will be the executive in charge of a new and important office that exposes waste, fraud, and abuse and helps to ensure the welfare and safety of veterans using our VA hospitals. Leadership is vitally important for establishing a staff culture that fosters an engaged and highly functioning workforce. What experience do you have that is applicable to an executive level management position like this one?

Response. In my current role as a Health Investigator for the House Veterans' Affairs Committee, I have worked extensively with VA whistleblowers and Veterans. In the last three years, I have conduct numerous site visits to VA facilities across the country to review and investigate multiple VA programs. I also recently completed a Doctor of Nursing Practice degree focused on Community Systems Administrations. Evidence-based practices guide my performance, and I have used my skills as a Registered Nurse to collect, review, investigate and refer cases to the VA OIG, the Office of Special Counsel and the Government Accountability Office. I also advise committee members, their staff and other Members of Congress on issues related to veteran's health and benefits.

Question 4. In an ideal whistleblower case, the hope is that the whistleblower is an unimpeachable individual with no ulterior motives against the people they are whistleblowing against. However, I know that you've probably seen cases where the whistleblower isn't a perfect employee, and while they are an imperfect messenger, the message they are delivering is true and warrants a review. This makes the whistleblowing process complicated and often is what drags things out. How can the VA, and the government overall, improve the ways that they analyze these more complicated situations?

Response. In my experience on the Committee, I have seen these cases. I would recommend that the individual reviewing the complaint remain neutral. The evidence of the case should be carefully reviewed before final adjudication.

Chairman ISAKSON. Thank you, Ms. Bonzanto.
Mr. Gfrerer.

STATEMENT OF JAMES PAUL GFRERER TO BE ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. GFRERER. Chairman Isakson, Ranking Member Tester, and distinguished Members of the Committee on Veterans' Affairs, thank you for the opportunity to testify before you today and for your consideration of my nomination by President Trump to serve as Assistant Secretary of Information and Technology for the Department of Veterans Affairs.

I would like to start by thanking my wife, Julie, and as the Chairman asked, introduce my daughters, from left to right, Abigail, Emily, and Katie. With their love and support I am continuously grateful. Their example and that of countless military and veteran families and caregivers, whom I know, give true meaning

to Abraham Lincoln's statement and the VA's mission, "To care for him who has borne the battle, and their widow and orphan."

Growing up I was number seven of nine kids raised by depression-era parents in a middle-class family in St. Paul, MN. Life was good and simple, filled with school, sports, and church. My extended family consisted of many veterans, from World War II to Vietnam.

In World War II, my Uncles George and Carl served in the Army in Europe. My Uncle Ed was a Marine rifleman, landing on Tarawa and combat-wounded on Saipan. His wife, my Aunt Lorraine, was one of the earliest women Marines. My Uncle Roger was in the Air Force and my Uncle Jim in the Navy in the Korean War era, and finally, my cousin Bobby served as a Marine in Vietnam.

Just short of my 18th birthday, I entered the U.S. Naval Academy, and 4 years later graduated with a degree in computer science and a commission as a Second Lieutenant of the Marines. Over the next 28 years, I had the privilege to serve in combat and peacetime with men and women from all of the Armed Services, but principally leading Marines. From Desert Storm to Operation Iraqi Freedom, and supporting with teams in Operation Enduring Freedom, it was the privilege of a lifetime for a blue-collar Midwestern kid to serve his country.

Throughout my military service, I had differential assignments in training, IT, an Office of Inspector General, Corporate Fellow, founder of an Information Operations and Cyber command, and finally, in the U.S. Government Interagency. In these positions, the experience gained included understanding the intricacies of IT legacy systems and large-scale IT projects, the leadership, both good and bad, in guiding and resourcing projects, and the culture of organizations and the importance of collaboration.

Since leaving active duty, I have become a patient of the Veterans Health Administration and a customer of the Veterans Benefit Administration. Over the past 3 years, I have had the unique opportunity to view the VA as one of the nine million veterans who use its services, and in the same 3 years I have worked as an executive in the private sector doing IT and cybersecurity transformation for large commercial clients, further providing me with the experience and perspective to serve in the VA.

In the 21st century, we know that information technology undergirds all aspects of our life. VA IT has become a critical requirement that is central to the processes and productivity at the VA. Inherently, IT is about business transformation. As such, the business owners play a crucial role of working with IT to clearly define the requirements and implement the new system.

I have already met with leadership from the Veterans Health Administration and Veterans Benefits Administration, and in these initial meetings, heard their concerns. Within OI&T's Enterprise Program Management Office there is an Account Management Office that deals directly with the Administrations. If confirmed, they will be a direct priority of mine, including my own interaction with Administration leadership.

IT also requires a talented team of professionals to bring the experience and grit to demanding projects. As Secretary Wilkie stated in his testimony, one of his priorities is to change the culture of the

VA. I embrace my role in that effort and will support him fully. In today's employment market IT and cybersecurity positions are in high demand. People have a choice, and by my example and leadership, the hardworking women and men of OI&T need to feel part of a respected and high-functioning team.

My top three priorities would be a focus on: (1) stabilizing and streamlining core processes and platforms; (2) eliminating material weakness; and (3) institutionalizing new capabilities to drive outcomes. To measure progress my intent would be to use a roadmap with a comprehensive balanced scorecard for these broad goals and objectives supporting core internal customers and map to their projects. Finally, my intent is to ensure full measures of effectiveness and specific project leads to ensure progress and accountability by office and individual executive leaders.

In closing, Secretary Wilkie has also mentioned in his testimony that the Department has been well-resourced and that the time for excuses is over. He has established his priorities and set expectations, and, if confirmed, I look forward to joining the VA leadership team and executing his vision.

Mr. Chairman, I thank you and the Members of the Committee for the opportunity to appear today, and to be considered for this position. I look forward to answering your questions. Thank you.

[The prepared statement of Mr. Gfrerer follows:]

PREPARED STATEMENT OF JAMES P. GFRERER, NOMINEE FOR ASSISTANT SECRETARY,
INFORMATION & TECHNOLOGY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Chairman Isakson, Ranking Member Tester, and Distinguished Members of the Committee on Veterans Affairs, thank you for the opportunity to testify before you today and for your consideration of my nomination to serve as Assistant Secretary of Information & Technology for the Department of Veterans Affairs.

I'd like to start by thanking my wife Julie, and our three great kids. They are here today with their love and support for which I'm continuously grateful. Their example and that of countless military and Veteran families and caregivers, give true meaning to Abraham Lincoln's statement and the VA's mission, "to care for him who has borne the battle AND their widow and orphan."

Growing up I was number 7 of 9 kids raised by Depression-Era Parents in a middle-class family in St. Paul, Minnesota. Life was good and simple, with a busy life of school, sports, and Church. My extended family consisted of many Veterans—from World War II to Vietnam. In World War II, my Uncles George and Carl served in the Army in Europe. My Uncle Ed was a Marine rifleman landing on Tarawa and combat-wounded on Saipan. His wife, my Aunt Lorraine, was one of the first Women Marines. My Uncle Roger was in the Air Force and Uncle Jim in the Navy in the Korean War era, and my cousin Bobby served as a Marine in Vietnam.

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Throughout my military service, I had some differential assignments in training, IT, an Office of Inspector General, Corporate Fellow, founder of an Information Operations & Cyber command, and finally in the US Government Interagency at the Department of State. In these positions, the experience gained included understanding the intricacies of IT legacy systems and large scale IT projects, the leadership, both good and bad, in guiding and resourcing projects, and the culture of organizations and importance of collaboration.

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utive in the private sector doing IT and Cybersecurity transformation for large commercial clients, further providing me the experience and perspective to serve in the VA.

In the 21st Century we know that Information Technology undergirds all aspects of our life. VA IT has become a critical requirement that is central to the processes and productivity at the VA. Inherently, IT is about business transformation. As such, the business owners play a crucial role of working with IT to clearly defining the requirements and implement the new system. I have already met with leadership from the Veterans Health Administration and Veterans Benefits Administration, and in these initial meetings, heard their concerns. Within OI&T's Enterprise Program Management Office, there is an Account Management Office that deals directly with the Administrations. If confirmed, they will be a direct priority of mine, including my own interaction with Administration leadership.

IT also requires a talented team of professionals to bring the experience and grit to demanding projects. As Secretary Wilkie stated in his testimony, one of his priorities is to change the culture of the VA. I embrace my role in that effort and will support him fully. In today's employment market IT and Cybersecurity positions are in high demand. People have a choice, and by my example and leadership, the hard-working women and men of OI&T need to feel part of a respected and high-functioning team.

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In closing, Secretary Wilkie also mentioned in his testimony that the Department has been well-resourced and that the time for excuses is over. He has established his priorities and set expectations, and, if confirmed, I look forward to joining the VA Leadership Team and executing his vision.

Mr. Chairman, I thank you and the Members of the Committee for the opportunity to appear today, and to be considered for this position. I look forward to answering your questions. Thank you.

[The Committee questionnaire for Presidential nominees follows:]

Revised December 2016

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>
Assistant Secretary of Veterans Affairs for Information and Technology and CIO	July 31, 2018

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
James	Paul	Gfrerer	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 1775 Tysons Blvd		
City: Montclair	State: VA	Zip: 22025-1765	City: Tysons	State: VA	Zip: 22102

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

<i>Birth Year and Place</i>	
<u>Year of Birth</u> (Do not include month and day)	<u>Place of Birth</u>
1965	Saint Paul, MN, USA

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

<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)	<u>Est</u>
Julie	Elizabeth	Spivey		X	12/1965	3/1995	<input type="checkbox"/>
							<input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Katherine	Elizabeth	Gfrerer	
Emily	Lynn	Gfrerer	

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>
Industrial College of the Armed Forces (ICAF), NDU	Military	Aug 2008 ^{Est} <input type="checkbox"/>	Jun 2009 ^{Est Present} <input type="checkbox"/> <input type="checkbox"/>	M.S.	Jun 2009
United States Naval Academy	Military	Jul 1983 ^{Est} <input type="checkbox"/>	May 1987 ^{Est Present} <input type="checkbox"/> <input type="checkbox"/>	B.S.	May 1987

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	Ernst & Young (EY), LLP	Executive Director	Tysons, VA	Oct 2015 ^{Est} <input type="checkbox"/>	^{Est} Present <input checked="" type="checkbox"/>
Active Duty Military	U.S. Marine Corps /HQMC Dept of State	Senior Marine/ Colonel	Wash, DC	Jan 2012 ^{Est} <input type="checkbox"/>	Aug 2015 ^{Est} <input type="checkbox"/>
Active Duty Military	U.S. Marine Corps/ MCB Quantico, VA	Director, CO, Marine Corps IO Center	Quantico, VA	Jun 2009 ^{Est} <input type="checkbox"/>	Jan 2012 ^{Est} <input type="checkbox"/>
Active Duty Military	U.S. Marine Corps /National Defense University	Student/ LtCol/Colonel	Wash, DC	Aug 2008 ^{Est} <input type="checkbox"/>	Jun 2009 ^{Est} <input type="checkbox"/>
Active Duty Military	U.S. Marine Corps/MCRD Parris Island, SC	Bn Cmdr, Regt XO/LtCol	Parris Island, SC	Jul 2005 ^{Est} <input type="checkbox"/>	Jul 2008 ^{Est} <input type="checkbox"/>
Active Duty Military	U.S. Marine Corps/ MCB Camp LeJeune, NC	Regt Asst Ops, Bn XO, Regt OpsO/Maj/LtCol	Camp LeJeune, NC	Jul 2002 ^{Est} <input type="checkbox"/>	Jul 2005 ^{Est} <input type="checkbox"/>
Active Duty Military	U.S. Marine Corps /HQMC U.S. Chamber of Commerce	Commandant of the Marine Corps Corporate Fellow/Maj	Wash DC	Jul 2001 ^{Est} <input type="checkbox"/>	Jun 2002 ^{Est} <input type="checkbox"/>
Active Duty Military	U.S. Marine Corps /HQMC/ MCB Quantico, VA	Staff Officer, Aide De Camp/Maj	Quantico, VA	Jul 1998 ^{Est} <input type="checkbox"/>	Jun 2001 ^{Est} <input type="checkbox"/>
Active Duty Military	U.S. Marine Corps / MCB Camp Pendleton, CA	Staff Officer, Company Commander/ Capt/Maj	Camp Pendleton, CA	Jun 1995 ^{Est} <input type="checkbox"/>	Jun 1998 ^{Est} <input type="checkbox"/>
Active Duty Military	U.S. Marine Corps/ MCB Quantico, VA	Staff Officer, OCS, Student AWS/1stLt/Capt	Quantico, VA	Oct 1991 ^{Est} <input type="checkbox"/>	May 1995 ^{Est} <input type="checkbox"/>
Active Duty Military	U.S. Marine Corps / MCB Camp Pendleton, CA	Platoon Cmdr, Staff Officer, Executive Officer/2 nd /1stLt	Camp Pendleton, CA	Apr 1988 ^{Est} <input type="checkbox"/>	Oct 1991 ^{Est} <input type="checkbox"/>
Active Duty Military	U.S. Marine Corps/ MCB Quantico, VA	Student, The Basic School, Inf Officer Crse	Quantico, VA	Jul 1987 ^{Est} <input type="checkbox"/>	Mar 1988 ^{Est} <input type="checkbox"/>
Active Duty Military	U.S. Navy, U.S. Naval Academy	Student/ Midshipman	Annapolis, MD	Jul 1983 ^{Est} <input type="checkbox"/>	May 1987 ^{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. NONE

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

<u>Honor/Award</u>	<u>Name of Organization</u>	<u>Date(s)</u>
Defense Superior Service Medal	U.S. Marine Corps	2015
Legion Of Merit Medal	U.S. Marine Corps	2012
Bronze Star Medal	U.S. Marine Corps	2005
Meritorious Service Medal	U.S. Marine Corps	2002
Navy-Marine Corps Commendation Medal	U.S. Marine Corps	1992
Combat Action Ribbon	U.S. Marine Corps	1991
Commandant of the Marine Corps National Fellowship	U.S. Marine Corps	2001-2002
Amphibious Warfare School Honor Graduate	U.S. Marine Corps	1994-1995
Industrial College of the Armed Forces Distinguished Graduate	National Defense University	2008-2009

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>
U.S. Naval Institute	1983~1995	Member
Marine Corps Association	1987~2014	Member
Association of Old Crows	2008~2012	Member
Military Officers Assn of America	2006-Present	Life Member
Armed Forces Comm Elec Assn	2011-2012	Member
Marines Memorial Club	2013-Present	Member
Arlington Diocese Bishop Advisory Board	2012-2014	Member
Navy Federal Credit Union Board	2014-2015	Volunteer Official
U.S. Naval Academy Foundation, Athletic & Scholarship Board	2013-Present	Trustee

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>
N/A			

(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.

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

(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. NONE

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
N/A		

7. Publications

List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
"Where Have All the Mentors Gone? The Lost Art of Leadership."	Marine Corps Gazette, Quantico, VA	January 1996

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. The below list of public statements is provided after a thorough review of all local notes and internet searches, and is to the best of my recollection.

<u>Events</u>	<u>Organziation</u>	<u>Type of Remarks</u>
N/A		

(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.

<u>Event</u>	<u>Host</u>	<u>Date of Event</u>
World Wide Information Operations Conference	Panel Participant, National Reconnaissance Office (NRO)	Oct 2010
Graduation, Defense Informationa School (DINFOS) Advance Course	Commencement Speaker	May 2014 (est)
Cybersecurity Risk Management 360	Panel Participant, Cybersecurity Association of Maryland, Inc. (CAMI)	April 2016
Capital Cybersecurity Summit	Panel Participant, Northern Virginia Technology Conference (NVTC)	Nov 2017

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

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
"Subdue the enemy without fighting."	Quantico Sentry Newspaper Interview	July 2009

9. Agreements or Arrangements

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

In the past ten years, have you 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

[A letter from the Office of Government Ethics follows:]

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



August 3, 2018

The Honorable Johnny Isakson
Chairman
Committee on Veterans' Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by James P. Gfrerer, who has been nominated by President Trump for the position of Assistant Secretary for Information and Technology, Department of Veterans Affairs.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

DAVID APOL

Digitally signed by DAVID
APOL
Date: 2018.08.03 16:27:45
-04'00'

David J. Apol
General Counsel

Enclosures



[Letter from James Paul Gfrerer to the Office of General Counsel, U.S. Department of Veterans Affairs:]

July 26, 2018

Ms. Catherine Mitrano
Designated Agency Ethics Official
Office of the General Counsel
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington DC 20420

Dear Ms. Mitrano:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Assistant Secretary for Information and Technology of the U.S. Department of Veterans Affairs.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my position with Ernst & Young, LLP. Following my resignation, I will receive a severance payment from Ernst & Young, pursuant to contractual agreement with the firm as well as firm practice for departing executives, totaling an amount equal to six months' salary. This amount will be paid to me before I assume the duties of the position of Assistant Secretary. Also, I may, as pursuant to my employment contract with the firm, receive a bonus for work performed between July 2017 and June 2018. The firm will use an objective formula to calculate this bonus. This bonus will be paid to me before I assume the duties of the position of Assistant Secretary. If a bonus is awarded to me but is not yet paid at the time of separation, it is my understanding that Ernst & Young would accelerate the payment in my final pay upon separation. I will be ineligible for any bonus for the fiscal year

2.

Catherine Mitrano

beginning July 2018 unless I am an employee through June 2019. As a departing employee of Ernst & Young, I am eligible to receive a variety of different corporate discounts on a range of consumer items indefinitely into the future, consistent with the firm's practice for former employees. There is no vesting regarding former employees' access to the discount program. Employees' continued access to the discount program is based on being "EY Alumni"--this is an enduring attribute and not tied to any further service with Ernst & Young after separation. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of Ernst & Young to provide these contractual benefits, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). For a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which I know Ernst & Young is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Upon confirmation, I will resign from my position with the U.S. Naval Academy Athletic & Scholarship Foundation. For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know that the U.S. Naval Academy Athletic & Scholarship Foundation is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will retain my position as a trustee of my family trust. I will not receive any fees for the services that I provide as a trustee during my appointment to the position of Assistant Secretary. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of this trust, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

My spouse is employed by Prince William County Public Schools in a position for which she receives wages at a standard hourly rate. For as long as my spouse continues to work for Prince William County Public Schools, I will not participate personally and substantially in any particular matter involving specific parties in which I know that Prince William County Public Schools is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify

3.

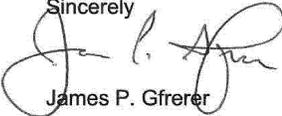
Catherine Mitrano

for the exemption at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I will meet in person with you, or another ethics official, during the first 15 days of my service in the position of Assistant Secretary, in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely

 James P. Gfrerer

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO JAMES GFRERER, NOMINEE TO BE ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. At the Department of Veterans Affairs (VA), you would be tasked with managing a \$4 billion information and technology (IT) budget, if confirmed.

a. Would you please describe how you approached previous positions and how your approach may be different given the scope and size of the VA budget?

Response. The large OI&T topline budget decomposes very rapidly into much smaller and more manageable pockets of money in terms of salaries, development, and sustainment. Each of the latter two categories decomposes into many, many projects across the various entities within VA. Ultimately while these projects and funding lines are still large dollar amounts, the scope automatically builds a system of individual project accountability, which I will use to drive project execution discipline.

Question 2. Based on your knowledge of IT at VA, where do you anticipate the biggest problems and challenges exist?

Response. Based upon my current knowledge I would say that legacy systems being migrated and transitioned in a timely manner is one of OI&T's biggest challenges. This topic is not only an issue for reliability, but also for the security of the applications.

Question 3. If confirmed as Assistant Secretary, what will be your priorities and goals?

Response. My top three priorities will focus: (1) Stabilizing and streamlining core processes and platforms, (2) Eliminating material weakness, and (3) Institutionalize new capabilities to drive outcomes.

a. What is your strategy to achieve your goals and how has your background prepared you to address those challenges?

Response. My strategy would be to employ a good Governance process to track all OI&T projects and the affiliated goals and objectives which they support. My background has prepared me to employ such tools (e.g. balanced scorecard) to ensure that projects meet the required cost, schedule, and performance milestones, by utilizing accountability driven down to the individual project leader level.

Question 4. Please describe your vision for your role as the Assistant Secretary and of the VA Electronic Health Record (EHR) modernization?

Response. Legislation established an Office of EHRM, which reports directly to the Deputy Secretary. The CIO is a key stakeholder for this program of record, principally related to the infrastructure responsibilities to host the new EHR system while maintaining the current EHR (VistA) and related systems. OI&T's principal responsibilities for ERHM is providing a sufficiently modern computing infrastructure to carry the new EHR system and provide the requisite security, reliability, and availability.

a. Describe your experience with large scale information technology projects, lessons learned, things you believe need to be addressed from the outset, etc.

Response. In my prior military/government career, as well as my recent commercial service, there are several instances of large-scale IT change management and COTS deployments, though not specifically in the health care space. The first major effort involved migrating large legacy H.R. systems from mainframe to mini and PC-based applications, as well as the initial mobile applications. Additionally, I spent 18 months leading the substantial effort to ready government systems for Y2K, involving significant programmatic review, change management, and contractor oversight.

b. How has this vision helped you successfully implement other large scale initiatives?

Response. In my commercial career, there are several instances of business optimization where by we assisted clients in streamlining operations, updating current services and security, while saving millions of dollars in annual cost. My intent is to bring that same mindset to VA, in that every dollar for which we are accountable, looks to be judiciously applied/spent, while simultaneously looking for greater efficiency and cost-savings in both existing programs and future acquisition.

Question 5. Have you reviewed or discussed the Office of Information Technology leadership/organizational structure with the Secretary?

Response. No, but it is an area in which I will take immediate interest in reviewing, if confirmed.

Question 6. Are there changes to the task organization within the office that you believe need to be made?

Response. Again, this is an important review that I believe can only be done, if/when confirmed and sworn into the position.

a. How does the current task organization enable accountability?

Response. My initial impression is that accountability is driven from the top down from the Secretary's objectives down to the corresponding OI&T goals & objectives.

Question 7. Staff turnover will negatively affect any project's timetable. If confirmed, how will you manage staff turnover so that it does not negatively affect the first milestone date on October 1st?

Response. Drawing upon my prior experiences as an organizational leader and H.R. specialist, I intend to utilize every option to recruit, train, retain, and promote the most capable IT staff. I am keenly aware of the similar challenges with commercial entities, and also the tangible and intangible resources needed to build a qualified and committed IT work force.

a. Will you commit to frequent, transparent, and direct communication with my staff regarding the timeline for implementation? What will you do to ensure that this milestone and subsequent milestones are met?

Response. Yes, I believe that substantial communication with Congress on these and other matters is important.

Question 8. If the effort to transform VA's EHR system is to be successful, coordination between the EHR project team, VHA, VBA, and the Office of Information Technology is critical. As Assistant Secretary, how will you promote effective communication between VA's internal departments?

Response. I am aware of the current OI&T Account Management Office methodology for direct and sustained engagement with the Administrations. I will place a high priority on meeting the internal customer's project needs, and by developing a close relationship with my counterparts.

Question 9. Historically, VA has struggled with IT projects. There have been numerous reports of waste and abuse that has plagued VA's IT systems.

a. What steps do you plan to take immediately to prevent further waste of taxpayer dollars?

Response. Improving individual project management leadership accountability for meeting milestones as well as cost and performance metrics.

b. What experience from your background would you rely on to prevent future IT failures?

Response. Ensuring requirements are clearly identified by the business application owner, and to maintain the project scope with limited-to-no scope adjustments, and ruthless focus on achieving milestones.

c. What lessons have you learned in the private sector related to standardization and interoperability and how would you apply them to VA's electronic health records?

Response. In past careers, I have experience leading across multi-disciplinary teams and across geographically wide areas. The key is to: (1) retain a focus on the organizational roadmap, (2) ensure the required resources/guidance are provided, and (3) supervise the efforts to milestone accomplishment.

Question 10. Protecting veterans' personal healthcare information must be a top priority for VA. If confirmed, what strategies, ideas, or initiatives do you have for improving information security at VA?

Response. One of the top three goals for OI&T is "elimination of material weakness." I look forward to continuing this goal, specifically around information security and the protection of Personal Health Information (PHI). As a Veteran customer of VA, I know first-hand the importance of protecting PHI and other sensitive personally identifiable data.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHN TESTER TO JAMES P. GFRERER, NOMINEE TO BE ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. Why do you seek this position?

Response. As discussed in our office call, there is no more noble calling in the US Government than to serve our Nation's Veterans and their families, who have given so much. The VA is at a critical juncture to provide the next generation of services to Veterans, and I believe I possess the leadership, passion, and experience to lead the Office of Information & Technology in supporting these efforts.

Question 2. Have you spoken to the Secretary about his expectation for what your role would be within his team? If yes, what was discussed? Response. Yes. The discussion centered on the role of the CIO relative to FITARA and focused on the Electronic Health Record Management effort.

Question 3. Have you spoken to the President or anyone at the White House about what your role would be within the Administration? If yes, what was discussed?

Response. The only contact with the White House, was with the Office of Presidential Personnel as to normal pre-nomination vetting for a PAS position.

Question 4. There has been extensive reporting on individuals using their political connections to influence the VA with no transparency as to the nature of these contacts. Please provide the Committee with records of your contacts with CEO of Marvel Entertainment, Ike Perlmutter; Florida physician, Dr. Bruce Moskowitz; and restructuring consultant at Alvarez & Marshal, Mark Sherman. Please provide the date of each contact, the purpose of the contact, who directed you to speak with any of them, who facilitated any contact, disclose the nature of any information you provided to them, and disclose any topics they raised with you. If you had to travel for any of these contacts, please provide the amount such travel cost, what party paid for the travel, and whether the party was reimbursed and by whom.

Response. I have had no contact with the above listed individuals.

Question 5. On matters of policy, do you believe you will be receiving direction from the Secretary or someone at the White House?

Response. Consistent with FITARA and the VA Organizational Structure, I anticipate reporting to and taking direction from the Secretary, and on matters of EHRM, the Deputy Secretary.

Question 6. If confirmed, how would you address instances where your vision and the White House's are not aligned?

Response. My intent is to align OIT's goals and objectives to the Department's Strategic Goals and the Secretaries priorities. As to White House directives around IT Modernization, Cybersecurity, etc, I would seek additional Departmental guidance should any aspects of these diverge from current alignment.

Question 7. What are your top three specific and measurable goals as Assistant Secretary of the Office of Information Technology (AS OIT) and how would you achieve them?

Response. My top three priorities will focus: (1) Stabilizing and streamlining core processes and platforms, (2) Eliminating material weakness, and (3) Institutionalize

new capabilities to drive outcomes. To measure progress, these broad goals & objectives decompose across core internal customers (VHA, VHA, Memorial, etc.) and map to their projects. Finally, my intent is to ensure full measures of effectiveness (MoE) and specific project leads to ensure progress and accountability by office and individual executive leaders.

Question 8. The sheer size and scale of OIT's operations across the globe necessitates an AS OIT comfortable with appropriately delegating responsibilities while ensuring that your initiatives are executed properly. How do you envision making sure your direction to the field is carried out as intended?

Response. VA OIT has established a governance model with direct reporting and accountability to the CIO that is currently being institutionalized to my understanding. As mentioned previously, there is—and will be—a solid architecture for performance monitoring of all OIT programs, with appropriate centralized planning, and decentralized execution. This approach combined with the right cadence of program reviews and portfolio management is designed to keep programs on cost/schedule—and where appropriate—make the right milestone decisions and corrections.

Question 9. Please describe your prior interactions with labor unions, whether public or private. What is your experience in dealing with unions or employees who have collective bargaining rights? If confirmed, what will be your plan to work with employee unions? Do you believe they play an important role in bridging communication between VA employees and management?

Response. I have limited experience working directly with unions, but I recognize the important role they play in ensuring a quality work environment for VA employees. I plan to work with all of my employees to identify any workplace deficiencies and maintain a quality work environment to accomplish our mission.

Question 10. Last year Congress passed legislation that made it easier for the Department to sanction underperforming employees. VA has been using the new authorities in this legislation in a fairly severe way against people who have minor first time offenses. Will you commit to reviewing how OIT is utilizing this authority? Moving forward, how would you ensure that the law is executed fairly and uniformly? Please describe your leadership philosophy, specifically including whether you believe people should be afforded opportunities to correct their behavior and work, or whether you support firing and removal for first offenses.

Response. My leadership philosophy over three decades has always been to work within the guidelines of the organization's performance evaluation system. Each of these systems have had clearly established procedures for the responsibilities of a specific position, as well as the approved mechanism for periodic feedback and addressing any noted deficiencies. With the exception of extreme offenses, the vast majority of performance-related matters merit the opportunity for remediation, and are not appropriate for removal for first time occurrences.

Question 11. How do you anticipate building and maintaining a positive relationship with the Department's Inspector General, who plays a key role in making sure taxpayer dollars are spent wisely? Please describe your dealings with Inspectors General previously. Did those experiences color your view of the work of the Office of Inspector General?

Response. In a prior career, I worked in an IG office as a younger officer. That experience gave me an excellent appreciation for the oversight, education, and prevention role of the IG in ensuring a compliant and ethical organization. I anticipate building and maintaining a positive relationship with the VA OIG.

Question 12. What is your understanding of the role of congressionally chartered Veterans Service Organizations? Please describe how you anticipate involving them in OIT operations and policymaking.

Response. Clearly the VSOs play a valuable role in conveying the "voice of the Veteran." My goal will be to listen carefully to these inputs to best understand the large and varied constituent Veteran population which has a varied means and preferences of using IT to access the VA and its services.

Question 13. What do you see is the role of the AS OIT regarding the EHR modernization? Drawing on your prior work experience, what are the top three aspects of the project you believe to be the most challenging, and what plans do you have to mitigate those challenges?

Response. As set forth by FITARA (Federal Information Technology Acquisition Reform Act (FITARA) Public Law 113-291 §§831-837 "CIO Authority Enhancements") the agency CIO has a direct role in any aspect of information technology. Legislation established an Office of EHRM, which reports directly to the Deputy Secretary. The CIO is a key stakeholder for this program of record, principally related to the infrastructure responsibilities to host the new EHR system while main-

taining the current EHR (VistA) and related systems. The largest anticipated challenge is that of “change management.” As a COTS solution, the users (principally the Clinicians in VHA) will need to adjust their workflows to the new EHR, to avoid any unsustainable customization. Such system adjustments greatly increase the risks to successful implementation. On a positive note, Cerner will also bring “best practices” with the solution, thereby informing Clinicians. While I anticipate that the Office of EHRM will have this and the traditional program risks of “cost, schedule, and performance covered,” I also anticipate the greatest risks to OI&T to be (1) ensuring the appropriate infrastructure upgrades throughout the VA network, (2) maintaining the current EHR (VistA) and related systems (3) ensuring continued and increased maturity around protection of Personal Health Information (PHI), and (4) filling and sustaining the human capital plan/positions.

Question 14. Please describe your prior experiences related to large-scale IT change management projects and COTS deployments, in particular any focused on health-care delivery or EHRs.

Response. In my prior military/government career, as well as my recent commercial service, there are several instances of large-scale IT change management and COTS deployments, though not specifically in the health care space. The first major effort involved migrating large legacy H.R. systems from mainframe to mini and PC-based applications, as well as the initial mobile applications. Additionally, I spent 18 months leading the substantial effort to ready government systems for Y2K, involving significant programmatic review, change management, and contractor oversight. In my commercial career, there are several instances of business optimization where by we assisted clients in streamlining operations, updating current services and security, while saving millions of dollars in annual cost. My intent is to bring that same mindset to VA, in that every dollar for which we are accountable, looks to be judiciously applied/spent, while simultaneously looking for greater efficiency and cost-savings in both existing programs and future acquisitions.

Question 15. What do you understand to be OIT’s responsibilities related to the EHRM project? Will you report back to the Committee, if confirmed, whether you believe OIT has the human capital on board and the process capability it needs to effectively fulfill its responsibilities or support the EHRM team?

Response. OIT’s principal responsibilities for EHRM is providing a sufficiently modern computing infrastructure to carry the new EHR system and provide the requisite security, reliability, and availability. If confirmed, I will more fully assess the human capital and other resource needs to support EHR and be available to report to the Committee.

Question 16. An essential component of the EHRM project is the upgrading of VHA facilities and other various infrastructure improvements. These projects will run into the billions of dollars over the next decade. What role do you believe OIT should play in the Department’s capital asset program management?

Response. OIT will work with OEHRM to develop optimal pivot plans and integration strategies to assure alignment of OIT legacy sustainment and development investment plans to infrastructure upgrade requirements. Additionally, OIT will work with OEHRM to alignment tech refresh plans to OEHRM-led infrastructure upgrades to prevent duplication of efforts, mismanagement of assets and/or waste of limited resources. I expect OIT to share critical legacy knowledge that is essential to the proper review and assessment of Cerner implementation, data migration, change management, etc. strategies/plans in support of overall management of cost, schedule, performance and risk management objectives. Finally, OIT will support the alignment and integration of the myriad of ongoing IT investment projects across VA including FMBT, DMLS, OEHRM and a myriad of joint efforts with DOD.

Question 17. Project governance has been identified as a critical failure in prior VA/DOD IT efforts. How do you foresee DOD, DHS, and VA coordinating on EHRM and how will you monitor these efforts?

Response. My understanding is that VA and DOD have recently devised and are implementing a more robust formal governance process. Additionally, I am aware that under the auspices of the Interagency Program Office (IPO) excellent collaboration exists with DOD. Finally, I am also aware that VA is a leading agency in terms of adopting relevant DHS standards and available services.

Question 18. Many industry leaders believe that VHA staff will be challenged in adopting Cerner’s EHR package, because VistA was home-grown and there is a sense of ownership in its success. How do you believe you can ensure VHA clinicians, providers, and employees are bought into the cultural change required to make the EHR transition a success?

Response. Given the constraints of implementing a mature COTS solution such as provided by Cerner, the change management commitment from the entire VA

team from the VHA through OIT will need to be continuously reinforced. It will be a different way for VA clinicians to do business, but given the best-practices that the Vendor will also present, this should be viewed by all in VA as an opportunity to improve our core health delivery processes as well as the technology that undergirds these processes.

Question 19. As VBA and the Board of Veterans' Appeals prepare to fully implement the Veterans Appeals Improvement and Modernization Act, VA is currently piloting two of the five new appeals options through a pilot known as RAMP. The GAO recently released a report that highlighted the importance of thoroughly utilizing RAMP to identify and mitigate key risks associated with implementing the new appeals process. That same report also indicated that VA's current appeals plan does not fully address all required elements. As AS OIT, what will you do to ensure that RAMP and the VA's appeals plan are being optimized to ensure a smooth roll-out of appeals reform?

Response. Account Management and our direct support to the priority programs of VHA, VBA, and NCA will get an outsized share of my interest and programmatic attention. If confirmed, I will address this question directly to VBA to ensure the right OIT support to this and other priority pilots and programs of record.

Question 20. As part of the Harry W. Colmery Veterans Educational Assistance Act of 2017, Congress provided VA with \$30 million to improve the IT infrastructure for education benefits. VA has since had difficulty with implementing the IT changes needed to carry out the Act, focusing on how VA certifies veterans' benefits and upgrades to legacy systems. With VA's IT budget being a single, consolidated resource, can you provide concrete assurance for me that IT upgrades within education services will be appropriately prioritized so that this law can be implemented, and legacy systems can be upgraded to ensure the best possible services for our student veterans?

Response. My current understanding is that there are funding limitations within this IT portfolio. Yes, I will work to provide the best possible IT upgrades for the delivery of education services.

Question 21. Information technology solutions must continue to play a significant role in transforming VA into a more efficient and effective organization.

a. How do you plan to ensure that IT development projects, such as VistA and cloud transitions, are fully resourced?

Response. Ensuring our legacy systems are migrated and transitioned in a timely manner, is an utmost priority. Not only for reliability, but also for the security of the applications. Given the pace of technological advancement, this is not an easy budgetary balancing act, though using sound Software Development Life Cycle (SDLC) principals in concert with industry best practice ITIL and Agile principles, this can be achieved in a cost-effective and business-responsible manner.

b. What is your understanding of the process VA uses to determine which development projects receive funding? Please describe your involvement with development funding processes. What analysis do you plan to conduct on this process to see if it can be improved?

Response. Funding for all projects happens through the CIO-administered governance structure. This is consistent with Clinger-Cohen, DATA, FITARA and MGT legislation. My understanding is that VA uses a 9-step process. After developing a full understanding of this process and its utilization, I will work with the team to determine where process improvements can be achieved.

Question 22. What plans do you have to address the recommendations in the VA's Office of Inspector General's FY 2017 FISMA audit to improve VA's information security posture? Will you commit to providing the Committee with a detailed plan, within 90 days of assuming the position of AS OIT, on how you intend to continue the work on remediating VA's information technology security deficiencies?

Response. I have reviewed the OIG report, and intend to follow up on all aspects of the Information Security Program at VA. As a Veteran and customer of VA, I take the security of my data—and that of every other Veteran and their family members, very seriously.

Question 23. OIT utilizes a single acquisition vehicle, Transformation Twenty-One Total Technology Next Generation, to procure most IT services for the administrations and staff offices. Do you believe restricting competition to those companies qualified for this vehicle is the best way to acquire best-in-class solutions for VA's IT requirements? Please also describe your experience as it relates to managing procurements, the largest procurement you have handled, and any views you have on how VA's IT procurement system could be improved.

Response. As discussed in our office call, a priority effort will be around OIT's Strategic Sourcing Office. While I have limited Federal acquisition experience, I know that VA has the requisite personnel, and if confirmed, I will place an inordinate amount of focus on our sourcing methodology and processes.

Question 24. What is your understanding of the Kingdomware decision and its impact on VA's procurement?

Response. Based on the US Supreme Court's decision in *Kingdomware vs. US*, the VA must apply the "Rule of Two" when considering and awarding contracts under the Veterans Benefits, Health Care, and Information Technology Act of 2006. The rule is mandatory, not discretionary, regardless of whether the rule is being used to meet annual minimum contracting goals. As such, VA shall award contracts based upon competition restricted to SDVOSBs or VOSBs when a contracting officer has a reasonable expectation, based on market research, that two or more firms listed as verified in Vendor Information Pages database are likely to submit offers and an award can be made at a fair and reasonable price that offers best value to the United States. This is known as the "VA Rule of Two."

Question 25. Please discuss your experiences with determining and managing staffing levels to ensure adequate customer service levels for the clients your IT staff support. What is your understanding of VA's current levels and on-going efforts to realign those levels and how they compare to similar public and private sector entities?

Response. Drawing upon my prior experiences as an organizational leader and H.R. specialist, I intend to utilize every option to recruit, train, retain, and promote the most capable IT staff. I am keenly aware of the similar challenges with commercial entities, and also the tangible and intangible resources needed to build a qualified and committed IT work force.

Question 26. Please describe your management style and decisionmaking process, providing examples as it relates to large, nationally-deployed organizations.

Response. I adhere to the belief in clear and executable centralized planning and decentralized execution. VA OIT has an evolving roadmap, aligned to the Secretary's priorities and VA Strategic Goals, which lays forth the Office priorities. In past careers, I have experience leading across multi-disciplinary teams and across geographically wide areas. The key is to (1) retain a focus on the organizational roadmap, (2) ensure the required resources/guidance are provided, and (3) supervise the efforts to milestone accomplishment.

Question 27. How would your prior subordinates describe your management style?

Response. Based on prior discussions and a 360-Degree Review, I would describe my management style as a combination of Inspirational and Results-based. Especially in IT, the business depends on effective and reliable systems that meet user and business requirements. In order to achieve these results, team members need to be inspired and lead in addition to having the right resources provided.

Question 28. Please describe your previous role with Booz, Allen, Hamilton as it relates to any work conducted for VA or another government agency.

Response. I have never been employed by Booz, Allen, Hamilton.

Question 29. What was your impression of the Department during the time you worked for Booz and experienced ongoing engagement with VA, if applicable?

Response. Not applicable, I have never been employed by Booz, Allen, Hamilton.

Question 30. Do you agree that VA employees have an absolute right to petition or communicate with Members of Congress and congressional staff about matters related to VA matters and that right may not be interfered with or denied?

Response. I agree that every US citizen has the right to petition or communicate with Congress.

Question 31. There are reports that the Administration, through the Office of General Counsel or other individuals, has ordered agencies to not provide responses to Democrats' information requests. If you were to receive such an order, what would you do? Have you participated in or been aware of any communications where this topic was discussed? Please provide details on the participants in this discussion, the substance of the discussion, and any outcomes.

Response. Through the Secretary and his Office of Congressional and Legislative Affairs, I will be responsive to all information requests. Since I am not currently an employee of the VA, I have had no discussions pertaining to Legislative engagement, other than my pre-confirmation preparation.

Question 32. OIT has not had permanent leadership in almost 20 months. The SES ranks have experienced attrition and many individuals are in multiple positions. The current leadership has no IT or executive-level management experience and was imposed on the Office with the baggage of a sexual harassment lawsuit

after being summarily transferred from the Treasury Department. How will you fix the leadership crisis at OIT? How will you convince OIT's career staff that you will be the leadership they have been missing?

Response. My intention is to provide the same "firm, fair, and consistent" leadership to VA OIT that I have to each organization I've been entrusted to lead over the past 31 years. While leadership is about accomplishing the mission, it is also simultaneously about taking care of the people. As Secretary Wilkie has stated, an improvement of the VA culture is in order. For OIT, that starts with the Assistant Secretary demonstrating his unwavering, specific commitment to the full scope of the VA mission and to show authentic concern for the individuals at OIT and their performance, rewards, ambitions, and needs.

Question 33. VA health care was added to the GAO High Risk List in 2015, and IT management and acquisition governmentwide has also been on the High Risk List. What actions do you intend to take to help the Department mitigate GAO's findings?

Response. I have reviewed the GAO report. I am aware of the GAO recommendations and fully commit to ensuring their implementation, if confirmed.

Question 34. What were your particular areas of study while at the National Defense University's Industrial College of the Armed Forces?

Response. My studies included the core curriculum areas of National Security Studies, Macro Economics, Military Strategy & Logistics, and Strategic Leadership, as well as Acquisition. Additionally, I was an Information & Communications Technology (ICT) concentration Student, who pursued more detailed studies around information technology from a U.S. Government perspective, and informed by private companies and non-profit IT entities. Last, some of my elective courses at ICAF, were used in my follow on pursuit of my CIO Certificate Program at NDU's Information Resources Management College.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. THOM TILLIS TO JAMES P. GFRERER, NOMINEE TO BE ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY, U.S. DEPARTMENT OF VETERANS AFFAIRS

EHRM IMPLEMENTATION

Question 1. Mr. Gfrerer, could you discuss any parallel efforts to the EHR implementation that you would like to see VA undertake in order to improve the medical records, and their integration, in VistA, AHLTA and in the community for veterans in areas of the country which will not receive the new EHR for several years?

Response. If confirmed I will assess if any parallel efforts are afoot to see how those efforts will converge with the EHR implementation.

Question 2. Mr. Gfrerer, as EHRM implementation progresses, are there any plans to test commercially available interoperability solutions? If so, will these tests be conducted in areas of the country deploying MHS Genesis and VA EHRM? If there are not currently plans in place, what are your thoughts on testing such commercially available interoperability solutions?

Response. While the Office of Electronic Health Records Modernization (OEHRM) has the lead for this project, if confirmed, I will work closely with them to provide updates around these questions.

VA IT MODERNIZATION

Question 3. Mr. Gfrerer, could you provide an update and your assessment on how successfully the VA is executing its IT Modernization Plan?

Response. I am happy to provide an update and assessment of VA's IT Modernization results to date, if confirmed, and after I am in place at the VA.

VETERAN SUICIDE

Question 4. Mr. Gfrerer, tragically, suicide rates for veterans continue to significantly outpace those for the civilian population. How do you believe the VA can best utilize data, including but not limited to self-reported, social media, and call centers, to identify patterns and behaviors for predicting who may be at higher risk for suicide?

Response. In consultation with VHA and their Office of Mental Health and Suicide Prevention, I will seek to support their mission through the use of data analytics and data visualization to use VA's vast amount of data to correlate what indicators may exist regarding suicidal behavior.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL
TO JAMES P. GFRERER, NOMINEE TO BE ASSISTANT SECRETARY FOR INFORMATION
AND TECHNOLOGY, U.S. DEPARTMENT OF VETERANS AFFAIRS

TRACKING STERILIZED EQUIPMENT

VA medical facilities across the country have faced challenges tracking equipment. This creates huge waste and impacts the quality of medical care if artificial shortages of medical equipment are created. The IT solution to solve this problem—Real Time Locating Systems (RTLS) is a costly complete failure. According to the VA Inspector General, this failure is due to VA mismanagement in the deployment of the system that was functionally defective.

The West Haven VA faces chronic challenges ensuring the sterilization of its equipment due in large part to inadequate storage facilities. The infrastructure challenge will be resolved through a \$17 million investment in a new facility. But that will take time to build and even once constructed an IT solution will need to be in place to properly track the use and availability of sterilized equipment. I understand that the West Haven VA currently relies on the Sterile Processing Microsystem (SPM) Instrument Tracking Software. But when and how this software will interact with RTLS and the new electronic medical records software to be deployed by Cerner is not clear.

Question 1. If confirmed, what will you do to improve the tracking and better share information on the status of VA medical equipment generally and sterile equipment specifically?

Response. If confirmed, I would work in coordination and support of the Veterans Health Administration (VHA) to help determine best practices around the technology and systems to track VA medical equipment and sterilization.

Question 2. What IT solutions can be utilized to address tracking for equipment?

Response. As previously stated, I would work with VHA as the business process owner to assess current technologies and systems and any future state changes that might be warranted.

Question 3. What specific IT solutions should the West Haven VA implement in the interim as it awaits both the replacement of its storage facility and better IT capabilities overall?

a. How will you support West Haven in these efforts?

Response. I will review the situation at the West Haven medical center and in consultation with VHA will work to ensure that they are equipped with the IT infrastructure necessary to complete their mission.

Question 4. How do you foresee the new Cerner platform tracking the utilization and storage of sterilization equipment?

Response. The Office of Electronic Health Record Modernization (OEHRM) implements the Cerner platform in support of VHA, and if confirmed, I would look forward to assisting these efforts to ensure they address medical asset tracking and sterilization.

FOREIGN INFLUENCE CAMPAIGNS TARGETING VETERANS

Russia is now distributing propaganda through social media and websites to our servicemembers and veterans. During the election it purchased advertisements on Facebook that specifically targeted our military and veterans to promote conspiracy theories and advance disinformation campaigns. It set up fake accounts to try to friend active duty servicemembers online and hacked servicemembers' email accounts—including posting on DC Leaks the emails of General Breedlove, the former Supreme Allied Commander of NATO.

Question 5. What can VA do through education and awareness as well as its own security practices to help protect veterans' data privacy and security against foreign influence campaigns?

Response. Security and Awareness education is an important component for all members. There is a body of existing materials across the Federal space that can be used by Veteran Service Organizations and individual Veterans to improve their personal security awareness and practice. Additionally, if confirmed, I would look to build a "culture of security" within the VA workforce, as well.

MODERNIZING VA MAIL DELIVERY SYSTEM

A 2017 GAO report (GAO-17-581) found the VA's mail operations lack performance measures and goals, clear accountability, and sensible procurement procedures. Often, because of these outdated mail production practices, VA notices and mail fail

to reach the intended recipient at the correct address within a reasonable time-frame. VA's decentralized processes are in a large part responsible for these inefficiencies, resulting in the use of inefficient hardware, unnecessary labor, and foregone bulk mail postage discounts.

Question 6. In your role as CIO, would you consider modernizing department mail systems as part of broader modernization efforts? If confirmed, will you provide the Committee with an analysis of how an upgraded, consolidated print production architecture will impact VA costs and service to veterans?

Response. If confirmed I would engage the Office of Enterprise Integration and the proper leadership team for VA mail systems to explore the possibilities of modernization and offer any assistance they may need in addressing any prevalent issues.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. MAZIE K. HIRONO TO JAMES P. GFRERER, NOMINEE TO BE ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY, U.S. DEPARTMENT OF VETERANS AFFAIRS

SEXUAL HARASSMENT HISTORY

To ensure the fitness of nominees for any of our appointed positions, I ask every nominee who comes before me to answer the following two questions:

Question 1. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?

Response. No.

Question 2. Have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Response. No.

TELEHEALTH SERVICES

Question 3. How would you assess the VA's implementation of telehealth legislation Sen. Ernst and I successfully got signed into law as part of the VA MISSION Act?

Response. The VHA Office of Connected Care oversees the Department's efforts around telehealth. If confirmed, I will look to assess the current state of OI&T's support to VHA regarding the MISSION ACT and Telehealth.

The law would allow qualified VA health professionals to operate across state lines and conduct telehealth services, including mental health care treatment, for veterans from the comfort and privacy of their own homes.

Question 4. How do you envision the role of telehealth at VA facilities across the country and what would you do to ensure remote communities, such as those on the neighbor islands in my state of Hawaii, would have access to these services?

Response. I look forward to working with VHA to ensure the right network architecture, technologies and digital capabilities are brought to bear as they deliver VHA services to remote communities. If confirmed, I will look forward to working with VHA on supporting this service channel.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JOE MANCHIN III TO JAMES P. GFRERER, NOMINEE TO BE ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. As Assistant Secretary one of your most important initiatives will be modernization of the VA's Electronic Health Record (EHR). The VA has undergone a number of attempts at EHR modernization over the years that have failed at an estimated cost of almost \$2 Billion in taxpayer dollars. When talking about a new EHR in a health care system as large as the VA, there really isn't really any such thing as an "off the shelf" system. How is the current EHR modernization (EHRM) initiative distinct from previous efforts? What are the biggest challenges facing deployment of a new EHR at VA and how do you plan to address them?

Response. This most recent effort on the subject has established the Office of Electronic Health Record Modernization (OEHRM) as the program lead for EHRM is separate entity within the VA, reporting directly to the Deputy Secretary. OEHRM, the Veterans Health Administration and the Office of Information and Technology will continue to collaborate closely to ensure this important transition is effectively and smoothly implemented. This is distinctive difference from past efforts, in that

a separate office with greater visibility is in charge. In discussions with OEHRM, they state that Cerner will bring commercial best-practices embedded in their EHR services, though they acknowledge that some degree of standardized customization will likely have to occur in order to align with VHA business processes. According to these stakeholders, the largest challenge overall is the “change management” required by VHA clinicians in order to align with the new EHR System. For OI&T, the biggest responsibility is to provide sufficient network infrastructure to carry the new system.

Question 2. The VA serves millions of veterans and in the process it handles many sensitive records, including disability claims and medical records. The VA may retain some of the most personal and sensitive data of any agency. As demonstrated the Office of Personal Management (OPM) data breach and many other attempts to infiltrate government data systems, keeping this sensitive information secure is a significant challenge. What is the VA currently doing to ensure VA data remains secure and out of the hands of bad actors? What additional measures, if any, should be taken to increase data security of VA systems?

Response. Based on my experience I would expect the VA to be compliant with all NIST guidelines and standards and to fully embrace the NIST cybersecurity framework which holistically addresses the protection of the types of information entrusted to the VA’s care. As someone who’s information was breached in the OPM breach and who’s personal health information (PHI) is in the VHA system, I am personally vested in safeguarding this information.

Question 3. In professional areas that are in high demand, like cybersecurity, it can be difficult for government agencies to keep up with the private sector in terms of compensation. Recruitment and retention of highly skilled employees is vital to the success of any organization that relies on technology. What can you do, considering the human resource challenges faced by Federal agencies, to recruit and retain the talent needed to implement and maintain the VA’s many IT systems? Are there any additional authorities or resources that Congress can provide to assist the VA in recruiting and retaining highly qualified IT professionals?

Response. Coming from the private sector I fully understand the necessity of maintaining competitive incentives to encourage both seasoned and the next generation of IT professionals to work for the VA. While I’m not yet fully versed on the VA incentive programs for IT professionals, if confirmed, I won’t hesitate to work with OCLA to communicate to Congress what is needed to help the VA maintain competitiveness within the industry.

Question 4. The VA is a large and diverse agency with equally large and diverse information technology needs. In addition to electronic health records, VA needs IT systems for processing disability claims, modernization of the appeals process, conducting medical research, managing benefits programs, etc. Are you familiar with the process the VA uses to distribute IT funding and resources to its various hospitals and program offices? If so, in your opinion, does this process ensure that IT resources are distributed appropriately? Does the VA have the IT resources needed to fulfill all of its missions?

Response. I understand that the VA is centrally appropriated for IT, however, I am not presently familiar with how the money is distributed to the various program offices and individual hospitals. I intend to learn more about this and will ensure processes and procedures are in place to fulfill OI&T’s FITARA responsibilities to oversee distribution and execution of IT funds. I will come back to the Committee with any IT resource needs if any shortfalls are identified.

Question 5. The Military Times recently reported, that the Forever GI bill was supposed to take effect August 1st, but that it hasn’t due to IT issues. Specifically, veterans are receiving checks with the wrong amounts for their housing stipends. The law changed and the stipend is now based off the location where the veteran takes the majority of their classes, not the location of the location of the school’s main campus—which makes a lot of sense when we see how much distance learning and other programs have positively impacted the veteran population. What steps do you think VA should be taking to get it right?

Response. As a supporting effort to the Veterans Benefits Administration, I would ensure that OI&T fully supports implementation of all programs, including the Forever GI Bill. I would ensure that the original requirements are appropriately mapped all to the law, to ensure that VBA is able to accomplish its mission in paying out benefits in a timely and accurate manner.

Chairman ISAKSON. Thank you both for your excellent testimony. We are proud of both of you, to have you here, and proud of your kids back there for doing such a good job pulling for their parents.

Let me say this. We have a great Ranking Member who very graciously has got some time to be here today, because he is campaigning and a lot of times he has not been here. He is going to give us time to go ask our questions first, out of courtesy, and I want to thank him. He has set such a good example, I am going to do the same thing. So, our doctor and our Kansan both are going to get their chance to ask their questions before the leadership of the Committee.

We appreciate very much your being here today, and hopefully by the time your testimony is over we will have other Members of the Committee come in. I have a ton of questions and I will clean up with that, if nobody else comes.

Senator Moran.

HON. JERRY MORAN, U.S. SENATOR FROM KANSAS

Senator MORAN. Mr. Chairman, thank you. Thank you to you and the Ranking Member for your courtesy.

I will begin with Ms. Bonzanto.

Ms. BONZANTO. Bonzanto.

Senator MORAN. Thank you. Bonzanto. Thank you very much for being here, both of you. Amazing tasks you have ahead of you, significant responsibilities, desired outcomes of what we are looking for.

Let me begin with you, Doctor. You indicated in your written testimony "every era of veterans have struggled at some point to access services within the VA, and I do not want to keep history repeating itself." So, I join you in that. I do not either.

Let me first of all make the comment that we usually, when we think of whistleblowers and your work we think of protecting someone who is reporting bad behavior. But, I also want to talk about the culture, the accountability portion of your responsibilities, and that is what do we do to change the culture? What do we do to rid ourselves of inept employees, or those who do not have the right motivation for the jobs they occupy?

We must not accept mediocre behavior. My experience is that often when there is bad behavior at the VA, the end result is that that employee is transferred to some other facilities, some other hospital, where my assumption is the bad behavior continues.

So, let us begin with how will you change the culture of the VA? What should I look for, say, a year from now, that because of your responsibilities that you are performing, the VA will be different in what way? So, when I vote to confirm you and I want to have a standard by which I judge your accomplishments, what would you tell me the VA would look like that is different than it is today?

Ms. BONZANTO. Senator, thank you for your questions. I think the most important thing is building trust with the employees. I think it is key to do that. And, to do that we require communication across the board, right, improving communication from the senior leaders to the bottom to the front line employees, and that is something that I have worked on in my current role. That is something that I have worked and struggled with, is how do we improve communication, when employees report an issue that they can trust that the chain of command will take care of that issue, and currently that is not happening.

I am hoping a year from now that we can start reducing the number of whistleblowers coming to our office to report concerns, and getting the chain of command and the program offices to take care of that.

Senator MORAN. Why do you think that does not happen today?

Ms. BONZANTO. The culture does not support that, sir.

Senator MORAN. What does that mean? Like the culture—I use that word, you use that word. But, why is it that someone would protect someone who is not performing?

Ms. BONZANTO. I could not speak to exactly why they are not doing it because I am not in VA, but as an investigator for the House Committee I can tell you it is because sometimes employees just do not understand—a supervisor may not understand what to do with that information, or they are hitting barriers when they are reporting up the chain. The information is not going up, and the information from the top is not going down, so there are barriers in communication, and breaking those barriers, I think, is going to be key to building trust in the organization.

Senator MORAN. Those standards I should be looking for, how would the VA look different a year from now as a result of your efforts?

Ms. BONZANTO. We will have veterans satisfied with the delivery of customer service. If you improve the culture and employees are satisfied with the environment that they are working in, and they feel safe working in that environment and reporting concerns, hopefully we can get improvement in customer services, the sale metrics currently will be able to improve. And, whistleblower complaints will probably decrease because employee can now trust that they are using the chain of command to report concerns.

Senator MORAN. Is it your view that the VA now has the necessary tools to hold employees, including management, accountable?

Ms. BONZANTO. Yes, sir.

Senator MORAN. Does that accountability include the ability to discharge an employees, particularly a person in management who has demonstrated incompetence or inabilities over a period of time?

Ms. BONZANTO. In my opinion, yes, sir.

Senator MORAN. So, the ability to discharge an employee now exists.

Ms. BONZANTO. Yes, sir.

Senator MORAN. Let me turn to you about IT, and make certain, just in the few minutes that I have, which is about a half of a minute, that you have an understanding that a number of pieces of legislation exist. FITARA would be one of them. The MGT Act, Modernizing Government Technology Act, both of which I and Senator Udall were actively involved in. How do you see your role as a result of those new pieces of legislation? Is there an opportunity for things to improve, to change the reports that we have seen on the VA? Particularly in regard to protecting information from outside intrusion, it has been far less than perfect.

Mr. GFRERER. Senator, thank you for your question. A lot to respond to there. On the security front, I can tell you that I have read the OIG report on material weakness. It is a sustained pattern of unpreparedness. As someone who has their personal health

information in the VA system, and even if I was Lance Corporal Gfrerer, I would be pretty hot under the collar if there were continued material weaknesses and insecurities. So, that, as I mentioned in my testimony, is one of my top items.

In terms of the legacy systems, I think the Ranking Member alluded to it as well, that it is going to take a concerted effort to maintain VISTA, for example, for 9 to 10 years, as we serve that customer base that will never see Cerner.

Then, I think, finally, on FITARA, the one good piece of news is many agencies struggle with the leadership access from the CIO. VA, to my assessment, does not. I think Secretary Wilkie and the Veterans Affairs Department, the CIO, and secretary of the position that I am being considered for has that access and that authority.

Senator MORAN. Remind me the status of the CIO at the VA.

Mr. GFRERER. Well, the current position holder is an executive director. It is an interim.

Senator MORAN. Has someone been nominated?

Mr. GFRERER. That is me, sir.

Senator MORAN. It is you?

Mr. GFRERER. Yes.

Senator MORAN. So, you perform all those responsibilities?

Mr. GFRERER. All of the things you mentioned would fall under the purview of OI&T. Yes, Senator.

Senator MORAN. Your responsibilities are greater than I realized. Your challenges are significant. Thank you.

Chairman ISAKSON. You have had a lot of those responsibilities already in previous service in the Navy and in your service to the country. Correct?

Mr. GFRERER. Yes, Mr. Chairman.

Chairman ISAKSON. That is why we think you are going to be so good.

Senator SULLIVAN. Mr. Chairman, I think it is the Marine Corps, is it not?

Mr. GFRERER. Yes, Senator.

Senator SULLIVAN. Just being clear here. The Marines are Department of the Navy, but he is a Marine. That is why I am supporting him.

Chairman ISAKSON. Senator Cassidy.

HON. BILL CASSIDY, U.S. SENATOR FROM LOUISIANA

Senator CASSIDY. Again, thank you to the Ranking Member and to the Chair for allowing us to go first.

Thank you both for offering yourselves for service. Mr. Gfrerer, I want to talk about the electronic health record. I am interested in knowing how this change in leadership will impact things going forward. Prior to the change in the EHR leadership, the VA modified its Cerner contract to require an assessment and report on determining the configuration of the MHS Genesis, which is the DOD's EHR, and its suitability to use as a baseline for the VA's EHR. Is this report still a requirement, and, if so, when can we expect to receive it?

Mr. GFRERER. Senator, thank you for your question. I have had one discussion with the EHR office. I am aware of the modification.

I know that one of the values in the collaboration between DOD and VA that was stressed to me was the opportunity to learn and make better contractual decisions going forward, as VA would take on the role of Cerner. So, I suspect that that is a positive development, but I can get back to you further on it.

In terms of your question about the actual construct of the contract, I can tell you about my role a little bit. I mean, obviously, in OI&T, as you know, the legislation gives the Office of Electronic Health Record Modernization a direct reporting role to the Deputy Secretary, and then the Office of Information and Technology has a direct supporting role to that effort, you know, kind of a current state, future state.

So, while we are maintaining VISTA and EHR is being brought online with Cerner, it is a collaborative effort. So, principally, the effort from OI&T revolves around ensuring that the network infrastructure and all the other resources are up to par, given the requirements that MHS will demand.

I do not know if I have fully answered your question.

Senator CASSIDY. Well, I understand there has been concern about the deployment of MHS; so, in turn, how is going to—if there is concern about that, what is the concern regarding the interaction of the VA's Cerner EHR with the DOD's Cerner EHR?

Mr. GFRERER. I will probably have to come back at another time, Senator, to update you on it. Again, my early understanding, with the sum total of my briefings, were that any changes or modifications to the contract were on a lessons-learned basis, and it was not necessarily a bad thing. It was not affecting interoperability. That is not to say that there are not great challenges that are acknowledged across the enterprise. I think the one thing that a lot of people, myself included, do not have a full appreciation for up until now is that the record is really the centerpiece, right. You are talking about an enterprise effect, all the way from clinicians to facilities to supply chain, the whole gamut of the business. So, that is quite a bit of commonality to achieve across two different medical domains.

So, I think the shorter answer to your question is I will probably have to follow up, if confirmed, on those specific points.

Senator CASSIDY. Mrs. Bonzanto, Ms. Bonzanto, in June 2017, Congress passed Pub. L. 115–41, which created the Office of Accountability and Whistleblower Protection. We have learned that there has been about 1,200 removals, 46 demotions, and 34 long suspensions. And, during this process, a lot of data was accumulated.

So, I am asking this kind of leading question, but hoping that you will agree, if it is your intention to use the data of all these people discharged or demoted or suspended to better inform how we can prevent such issues, such as a pre-employment screening, management skills, or the oversight of first-line directors. Any thoughts beyond me begging the answer?

Ms. BONZANTO. Senator, that is a great point that you make, using data to inform how we hire, how we train, how we retain employees, and also looking for areas—do we have specific areas in that we have problems in? For example, supply chain, logistics,

looking at employee turnover rates. I absolutely think that is a good point you are making, and I do intend to use the data.

Now there are data integrity issues in VA, so maybe we need a system where we can better track the employee turnover rates—exit interviews—by doing exit interviews, pre-employment screenings, like you said. So, it is having a strong IT system in place that we can do that.

Senator CASSIDY. OK. Well, please keep us apprised of those findings, because clearly if we are having turnover, and if we are in a health care system and some of that turnover is negatively impacting patients, that is negative for the patient and negative for the taxpayer. So, if we could have more information on that, I would appreciate it.

I am out of time. I yield back. Thank you.

Ms. BONZANTO. Thank you.

Chairman ISAKSON. Senator Sullivan.

HON. DAN SULLIVAN, U.S. SENATOR FROM ALASKA

Senator SULLIVAN. Thank you, Mr. Chairman. I want to thank both of the nominees here for your willingness to serve, and your families. I know it is not always easy on the families to do this, so I appreciate that. I think both of you have very qualified backgrounds, so I intend to support both of the nominees here.

Ms. Bonzanto, you are the Navy vet, right?

Ms. BONZANTO. Yes, Senator, a corpsman.

Senator SULLIVAN. OK. A corpsman. Good. Oh, that is almost like being a Marine. [Laughter.]

Let me get back to the issue, though. You talked about trust. I actually want to get your sense, from actually both of you, because you mentioned the trust factor that exists, in your previous answer, between management and the employees of the VA, which I think is important. I would like both of you to comment on what I think is the much, much bigger trust deficit that exists with regard to the VA, and that is with regard to the VA and the veterans that they serve.

I think in both of your areas of responsibility, but particularly yours, there has been a trust deficit, meaning, you know, the news stories that we hear, and a lot of times it, you know, VA officials here, I think the vast, vast majority of the VA, in Alaska, my State, or other places, they are dedicated, motivated, patriotic public servants. But, when you do hear the example, and we have heard a number of them in this Committee, of somebody padding their own wallet or purse with hundreds of thousands of dollars, and then not even being disciplined, the trust factor for the veterans plummets. Which, I think has happened over the course of the last several years.

Can both of you talk to that issue, because I think it is the most important thing, in many ways, that the entire VA, whether it is the Secretary or the other Senate-confirmed nominees in the VA, are going to have to deal with.

Ms. BONZANTO. Senator, thank you for that comment. I do appreciate what you are saying, and as a nurse I understand the importance of patient-centered care, right. Veterans are patients and they are the center of this, and having their trust, ensuring that

they trust in the system will get them into the system for much-needed services.

Senator SULLIVAN. Not only that, but when they read about the, you know, malfeasance—and I am not saying this is happening all over the place, but it is happening, and those people are not getting fired. We have now given your agency, and the Secretary, the power to fire people who are doing a bad job, or worse, doing some kind of corrupt action. You need to use it. You need to recommend it and you need to use it in order to get that trust back.

Ms. BONZANTO. Senator, I agree with you. That is something that I am willing to do, and I do agree that we need to use the authority to either improve, like the Chairman said, we either improve, give them the tools they need, ensure that they are trained, and if they cannot do the job then maybe it is time they move on.

Senator SULLIVAN. OK. Good. Colonel, do you have a view on that?

Mr. GFRERER. Senator, thank you for your question. I share the outrage that the Chairman has. I mean, if it is Petty Officer Bonzanto or Lance Corporal Gfrerer, you know, USMC retired, and my 9/11 check is not the right amount and it is putting my schooling in jeopardy, that is a big deal. I think part of it is making it personal, beyond the accountability issues. I believe that everyone comes to work every day and wants to do the right things for the right reason, but it is up to leadership to really drive that sense of responsibility and accountability.

The Chairman and I were talking back before the hearing and, you know, one of my techniques is to make it personal, right. I want to have Petty Officer Bonzanto's picture on our wall, and I want to have a little bit of a death stare at us, saying, what are you doing to make sure that my earned benefits, as a result of my service, are timely and in the appropriate amount, so you are not putting me in jeopardy, and my health care and everything else that goes along with that.

I can only say that, you know, OI&T has a 59 percent veteran rating, but it is very easy in our day-to-day grind to be head down and not realizing the impact we have on the individual woman or man that is receiving those benefits.

Senator SULLIVAN. Good. I appreciate that answer.

Let me ask, in terms of what you are going to be focused on, particularly with the Cerner project, which we all, I think, agree is an important one but also a complicated one. I was looking at how the senior leaders at the VA frequently talk about this electronic health record modernization as a 10-year project. Now, hopefully, both of you are going to take a little sense of urgency into these jobs.

When I hear 10-year schedule on the implementation of Cerner, that kind of makes me quite nervous. When does the planning and implementation begin? You know, I would rather have this a 5-year or 3-year or 2-year. I mean, one thing with the Federal Government is we often get the sense that there is no urgency here. Can you give me your sense of this, and are we really looking at 10 years from now in order for this to be completed? I cannot believe that that is what the plan is.

Mr. GFRERER. Senator, I understand your concerns around that, and again, in my early discussions with the Electronic Health Record Modernization Office there was some expressions of options to pull milestones forward. I will tell you, if you look at VA's track record, via the IT dashboard, it is not a function of necessarily being on schedule. It is more a function of being over budget.

So, when you look at the various risks to the project, one of them, though, that was identified by the project lead, by Mr. John Windom, was that in a 10-year program it is very easy to not be serious and urgent about those early milestones. I know that in my early discussion with him there is even looking for the opportunity to pull milestones forward.

Now, that said, there is a huge change management component. Any time you implement a commercial off-the-shelf, uncustomized version, the clinicians are going to have to go through a very rigorous and substantial training education and implementation process to kind of confirm their work flows to the IT system. So, there are some rubs on both sides of that.

Again, I think to your basic question, there is every sense of urgency to make that timeline under 10 years, not to put it at or beyond 10.

Senator SULLIVAN. Right. Well, can you, as part of your commitment to this Committee, we would like to be kept informed on that, and if you are trying to push the timelines to the left more quickly I think you would get support, but we would like to be keep apprised of that.

Mr. Chairman, may I ask one final question here?

We all represent different, unique States. My State is, as you probably know, the biggest State in the country by far. We also have more vets per capita than any State in the country. It presents unique challenges, delivering benefits and health care to Alaskan veterans. So, I would like to get each of your commitment, during your tenure, soon into your tenure, when you get confirmed, to come on up to Alaska, hopefully with me, and you can see some of the challenges and meet some of the great veterans that I represent. Can I get your commitment on that, both of you?

Ms. BONZANTO. Yes, Senator. I look forward to it, as a nurse, and that is what I enjoy doing. I would like that.

Mr. GFRERER. Same as well, Senator.

Senator SULLIVAN. Great. Thank you. Thank you, Mr. Chairman.

Chairman ISAKSON. Senator Sullivan, while you were describing those adjectives to describe the State of Alaska, my seatmate up here said, "Well, that could be said for the State of Montana, too." He was glad that you all shared the same problem.

Senator SULLIVAN. I think Alaska is seven times the size of Montana, but I am just saying.

Chairman ISAKSON. It is big when it needs to be big but it is small when it needs to be small.

Senator SULLIVAN. It is pretty big. The Ranking Member, I will acknowledge that.

Chairman ISAKSON. Senator Tester.

Senator TESTER. Well, thank you, Mr. Chairman. Before I get to my questions, how old are your children, Ms. Bonzanto, the ones that are here?

Ms. BONZANTO. Sir, they are 7-year-old twins.

Senator TESTER. Well, I just want to say congratulations. We have been at this for 46 or 47 minutes and they have been sitting there being good. We sometimes have some adults up here that cannot sit still. Good job, girls. What are your names?

Ms. L. BONZANTO. Lilliana.

Ms. S. BONZANTO. Sophia.

Senator TESTER. OK. Your names are in the record now. That is good.

Ms. Bonzanto, as far as the electronic health records, I agree with Senator Sullivan; we need to get it done. But, what is even more important, it has got to be done right. I mean, if there is anything we learned from Choice we pushed, it ended up being a train wreck. It is really important. This is really going to make or break the VA moving forward. So, we will get to your questions in a second, Mr. Gfrerer.

Ms. Bonzanto, there is data that has been provided by the VA on implementation of the Accountability and Whistleblower Protection Act. It demonstrates there have been significant increase in actions taken against lower-grade employees since the passage of that act, and literally no jump in actions taken against senior leaders. I will be the first to tell you, unless there is action to be taken I certainly do not want you to do it on metrics. But, it does not seem to me that that is going on right now. And, the reason I say that is because there has been a lot of higher-grade folks that I get the complaints on. The folks on the ground, I tell you, I just do not get a lot of complaints about those guys. They do good.

I just want to know, based on your work on the Committee, have you found that wage grade 1 through 5 employees are generally the cause of institutional problems at the VA?

Ms. BONZANTO. No, sir.

Senator TESTER. OK. So, last week we also learned that the arbitration—we learned in arbitration that the VA did not implement the legislation fairly. Are you aware of that?

Ms. BONZANTO. I am not familiar with the exact details of the case. There was a press story on it.

Senator TESTER. Well, the VA was ordered to rescind actions taken against employees who did not get the opportunity to improve through performance improvement plan. And, by the way, you have said many times here, and when I was on the school board it was evaluate, remediate, and then, if necessary, terminate.

I guess given this finding, how can we trust that the rest of the legislation is going to be implemented fairly?

Ms. BONZANTO. Sir, if confirmed, I am committed to going in and really looking at the office and what the weaknesses and the strengths of that office is, and also looking at how the act, the Accountability Act of 2017, has been implemented at the local level. Who is utilizing it, what are the numbers, and where are the problems? Are we getting utilization and higher numbers of low-grade employees being removed, compared to SES positions.

Senator TESTER. Then, what do you do about that if you find that out? I mean, I do not want you to go head-hunting for management folks. I do not want you head-hunting for anybody. I want you to get rid of the folks who are not doing the job. That was the intent.

Ms. BONZANTO. Right, sir. I agree. The Accountability Office serves in an advisory role to the Secretary. The investigations that we complete in that office, if confirmed, we will be looking at senior-level employees.

Senator TESTER. OK.

Ms. BONZANTO. With that being said, there is nothing stopping me from, if confirmed, working with H.R. to ensure that managers are aware of how the law should be implemented and if they are implementing it appropriately.

Senator TESTER. OK. Well, thank you. Let me visit it, and in response to the previous questions you have noted that you do not believe that facility leadership is capable of performing unbiased investigation into whistleblower complaints at their own facilities. Would you please explain?

Ms. BONZANTO. The current culture, and in my current role on the House Committee on Veteran Affairs, I do not believe that, at the local level, there is trust that the local leadership will do the right thing when it comes to whistleblowers. We have seen many whistleblowers and we have had many complaints, in my experience, of whistleblowers being retaliated against. Currently, the way the office is structured, the reports of retaliation gets referred back at the local level for investigation, and I do not believe that is appropriate, because the culture in VA does not support that right now.

Senator TESTER. OK. This is a big agency.

Ms. BONZANTO. Yes, sir.

Senator TESTER. To say the least. Would you commit to looking into and reporting back to the Committee within a couple of months, 60 days, as to whether the approach taken by the agency in terms of where whistleblower complaints are sent is fair and it is appropriate, including any recommendations you might have to improve that process?

Ms. BONZANTO. Yes, sir, I will.

Senator TESTER. Do you think 60 days—am I being fair with that ask?

Ms. BONZANTO. For report and a conversation about that?

Senator TESTER. Yeah.

Ms. BONZANTO. I think 60 days is appropriate, sir.

Senator TESTER. OK. Mr. Gfrerer, last week we talked about mitigating problems that might occur during the deployment of the new electronic health record. I want to run a few different scenarios by you to see what you would do, assuming confirmation.

So, you come in, you realize quickly that the VA is not ready to go live at initial sites, when planned. What do you do?

Mr. GFRERER. I mean, Senator, with the slippages of any milestone it would have to be looked at in terms of the follow-on effect with subsequent milestones. If it were serious enough, if the question is in terms of accountability, if it were serious enough to put a further deferral on subsequent milestones there would have to be some sort of personnel action to get the team's attention, I would think.

Senator TESTER. OK. Where does informing this Committee fall into that, if a milestone is to be moved?

Mr. GFRERER. I know that, Senator, in talking with the current team at OI&T, there is a means there, or there is a feeling that there really are no yellow programs. There is either a red or green, in terms of reporting.

Senator TESTER. Right.

Mr. GFRERER. So, yellow is, you know, kind of a distraction. And, to your question, at the earliest indication that something is going to red, and going to have a substantial effect on milestone achievement, I think that is when communication with this Committee and with the body is necessary.

Senator TESTER. OK. Thank you. OK. So, you begin hearing that practitioners in Washington State, where the first deployment will—just a scenario—are very unhappy with the product. Morale is down. Concerns about turnover are real. What do you do before deploying to additional sites?

Mr. GFRERER. Senator, that question gets to the heart of my statement, too, which is inherently about business transformation. Throughout the process, I mean, the customer, the internal customer really is the Veterans Health Administration. In concert with them, they are my internal customer, along with EHRM. So, ultimately, in terms of steps with clinicians at the pilot site and whatnot, it would have to be done in consultation with the VHA, because they are their staff.

But, with respect to OI&T staff and their achievement or failure, meeting milestones at the pilot site, that would clearly fall within my purview. Again, I share the Senator's concern about the slippage of milestones in a 10-year-long program. If you do not put some rigor and accountability on early in the process, it sends a message very early on that it is just a matter of we can slip it until the next option year, and that is going to have a deleterious effect.

Senator TESTER. OK. You learning a project is going to come in significantly over budget; what do you do?

Mr. GFRERER. Well again, Senator, with the methodology of projects either being in red or green, and having, you know, a fairly solid fingertip feel on that cusp of where it is going to go from green to red, it is not an overnight phenomenon.

But, at the point that it is going to red, or that it needs to be designated, again, I think communication with this Committee and with other stakeholders is essential. Again, I think the gamut of actions, whether it be personnel actions, additional budgeting discussions, those are all things that would have to be contemplated at that time.

Senator TESTER. OK. Another scenario. Cerner EHR is going to be, while, I mean, Washington is being rolled out, Montana, it may be 9 or 10 years that we are still on the VISTA program? I hope not, but maybe. What do you do if the President's budget does not support VISTA?

Mr. GFRERER. Senator, that is a serious question, because, as you made in your initial statements, and I fully concur with it, there is no option to the maintenance of VISTA. I mean, to the VISNs and the sites that are not cut over, or in parallel process, it is absolutely essential that the funds and resources be available to the maintenance of the existing system.

So, I mean, that is a critical issue, certainly one that the Secretary and I and the Deputy Secretary would have to have a conversation very early on about that.

Senator TESTER. OK. Thank you. Thank you both. I would just say this. I think it is really, really, really important. This is a big money item. I mean, we are talking \$10 billion and maybe as high as \$16 billion. We are talking 10 years. I agree with Senator Sullivan. If you move it up, fine, but it may be longer. And, I think the quicker the better so we can see the benefits out of it.

I think communication is just going to be really, really important, and do not look at us as an enemy. Look at us as somebody who can help support you, get the job done, and get the job done right. We have got a really good Chairman on this Committee who listens well. You are going to be challenged, you are going to be held accountable, but in the meantime, if we do not know what is going on it just compounds the problem a lot and makes it a lot worse.

As far as you go, Ms. Bonzanto, I hope you do as you say, and I have no reason to think that you will not. But, I will tell you, if you do your job as well as your kids behave, you are going to be the Secretary of the VA before long. [Laughter.]

Ms. BONZANTO. Thank you, Senator.

Chairman ISAKSON. Or maybe a Senator from Georgia.

Before the Ranking Member leaves I want to cover a couple of points. You just heard his questions and comments regarding this testimony today, and you saw one of the examples. I enjoy working so much with Jon Tester because we think a lot alike. I have been excited about today's hearing for some time because I think we are finding the right kind of people now to tackle the jobs, to correct the problems I know we have.

We have a lot of people in the VA that do not think we have any problems and do not think they need to be held accountable. Quite frankly, we do not have much cooperation in some areas; at least I do not sense that we do. But, I think we have got leaders in both of you that have the chance to do that, and Jon and I will want you both to know that we will have your back the whole time, to get it done.

I want to call your attention to the third from the last paragraph of your prepared remarks, Mr. Gfrerer, where it says, "My top three priorities would be a focus on: (1) stabilizing and streamlining core processes and platforms, (2) eliminating material weakness, and (3) institutionalizing new capabilities to drive outcomes. To measure progress my intent would be to use a roadmap with a comprehensive balanced scorecard for these broad goals and objectives supporting core internal customers and map to their projects. Finally, my intent is to ensure full measures of effectiveness (MoE)"—that is the Navy and you are the Marine Corps—"and specific project leads to ensure progress and accountability by office and individual executive leaders."

That is what Senator Tester and I are looking for. We want to identify our strengths, identify our problems, apply our strengths to solve those problems, and measure our progress by outcomes. That is such a great statement because we have learned in health care, which is a complicated service to deliver, that by measuring

outcomes and by knowing what you want the outcomes to be to get to the solution to the problem, you can map your way on a good process and then develop a good system to do that. I think your idea about having a roadmap, measuring outcomes, identifying your strengths, and applying them to those places where you have weaknesses, is exactly the right template and the right game plan to go into this.

I think from everything that you said, Ms. Bonzanto, that you are going to be just fine, just like Ruby is—no, it is not Ruby. It is Lily. I am sorry. She has got the best smile. Lily, you have done real good.

But, with your experiences, you are going to be able help us. What we want to do is wake up one morning and be glad we got out of bed, look forward to where we are going to work, look forward to the end of the day when we are going to have a libation somewhere and discuss our successes, or recalibrate our goals because we do not have them high enough, and move them up.

Once you get that type of culture and mentality in any organization, whether it is the U.S. Senate, the Marine Rifle Company or Rifle Squad, an airplane crew, or whatever it might be, you do better, because every job has outcomes. You are going to have them one way or another. They are going to be bad or they are going to be good; you are going to have one or the other, and no in-between choice.

If you measure what you are doing against the roadmap that you developed, by studying the weaknesses and strengths and applying your organization's strengths to them, you are going to do a great job. I am confident that you will. I just hope that you have a time early in the first few weeks where you will need to call us and tell us, "Well, you told us to use our power to fire if it was justified. We just did on X, Y, and Z, and this is what we did and why we did it. So, if you get a complaint, I want you to know about it." In other words, be proactive if you anticipate a problem.

You know, sometimes I had problems in my business, from time to time, where I did not do a good enough job of walking around and looking over the shoulder of my employees and asking if I could help them. It got to where they thought if I walked in I was looking over their shoulders to see what they were doing, and spying on them, which is a bad attitude to have. But, a good attitude is, "Is my boss here? He wants to help me succeed so we can reach our goals." If that is the way it operates, it is going to do a great job.

I am delighted with your nominations and I think we will certainly get to the confirmation vote soon, get it in place. I will be over there to visit you not 2 days after you get there, to see how you are doing in your progress after 48 hours. Yet, I want to tell you, we are looking forward to you being something we can brag about, what the Veterans Administration is capable of doing, and did deliver in a positive quality timeframe.

So, thank you both. Thank you for bringing your children. By the way, your wife and your daughters all have costumes on. They all look alike. Mom and the daughters are all just—they look like the Andrews Sisters back there.

It is just great to have you here. Congratulations on your nominations.

Are there any other comments? Everybody has left me, so I will shut up and we will go forward. Thank you very much. This hearing is adjourned.

[Whereupon, at 3:32 p.m., the Committee was adjourned.]

