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NOMINATIONS OF THE 115TH CONGRESS, PART 1

HEARING

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

TOGETHER WITH

ADDITIONAL STATEMENTS SUBMITTED FOR THE RECORD

JULY 19 AND OCTOBER 4, 2017

Printed for the use of the Committee on Veterans' Affairs

NOMINATIONS OF THE 115TH CONGRESS, PART 1

S. HRG. 115–399

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Available via the World Wide Web: https://www.govinfo.gov

U.S. GOVERNMENT PUBLISHING OFFICE
32–986 PDF WASHINGTON : 2019

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[1] Thomas G. Bowman served as Committee majority Staff Director through September 5, 2017, after being confirmed as Deputy Secretary of Veterans Affairs on August 3, 2017.
[2] Robert J. Henke became the Committee majority Staff Director on September 6, 2017.

C O N T E N T S

JULY 19, 2017

NOMINATIONS OF THOMAS G. BOWMAN TO BE DEPUTY SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS; BROOKS D. TUCKER TO BE ASSISTANT SECRETARY, CONGRESSIONAL AND LEGISLATIVE AFFAIRS; JAMES BYRNE TO BE GENERAL COUNSEL; MICHAEL P. ALLEN, AMANDA L. MEREDITH, AND JOSEPH L. TOTH TO BE JUDGES OF THE U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SENATORS

	Page
Isakson, Hon. Johnny, Chairman, U.S. Senator from Georgia	1
Tester, Hon. Jon, Ranking Member, U.S. Senator from Montana	2
Hirono, Hon. Mazie K., U.S. Senator from Hawaii	74
Blumenthal, Hon. Richard, U.S. Senator from Connecticut	254

WITNESSES

Bowman, Tom G., Nominee for Deputy Secretary, U.S. Department of Veterans Affairs	4
Prepared statement	6
Questionnaire for Presidential nominees	8
Letter from the Office of Government Ethics	19
Letter from the nominee to the Office of General Counsel, U.S. Department of Veterans Affairs	20
Response to prehearing questions submitted by:	
Hon. Johnny Isakson	21
Hon. Jon Tester	22
Tucker, Brooks D., Nominee for Assistant Secretary, Congressional and Legislative Affairs, U.S. Department of Veterans Affairs	27
Prepared statement	28
Questionnaire for Presidential nominees	30
Letter from the Office of Government Ethics	39
Letter from the nominee to the Office of General Counsel, U.S. Department of Veterans Affairs	40
Response to prehearing questions submitted by Hon. Jon Tester	42
Byrne, James, Nominee for General Counsel, U.S. Department of Veterans Affairs	48
Prepared statement	49
Questionnaire for Presidential nominees	51
Letter from the Office of Government Ethics	62
Letter from the nominee to the Office of General Counsel, U.S. Department of Veterans Affairs	63
Response to prehearing questions submitted by:	
Hon. Johnny Isakson	64
Hon. Jon Tester	65
Allen, Michael P., Nominee for Judge, U.S. Court of Appeals for Veterans Claims	80
Prepared statement	81
Questionnaire for Presidential nominees	83
Non-confidential Supplemental Questionnaire	175
Letter from the Judicial Conference of the United States Committee on Financial Disclosure	197

Page

Allen, Michael P., Nominee for Judge, U.S. Court of Appeals for Veterans Claims—Continued
Response to prehearing questions submitted by:
Hon. Johnny Isakson 197
Hon. Jon Tester 201
Meredith, Amanda, Nominee for Judge, U.S. Court of Appeals for Veterans Claims 206
Prepared statement 207
Questionnaire for Presidential nominees 208
Non-confidential Supplemental Questionnaire 216
Letter from the Judicial Conference of the United States Committee on Financial Disclosure 225
Response to prehearing questions submitted by:
Hon. Johnny Isakson 225
Hon. Jon Tester 226
Toth, Joseph L., Nominee for Judge, U.S. Court of Appeals for Veterans Claims 227
Prepared statement 228
Questionnaire for Presidential nominees 230
Non-confidential Supplemental Questionnaire 238
Letter from the Judicial Conference of the United States Committee on Financial Disclosure 248
Response to prehearing questions submitted by:
Hon. Johnny Isakson 248
Hon. Jon Tester 249

APPENDIX

Tillis, Hon. Thom, U.S. Senator from North Carolina; prepared statement 257
Burr, Hon. Richard, U.S. Senator from North Carolina; prepared statement ... 258
Law professors, instructors, and clinicians for Michael P. Allen; letter 259

OCTOBER 4, 2017

NOMINATIONS TO OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS: MELISSA SUE GLYNN TO BE ASSISTANT SECRETARY FOR ENTERPRISE INTEGRATION; RANDY REEVES TO BE UNDER SECRETARY FOR MEMORIAL AFFAIRS; AND CHERYL MASON TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS

SENATORS

Isakson, Hon. Johnny, Chairman, U.S. Senator from Georgia 263
Tester, Hon. Jon, Ranking Member, U.S. Senator from Montana 332
Hirono, Hon. Mazie K., U.S. Senator from Hawaii 332
Rounds, Hon. Mike, U.S. Senator from South Dakota 334
Brown, Hon. Sherrod, U.S. Senator from Ohio 335
Cassidy, Hon. Bill, U.S. Senator from Louisiana 337
Sullivan, Hon. Dan, U.S. Senator from Alaska 338

WITNESSES

Glynn, Melissa Sue, Nominee to be Assistant Secretary for Enterprise Integration, Office of Public and Intergovernmental Affairs, U.S. Department of Veterans Affairs 264
Prepared statement 265
Questionnaire for Presidential nominees 267
Letter from the Office of Government Ethics 276
Letter from the nominee to the Office of General Counsel, U.S. Department of Veterans Affairs 277
Response to prehearing questions submitted by:
Hon. Johnny Isakson 278
Hon. Jon Tester 279
Response to posthearing questions submitted by Hon. Jon Tester 284

Page

Reeves, Randy, Nominee to be Under Secretary for Memorial Affairs, Office of Public and Intergovernmental Affairs, U.S. Department of Veterans Affairs 284
Prepared statement 286
Questionnaire for Presidential nominees 287
Letter from the Office of Government Ethics 298
Letter from the nominee to the Office of General Counsel, U.S. Department of Veterans Affairs 299
Response to prehearing questions submitted by:
Hon. Johnny Isakson 300
Hon. Jon Tester 301
Response to posthearing questions submitted by:
Hon. Jon Tester 304
Hon. Richard Blumenthal 304
Mason, Cheryl L., Nominee to be Chairman of the Board of Veterans' Appeals, Office of Public and Intergovernmental Affairs, U.S. Department of Veterans Affairs 306
Prepared statement 307
Questionnaire for Presidential nominees 309
Letter from the Office of Government Ethics 319
Letter from the nominee to the Office of General Counsel, U.S. Department of Veterans Affairs 320
Response to prehearing questions submitted by:
Hon. Johnny Isakson 321
Hon. Jon Tester 324
Response to posthearing questions submitted by:
Hon. Jon Tester 328
Hon. Richard Blumenthal 329

APPENDIX

Beavers, Leslie E., Brigadier General (USA Ret.), Executive Director, The National Association of State Directors of Veterans Affairs, Inc. (NASDVA); letter in support of Randy Reeves 345

HEARING ON PENDING NOMINATIONS

WEDNESDAY, JULY 19, 2017

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

The Committee met, pursuant to notice, at 1:30 p.m. in room 418, Russell Senate Office Building, Hon. Johnny Isakson, Chairman of the Committee, presiding.

Present: Senators Isakson, Tester, Brown, Blumenthal, and Hirono.

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

Chairman ISAKSON. Welcome to the Senate Committee on Veterans' Affairs, for our afternoon hearing, which is a very important hearing for the Committee but it is also very important for our veterans and for the Veterans Administration and for David Shulkin. We have six appointees that we are going to hear from today that we will vote on later. They all have completely important positions for the Veterans Administration, for the benefit of our veterans and their claims, their benefits, and the operation of the VA.

For everybody's benefit, particularly Members of the Committee—none of them are here except the Ranking Member and I, and the record should reflect that, by the way—but for the staff representing those members that are here—that are not here, we will have a vote. On the first vote tomorrow on the floor we will have a vote to pass these out. It is very important we get this done before we leave here in August. We do not know exactly what the end of this session is going to be like so I want to get it done tomorrow and get it done now so we can get the deck clean so they can go to work. Every day they are not working, our veterans are not being served and that is not good for our country. It is not good for us.

The Ranking Member is aware of my plan, in support of the plan. So, if you would cooperate in making sure your member is on the floor looking for us to have an off-the-floor vote, I would greatly appreciate it.

We are here today to hear from six nominees and appointees. I am going to defer any comments I might make about them until they individually testify. But our first panel is Tom G. Bowman, of Florida, to be Deputy Secretary of Veterans Affairs; Brooks D. Tucker, of Maryland, to be an Assistant Secretary of Veterans Affairs, Congressional and Legislative Affairs; and James Byrne, of Virginia, to be the General Counsel, Department of Veterans Af-

fairs. All three are very important jobs, so important I am going to ask you to stand, raise your right hand, and repeat after me.

Do you solemnly swear and 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. BOWMAN. I do.

Mr. TUCKER. I do.

Mr. BYRNE. I do.

Chairman ISAKSON. Thank you, and please be seated.

Senator Tester, do you have any opening remarks you would like to make?

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

Senator TESTER. I would like to. Thank you, Mr. Chairman.

I want to thank both panels of nominees for their willingness to serve today. I appreciate all of you accepting the responsibility that comes with the duties for which you have been nominated. It is my hope and the hope of this Committee that you are all up to the task. Though I have personally met with all of you, I think your answers to the questions today will help many make their final determination.

Tom, I want to talk to you for just a moment. Given your work in Congress, the expectation will be that you will help give the Department much-needed perspective on congressional and veterans' community reactions to changes in department policies and legislative proposals. For example, the White House recently put forth a legislative proposal on individual unemployability (IU), that was met with a backlash from veterans groups and Members of Congress. If you were Deputy Secretary at that time the Administration was preparing this budget request, and I would imagine that you would have been able to avoid putting the VA in this awkward position.

Given the IU proposal is not going anywhere, VA is now faced with a hole in our budget that we are going to have to scramble to figure out how to plug. There needs to be some common sense coming out of the Department and I am hoping that you are the guy to provide that.

Mr. Byrne, as General Counsel you would ensure that the VA is doing everything it needs to follow the law, while meetings its mission. VA is in somewhat of a mess with the Staab decision because the Department failed to appropriately interpret that law. Now, there are veterans who have been waiting for years to be reimbursed for emergency room care.

I would hope that you would lead the Department in sound legal decisionmaking that allows the VA to continue providing the benefits that veterans need, deserve, and have earned.

Mr. Tucker, I really do not like being surprised about things that happen in my home State, or on VA issues generally. I have got to tell you that I was not pleased at all how information on the Choice fund shortfall came out. I expect that, if confirmed, you will do what you can do to make sure the Department does a better job of getting out in front of this kind of stuff.

For judicial nominees, I want to emphasize how important it is to me that veterans get expedient and fair reviews of their cases. The Court of Appeals and Veterans Claims provides an avenue for that, but it, along with the VA and the Board of Veterans Appeals face challenges with issuing timely decisions. So, the question of the day is whether you can build upon the VA and the court's successes and continue delivering timely justice for veterans and their families.

What I want to really learn from all of you nominees today is, are you up for the job? We need to know that you folks are the right folks for this job at this time, and I look forward to our discussion today. I want to thank you again for your willingness to serve on behalf of our nations veterans and their families.

With that, Mr. Chairman, thank you for holding this very important committee meeting. I look forward to the questions and our witnesses' testimony.

Chairman ISAKSON. I want to associate myself with all the remarks made by Senator Tester. He is a great Ranking Member. We are good partners in this venture. We have discussed this hearing and this markup a lot, and we are in sync, and I associate myself with every comment that he made.

As I introduce the first panel, I will have a few editorial comments to make about each of them, particularly Mr. Bowman, which may take a little while, but we are going to do that anyway.

Tom Bowman, please stand. U.S. Marine Corps. I am going to tell you a story about how I met Tom Bowman. When I became Chairman of the Committee, more or less 3 years ago, I got a call from the former Ranking Member, a Republican, to give me a little advice. He said, "You have got a great staff up there, but," he said, "I want to tell you something. Tom Bowman is the real deal. He is capable of being the Chief of Staff to the Committee if you see fit for that to happen."

Being one to be supremely confident on the outside, while paddling like hell underneath, like a duck, I wanted to have somebody who could get the job done for me. So, I talked to Tom a lot, and in talking to him felt like he was probably the right man at the right time. I can tell you this, in 3 years of working with him I have never worked with a more competent or supportive individual, in a very difficult operation, than Tom Bowman.

One of reasons that we have done the things as a Committee, we have done with the staff of the Ranking Member and myself. Although I do not want to make it look like Tom's appointment is a slam-dunk, and we do have some issues we will talk to him about, the fact of the matter is it should be said publicly that this Committee was languishing for a few years, without having a strong leadership on the staff to make sure the Ranking Member and the Chairman did the right thing. Tom has done that for me and he has worked with Senator Tester as Ranking Member, our support staff, and they have all done a good job.

So, Tom, we are glad to have you here.

Second, I want to—you can sit down now because I am going to give you a second to think about what you want to say.

Mr. Tucker, I am delighted that you are here today, for any number of reasons, but, in particular, because the Ranking Member and

I want to make sure we are getting timely information from the Secretary of Veterans Affairs and Congressional liaison in terms of what is going on. We do not want to ever get caught surprised or caught short, and one of your jobs is going to be to make sure that we, as the elected officials who are on this Committee, have the information in a timely fashion, that may come to your attention or that you may dig up that will help us. So, it is going to be very important that we have good communication tools, and I know, from your reputation and your record, that you have that.

Mr. Byrne and I talked about his big responsibility, and I want to underscore it. As the General Counsel to the Veterans Administration, you have, in my judgment, one big job ahead of you, and that is making sure that the Accountability Bill is implemented, and it is implemented fairly, it is executed appropriately, and it works. The Ranking Member has got a lot of political capital in that, and so do I, and our veterans deserve the very best service from the Veterans Administration as possible, as from the leadership of the Veterans Administration.

The Accountability Bill was passed to give the VA rank and file the leadership they need and those who govern them the tools they need to elicit the support and leadership the veterans expect, so the Veterans Administration is delivering their job.

You probably have the most challenging and toughest job of all, but I am confident, from having talked to you in my office, that you are ready for it, that you will do a great job with it, and we appreciate your willingness to consider doing it. Do not forget, job one is making sure the Accountability Bill we envisioned and passed works and works effectively for our veterans and for the Secretary.

With that said, I will introduce Mr. Bowman first, for up to 5 minutes, and then followed by each one of you. Tom?

STATEMENT OF THOMAS G. BOWMAN, NOMINATED TO BE DEPUTY SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. BOWMAN. Chairman Isakson, Ranking Member Tester, and distinguished Members of the Committee on Veterans' Affairs, I want to thank you for this opportunity and privilege to come before you and seek your endorsement to serve as the Deputy Secretary of the Department of Veterans Affairs. I have had the privilege to meet individually with many of the Members of the Committee before this hearing.

I am deeply honored to have been nominated by the President to be the VA Deputy Secretary, and if confirmed, being able to return to VA where I previously served for approximately 10 years at both VA Headquarters and at VA's health care facilities in Florida. I am equally honored by the confidence that Secretary Shulkin has expressed in support of my nomination and abilities to make a meaningful difference in the lives of veterans and their families as Deputy Secretary.

Additionally, I would be remiss if I did not note how grateful I am that Senator Burr invited me to return to Washington in 2014, to serve on his committee staff when he was Ranking Member. My presence here today, in all probability, would not have been possible without that confidence and support at that time. However, most importantly, I am deeply grateful that Chairman Isakson of-

fered me the honor and the privilege to continue to serve the Committee as Majority Staff Director upon his appointment as Chairman in January 2015.

I have difficulty finding the right words that would adequately express my heartfelt gratitude to my wife of 41 years, Joan Bowman, who I know is here in spirit, for her tireless support over those many years. Joan passed away in November 2013, after confronting the scourge of ovarian cancer for almost 7 years. I was the caregiver for all of her daily needs for the last 7 months of her life. That experience has provided me clear and present understanding of the physical and emotional sacrifice that caregivers for our veterans experience daily, caring for their loved ones.

Joan and I have three wonderful children and seven grandchildren, all of whom I am sure are watching these proceedings right now.

I was raised in a career Navy family with four brothers, two sisters. My father was at Pearl Harbor when it was attacked in December 1941, and his bombing squadron later participated in every major campaign of World War II in the Pacific. When he retired from the Navy in 1968, he turned to the VA for help, and they did. I retired from the Marine Corps in 1999, and the VA has provided most of my health care needs. I continue to use the VA health care system because I trust it.

If confirmed as Deputy Secretary, Secretary Shulkin has indicated his expectation that I serve as the Chief Operating Officer of the VA. In that role, I will be responsible for executive oversight and management of the daily operations of the department, both at the headquarters level and implemented in VA fields operation. I believe my past service in the Marine Corps and assignments at the Pentagon, witnessing and assisting defense policy development, and prior VA appointments as the VA Chief of Staff and other senior positions within the VA Headquarters have provided me an excellent background and frame of reference regarding the appropriate manner, means, and methods of addressing departmental challenges.

Additionally, my years as the Senior Advisor to the Director of VA Health Care in Florida provided me an exceptional opportunity to experience, firsthand, how decisions and policies developed at the VA Headquarters level are implemented and executed in the field, and at times not as intended, and others not at all.

Recently, and most importantly, I believe my service with this Committee has provided me the opportunity to participate in the inordinately important process of congressional oversight and legislation affecting and intended to enhance care for our veterans and their families. If confirmed, I will ensure that the pursuit of my responsibilities as Deputy Secretary will always be assisted by assessing actions and decisions through the lens of my experience with this Committee.

While there are significant challenges confronting the VA, I believe one of the most pervasive is regaining the trust of veterans, their families, and the American people. The Phoenix VA medical center scandal in 2014, and since then other scandals associated with an inability to appropriately hold VA senior executives and staff accountable for unsatisfactory performance or misconduct seri-

ously undermined that trust and confidence in the VA. Modernizing the VA, as discussed by Secretary Shulkin in recent testimonies, and working with Congress, VSOs, and other stakeholders will go a long way to regaining that trust.

In closing, I believe the VA mission at its core is embodied in President Lincoln's Second Inaugural Address, where he states "to care for him who shall have borne the battle and for his widow and his orphan." Since then, what is meant by that word that President Lincoln used, "care," has been an ongoing evolution as the American people and their government try to continuously update and address the needs of veterans and their families. It is clear the American people are committed to maintaining and enhancing the VA. They trust that the President, the Congress, and the Secretary of Veterans Affairs will do so.

President Trump and Secretary Shulkin have indicated the evolution of care for today's veterans and their families will be through ensuring that VA continues its current transformation.

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

[The prepared statement of Mr. Bowman follows:]

PREPARED STATEMENT OF THOMAS G. BOWMAN, NOMINEE FOR DEPUTY SECRETARY, 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 this opportunity and privilege to come before you and seek your endorsement to serve as the Deputy Secretary of the Department of Veterans Affairs. I have had the privilege to meet individually with many of you after I was nominated by the President. I have also had the opportunity to work with your staffs over the last two and a half years as the Majority Staff Director for this very important Committee. I have benefited immensely from your insights and commitment to the health care, benefits and overall wellbeing of our Nation's veterans and their families.

I am deeply honored to have been nominated by President Trump to be the Deputy Secretary of the VA and, if confirmed, being able to return to the VA where I previously served for approximately 10 years both here in Washington, DC, at the VA Headquarters, and with VA's health care facilities in Florida. I am equally honored for the confidence Secretary Shulkin has expressed in support of my nomination and abilities to make a meaningful difference in the lives of veterans and their families as his Deputy Secretary. Additionally, I would be remiss if I did not note how grateful I am that Senator Burr invited me to return to Washington, DC, in 2014 to serve on his Committee staff when he was Ranking Member. My presence here today, in all probability, would not have been possible without his confidence and support at that time. Most importantly, I am deeply grateful that Chairman Isakson offered me the honor and privilege to continue to serve this Committee as Majority Staff Director upon his appointment as Chairman in January 2015.

I cannot find words to express my heartfelt gratitude to my wife of 41 years, Joan Bowman, who I know is here in spirit. Joan passed away in November 2013 after confronting the scourge of ovarian cancer for almost 7 years. I was the caregiver for all of her daily needs for the last 7 months of her life. That experience has provided me a clear and present understanding of the physical and emotional sacrifice that caregivers for our veterans experience daily caring for their loved ones. Joan and I have 3 wonderful children and seven grandchildren all of whom I am sure are watching these proceedings now—daughter Heather Bowman and grandchildren Kirah, Evey, Izak, Phoenix and Bodhi who live in Brunswick, Maine; son and attorney Allen Bowman and his wife Allie, and grandchildren Connor and Kiley who live in Paso Robles, CA; and son Brian and his wife Ryan, both of them are Petty Officers in the Coast Guard stationed in San Diego, CA.

I was raised in a Navy family with parents Leon and Ginny Bowman, along with 4 brothers and 2 sisters. As a family we had tours of duty overseas 3 times during my father's 31 year career. He retired as a Chief in 1968. My father was at Pearl Harbor when it was attacked on December 7, 1941, and his bombing squadron participated in every major campaign of World War II in the Pacific. When he retired

in 1968, he turned to the VA for help, and they did. I retired from the Marine Corps in 1999 and the VA has provided most of my health care needs. I continue to use the VA healthcare system because I trust it. I share this bit of background because it helped shape and has continuously influenced the contours of my professional life in the military and later pursuing public service to benefit our veterans and their families.

If confirmed as Deputy Secretary, Secretary Shulkin has indicated his expectation that I serve as the chief operating officer of the VA. In that role I would be responsible for Executive oversight and management of the daily operations of the Department, both at the Headquarters level and as implemented in the VA's field operations. I believe my past service in the Marine Corps and assignments at the Pentagon witnessing and assisting policy development, and prior VA appointments as VA Chief of Staff and other senior positions within the VA Headquarters have provided me an excellent background and frame of reference regarding the appropriate manner, means and methods of addressing Departmental challenges associated with policy development, program implementation, budgeting, personnel/HR oversight, Congressional relationships and legislative needs of the VA.

Additionally, my years as the Senior Advisor to the Director of VA Healthcare in Florida and the Caribbean provided me an exceptional opportunity to experience, first hand, how decisions and policy developed at the VA Headquarters level are implemented and executed in the field, and at times, not as intended or not at all. Recently, and probably most importantly, I believe my service with this Committee has provided me the opportunity to participate in the inordinately important process of Congressional oversight and legislation affecting, and intended to enhance care and benefits for, our Veterans and their families. If confirmed, I will ensure that the pursuit of my responsibilities as Deputy Secretary will always be assisted by assessing actions and decisions through the lenses of my experience with this Committee.

While there are significant challenges confronting the VA, I believe one of the most pervasive is regaining the trust of Veterans, their families and the American people. The Phoenix VA Medical Center Scandal in 2014 and since then, other scandals associated with an inability to appropriately hold VA employees, senior executives and staff alike, accountable for unsatisfactory performance or misconduct, seriously undermined the trust and confidence in the VA of Veterans and their families, Members of Congress, and the American people.

Modernizing the VA as discussed by Secretary Shulkin in recent testimony, working with Congress, VSO's and other stake holders to boldly and aggressively address needs highlighted by each of them, will buildupon what President Trump, Secretary Shulkin and the Congress have already started to hopefully regain that trust.

I believe the VA mission at its core is embodied in President Lincoln's Second Inaugural Address in 1865 "... to care for him who shall have borne the battle and for his widow, and his orphan...." Since then, what is meant by "care" (both health care and other benefits) has been an ongoing evolution as the American people and their Government try to continuously update and address the needs of veterans and their families which arise out of their service and sacrifice in defense of our country. It is clear the American people are committed to maintaining and enhancing the VA. They trust that the President, the Congress, and the Secretary of Veterans Affairs will do so by confronting and resolving the challenges collaboratively with the Congress, Veteran Service Organizations, and the outstanding, dedicated, committed and loyal employees of the VA who come to work every day to serve Veterans and their families.

President Trump and Secretary Shulkin have clearly indicated that the continuing evolution of "care" for today's veterans and their families will be through ensuring that the VA continues its transformation under Secretary Shulkin's leadership, and as outlined in recent testimony, especially within his 2018 Budget testimony. If confirmed, I will work daily to support that effort. The transformation will ensure that the bedrock goals of providing the highest quality healthcare; compensating and addressing service-connected disabilities; providing supportive services and programs that facilitate transition from military service and reintegration into the community; addressing the unique needs of homeless veterans; preventing veteran suicide; and, providing and maintaining a final resting place that honors and respects their service to our Country are maintained.

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.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Deputy Secretary of the Department of Veterans Affairs	June 26, 2017

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Thomas	Gray	Bowman	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			Street: Room 412, Russell Senate Office Building		
City: St. Petersburg	State: Florida	Zip: 33701	City: Washington	State: DC	Zip: 20510

Other Names Used NONE						
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 ☐	Est ☐
					Est ☐	Est ☐

Birth Year and Place	
Year of Birth (Do not include month and day)	**Place of Birth**
1946	Hutchinson, KS

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	☐	☐	☐	☐	☐**X**

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**

Spouse's Other Names Used (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)
					Est ☐	Est ☐
					Est ☐	Est ☐

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**
Heather	**Elizabeth**	**Bowman**	
Allen	**Gray**	**Bowman**	
Brian	**Thomas**	**Bowman**	

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**
Del Mar College	Community College	9/65 Est x☐	5/66 Est x☐ Present ☐	N/A	
University of Texas, Austin, TX	State University	9/66 Est ☐x	8/69 Est x ☐ Present ☐	BA	1/70
Western New England College, School of Law	College (Since has been elevated to University status)	9/75 Est x☐	5/79 Est x ☐ Present ☐	JD	5/79
		Est ☐	Est ☐ 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.

SEE ATTACHED DOCUMENT

Type of Employment (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	**Name of Your Employer/ Assigned Duty Station**	**Most Recent Position Title/Rank**	**Location** (City and State only)	**Date Employment Began** (month/year) (check box if estimate)	**Date Employment Ended** (month/year) (check box if estimate) (check "present" box if still employed)
				Est ☐	Est ☐ Present ☐
				Est ☐	Est ☐
				Est ☐	Est ☐
				Est ☐	Est ☐
				Est ☐	Est ☐

(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** (month/year) (check box if estimate)	**Date Service Ended** (month/year) (check box if estimate) (check "present" box if still serving)
Secretary of the Navy Retiree Council	Member	2009 Est☐X	2011 Est X☐ Present ☐
		Est ☐	Est ☐ Present ☐

3. EMPLOYMENT

January 2015 – Present Majority Staff Director, Committee on Veterans Affairs, United States Senate

April – December 2014 Senior Policy Advisor, Republican Staff, Committee on Veterans Affairs, United States Senate

August 2012 – April 2014 Special Assistant for Veterans Research, Office of Research and Innovation, University of South Florida, Tampa, FL

June 2012 – August 2012 Awaiting Employment with Office of Research and Innovation, University of South Florida, Tampa Florida

February 2009 – June 30, 2012 Senior Advisor, VA Sunshine Healthcare Network, St. Petersburg, FL (VISN 8); Acting Deputy Network Director (February-December 2010) (Retired from VA June 30, 2012)

December 2011 – April 2012 Executive Detail Assignment, U.S. Senate, Committee on Veterans Affairs, Minority Staff, Washington, DC

2005 – 2009; Est. Chief of Staff, Department of Veterans Affairs, Washington, DC

2004 – 2005; Est. Deputy Chief of Staff and Special Assistant to the Secretary of Veterans Affairs, Washington, DC

2003 – 2004; Est. State Court Administrator, State of Rhode Island: Chief of Staff to the Chief Justice, Rhode Island Supreme Court, Providence, RI

2002 – 2003; Est. Acting Assistant Secretary for Public and Intergovernmental Affairs, Department of Veterans Affairs, Washington, DC

1999 – 2002; Est. Senior Counsel, Committee on Government Reform and Oversight, U.S. House of Representatives, Washington, DC

1998 – 1999; Est. Senior Military Assistant to the Under Secretary of Defense For Personnel and Readiness, The Pentagon; Colonel

1995 – 1998; Est. Senior Military Assistant and Civil Military Programs Manager for the Assistant Secretary of Defense for Reserve Affairs, The Pentagon; Colonel

1990 – 1995; Est. Private Practice of Law, Fall River, MA

1990 – 1991; Est. (Recall to Active Duty in support of Gulf War 1) Staff Judge Advocate/Legal Assistance Officer, 1st Marine Division (Rear), Camp Pendleton, CA; Colonel

1988 – 1990; Est. Assistant District Attorney, Bristol County, New Bedford, MA

1983 – 1988; Est. Senior Marine Corps Representative and Instructor of Law at the Naval Justice School and Lecturer at the Naval War College, Naval Base, Newport, RI; LtCol

1980 – 1983 Law Center Director, Marine Corps Recruit Depot, Parris Island, Beaufort, SC; Major

1978 – 1980; Est. Director of Personnel Services, Western New England College, Springfield, MA;

1975 – 1978; Est. Student, Western New England College, School of Law, Springfield, MA

1974 – 1975; Est. Company Commander, 8th Marine Regiment, 2nd Marine Division, Camp Lejeune, NC; Captain

1972 – 1974; Est. Series Officer, Company H, Recruit Training Regiment, Marine Corps Recruit Depot, Parris Island, Beaufort, SC; 1stLt

1970 – 1971; Est. Platoon Commander/Company Executive Officer, 9th Marine Regiment, 3rd Marine Division; Southeast Asia; 1stLt

1969 – 1970; Est. The Basic School, Marine Corps Base, Quantico, VA; Naval Air Training Command, Pensacola, Florida; 2ndLt

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.

1. **Naval ROTC Scholarship – University of Texas, Austin, TX**
2. **Department of Defense Superior Service Medal**
3. **Meritorious Service Medal (USMC)**
4. **Secretary of Veterans Affairs, Exceptional Service Award**

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).

Name of Organization	Dates of Your Membership (You may approximate)	Position(s) Held
Veterans of Foreign Wars, Inc.	February 2004 - Present	Member
Military Officers Association of America, Inc.	January 2010 - Present	Member
Rough Riders, Inc. (Non-profit civic organization, Tampa FL)	2015-Present	Member
Bossov Ballet Theater Pittsfield, Maine	1997-2013	Board Member (No Compensation)
Marines Memorial Association of San Francisco, Inc.	2006-Present	Member
Florida Veterans Foundation, Inc. Tallahassee, FL	2011-Present	Member

U.S. Court of Appeals for Veterans Claims; Admitted November 1994

U.S. Court of Appeals for the Armed Forces; Admitted February 1985

Massachusetts Board of Bar Overseers; Admitted December 1979

6. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?
NO

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

(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.

Name of Party/Election Committee	Office/Services Rendered	Responsibilities	Dates of Service
Romney for President	Transition Organization Member	Veterans Team	8/2012-11/2012
Republican Club of Hernando County, Florida	Member	Member	2006-2014

(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.

Name of Recipient	Amount	Year of Contribution
Republican National Committee	$300	2014
Mitt Romney for President	$2500	2012

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
"Veterans Deserve Better Than a Claims Backlog"	The Washington Post	November 11, 2012

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.

1. **June 29, 2006 – Committee on Veterans Affairs, U.S. House of Representatives Hearing; "Update On the Breach of Data Security at the Department of Veterans Affairs"; Serial No. 109-59**
2. **May 9, 2013 – Committee on Veterans Affairs, U.S. Senate Hearing; "S. 543 – VISN Reorganization Act of 2013"**

(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.

1. **April 2010 – Bradenton VA Community Outpatient Clinic Ribbon Cutting (Bradenton, FL)**
2. **May 2009 – Memorial Day Ceremony, Florida National Cemetery (Bushnell, FL)**
3. **November 2010 – Bay Pines Veterans Day Ceremony (Bay Pines VA Medical Center, Bay Pines FL)**
4. **May 2011 – Bay Pines Memorial Day Ceremony (Bay Pines VA Medical Center, Bay Pines, FL)**
5. **November 2011 – Veterans Day Ceremony, Florida National Cemetery (Bushnell, FL)**

(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.

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.

Status and Terms of Any Agreement or Arrangement	Parties	Date (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

July 6, 2017

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 Thomas G. Bowman, who has been nominated by President Trump for the position of Deputy 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

Digitally signed by DAVID APOL
DN: c=US, o=U.S. Government, ou=Office of Government Ethics, cn=DAVID APOL, 0.9.2342.19200300.100.1.1=8549108298187
Date: 2017.07.06 20:29:42 -04'00'

David J. Apol
General Counsel

Enclosures

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

May 1, 2017

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 Deputy 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.

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 Deputy 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.

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,

Thomas G. Bowman

Thomas G. Bowman

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO THOMAS BOWMAN, NOMINEE TO BE DEPUTY SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. Have you discussed with Secretary Shulkin the duties he would like you to perform, or the role he would like you to assume, as Deputy Secretary if you are confirmed?

Response. Yes. Although the discussions have been very general in nature, we discussed the strategic goals and objectives for the Department as expressed by President Trump, as well as Secretary Shulkin's goals for transforming the VA into a more responsive, accountable and efficient Department for the delivery of healthcare and benefits to Veterans and their families. Secretary Shulkin indicated his expectation that, if confirmed, I serve as the chief operating officer of the Department working under his direction. In that role I would be responsible for Executive oversight and management of the daily operations of the Department, both at the Headquarters level and as implemented in the field operations of the Department.

Question 2. Your career has included serving in leadership roles at the Department of Veterans Affairs (VA) and on the staff of the Senate Committee on Veterans' Affairs, which conducts oversight of VA.

A. Based on your experiences, what do you see as the greatest challenges facing VA today?

Response.

1. *Regaining the Trust of Veterans (within and outside of the VA), their families, and the American People*—The Phoenix VA Medical Center Scandal in 2014 and since then, other scandals associated with an inability to appropriately hold VA employees, senior executives and staff alike, accountable for unsatisfactory performance or misconduct seriously undermined the trust and confidence in VA of Veterans and their families, Members of Congress and the American people. Modernizing the VA as discussed by the Secretary in his FY 2018 Budget request; working with Congress, VSO's and other stake holders to boldly and aggressively address needs highlighted by them, will buildupon what President Trump, Secretary Shulkin and Congress have already started to hopefully regain that trust.

2. *Veterans Choice Program/Care in the Community*—Access to timely healthcare, whether within a VA medical center or within a community care network, is an earned benefit of all Veterans enrolled in VA healthcare. Both Secretary Shulkin and the Congress have indicated that the VA Healthcare system will not be privatized. If confirmed, I will work with the Secretary to find the appropriate pathway to a new Veterans Choice Program and Care in the Community process that addresses the healthcare needs of our Veterans.

3. *Information Technology and VA Acquisition*—Federal contracting within VA has been an inordinately challenging process as VA attempts to meet the demands and requirements across the Department, whether it be Information Technology systems or medical equipment and supplies at VA medical centers. The agility of a purchasing system within VA is critical to meeting the transformative goals of the Secretary. VA needs to introduce IT and acquisition systems and capabilities that are streamlined and operate with agility and speed to address the programmatic needs of the Department.

4. *Vacancies in the Field Organizations*—Veterans Health Administration (VHA), Veterans Benefits Administration (VBA), National Cemetery Administration (NCA). In any large organization there is personnel turnover that requires recruiting for replacements. However, in an organization like the VA where its mission is caring for our Nation's Veterans and their families, that replacement process takes on a sense of urgency. Responding to that urgency is a leadership responsibility at all levels. If confirmed, and under the direction of the Secretary, I believe it appropriate to review, streamline and implement an aggressive initiative to fill existing vacancies.

5. *Capital Asset Management and Infrastructure Improvement*—Within VA there exist hundreds of vacant and underutilized building and structures on the campuses of almost all of the VA medical centers. Simply maintaining them requires millions of dollars. If confirmed, and under the direction of the Secretary, VA will initiate a process to review and evaluate this inventory of capital asset underutilization and develop recommendations for the highest and best use or disposition of these structures for enhancing delivery of veteran care and benefits.

B. If confirmed, what priorities would you hope to accomplish during your tenure as Deputy Secretary?

Response.

1. *Strategic Review and Recommendations for Reorganization and Improvement Regarding Operations and Efficiencies of the Current Department of Veterans Affairs*

Central Office (VACO) Organizational Structure; Office of the Secretary, Under Secretaries, Assistant Secretaries and Related Offices. Over the last 10 years the size of the VA Central Office organizational structure and the number of employees have been significantly increased. It may now be appropriate to assess whether that increase has resulted in intended efficiencies, improved services for Veterans and their families and facilitated needed oversight of programs and field operations. If confirmed, and under the direction of the Secretary, VA will seek to pursue answers to those questions.

2. *Enhance the Stature, Relevance and Timely Impact of the VA/DOD Joint Executive Committee (JEC) Efforts Upon VA/DOD Strategic Planning for Improved Business Practices, High Quality Cost-Effective Services for VA and DOD Beneficiaries, and Improved Resource Utilization.* In its mission statement, the JEC describes its mission as: to work to remove barriers and challenges that impede collaborative efforts, assert and support mutually beneficial opportunities to improve business practices, and ensure high quality cost-effective services for VA and DOD beneficiaries. As the Secretary pursues the transformation of the VA, greater collaboration between VA and DOD should be inextricably intertwined wherever possible to leverage capabilities and assets of both. If confirmed, and under the direction of the Secretary, as the Co-chair of the JEC, VA will pursue a greater and more active use of the JEC to serve the needs of VA and DOD.

C. Based on your experiences, do you believe any changes are needed to better facilitate open communication between Congress and VA?

Response. Yes. I believe the most serious shortcoming in the existing VA scheme of communications with the Congress is that written, and in some cases telephone, responses to Congressional Inquiries have been untimely and not substantively responsive in whole or part for what was requested. When that occurs it significantly impedes and burdens effective Congressional oversight of VA. Equally important is that it erodes the confidence of Members of Congress and their staff, that their requests are perceived as important to VA. Although a number of Congressional offices and Committee staff have noted improvement in the last 9–12 months, much more improvement is needed and must be provided by reviewing and reforming current VA practices and procedures. If confirmed, improving the manner, means, methods and timeliness of open communication between Congress and the VA will be a high priority of mine.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO THOMAS BOWMAN, NOMINEE TO BE DEPUTY SECRETARY, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. Have you discussed with Secretary Shulkin the duties he would like you to perform, or the role he would like you to assume, as Deputy Secretary if you are confirmed?

Response. Yes. Although the discussions have been very general in nature, we discussed the strategic goals and objectives for the Department as expressed by President Trump, as well as Secretary Shulkin's goals for transforming the VA into a more responsive, accountable and efficient Department for the delivery of healthcare and benefits to Veterans and their families. Secretary Shulkin indicated his expectation that, if confirmed, I serve as the chief operating officer of the Department working under his direction. In that role I would be responsible for Executive oversight and management of the daily operations of the Department, both at the Headquarters level and as implemented in the field operations of the Department.

Question 2. Will you have a policymaking role at VA independent from the Secretary?

Response. I do not believe that such an independent role will be part of my portfolio of responsibility as the Deputy Secretary, if confirmed. However, if the Secretary requests that I engage in a policy issue, I will do so. It is my understanding and belief the Secretary sets policy for the Department after both internal and external consultation. The Deputy Secretary ensures that a policy once decided, is understood by subordinate VA leadership, communicated both within and outside of the Department, and is implemented and executed as quickly and efficiently as possible.

Question 3. Will you be VA's Chief Operating Officer? If so, please describe in detail what you understand the position of COO to be, both generally and with specificity as to VA.

Response. Secretary Shulkin indicated his expectation that, if confirmed, I serve as the chief operating officer of the Department working under his direction. In that role, I would be responsible for Executive oversight and management of the daily

operations of the Department, both at the Headquarters level and as implemented in the field operations of the Department. More detailed aspects of the COO portfolio of responsibility will need to await further discussions with the Secretary if confirmed.

Question 4. Apart from what you and the Secretary have discussed with respect to your duties, have you formulated any thoughts on what your specific responsibilities will be as Deputy and how you will approach them?

Response. My discussions with the Secretary have been general in nature and focused on the goals and objectives for the Department announced by President Trump and Secretary Shulkin. If confirmed, I will have a more detailed discussion with the Secretary to obtain his thoughts, impressions and opinions regarding what specific aspects of duty he believes should be within my portfolio of responsibilities as Deputy Secretary. Once that discussion occurs, I will determine how best to approach those duties and responsibilities.

Question 5. Please describe what you believe the mission of VA should be.

Response. I believe the VA mission at its core is embodied in President Lincoln's Second Inaugural Address in 1865 "...To care for him who shall have borne the battle and for his widow, and his orphan...." What is meant by "care" has been an ongoing evolution up to the present time as the American people and their Government try to continuously update and address the needs of Veterans and their families which arise out of their service and sacrifice in defense of our country. Providing the highest quality healthcare; compensating and addressing service-connected disabilities; providing supportive service and programs that facilitate transition from military service and reintegration into the community; and, providing and maintaining a final resting place that honors and respects their service to our Country.

Question 6. What do you see as the biggest challenges facing VA at this time—as to the Department as a whole, and specifically in VBA, VHA, NCA, and OIT?

Response. As to the Department as a Whole: Regaining the Trust of Veterans (within and outside of the VA), their families, and the American People—The Phoenix VA Medical Center Scandal in 2014 and since then, other scandals associated with an inability to appropriately hold VA employees, senior executives and staff alike, accountable for unsatisfactory performance or misconduct seriously undermined the trust and confidence in VA of Veterans and their families, Members of Congress and the American people. Modernizing the VA as discussed by the Secretary in his FY 2018 Budget request; working with Congress, VSO's and other stake holders to boldly and aggressively address needs highlighted by them, will buildupon what President Trump, Secretary Shulkin and Congress have already started to hopefully regain that trust.

Each of the below challenges have cross VA impact on VHA, VBA, NCA, OIT:

Vacancies in the Field Organizations—Veterans Health Administration (VHA), Veterans Benefits Administration (VBA), National Cemetery Administration (NCA). In any large organization, there is personnel turnover that requires recruiting for replacements. However, in an organization like the VA where its mission is caring for our Nation's Veterans and their families, that replacement process takes upon a sense of urgency. Responding to that urgency is a leadership responsibility at all levels. If confirmed, and under the direction of the Secretary, I believe it appropriate to review, streamline and implement an aggressive initiative fill existing vacancies.

Capital Asset Management and Infrastructure Improvement—Within VA there exist hundreds of vacant and underutilized buildings and structures on the campus of almost all of the VA medical centers. Simply maintaining them requires millions of dollars. If confirmed, and under the direction of the Secretary, VA will initiate a process to review and evaluate this inventory of capital asset underutilization and develop recommendations for the highest and best use or disposition of these structures for enhancing delivery of Veteran care and benefits.

Veterans Choice Program/Care in the Community—Access to timely healthcare, whether within a VA medical center or within a community care network, is an earned benefit of all Veterans enrolled in VA healthcare. If confirmed, I will work with the Secretary to find the appropriate pathway to a new Veterans Choice Program and Care in the Community process that addresses the healthcare needs of our Veterans.

Information Technology and VA Acquisition—Federal contracting within VA has been an inordinately challenging process as VA attempts to meet the demands and requirements across the Department, whether it be Information Technology systems or medical equipment and supplies at VA medical centers. The agility of a purchasing system within VA is critical to meeting the transformative goals of the Secretary. VA needs to introduce IT and acquisition systems and capabilities that are

streamlined and operate with agility and speed to address the programmatic needs of the Department.

Question 7. What will be your top three priorities after assuming the role of Deputy Secretary?

Response. If confirmed, my top three priorities with the Secretary's approval, and among others that will be identified by the Secretary are 1) Veterans Choice Program/Care in the Community; 2) Information Technology and VA Acquisition; and 3) Vacancies in VA Field Organizations. Each are discussed above under Question 6.

Question 8. What specific experiences from your prior professional positions do you believe have prepared you to manage VA? Please also particularly address how you can help implement the Secretary's decision to procure and deploy Cerner Corporation's electronic health record.

Response. If confirmed, I believe my past appointment as VA Chief of Staff and other senior positions within the VA Headquarters have provided me an excellent background and frame of reference regarding the appropriate manner, means and methods of addressing departmental challenges associated with policy development, program implementation, budget, personnel/HR oversight, congressional relationships and legislative needs of VA. Additionally, my subsequent years as the Senior Advisor to the Director of VISN 8 in Florida provided me an exceptional opportunity to experience how decisions and policy developed at the VA Headquarters level is implemented and executed in the field.

While I support the decision of the Secretary to procure the same Cerner Corporation's electronic health record platform as DOD, my depth of understanding of the intended VA process and way forward at the present time regarding implementing the decision to achieve an effective, efficient, and integrated health system is minimal. However, if confirmed, involving myself in this inordinately important initiative will be a significant priority for me.

Question 9. What were the major decisions you made as Senior Advisor or Chief of Staff that did not turn out to have the impact you anticipated, and what problems did you try to address that are still challenges today? How do you anticipate handling them differently if confirmed?

Response. As the Senior Advisor or Chief of Staff I do not recall making any major decisions regarding policy for the Department. My recollection is that my responsibilities were to develop manner and means to facilitate or oversee implementation of those policy decisions once made.

Question 10. What do you believe the major differences will be in your former position as Chief of Staff of VA and the position for which you have been nominated?

Response. In my former role as Chief of Staff, I was responsible to ensure that the daily schedule of the Secretary, and to some degree the Deputy Secretary, was managed, coordinated and prioritized to facilitate participation in required or desired meetings or activity, and able to make decisions if required or appropriate. Time management was an ongoing responsibility. Additionally, I reviewed all administrative matters that were to come to his attention to ensure that they substantively addressed questions or issues to be considered. If confirmed as the Deputy Secretary, I would be responsible for leadership oversight and management of the daily operations of the Department, and implementation of policy decided by the Secretary, and now supported in my new position by the current Chief of Staff.

Question 11. If confirmed, what efforts will you undertake to make certain that VA is aware of, and responsive to, the needs of the Veterans' community? Do you plan to meet regularly with Veterans' organizations?

Response. It should be noted that I receive health care at the VA. If confirmed, it would be my intention to meet regularly with the Washington, DC executive leadership of the national VSO organizations. Additionally, when traveling as part of my responsibilities I would make it an integral part of my schedule to meet with local Veterans and VSO organizations and at the various VA facilities visited. At each event or opportunity, I would seek their input on behalf of their Veterans regarding issues, problems, and recommendations for improvement of the VA's delivery of healthcare and benefits. Additionally, I would try to arrange for separate opportunities to meet with Veteran family members and seek their candid opinions and recommendations as to how to better serve their loved ones.

Question 12. How would you, as Deputy Secretary, work with the Office of Inspector General? The Office of the General Counsel?

Response. In my prior role as Chief of Staff, I met frequently with the General Counsel or his staff, at their request or mine, to discuss policy, programs, initiatives, legislation, personnel actions and other matters deemed appropriate. When in doubt, I sought the review and advice of the General Counsel. If confirmed, I would

continue that approach with the General Counsel and his staff. If confirmed, I would seek to meet periodically with the Inspector General to allow for a dialog where he may discuss, if appropriate, program or operational concerns regarding criminal wrongdoing, fraud, waste or abuse within the Department.

Question 13. Are you more of a hands-on manager or do you tend to rely on significant delegation? Do you seek to achieve consensus with those on your management team before making a decision or do you generally gather relevant information and input, and then make a decision?

Response. As a general rule I am inclined to delegate to staff who have demonstrated subject matter competence and reliability. When considering an issue, it is always beneficial to seek input from staff and relevant stakeholders, if appropriate. If that results in a consensus on the way forward regarding an issue, that enhances the team. However, I do not see consensus as a necessary determinant for an executive decision.

Question 14. Do you anticipate having a role in selecting other political appointees to VA? What are your views on the key qualifications for such individuals?

Response. If invited by the Secretary, I would welcome the opportunity to be part of the selection process for other VA political appointees, if confirmed. I believe a candidate for a particular office should have demonstrated leadership experience; clear competence in the portfolio for which they will be responsible; and, an abiding desire to support and serve Veterans and their families.

Question 15. 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 for so long as you serve in the position of Deputy Secretary?

Response. If confirmed, I commit to providing such information.

Question 16. As Deputy, you would be held accountable for ensuring the Department hires, retains and engages a talented workforce. The Department, however, is struggling to recruit and engage its people. According to the U.S. Office of Personnel Management's 2016 Federal Employment Viewpoint Survey, less than fifty percent of VA employees agree that their work unit can recruit people with the right skills and only about fifty-two percent of employees believe that the skill level in their unit has improved over the past year. In addition, according to the 2016 Best Places to Work in the Federal Government ranking by the Partnership for Public Service—a comprehensive and authoritative rating of employee engagement in the Federal Government—VA was ranked 17th out of 18 large agencies in three categories related to effective leadership, while ranking 16th out of 18 on the training and development category. If confirmed, what would you do to improve hiring and engagement at the Department?

Response. In any large organization there is personnel turnover that requires recruiting for replacements. However, in an organization like the VA where its mission is caring for our Nation's Veterans and their families, that replacement process takes on a sense of urgency. Responding to that urgency is a leadership responsibility at all levels. If confirmed, and under the direction of the Secretary, I believe it appropriate to review, streamline and implement an aggressive initiative to fill existing vacancies. Lengthy administrative processes and delayed decisions by hiring officials significantly erode morale at all levels within the VA, but most significantly at the "frontline" positions in the field organizations where care and benefits are actually delivered to the Veteran. When that occurs, Veterans ultimately suffer. Addressing unfilled positions within VA needs to take upon a sense of urgency.

Question 17. VA has always struggled to tell its success stories. What would you do to help the Agency tout its accomplishments?

Response. I believe that VA's communications strategy and efforts have been commendable and increasingly effective under Secretary Shulkin's leadership. I believe this to be the case in large part because he has made himself frequently and personally available to effectively communicate the successes and accomplishments at the VA. That personal presence in the public eye as an advocate and messenger for the VA instills confidence in Veterans and their families as well as the American public at large. I believe a similar approach by directors and senior leaders in the field at the VISN, VA medical centers and Regional Office levels would go a long way to inform Veterans, their families and the American public of VA's successes and accomplishments. While media training may be appropriate on behalf of some senior leaders, it would be an inordinately important investment of time and resources.

Question 18. As Co-Chair of the Joint Executive Council, what would be your priorities?

Response. The JEC's mission statement is to work to remove barriers and challenges that impede collaborative efforts, assert and support mutually beneficial opportunities to improve business practices, and ensure high quality cost-effective services for VA and DOD beneficiaries. As the Secretary pursues the transformation of the VA, greater collaboration between VA and DOD should be inextricably intertwined wherever possible to leverage capabilities and assets of both. If confirmed, and under the direction of the Secretary, as the Co-chair of the JEC, VA will pursue a greater and more active use of the JEC to serve the needs of VA and DOD. However, until I am able to engage with the Secretary on his range of priorities, it would be premature on my part to list any priorities except for the VA/DOD collaboration on electronic health records, which is ongoing.

Question 19. In your 2012 Opinion piece for the Washington Post, you, along with former Secretary Nicholson, advocated granting interim decision on disability claims and leave open the door for auditing those claims later. Do you support this approach to claims processing today? If yes, would you advocate the Department adopt this proposal?

Response. The article was written nearly five years ago and was framed against the statistics and status of VA's efforts to address the claims backlog at that point in time. If confirmed, I would seek a detailed briefing from appropriate VBA claims subject matter experts to update my understanding. Until that would occur, I believe it would be premature to offer a current opinion.

Question 20. Given your work in Congress, the expectation will be that you will give the Department much-needed perspective on Congressional and Veterans' community reaction to changes in Department policies and legislative proposals. For example, the Administration recently put forth a legislative proposal on Individual Un-employability that was met with backlash from Veterans groups and Members of Congress. If you were Deputy Secretary at the time the Administration was preparing its budget request, and specifically legislative proposals, would you have advised the Administration differently?

Response. I was not present or involved in any facet of the development of the Administration's budget request and thus do not know what was discussed around using the IU proposal.

Question 21. 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. As a matter of good policy, Members of Congress should be made appropriately aware of any significant problems, issues and emerging matters, particularly when those matters are specific to the area the Member represents as soon as possible after VA becomes aware of an issue or event of note. Many times an initial "heads up" to the Member with follow up information afterward goes a long way to develop trust and respect for VA officials by Members and their staff. In my current role as Staff Director of the Senate Veterans' Affairs Committee I am keenly aware of the impact on Members when timely or reasonable notification does not occur. At the same time, I believe it also reasonable for the VA be allowed to collect facts and an understanding of events under the circumstances before reaching out to Members, if time permits. Additionally, if the Department is going to announce a policy, award, or other "good news" story or event, it is inordinately important and appropriate, if at all possible, to provide timely notice to the Member in advance of VA releasing the "news" to the public in a release or other social media venue. If confirmed, and under the direction of the Secretary, VA should review its current practices and procedures to determine a more timely manner of response for Members as discussed above.

Question 22. Given your understanding of how working in a bipartisan manner helps the legislative process and improves Congress' ability to provide meaningful oversight over the Department, will you commit to responding to Democratic requests for information in a timely manner?

Response. Yes. I commit to responding to Democratic requests for information in a timely manner.

Chairman ISAKSON. Mr. Tucker.

STATEMENT OF BROOKS D. TUCKER, NOMINATED TO BE AN ASSISTANT SECRETARY, CONGRESSIONAL AND LEGISLATIVE AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. TUCKER. 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 be the Assistant Secretary of Congressional and Legislative Affairs for the Department of Veterans Affairs. I am humbled by President Trump's nomination and by the confidence he and Secretary Shulkin have shown in me.

I would like to recognize my family members who are here today: my wife, Anita, who has been by my side for over 20 years; my son, Forrest, who will soon be a freshman at the University of South Carolina; and my daughter, Kate, who is a rising high school sophomore. Their love and support have been invaluable to me.

Second row. Thank you.

Chairman ISAKSON. Would you all please stand for a minute. Do not be shy.

Mr. TUCKER. I was privileged to serve in the U.S. Marine Corps for 20 years of active and reserve time. From my early days at Officer Candidate School through the Infantry Officer Course, and on various training and combat deployments overseas, the dual role of a Marine leader was ever-present in my mind: accomplish the mission and take care of your Marines.

I came to the Senate for the first time as a Marine Corps Congressional Fellow in 2009, and I learned firsthand that leadership traits and principles I lived by as a Marine officer were applicable to solve complex problems on behalf of constituents, especially veterans. I enjoyed the work here immensely and eventually decided to return, first as a Deputy Staff Director of the Republican staff on this Committee, and later as Senator Burr's Senior Policy Advisor for National Security and Veterans Affairs.

Those six and a half years in the Senate convinced me, the only way you get really big things done here is to build relationships with sincere and like-minded people in both political parties who are committed to accomplishing the mission together. Some of my most rewarding and memorable accomplishments here were negotiating significant bipartisan compromises and solutions for the VA and for veterans. If confirmed, I will bring that same sense of duty, diligence, and bipartisan service in representing the VA before this Congress.

One key observation I had as a Senate staffer was that the VA sometimes lacks a unified voice on Capitol Hill. Secretary Shulkin has recognized the growing need for cohesive and coordinated communication with Congress and a more responsive level of engagement with members and their staffs. To address that need, he directed the Office of Congressional Legislative Affairs to consolidate, effective July 1, what were previously separate but related functions and staffs, in the Veterans Health Administration and Veterans Benefit Administration, and to fully assimilate them into a unified staff by October 1. If I am confirmed, I pledge that this integrated and proactive staff structure will ultimately better serve

the Congress and allow the VA to respond to your inquiries with more efficiency and in a timely manner.

The months ahead will provide a number of opportunities for the VA and this Committee to work together, along with other committees and members, to debate and advance the administration's legislative priorities. My objective, if confirmed, will be to ensure that we have open lines of communication. I am firmly committed to ensuring the administration's priorities for the VA are communicated to this Committee and to other committees with oversight responsibilities, as well as to any member of the House or the Senate who requests information or support from the Department. I want to build on the constructive and positive relationship the Department has been promoting with Congress to meet the needs of our Nation's veterans.

Thank you for the opportunity to testify before you today, and I look forward to your questions.

[The prepared statement of Mr. Tucker follows:]

PREPARED STATEMENT OF BROOKS D. TUCKER, NOMINEE TO BE ASSISTANT SECRETARY, CONGRESSIONAL AND LEGISLATIVE AFFAIRS, 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 the Department of Veterans Affairs Assistant Secretary for Congressional and Legislative Affairs. I am humbled by President Trump's nomination and the confidence that he and Secretary Shulkin have shown in me.

I would like to recognize my family members who are here with me today. My wife Anita, who has been by my side for over twenty years; my son Forrest, who will soon be a freshman at the University of South Carolina; and my daughter Kate, who is a rising high school sophomore. Their love and support have been invaluable to me.

I was privileged to serve in the United States Marine Corps for twenty years of active and reserve time. From my early days at Officer Candidate School through the Infantry Officer Course, and on various training and combat deployments overseas, the dual role of a Marine leader was always present in my mind: Accomplish the Mission and Take Care of Your Marines. I came to the Senate for the first time as a Marine Corps Congressional Fellow in 2009 and learned first-hand that the leadership traits and principles I lived by as a Marine Officer, were applicable to solve complex problems on behalf of constituents, especially veterans. I enjoyed the work here and eventually decided to return; first as the Deputy Staff Director on the Republican Staff for this Committee, and later as Senator Burr's Senior Policy Adviser for National Security and Veterans Affairs. Those six and a half years as a Senate staffer convinced me the only way you get the really big things done is to build relationships with sincere and like-minded people in both political parties who are committed to accomplishing the mission together. Some of my most rewarding accomplishments of those six years were negotiating significant bi-partisan compromises and solutions for the VA and for veterans. If confirmed, I will bring that same sense of duty, diligence and bi-partisan service in representing the VA before the Congress.

I am firmly committed to ensuring the Administration's priorities for the VA are communicated to this Committee and to the other committees with oversight responsibilities, as well as to any Member of the House or the Senate who requests information or support from the Department. One key observation I had as a Senate staffer was that the VA sometimes lacked a unified voice on Capitol Hill. Secretary Shulkin has recognized the growing need for cohesive and coordinated communication with Congress and a more responsive level of engagement with Members and their staffs. To address that need, he directed the Office of Congressional and Legislative Affairs to consolidate, effective on July 1, what were previously separate, but related functions and staffs, in Veterans Health Administration and Veterans Benefit Administration and to fully assimilate them into a unified staff by October 1. If I am confirmed, I pledge that this integrated and proactive staff structure will

ultimately better serve the Congress and allow the VA to respond to your inquiries with more efficiency and in a timely manner.

The months ahead will provide a number of opportunities for the VA and this Committee to work together, along with other Committees and Members, to debate and advance the Administration's legislative priorities. My objective, if confirmed, will be to ensure that we have open lines of communication. I want to build on the constructive and positive relationship the Department has been promoting with Congress to meet the needs of our Nation's veterans. Thank you for the opportunity to testify before you today 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.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Assistant Secretary, Congressional and Legislative Affairs	May 12, 2017

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Brooks	Dewell	Tucker	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			**Street:**810 Vermont Avenue NW		
City: Annapolis	**State:**MD	**Zip:**21409	**City:**Washington	**State:**DC	**Zip:**20420

Other Names Used						
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 ☐	Est ☐
					Est ☐	Est ☐

Birth Year and Place	
Year of Birth (Do not include month and day)	**Place of Birth**
1965	Dhahran, Saudi Arabia

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	☑	☐	☐	☐	☐

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
Anita	Castellano	Tucker	

Spouse's Other Names Used (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)
					Est ☐	Est ☐
					Est ☐	Est ☐

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**
Forrest	John	Tucker	

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**
University of Maryland	university	08/1983 Est ☐	05/1987 Est ☐ Present ☐	BA	May, 1987
Basic Officer Course	military (USMC)	01/1988 Est ☐	07/1988 Est ☐ Present ☐	N/A	
Infantry Officer Course	military (USMC)	07/1988 Est ☐	09/1988 Est ☐ Present ☐	N/A	
Amphibious Warfare School	military (USMC) distance	1/1995 Est ✓	07/1996 Est ☐ Present ☐	N/A	
Command and Staff College	military (USMC) distance	09/2004 Est ✓	06/2007 Est ☐ Present ☐	N/A	June 7, 2006
Georgetown University	university; certificate program	10/2008 Est ☐	03/2010 Est ☐ Present ☐	N/A	March 25, 2010

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.

Type of Employment (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	**Name of Your Employer/ Assigned Duty Station**	**Most Recent Position Title/Rank**	**Location** (City and State only)	**Date Employment Began** (month/year) (check box if estimate)	**Date Employment Ended** (month/year) (check box if estimate) (check "present" box if still employed)
Federal Government	Dept. Veterans Affairs	Senior Adviser	Washington DC	01/2017 Est ☐	Est ☐ Present ☑
Unemployment	N/A	N/A	N/A	10/2016 Est ☐	01/2017 Est ☐
Non-Government Employment	Continental Consulting Group Inc.	Vice President, Congressional Relations	Alexandria, VA	01/2016 Est ☐	10/2016 Est ☐
Federal Government	U.S. Senate/SEN Richard Burr (R-NC)	Senior Policy Adviser	Washington DC	07/2010 Est ☐	11/2015 Est ☐
Federal Government	U.S. Marine Corps Reserve	Infantry Officer/ Lieutenant Colonel	Quantico, VA and Camp Lejeune, NC, AFG.	01/2010	06/2013
Federal Government	Senate Veterans Affairs Committee	Deputy Staff Director	Washington DC	01/2010 Est ☐	06/2010 Est ☐
Federal Government	U.S. Marine Corps Office of Legislative Affairs	Congressional Fellow/ Lieutenant Colonel	Washington DC	10/2008	12/2009
Federal Government	U.S. Marine Corps (Activated from Reserve status)	Infantry Officer/Major	IRAQ	10/2007 Est ☐	Est ☐ Present ☐ 04/2008
Non-Government Employment	Deutsche Bank Securities	Associate	Baltimore, MD	07/1998 Est ☐	09/2008 Est ☐
Non-Government Employment	First Union Securities	Asst. Vice President	Baltimore, MD	08/1996 Est ☑	07/1998 Est ☐
Federal Government	U.S. Marine Corps Reserve	Infantry Officer/ Captain-Major	Washington DC and Frederick MD	10/1992	09/1996

Federal Government	U.S. Marine Corps (Activated from Reserve status)	Infantry Officer/ Captain	Washington DC	4/1996	7/1996
Federal Contractor	U.S. Department of Treasury/U.S. Mint	Asst. Marketing Manager	Washington DC	7/1995 Est ☐	4/1996 Est ☐
Federal Government	U.S Marine Corps (Activated from Reserve status)	Infantry Officer/ Captain	Washington DC	1/1995	6/1995
Non-Government Employment	Merrill Lynch	Financial Consultant	Washington DC	05/1992 Est ☐	1/1995 Est ☐
Non-Government Employment	T.G.Bauer Assoc.Inc.	Program Analyst	Falls Church VA	02/1992	05/1992
Federal Government	U.S. Marine Corps Active	Infantry Officer/2ndLt-1stLt.	Camp Lejeune, NC	01/1988	02/1992
Non-Government Employment (Part Time)	Riordan's Saloon	Doorman	Annapolis, MD	10/1987	12/1987
Non-Government Employment	R. Marinucci & Sons	Laborer	Beltsville, MD	06/1987	09/1987
Federal Government	U.S.Marine Corps Platoon Leaders Class	Officer Candidate	Quantico, VA	06/1985 06/1986	07/1985 07/1986
Non-Government Employment (Part Time/Seasonal)	Hilton Waterfront Hotel	Barback	Annapolis, MD	05/1983	10/1986

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere. NONE

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

3. 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.S. Marine Corps Congressional Fellow, 2009
Meritorious Service Medal
Navy Commendation Medal (three awards; one with Combat Distinguishing or "V" Device)
Navy Achievement Medal
Combat Action Ribbon
Military Outstanding Volunteer Service Medal

3. 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).

Name of Organization	Dates of Your Membership (You may approximate)	Position(s) Held
Marine Corps Scholarship Foundation (501c3)	1996-2010	Treasurer; Board Member; Investment Committee Chairman
Sound-Off (501c3)	2016-Present	Board Member

4. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office? NO

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

(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. NONE

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

(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

Name of Recipient	Amount	Year of Contribution

5. 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
"Iraq and the Reality of Hope"	Baltimore Sun	June 5, 2008
"Encourage Young People to Serve Their Country"	Baltimore Sun	February 22, 2006
"War Opposition in Our Public Schools"	The American Enterprise Online	December 28, 2005
Breach (novel)	Authorhouse	June, 2005
"Man Versus Mountain"	The American Enterprise	July-August, 2002
"New Economy, Old Hubris"	The American Enterprise	July-August, 2001

6. 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. NONE

(C) List all interviews you have given to newspapers, magazines or other publications, and radio or television stations (including the dates of such interviews). Interviewed in 2013 by Mike Magner for his book, *"A Trust Betrayed-The Untold Story of Camp Lejeune and the Poisoning of Generations of Marines and Their Families"* (2014)

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.

Status and Terms of Any Agreement or Arrangement	Parties	Date (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). YES; U.S. House of Representatives

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 18, 2017

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 Brooks Tucker, who has been nominated by President Trump for the position of Assistant Secretary for Congressional and Legislative Affairs, 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
DN: c=US, o=U.S. Government, ou=Office of Government Ethics, cn=DAVID APOL, 0.9.2342.19200300.100.1.1=95491002981870
Date: 2017.05.18 15:46:23 -04'00'

David J. Apol
General Counsel

Enclosures

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

May 17, 2017

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 Assistant Secretary for Congressional and Legislative Affairs 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 will divest my interests in Merrill Lynch Capital Trust I within 90 days of my confirmation. 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 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 are invested in non-conflicting assets.

I resigned from my position with Continental Consulting Group Inc. in October 2016. 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 this corporation is a party of 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 services 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 Sound Off. 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 Sound Off is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

My spouse is employed by Prince George's County in a position for which she receives a fixed annual salary. For as long as my spouse continues to work for Prince George's County, I will not participate personally and substantially in any particular matter involving specific parties in which I know Prince George's County is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

My spouse is also a consultant for Adoptions Together. For as long as my spouse continues to consult for Adoptions Together, I will not participate personally and substantially in any particular matter involving specific parties in which I know Adoptions Together 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 will meet in person with you, or your designee, during the first 15 days of my service in the position of Assistant Secretary for Congressional and Legislative Affairs 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,

Brooks Tucker

Brooks Tucker

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO BROOKS TUCKER, NOMINEE TO BE ASSISTANT SECRETARY FOR CONGRESSIONAL AND LEGISLATIVE AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. Why are you seeking the position of Assistant Secretary of Congressional and Legislative Affairs?

Response. I have been firmly committed to improving the lives of Veterans and their families for over twenty years, in private life through volunteerism and in public service. This position will give me an opportunity to bring that experience to bear at a strategic level during a critical period for the Department of Veterans Affairs.

Question 2. Have you and Secretary Shulkin discussed the duties and the role you would assume as Assistant Secretary for Congressional and Legislative Affairs if you are confirmed? If so, what specific areas of the job were discussed? How would approach those responsibilities if confirmed?

Response. The Secretary has discussed what he expects of me if I am confirmed. His focus is on improving the internal departmental coordination for Congressional concerns and being more proactive with Congress. If confirmed, I intend to reduce and eliminate administrative processes that hinder prompt and informed exchanges with Congress and increase day to day staff level outreach and communications with Congress.

Question 3. Do you anticipate having a policymaking role if you are confirmed? If yes, what would your role in creating policy include?

Response. If confirmed, my role would be to advise the Secretary on the ramifications and implications of policy decisions as they pertain to Congress. The Assistant Secretary is a critical member of the Secretary's policy team—managing the policy agenda of the legislative branch and more important, helping the Secretary develop policy to carry out the President's agenda and execute the policy through legislation.

Question 4. What was your impression of OCLA while you were employed in the Senate? How has that informed how you would manage OCLA?

Response. During my time as a Congressional Staffer, OCLA's reputation was somewhat inconsistent and its responsiveness often in question. OCLA had problems delivering a consistent and complete message on a given issue and oftentimes had to correct prior information provided to Congress, which harmed OCLA's credibility and that of VA. More must be done with VA senior leadership to emphasize OCLA's unique role and authority within VACO in order to develop greater effort to support OCLA's mission and ultimately support Congress.

Question 5. Please describe what you believe the mission of VA should be.

Response. VA's mission is to care for Veterans and their families. This is a national security imperative.

Question 6. As a veteran, how do your personal experiences of using VA services impact your thoughts on how to perform the duties of this position?

Response. I am a combat veteran and have been very fortunate to have served in a number of foreign operations without incurring an injury requiring VA health care or disability benefits. However, I know many fellow veterans, relatives and friends, who are not as fortunate and their stories and the stories of their families inspire me to work for better care and outcomes for veterans who use or rely upon the VA. If I am confirmed, I will strive to do so.

Question 7. It is my understanding that you have been working at the Agency for the past several months. What has been your impression of the Department? What have been your duties while employed with the Agency? Please describe any particular issues that you have worked on while employed by VA.

Response. I have a mixed impression of the Department. If I am confirmed, and based on my experience as a Veteran and a senior Congressional staffer, I intend to suggest any changes that are needed to improve the Department's capabilities and that will enhance its reputation, with both the Congress and the public.

Question 8. What do you see as the biggest challenges facing VA at this time? What steps would you take to immediately begin addressing these issues if confirmed?

Response. Leadership and accountability are the foremost challenges, along with cultural change, improved performance and ultimately higher credibility; all are closely related. The VA is a large and complex organization and often under intense public scrutiny. No organization can succeed in that difficult and unpredictable environment without high quality leaders spurring change at all levels and clear accountability for results. If VA can demonstrate, with targeted help from legislative authorities and appropriations, that it can execute its mission well, while recruiting

and retaining capable leaders, then performance and credibility will improve over time.

Question 9. How would you describe your management style and how is it suited to this particular position?

Response. I learned as a Marine Officer that an effective leader needs to accomplish the mission and take care of his people, be decisive, and build a bright and capable team that will be brutally candid and execute smoothly. A smart leader will delegate responsibility to conduct tasks, but never delegate overall authority as the senior person. My leadership style is generally collaborative, which is essential in a position such as this, where working with Members of Congress and for the Secretary and his Under Secretaries is vitally important.

Question 10. What in your experience do you believe contributes to your qualifications for this position?

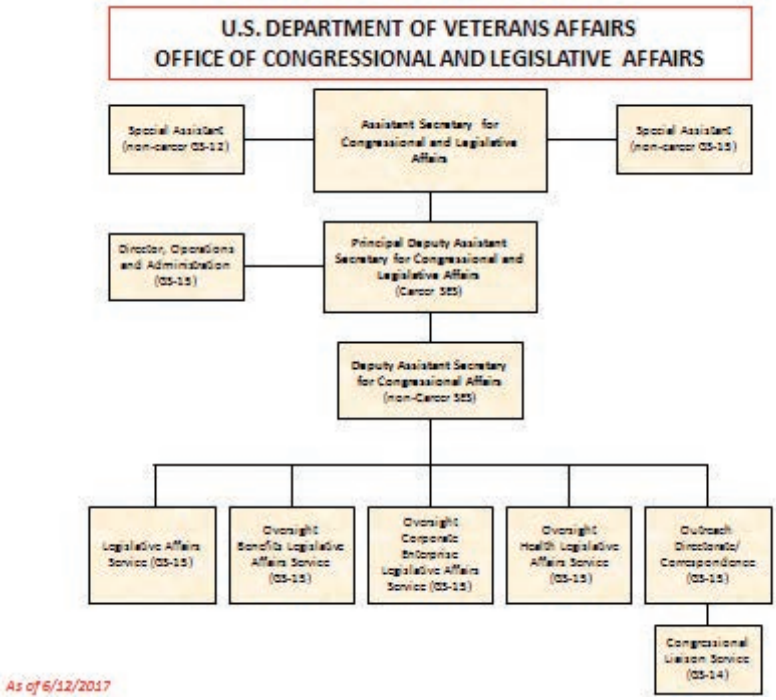
Response. I know firsthand that military service can cause hardships, physical and emotional, and that service in peacetime and wartime can have lasting positive and negative effects on people who served. I also know from experience that Congress has a valuable and indispensable role in conducting oversight and VA must support that effort with accurate and timely information, and be accountable for results.

Question 11. What skills would you bring to this position that would help you contribute to meeting the needs of veterans?

Response. The credibility, reputation and relationships I cultivated during over six years serving on Congressional Staff, first as a Marine Corps Congressional Fellow and later as a policy adviser who worked extensively with bi-cameral committees and staff focused on military and veterans' affairs. I have a strong desire to see needed changes and reforms in VA that will lead to better care for veterans.

Question 12. Please provide an organizational structure and roles and responsibilities for the staff currently employed by OCLA. Are there any modifications to the current structure you are contemplating and would carry out if confirmed?

Response. The information below describes how OCLA is organized presently. Discussions are underway to develop a more consolidated operational model for Congressional Affairs in VACO, with the functions and personnel that exist outside of OCLA, in VHA, VBA, and NCA, becoming more closely aligned with OCLA teams and leadership. If I am confirmed, I will support these discussions and the objective because better alignment will improve coordination inside VA and with Congress.



OCLA currently has 45 Full Time Employees (FTE) and provides links to contact lists for the oversight teams (Legislative, Benefits, Corporate Enterprise, and Health), and for the outreach team on the OCLA landing page, https://www.va.gov/oca/.

OCLA is led by an Assistant Secretary, who reports directly to the Secretary of the Department of Veterans Affairs and serves as the Department's primary point of contact with the Congress. The Assistant Secretary also serves as the principal point of contact between OCLA and the White House Office of Legislative Affairs.

One Principal Deputy Assistant Secretary (PDAS) and one Deputy Assistant Secretary (DAS) for Congressional Affairs comprise the senior OCLA leadership team and report directly to the Assistant Secretary, who is their supervisor. In addition, there are two Schedule C Special Assistants assigned to the Office of the Assistant Secretary.

An Executive Assistant/Director of Operations (EA) provides for overall administrative management of the organization to include budget formulation and execution; and directs the personnel management program for the organization by providing oversight to employees and performing or overseeing the full range of human resources requirements.

Each Director leads a team of Congressional Relations Officers, Congressional Liaison Officers/Representatives, and Program Analysts within OCLA. Specific director duties and responsibilities are:

Director, Veterans Benefits Legislative Affairs Service. The Director, Veterans Benefits Legislative Affairs Service is responsible for maintaining liaison activities between VA and its Congressional oversight committees in regards to all Veterans Benefits Administration issues, in person and through assigned Congressional Relations Officers (CRO) and Program Analysts (PA). This includes the tracking, monitoring, and delivery of all Requests for Information (RFI) and briefings. In addition, the Director is responsible for all hearing coordination and witness preparation. Where issues cross service boundaries, directors must coordinate who will take the lead on the issue.

Director, Veterans Health Legislative Affairs Service. The Director, Veterans Health Legislative Affairs Service is responsible for maintaining liaison activities between VA and its Congressional oversight committees in regards to all Veterans

Health Administration issues, in person and through assigned Congressional Relations Officers (CRO) and Program Analysts (PA). This includes the tracking, monitoring, and delivery of all Requests for Information (RFI) and briefings. In addition, the Director is responsible for all hearing coordination and witness preparation. Where issues cross service boundaries, directors must coordinate who will take the lead on the issue.

Director, Corporate Enterprise Legislative Affairs Service. The Director, Corporate Enterprise Legislative Affairs Service is responsible for maintaining liaison activities between VA and its Congressional oversight committees in regards to all Human Resource, Information and Technology, and VA Construction and Leasing issues, and serves as the Department's liaison with the Government Accountability Office (GAO) monitoring GAO activities affecting VA and veterans. This is performed in person and through assigned Congressional Relations Officers (CRO) and Program Analysts (PA). This includes the tracking, monitoring, and delivery of all Requests for Information (RFI) and briefings. In addition, the Director is responsible for all hearing coordination and witness preparation. Where issues cross service boundaries, directors must coordinate who will take the lead on the issue.

Director, Legislative Affairs Service. The Director, Legislative Affairs Service is responsible for coordinating the development and continued monitoring of the Departments legislative priorities. Also, provides views and technical assistance on the Departments legislative priorities and pending legislation before Congress. This is performed in person and through assigned Congressional Relations Officers (CRO) and Program Analysts (PA). This includes the tracking, monitoring, and delivery of all Requests for Information (RFI) and briefings. In addition, the Director is responsible for all hearing coordination and witness preparation. Where issues cross service boundaries, directors must coordinate who will take the lead on the issue

Director, Congressional Outreach and Congressional Liaison Service and Correspondence. The Director, Congressional Reports and Correspondence Service is responsible for maintaining liaison activities between the Department of Veterans Affairs (VA) and the U.S. Congress. The Director guides the development, documentation, establishment and implementation of policies, guidelines and procedures followed by Liaison Representatives in conducting liaison activities and constituent service support. The Director ensures Members of Congress and their staff are provided with accurate and a timely response to constituent inquires. The Director monitors the flow of executive correspondence, Questions for the Record and Congressionally Mandated Reports as they traverse through the drafting and concurrence process.

Congressional Relations Officers are assigned a primary area of responsibility and serve as the back-up officer for another Congressional Relations Officer assigned to their team. Congressional Relations Officers are responsible for most actions related to Congressional Hearings, to include coordinating and synchronizing witness preparation, orchestrating hearing preparation sessions, staffing the congressional testimony, accompanying the witness to the hearing and taking action to ensure that hearing due-outs are submitted on time to Congress. The Congressional Relations Officer reviews letters, questions for the record, and transcripts associated with the hearing and his/her other assigned areas of responsibility. He/she provides advice and counsel to the Assistant Secretary, DAS and ADAS on the topics within his/her portfolio and communicates and coordinates with other stakeholders as appropriate.

Program Analysts work closely with and provide support to the Congressional Relations Officers assigned to his/her team. The program analyst is responsible for a wide range of support activities to support the congressional relations officers, to include: coordinating rooms for congressional hearing preparation sessions, transportation to congressional briefings and meetings, building hearing and briefing books, managing the processes for Questions for the Record (QFR), hearing transcripts, and supporting the congressional relations officers in other areas as needed.

Question 13. Please walk us through the OCLA approval process for Requests for Information once information is received from the appropriate subject matter expert. What percent of answers do you anticipate that you will personally see prior to responses being sent?

Response. The Congressional Relations Officer, or Congressional Liaison Officer, with oversight of a given topic area or region is responsible for answering the relevant request in a timely and accurate manner. The Congressional Relations Officer confirms the information being sought, along with any necessary background information, and then tasks the request to the appropriate VA Administration or program office for a comprehensive draft response.

OCLA must ensure that all answers to Congressional inquiries accurately reflect the Department's position. As such, except for basic inquiries of publicly available

information, the Congressional Relations Officer is responsible for the internal coordination necessary to vet every answer through proper channels. As soon as the response has been cleared through the appropriate offices, the Congressional Relations Officer transmits that response to the originating Member office.

In FY 2016 OCLA responded to 2,812 Requests for Information and in FY 2017, as of May 31, 2017, OCLA has responded to 1,456 Requests for Information. If I am confirmed, I do not expect to review every response that is sent. Therefore, I will likely have to rely on my subordinate SES level colleagues to ensure reviews are being conducted and overseen at the appropriate level commensurate with the issue area or concern.

Question 14. How do you view the relationship between OCLA and subject matter experts within VA? Do you believe there are circumstances when OCLA would not be involved in responding to questions from Congress?

Response. OCLA should have general or specific visibility on any question from Congress. There are instances where a Congressional staffer has a close professional relationship with a VA subject matter expert (SME) and communicates directly with that SME. But, when this occurs, it is the responsibility of that SME to ensure OCLA is aware of the query and is included on any response provided. This ensures a consistently accurate and optimally staffed response to Congress.

Question 15. What goals do you have for timely responses to Congress for requests for whitepapers, information or other background materials? How would you work within the Department to ensure that your goals are met?

Response. VA can always strive to do better in the area of responsiveness. I understand VA's guidelines for requests for information (RFI) are to provide an answer within 48 hours for simple or routine questions and within 10 business days for requests determined to be complex. In situations where more time is needed, VA should engage the original requester to explain that more time is necessary and provide an estimated delivery date. Additionally, VA has already shown it can improve when proper management actions are taken. In calendar year (CY) 2015, it took an average of 33 business days for VA to provide a response to a Congressional letter written to the Secretary and in CY 2016 this average had grown to 36 business days. However, at this point in CY 2017, VA has successfully lowered the average time to provide a response to Congressional letters written to the Secretary to 17 business days. I also refer you to my response to your Question #12.

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. If confirmed, I will work to instill in OCLA staff the intention to always be cultivating and improving relationships with Member offices and staff to get early indications or warnings of a problem or emerging issue. This approach can go a long way to anticipating rather than reacting to a problem. Additionally, I understand VA is working to implement a new Strategic Management Tool to bridge data sharing gaps across multiple Offices and help senior leaders make data-driven decisions. OCLA must understand Congressional stakeholders' interests and concerns to improve outreach to them. By implementing an improved system to track the history of inquiries by specific Members and Committees, OCLA can begin to establish the institutional knowledge necessary to anticipate issues and items of interest and then proactively reach out to our Congressional partners as they arise.

Question 17. Under your leadership, what would OCLA's role be in preparation of testimony for Congressional hearings?

Response. The most visible and public interaction between VA and Congress are Congressional hearings. OCLA is responsible for coordinating all hearings that require a VA official to testify and is in charge of testimony development. Recurrent and open communications between OCLA and Congressional committee and Member staff are essential to a successful hearing. Through staff-to-staff conversations, OCLA Congressional Relations Officers are able to gauge the intent of the hearing and determine the topics that the Committee members desire to cover. OCLA's work with Committee staff, VA administrations or program offices, and the White House ensures the testimony is accurate and submitted on time.

Question 18. Under your leadership, would OCLA have any role in clearing legislation that VA submits to Congress?

Response. Certainly. VA proposes to the Congress each year "legislative proposals," which consist of VA's recommendations on statutory changes that are needed to improve program operations or modify program authority to better serve the Nation's interests. The legislative initiatives are determined by the Secretary, with input from appropriate VA officials, and are submitted to OMB for consideration and Administration approval. OCLA is responsible for coordinating among the nec-

essary VA Administrations and program offices and OMB during the clearance process, and leads the effort in seeking passage by Congress.

Question 19. VA has always struggled to tell its success stories. What could OCLA do to help the Agency tout its accomplishments?

Response. VA is making progress solving problems nationally and locally but OCLA must communicate more consistently to our internal and external stakeholders such as Congress, VSOs, and the media to emphasize where and how progress is being made. Too often Congress and the media disregard what VA does well or is doing better than others. Part of that reflex is due to a lack of a consistent and persistent OCLA presence on Capitol Hill. OCLA must consistently engage and educate Congressional members and staff so they are inclined to relay VA accomplishments to constituents and the media. If confirmed, I will ensure OCLA leadership is on the Hill more frequently and telling those positive stories, as well as hearing from Staff and Members.

Question 20. Under your leadership, would OCLA have any role in modifying technical assistance provided to members who have asked for assistance in drafting bills?

Response. OCLA is responsible for coordinating the development and continued monitoring of the Department's legislative priorities and does not comment on legislation except to pass along the official view of the Department, as approved by OMB. OCLA also has the responsibility to coordinate the Department's response to all requests made by Congressional committees for technical assistance on legislation pending before Congress. In these instances, the Department only provides the technical assistance requested. Since no policy positions are provided, OCLA does not obtain OMB clearance.

Question 21. Have you evaluated the Congressional Liaison offices located on Capitol Hill and how they fit into the work of the Office of Congressional and Legislative Affairs?

Response. OCLA currently has a mix of caseworkers and Congressional Relations Officers at each location for easier access. These employees do not resolve casework, but are liaisons to the VA offices that conduct the casework. Additionally, their office space is often used for small meetings or briefings. These office spaces are available for more recurrent use by members of OCLA's teams based at VACO. If confirmed, I intend to detail additional staff to those offices periodically for closer proximity to Congressional offices and staff in order to facilitate better relationships and communication.

Question 22. How would you identify and evaluate any trends in the concerns raised by Members of Congress and how would you present the issues raised for VA Senior Management so they might be addressed?

Response. There are a variety of technical ways to detect and evaluate trends in concerns by using VA data analysis, but the best way to do this is to have constructive professional relationships with Members and their Staff and get to know where trends are emerging before they become problems or crises. It is the role of the senior leadership within OCLA to maintain an awareness of emergent issues and proactively inform VA Senior management on how to address those issues. If I am confirmed, OCLA's senior leadership will be more visible in Congress on a recurrent basis.

Question 23. In the past, this Committee has had a difficult time receiving timely submissions of testimony and timely responses to post-hearing questions, please comment on ways you would work to improve the timeliness of responses to this Committee.

Response. 93% of all VA testimony was submitted to Congress on time in FY 2016. During that same time 58% of VA Questions for the Record (QFR) were submitted to Congress on time. OCLA can and should strive to markedly improve its responsiveness, and if I am confirmed, it will be my goal to do so.

Question 24. Please explain in detail what you understand the function of the House and Senate Committees on Veterans' Affairs to be and how you believe OCLA should relate, respond and interact with Committee staff.

Response. SVAC and HVAC are the primary authorizing committees in Congress on legislation affecting veterans. Committee members work to develop areas of expertise that meet the needs of their constituents and enable them to make significant contributions to public policy debates affecting veterans. Chairmen and Ranking Members work to set the agendas for their respective Majority and Minority members. OCLA staff should excel in regular outreach to all Committee staff, and member staff in Washington, DC, as well as in State/District offices. If confirmed, I will work to empower OCLA staff so that they have the structure and resources

to provide reliably consistent, timely and full responses to Congressional inquiries. I will support and join them in ensuring that Members of Congress and their staff are promptly notified of any potential problems as they arise. OCLA staff will develop strategic communications plans in concert with VA's Office of Public and Intergovernmental Affairs (OPIA) and the Office of the Secretary of Veterans Affairs (OSVA) to better inform members and Congressional staff about VA decisions that will affect veterans nationally or locally.

Question 25. If confirmed, would you be able to work collegially with Republicans, Democrats and Independents? Please describe steps you would take to ensure fairness when working with Democrats and Independents, in particular.

Response. I have always worked in a non-partisan manner and have friends and colleagues who span political party affiliations. Open and candid communication is my preferred means of ensuring a collegial and non-partisan approach.

Question 26. 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. VA's longstanding practice has been to respond to information requests from Congress. I am not aware of any such orders not to respond to minority party members and it is my intent to respond to all requests from Congress independent of the party of the requester.

Question 27. Do you agree to meet with members and their staff on issues that might arise that demands your immediate attention?

Response. If confirmed, I will make myself available on issues that demand my immediate attention.

Question 28. Do you agree to appear before the Committee when invited?

Response. Yes, to the maximum extent possible.

Question 29. Is there anything in your background that you believe disqualifies you from being confirmed to this position?

Response. No.

Chairman ISAKSON. Thank you, Mr. Tucker.

Mr. Byrne.

STATEMENT OF JAMES BYRNE, NOMINATED TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS

Mr. BYRNE. Good afternoon, Chairman Isakson, Ranking Member Tester. Thank you for this opportunity to appear today. I am humbled and honored to have been nominated by President Trump to be the VA General Counsel. It is my highest professional honor and I am grateful to Secretary Shulkin for his confidence.

I am fortunate to have with me here today my wife, Becky, and I am thankful for her unwavering support during more than 30 years of marriage. Our union started 3 days after my commissioning into the U.S. Marine Corps and God has blessed us with six children and four grandchildren, some of whom are here today.

My wife, in the gray, please stand, and daughters Hannah, Gabby, and Sarah.

On induction day at the U.S. Naval Academy some 35 years ago, having been dispossessed of all my civilian possessions and most of my hair, I stood with 1,300 classmates to take the oath of office, an oath that I have taken many times since, to serve something greater than ourselves by supporting and defending the Constitution of the United States. I am honored and excited by this prospect of, if confirmed, taking that oath again.

I spent the better part of my career in service to this great Nation. Indeed, service is in my family DNA. Both my father and father-in-law served in the U.S. military, my brother is an active duty Navy captain, and now our two sons and son-in-law proudly

serve in the U.S. Armed Forces. Army son Dan is currently stationed in Maryland, while Navy son Mic just completed nuclear power school and serves aboard the USS Alaska, home-ported in Kings Bay, Georgia. In addition, our Navy son-in-law Aaron just returned from a 6-month deployment aboard the USS Helena and is based in Norfolk, Virginia.

In January 2004, I was an activated Marine reservist assigned as Officer in Charge of the Marine Liaison Office at the then National Naval Medical Center, Bethesda, Maryland. It was there that I led a team of dedicated Marines responsible for attending to all of the non-medical needs of our wounded warriors being cared for at Bethesda, Walter Reed Army Medical Center, and Malcolm Grow Air Force Hospital.

Even today it is difficult to describe this most hallowed and emotional period in my military career. Simply stated, it was the most gut-wrenching experience of my life. I am extremely proud of the work accomplished by my liaison team. Alongside the military families and servicemembers who are assigned as our charges, we shared in the joy of return and recovery, and we wept in the despair of loss and sacrifice. Nothing will ever match that experience. And if confirmed, I will endeavor to honor the sacrifices of our uniformed servicemembers through my service at the VA.

We all acknowledge how busy our Nation's military forces are today and how our country remains committed and prepared to serving veterans as they department the military—some healthy, some scarred, several fighting for wholeness that combat erodes, all veterans, all deserving the best we can offer.

If confirmed, one of my top priorities will be to help the VA Accountability and Whistleblower Protection Act, that it is carried out in an effective and consistent way. While enacted only a month ago, a know the VA is leaning forward in their planning. The law established a new office in the VA with numerous changes in personnel processes. I know working with the Secretary in partnership with other offices to make sure we get it right is absolutely critical.

I thank the Committee Members for their support they have provided the VA and our veterans. Thank you again, Mr. Chairman, for your consideration of my nomination, and I am happy to answer any questions you may have.

I respectfully ask that this statement be entered into the record.

[The prepared statement of Mr. Byrne follows:]

PREPARED STATEMENT OF JAMES BYRNE, NOMINEE TO BE GENERAL COUNSEL, U.S. DEPARTMENT OF VETERANS AFFAIRS

GOOD AFTERNOON, CHAIRMAN ISAKSON, RANKING MEMBER TESTER, AND DISTINGUISHED MEMBERS OF THE COMMITTEE. Thank you for this opportunity to appear today. I am humbled and honored to have been nominated by President Trump to be the VA General Counsel. It is my highest professional honor, and I am grateful to Secretary Shulkin for his confidence.

I am fortunate to have with me here today my wife Becky, and I am thankful for her unwavering support during more than 30 years of marriage. Our union started three days after my commissioning into the United States Marine Corps, and God has blessed us with six children and four grandchildren, some of whom are here today.

On Induction Day at the U.S. Naval Academy some 35 years ago, having been dispossessed of all my civilian possessions and most of my hair, I stood with 1,300 classmates to take the oath of office—an oath I have taken many times since—to serve something greater than ourselves by supporting and defending the Constitu-

tion of the United States. I am honored and excited by the prospect of, if confirmed, taking that oath again.

I have spent the better part of my career in service to this great Nation. Indeed, service is in my family DNA. Both my father and father-in-law served in the U.S. Military, and now our two sons and son-in-law proudly serve in the U.S. Armed Forces. Army son Dan is currently stationed in Maryland, while Navy son Mic just completed nuclear power school and serves aboard the USS Alaska home-ported in Kings Bay, Georgia. In addition, our Navy son-in-law Aaron just returned from a six-month deployment aboard the USS Helena and is based in Norfolk, Virginia.

In January 2004, I was an activated Marine reservist assigned as Officer in Charge of the Marine Liaison Office at the then National Naval Medical Center, Bethesda, Maryland. It was there that I led a team of dedicated Marines responsible for attending to all of the non-medical needs of our wounded warriors being cared for at Bethesda, Walter Reed Army Medical Center, and Malcolm Grow Air Force hospital.

It is well-known especially to this Committee that Servicemembers are supremely loyal to their units. The hearts and minds of men and women who returned home for medical care were of course always with their team members engaged in combat operations in Iraq, Afghanistan, and elsewhere. This loyalty, service, and undying dedication had a profound effect on me, and drove home the profound importance of the mission of supporting these wounded warriors under my command and their families.

Even today it is difficult to describe this most hallowed and emotional period of my military career. Simply stated, it was the most gut-wrenching experience of my life. I am extremely proud of the work accomplished by my liaison team. Alongside the military families and Servicemembers who were assigned as our charges, we shared in the joy of return and recovery and we wept in the despair of loss and sacrifice.

Nothing will ever match that experience. And, if confirmed, I will endeavor to honor the sacrifices of our uniformed Servicemembers through my service at the VA.

This past May, Secretary Shulkin outlined his top priorities in terms of 13 areas of significant risk for VA. One priority in particular—elimination of Veterans' suicide—is for me neither academic nor impersonal. I share Dr. Shulkin's passion in this area, having lost a Marine under my command to suicide and knowing that many more still suffer from Post-Traumatic Stress. I have for the past ten years volunteered on the Board of Directors for the Give an Hour organization, which is dedicated to providing free mental health services to our Servicemembers and their families, and if confirmed I will do all in my power to help Secretary Shulkin end this scourge.

We all acknowledge how busy our Nation's military forces are today and how our country remains committed and prepared to serving Veterans as they depart the military—some healthy, some scarred, several fighting for wholeness that combat erodes. All Veterans. All deserving the best we can offer.

I thank the Committee members for the support they have provided to the VA and our Veterans in helping to fulfill President Lincoln's promise and our sacred mission "to care for him who shall have borne the battle." There is no nobler mission or higher calling for me, and it would be my distinct honor and privilege to support this effort.

Thank you again, Mr. Chairman and Members of the Committee, for your consideration of my nomination. I am happy to answer any questions you may have, and I respectfully ask that this statement be entered into the record.

[The Committee questionnaire for Presidential nominees follows:]

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

1. Basic Biographical Information

Please provide the following information.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
General Counsel, United States Department of Veterans' Affairs	June 26, 2017

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
James	Michael	Byrne	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			**Street:** 6801 Rockledge Drive		
City: McLean	**State:** Virginia	**Zip:** 22101	**City:** Bethesda	**State:** Maryland	**Zip:** 20817

Other Names Used						
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)
N/A						

Birth Year and Place	
Year of Birth (Do not include month and day)	**Place of Birth**
1964	St. Louis, Missouri

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	**X**	☐	☐	☐	☐

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
Rebecca	Leigh	Byrne	

Spouse's Other Names Used (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)
Rebecca	Leigh	Cogburn		x	January/1965	May/1987

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**
Rachel	Leigh	Wolfe (Byrne)	
James	Michael	Byrne	**Jr**

Daniel	Patrick	Byrne	
Sarah	Elizabeth	Byrne	

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**
Auburn University	University	Aug/1982	May/1983		
United States Naval Academy	Service Academy	July/1983	May/1987	B.S.	May 20, 1987
Stetson University College of Law	Law School	Aug 1992	June 1995	J.D	May 13, 1995

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.

Type of Employment (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	**Name of Your Employer/ Assigned Duty Station**	**Most Recent Position Title/Rank**	**Location** (City and State only)	**Date Employment Began** (month/year) (check box if estimate)	**Date Employment Ended** (month/year) (check box if estimate) (check "present" box if still employed)
Non-Government Employment	Lockheed Martin Corporation	Associate General Counsel & Chief Privacy	Bethesda , MD	Aug/2008	Present x

		Officer			
Federal Employment	Office of the Special Counsel	Deputy Special Counsel	Washington, DC	Jan/2007	Aug/2008
Federal Employment	Special Inspector General for Iraq Reconstruction	Assistant Inspector General for Investigations	Arlington, VA & Baghdad, Iraq	May/2005	Jan/2007
Active Military Duty	U.S. Marine Corps/Headquarters Marine Corp (National Naval Medical Center)	Lieutenant Colonel	Bethesda, MD	Jan/2004	May/2005
Non-Government Employment	Amerian Red Cross	Assistant General Counsel & Chief Ethics Officer	Washington, DC	Jan/2003	Jan/2004
Federal Employment	U.S. Department of Justice, Criminal Division (Main)	Trial Attorney	Washington, DC	Jul/1997	Jan 2003
Federal Employment	U.S. Courts (Eastern District of North Carolina)	Law Clerk to U.S. District Court Judge Malcolm Howard	Greenville, NC	Jul/1995	Jul/1997
Reserve Military Duty	U.S. Marine Corps Reserve Support Command	Captain – Lieutenant Colonel	Kansas City, MO (MacDill AFB; Cherry Point, NC; Quantico, VA)	Oct/1992	Jun/2007
Active Military Duty	U.S. Marine Corps/MCAS Kaneohe	Captain	Kaneohe Bay, HI	Jul/1990	Oct/1992
Active Military Duty	U.S. Marine Corps/Camp Lejeune	First Lieutanat	Camp Lejeune, NC	Feb/1988	Jul/1990
Active Military Duty	U.S. Marine Corps/Quantico Base	Second Lieutenant	Quantico, VA	May/1987	Feb/1988
Part-time Non-Government Employment	Marymount University	Adjunct Professor	Arlington, VA	2007	2009
Part-time Non-Government Employment	East Carolina University	Adjunct Professor	Greenville, NC	1995	1996

(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 (month/year) (check box if estimate)	Date Service Ended (month/year) (check box if estimate) (check "present" box if still serving)
U.S. Department of Homeland Security Data Privacy & Integrity Advisory Committee	Unpaid Special Government Employee (SGE) Appointed Committee Member	May/2012	Present x

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.

Career Federal Senior Executive Service, Jan 2007

U.S. Drug Enforcement Administrator's Award for Exceptional Service, 2002

Numerous unit and personal military awards including the Meritorious Service Medal, Joint Service Commendation Medal, Navy & Marine Corps Commendation Medal, U.S. Marine Corps

Stetson University College of Law Cecil B. Bailey Award, 1995

Stetson University College of Law Public Service Fellow – Florida Bar Foundation IOTA Scholarship, 1992-95

Tampa Bay Area Police Chiefs Association Scholarship during law school, 1995

Secretary of the Navy Distinguished Midshipman Graduate Award, U.S. Naval Academy, 1987

U.S. Naval Academy Graduates Class of 1897 Award (Brigade Commander), 1987

Denfeld Memorial Award, U.S. Naval Academy Foundation, 1987

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).

Name of Organization	Dates of Your Membership (You may approximate)	Position(s) Held
International Association of Privacy Professionals (IAPP)	2012-2016	Board of Directors; Chairman 2015
Bishop's Advisory Board, Diocese of Arlington	2003-2013	Chairman
Give an Hour	2007-present	Board of Directors
Armed Forces Foundation	2007-2008	Board of Directors
Operation Homefront, D.C. Metro Chapter	2006-2013	Board of Directors
U.S. Naval Academy Foundation	2007-2012	Trustee
American Council on Germany	2005-present	Member
Future of Privacy Forum	2008-present	Advisory Board Member

6. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?
NO

Name of Office	Elected/Appointed/ Candidate Only	Year(s) Election Held or Appointment Made	Term of Service (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.

Name of Party/Election Committee	Office/Services Rendered	Responsibilities	Dates of Service
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.

Name of Recipient	Amount	Year of Contribution
Bruce Bowen Shuttleworth via Shuttleworth for Congress	$1000	2014
Bruce Bowen Shuttleworth via Shuttleworth for Congress	$250	2012
Freedom First PAC	$250	2010
Freedom First PAC	$250	2010
Timothy Pawlenty via Pawlenty for President	$500	2011
NRCC	$500	2012
Jeb Bush via Jeb 2016, Inc.	$2700	2015
NRCC	$500	2014

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
Annual Child Protection Report – Catholic Diocese of Arlington	Arlington Catholic Herald	January/February, 2003-2014
Reflecting on the Bishop's Advisory Board	Arlington Catholic Herald	April 30, 2014
Pray for those in harm's way	Arlington Catholic Herald	October 16, 2013
Contributing author, CERTIFIED INFORMATION PRIVACY MANAGER (CIPM)	International Association of Privacy Professionals (IAPP)	2013

8. Public Statements

I have done my best to identify any public statements attributed to me, including a review of my personal files and searches on publically available electronic databases. Despite my searches, there may be other items I have been unable to identify, find or remember. I have located the following:

(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.

United States Senate Committee on Veterans' Affairs
Hearing on: VETERANS' EMPLOYMENT DISCRIMINATION, October 31, 2007.

United States Senate Committee on Homeland Security and Governmental Affairs
Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia
Hearing on: THE PERILS OF POLITICS IN GOVERNMENT: A REVIEW OF THE SCOPE AND ENFORCEMENT OF THE HATCH ACT, October 18, 2007.

(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.

Guest speaker, on ETHICS IN BUSINESS, Engineering Students, University of Virginia, Charlottesville, VA, April 12, 2010.

Moderator and presenter on PRIVACY AND SECURITY IN CYBERSPACE panel at the Armed Forces Communications and Electronics Association Homeland Security Conference, Washington, DC February 22-24, 2011.

Keynote speaker, ETHICS IN ENGINEERING, Order of the Engineer Ceremony, A. James Clark School of Engineering, University of Maryland, College Park, MD, April 1, 2011 & March 30, 2012.

Panel Presenter, DEMONSTRATING ACCOUNTABILITY, International Association of Privacy Professionals (IAPP) Canada Privacy Symposium 2011, Toronto, May 2011.

Panel Presenter, DEVELOPMENTS IN DEMONSTRATING ACCOUNTABILITY, International Association of Privacy Professionals (IAPP) KnowledegeNet Program and Privacy Commissioner of Canada and staff, Ottawa, Canada, October 18, 2011.

Panel Presenter, CRAFTING EFFECTIVE PRIVACY POLICIES, Compliance Week Conference – 2013, Washington DC, May 21, 2013.

Panel Presenter, PRIVACY FOR GOVERNMENT CONTRACTORS IS A WHOLE NEW BALLGAME IN THE AGE OF INFORMATION SHARING: SAFEGUARDING GOVERNMENT DATA, American Bar Association (ABA) Federal Procurement Institute Conference, Annapolis, MD, March 13, 2015.

Panel Presenter, WHAT'S THE RISK? TECHNIQUES FOR MANAGING PRIVACY RISK ACROSS YOUR ORGANIZATION, Privacy. Security. Risk. Conference, IAPP Privacy Academy and CSA Congress, Las Vegas, NV, September 30, 2015.

Speaker, ANTI-CORRUPTION AND BUSINESS ETHICS OVERSEAS, Seminar on International Organized Crime for U.S. Department of Defense Foreign Area Officers and other government officials, Elliott School of International Affairs, The George Washington University, Washington DC, October, 19, 2015.

Speaker, LAW FIRM CYBERSECURITY ASSESSMENTS AND PROTOCOL, International Association of Privacy Professionals (IAPP) Global Privacy Summit, Washington, DC, April 5, 2016.

Panel Presenter, WHAT'S THE SUBSTANTIVE DIFFERENCE BETWEEN SAFE HARBOR AND PRIVACY SHIELD?, Privacy Shield Bootcamp, Practicing Law Institute (PLI), NYC, September 12, 2016.

Panel Presenter, CYBER INCIDENT RESPONSE FOR DIB COMPANIES: AN INTERACTIVE CASES STUDY, American Bar Association (ABA) Public Contracts Law Section, Cybersecurity, Privacy and Data Protection Committee, Washington, DC, November 2, 2016.

Mock trial participant and guest lecturer, THE RELATIONSHIP BETWEEN THE PROSECUTOR AND AGENTS, FBI Academy, Quantico, Virginia, 1997-2002.

Guest Speaker, ROLE OF THE INSPECTOR GENERAL AND INTERNATIONAL ANTI-CORRUPTION EFFORTS, Defense Institute of International Legal Studies, Naval War College, Newport RI, , 2006-07.

Guest Speaker, ROLE OF THE INSPECTOR GENERAL AND INTERNATIONAL ANTI-CORRUPTION EFFORTS, U.S. Army Judge Advocate General School, Charlottesville VA, 2005-07.

Instructor, LAW OF ARMED CONFLICT, RULES OF ENGAGEMENT & DETENTION OPERATIONS, U.S. Marine Corps Reserves, 2000-2007.

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

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.

None.

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

(B) Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Source of Compensation	Brief Description of Duties

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

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

July 6, 2017

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 Michael Byrne, who has been nominated by President Trump for the position of General Counsel, 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
DN: c=US, o=U.S. Government, ou=Office of Government Ethics, cn=DAVID APOL, 0.9.2342.19200300.100.1.1=95491002981870
Date: 2017.07.06 20:38:12 -04'00'

David J. Apol
General Counsel

Enclosures

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

June 30, 2017

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

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 General Counsel 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 positions with the Lockheed Martin Corporation and Give an Hour. For a period of 1 year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Consistent with the customary practice for departing executives of Lockheed Martin Corporation, I will receive a pro rata bonus for 2017. Lockheed Martin will calculate this bonus using an objective formula and will reduce the bonus proportionally to compensate me only for the portion of 2017 during which I will have worked for Lockheed Martin. Lockheed Martin will pay me this bonus before I assume the duties of General Counsel.

I own shares of Lockheed Martin Corporation common stock and the Company Stock Fund, which holds Lockheed Martin Corporation stock. I also own unvested restricted stock units in the Lockheed Martin Corporation. I do not own restricted stock or stock options. Upon resignation from Lockheed Martin, I will forfeit all unvested restricted stock units. Within 90 days of my confirmation, I will divest my interests in the following entities: Lockheed Martin Corporation common stock, and the Company Stock Fund. Until I have done so, 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 these entities, 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).

Within 90 days of confirmation, I will also divest my interests in the following Lockheed Martin-specific funds: Large Cap Stock Fund, Small/Mid-Cap Stock Fund, and Target Date Fund 2030. With regard to each of these funds, until I have divested the fund, 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 that fund or its underlying assets, 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 participate in the Lockheed Martin Corporation Deferred Management Incentive Compensation Plan, the Lockheed Martin Non-Qualified Supplemental Savings Plan, and the Lockheed Martin Non-Qualified Capital Accumulation Plan. Upon my departure from Lockheed Martin, I will receive lump sum payouts of these plans before I assume the duties of General Counsel.

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 are invested in non-conflicting assets.

My spouse is employed by the Arlington Diocese, St. Luke Catholic School in a position for which she receives a fixed annual salary. For as long as my spouse continues to work for the Arlington Diocese, St. Luke Catholic School, I will not participate personally and substantially in any particular matter involving specific parties in which I know the Arlington Diocese, St. Luke Catholic School 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 will meet in person with you during the first week of my service in the position of General Counsel 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,

JAMES MICHAEL BYRNE,
Nominee.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO JAMES BYRNE, NOMINEE TO BE THE GENERAL COUNSEL, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. Have you and Secretary Shulkin discussed the role he would like you to assume as General Counsel if you are confirmed?

Response. The Secretary in my interview for this position outlined his priorities and vision for the Department of Veterans Affairs, and placed special importance on the support of the Office of General Counsel in fulfilling those priorities. If confirmed, I expect to support his priorities along with those of the President.

Question 2. If confirmed as General Counsel, you would be in charge of nearly 700 personnel nationwide.

A. What experiences do you believe have best prepared you for this role?

Response. My career has been one of increasing responsibilities in leadership roles in the military, the Federal Government, and the private sector. Those leadership roles have critically involved leading and managing employees. As Deputy Special Counsel for the Office of Special Counsel (OSC), I served in a career Senior Executive Service (SES) position and was responsible for the daily operations and management of over 120 attorneys, investigators and specialists assigned to four field and headquarters offices. OSC is an administratively independent investigative and prosecutorial law enforcement agency with jurisdiction over the entire executive branch.

B. How would you describe your management style?

Response. I demonstrate in my professional conduct the highest level of ethics and integrity. I expect the same from those who report to me. If I am confirmed, I will see it as my key responsibility as a leader and manager to energize and empower OGC employees to focus their efforts on their core mission. This will include developing their abilities and providing them the best tools available to perform their jobs.

Question 3. Do you yet have a sense of what the most significant challenges are facing the Office of General Counsel at this time?

Response. I have had the chance to review information related to Secretary Shulkin's priorities, OGC's budget, significant ongoing public litigation, and some recently enacted legislation that the Department is working to implement. In that overview, I came to appreciate the breadth, depth, and complexity of the work by the Office of General Counsel, as well as its importance to the success of VA's multiple missions. If I am confirmed, I view the following as the most prominent chal-

lenges: fulfilling Veterans' and the public's rightful expectations of personnel accountability actions; efficient high-dollar and complex procurements; cost effective and timely ongoing major as well as minor construction projects; managing the ever-growing appellate workload before the Court of Appeals for Veterans Claims; and supporting the special complexities presented by the Veterans Choice program. While performing at a high level at these functions, the OGC also must remain fully engaged with the Committee regarding legislative matters.

Question 4. If confirmed, what priorities would you hope to accomplish during your tenure as General Counsel?

Response. If I am confirmed, my priority as General Counsel will be to lead OGC in supporting the Secretary in fulfilling his priorities while continuing to identify and meet the legal needs of VA. If confirmed, I will focus my efforts on ensuring OGC provides the support Secretary Shulkin and VA business leaders need to accomplish providing Veterans' benefits and services—and to do so with focused efficiency.

Question 5. If confirmed, do you plan on making any changes in the overall organizational structure of the Office of General Counsel?

Response. If confirmed, I will examine in a thorough and systematic way all the components of the OGC organization to ensure compatibility with all business needs and its ability to support the Secretary's priorities. This includes the Secretary's modernization efforts, which are underway throughout the Department. Otherwise, I believe it would be premature to offer any specific assessments of the OGC organizational structure at this time.

Question 6. When crafting legislation, Committee Members or their staffs frequently request "technical assistance" from the Department of Veterans Affairs (VA), in order to receive purely technical—not policy—feedback as to whether there are any drafting errors or oversights in proposed legislation, whether the language is clear and accomplishes the intended purpose, and whether any technical changes could strengthen the bill language.

A. Do you view this as an appropriate function for the Office of General Counsel to perform?

Response. Yes.

B. If confirmed, will you take steps to ensure that the Committee is receiving thorough and purely technical feedback through this process?

Response. Yes.

Question 7. What is your view on the role the Office of General Counsel should play in ensuring that VA understands and complies with decisions of the U.S. Court of Appeals for Veterans Claims and other courts? If confirmed, do you plan on making any changes in the Office's role?

Response. Just as with legislation, judicial decisions require adept legal analysis to assist in understanding what actions are required to ensure an agency becomes and remains fully compliant with applicable decisions. OGC should, in my opinion, play an active role in interpreting decisions of the Court of Appeals for Veterans Claims and other courts, and in educating VA leadership about the actions they must take to ensure compliance with those decisions. If confirmed, I will examine how the office is fulfilling this role. Otherwise, it would be premature at this time for me to offer any specific observations on potential changes.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO JAMES BYRNE, NOMINEE TO BE THE GENERAL COUNSEL, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 8. Have you and Secretary Shulkin discussed the role he would like you to assume as General Counsel if you are confirmed?

Response. The Secretary in my interview for this position outlined his priorities and vision for the Department of Veterans Affairs, and placed special importance on the support of the Office of General Counsel in fulfilling those priorities. If confirmed, I expect to support his priorities along with those of the President.

Question 9. What role do you believe the General Counsel plays in evaluating legislation, both introduced in Congress and proposed by VA, for legal sufficiency and impact?

Response. VA's Office of General Counsel (OGC) provides conclusive interpretations of legal matters for the Department. I believe it follows that OGC is and would continue to be essential in any evaluation of legislation, in close consultation with subject matter experts from the appropriate office. I would expect offices other than OGC to be responsible for analysis of the budget impact of legislation.

Under your leadership, what would OGC's role be in preparation of testimony for Congressional hearings?

As a nominee, I have not been in a position to observe VA's current internal processes for preparation of testimony. If confirmed, I will undertake a close review of OGC's role in the preparation of testimony, which I would expect to vary depending on whether the hearing is for the consideration of specific bills, or is an oversight hearing focusing on a particular program or issue. I believe the ultimate goal for the Department is to provide Congress with timely testimony that is authoritative and useful as it conducts its legislative and oversight functions.

Question 10. What do you see as the biggest challenges facing VA at this time?

Response. I view OGC as providing key support for the Secretary in meeting the challenges and priorities he has identified. Therefore, I would reference the major challenges the Secretary articulated in May in his "State of the VA," which include expanding access to care; streamlining the processes through which Veterans can seek care in the community; ensuring consistent quality of care both within VA and from community providers; addressing the disability claims and appeals backlog; improving VA's IT infrastructure; modernizing VA's capital assets; holding employees accountable for misconduct or poor performance; reducing bureaucracy and burdensome regulations; preventing fraud, waste and abuse; and doing everything within VA's power to end Veteran suicide.

Question 11. What do you see as the biggest challenges facing the General Counsel's office at this time?

Response. I have had the chance to review information related to Secretary Shulkin's priorities, OGC's budget, significant ongoing public litigation, and some recently enacted legislation that the Department is working to implement. In that overview, I came to further appreciate the breadth, depth, and complexity of the work by the Office of General Counsel, as well as its importance to the success of VA's multiple missions. If I am confirmed, I view the following as the most prominent challenges: fulfilling Veterans' and the public's rightful expectations of personnel accountability actions; efficient high-dollar and complex procurements; cost effective and timely ongoing major as well as minor construction projects; managing the ever-growing appellate workload before the Court of Appeals for Veterans Claims; and supporting the special complexities presented by the Veterans Choice program. While performing at a high level at these functions, the OGC also must remain fully engaged with the Committee regarding legislative matters.

Question 12. Are you more of a "hands-on" manager or do you tend to rely on significant delegation? Do you seek to achieve consensus with those on your management team before making a decision or do you generally gather relevant information and input, and then make a decision?

Response. With 722 legal professionals in 94 locations, if I am confirmed, I will need to delegate much authority and enable OGC personnel by aligning resources to the Department's highest-priority legal needs, and acting as a true business partner to VA leaders. Accountability for OGC activities cannot be delegated and will always remain with me. Consensus after thoughtful review of diverse input is best, but as necessary, I am comfortable making timely decisions based upon the best available information.

Question 13. Describe the degree to which you anticipate actively managing the work of Regional Counsels.

Response. As I understand the current state of affairs in OGC, the leadership team—to include the District Chief Counsels, who were formerly known as Regional Counsels—works quite collaboratively together. If confirmed, I'd want to continue that approach, ensuring through leadership team communication and collaboration that all OGC personnel, both in the field and in headquarters, are advising and representing their organizational clients in a way that is consistent with the Secretary's vision and priorities.

Question 14. If confirmed, how do you envision collaborating with the Board of Veterans' Appeals, and specifically, with its Chairman?

Response. If confirmed, I will examine how this collaboration occurs now. It would be premature to offer any detailed observations at this time. I can state, if confirmed, that I will work collaboratively with all organizations whose work shapes and applies VA's legal framework and interpret the statutory and legal authorities relevant to the Department and to the Veterans it serves.

Question 15. What role do you believe the Office of General Counsel should play in ensuring that VA understands and complies with decisions of the U.S. Court of Appeals for Veterans Claims and other courts?

Response. Just as with legislation, judicial decisions require adept legal analysis to assist in understanding what actions are required to ensure an agency becomes and remains fully compliant with decisions that apply to it. OGC should, in my opinion, play an active role in interpreting decisions of the Court of Appeals for Veterans Claims and other courts, and in educating VA leadership about the actions they must take to ensure compliance with those decisions. If confirmed, I will examine how the office is fulfilling that role, but it would be premature at this time to offer any observations on potential changes.

Question 16. What role should the Office of General Counsel play in determining whether a specific disease or illness should be presumed service-connected?

Response. I know this is a complex and highly specialized topic that is heavily dependent on scientific studies. One of the first areas I will review should I be confirmed will be to examine the framework and process that determines presumptions. I believe as a nominee it would be premature to provide my observations at this time.

Question 17. 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 for so long as you serve in the position of General Counsel?

Response. Yes, consistent with applicable law.

Question 18. The Secretary recently announced he would withdraw VA's appeal in the Staab case, which was decided last year by the Court of Appeals for Veterans Claims.

a. What is your understanding of the Staab case?

Response. As I understand it, that case involved a challenge to VA's regulation governing reimbursement for emergency treatment of a Veteran's non-service-connected condition furnished by a community provider. Prior to the ruling of the Court of Appeals for Veterans' Claims, VA's regulations barred reimbursement when the Veteran had other health insurance. The Court ruled that a 2010 amendment to the underlying statute allowed VA to reimburse Veterans for treatment in a non-VA facility if they have other health insurance that would pay for a portion of the emergency care.

b. Do you believe the Department had a legal basis for continuing to defend its position?

Response. As a nominee who was not involved in assessing VA's legal options during this litigation, I am not in a position to offer my personal assessment of how the litigation was conducted. In any event, I understand VA has requested the U.S. Department of Justice withdraw the appeal.

c. What factors would you recommend that the Secretary consider when determining whether a high-profile case, such as Staab, should be pursued in court?

Response. Such an analysis is highly dependent on the facts of the case. However, there are some principles that I believe would apply in almost all litigation, and would guide my advice to the Secretary should I be confirmed: whether a particular litigation strategy is in the best interest of Veterans as a whole; what impact pursuing or not pursuing a particular appeal might have on the Department's operations or financial position, especially in light of a financial impact on the delivery of services to Veterans; and, whether taking a particular legal position might have unintended consequences in other litigation to which VA is a party.

Question 19. Currently VA submits the names of Veterans determined to be mentally incompetent to the FBI for inclusion in the National Instant Criminal Background Check System (NICS). What are your views of VA's responsibility, under current laws and regulations, to report names for inclusion in NICS?

Response. As I understand it, the Brady Act requires the reporting of certain individuals, including those who have been adjudicated as "mentally defective" (as defined by DOJ regulations that a person "lacks the mental capacity to manage his or her own affairs") or committed to a mental institution, to the FBI for inclusion in the NICS. My understanding is that VA's responsibilities under the law are shaped by regulations and guidance from other agencies. Until I am in a better position to closely study these authorities and VA's interpretation of them, it would be premature to offer my observation.

Question 20. Please describe your prior experience with the Office of Special Counsel and Office of Inspector General and your dealings with whistleblowers and those claiming whistleblower status. How do you envision the Office of General Counsel working with the Special Counsel or the Inspector General as well as the forthcoming Office of Accountability and Whistleblower Protection?

Response. My last position in the Federal Government was service as a career Senior Executive Service (SES) in the position of Deputy Special Counsel with the Office of Special Counsel. I understand that VA in general, and OGC in particular, has established good, collaborative relationships with both OSC and the VA OIG to ensure appropriate whistleblower protections. If confirmed, I would continue those relationships, and would work closely with the new VA Office of Accountability and Whistleblower Protection to continue to protect whistleblowers' rights.

Question 21. 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 and that right may not be interfered with or denied?

Response. The Constitution and caselaw are clear that government employees, including VA employees, may petition the Congress, communicate with their elected representatives and make other protected communications. Of course, such communications can be restricted under statutes that address issues such as matters regarding pending procurements, regulations, and other categories of protected information.

Question 22. Have you ever served as a mediator or arbitrator in alternative dispute resolution proceedings and, ?if so, a description of the most significant matters with which you were involved in that capacity.

Response. I have not served as a mediator or arbitrator in any alternative dispute resolution proceedings.

Question 23. Describe:

a. the general character of your law practice and indicate by date when its character has changed over the years.

Response. The character of my law practice has varied since graduating law school in 1995. I started as a Federal judicial law clerk to the Honorable Malcolm J. Howard, U.S. District Court, Eastern District of North Carolina. I then moved to criminal prosecutions with the DOJ Criminal Division and management of investigations/prosecutions (Prohibited Personnel Practices, Hatch Act and Uniformed Employment and Reemployment Act) with OSC. I have also served as in-house counsel.

b. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

Response. My clients over my career were the U.S. Government and a global corporation. My areas of specialization were: criminal prosecutions, corporate internal investigations, ethics, business conduct, privacy, data protection, cybersecurity, electronic discovery and counterintelligence.

c. 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.

Response. As a Federal prosecutor, I appeared in several Federal districts across the U.S. representing the United States primarily against defendants accused of drug trafficking.

d. your practice, if any, before the U.S Merit Systems Protection Board, Federal district courts, and the US Court of Appeals for the Federal Circuit.

Response. I prosecuted criminal cases in several Federal district courts including SDFL, AK, RI, EDVA, and DC. I prepared a brief and successfully argued a criminal appeal before the U.S. Fourth Circuit Court of Appeals. I have not practiced before the MSPB or any other administrative body.

Question 24. Litigation: Describe the most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case.

Response. I have done my best to identify significant litigation matters which I personally handled. Despite my searches, there may be other items I have been unable to identify, find or recall. I have located the following:

- Indicted Carlos Castano and 12 lieutenants of the Autodefensas Unidas de Colombia (Paramilitaries) in Colombia, then largest narco-terrorist organization in the world. *United States* v. *Carlos Castano, et al*, U.S. District Court, DC. Many arrests and convictions occurred after I departed DOJ.
- Rendered defendants from Panama to DC, tried and convicted drug traffickers who controlled the Pan-American Highway in late 1990s. *U.S.* v. *Rafael Mejia and Homes Valencia Rios*, U.S. District Court, DC.

• Operation Millennium which resulted in the arrest of 30 drug traffickers and money launderers in Bogota, Medellin and Cali, as part of a coordinated U.S./Colombian investigation. The arrests were the culmination of a 1-year operation designed to dismantle a Colombian-based transportation consortium believed to be responsible for supplying between 20 and 30 tons of cocaine per month to the United States and Europe.

• U.S. Attorney General's Heroin Initiative—12-month detail to Miami U.S. Attorney's Office, Narcotics Section; several complex multi-district and international investigations and trials.

• Convicted Miami middle-school principal of selling multi-kilogram quantities of cocaine on school property during school hours, *U.S.* v. *Willie Young*, U.S. District Court, SDFL.

• Additional international, multi-district trials in SDFL, and Districts of DC, AK and RI.

Question 25. 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 the full nature of your participation in these activities.

Response. Many of my criminal trials at DOJ in various districts did not proceed to trial and were resolved pursuant to a plea agreement between the defendants and the U.S. Government.

Question 26. What role do you anticipate playing in the Secretary's policy decisions?

Response. I believe the role of an agency General Counsel is to provide advice as to the legal risks and ramifications of policy decisions that may be under consideration. I believe that would be the Secretary's expectation of my role if confirmed, as well as to facilitate and support the Secretary's priorities by the provision of sound legal advice.

Question 27. As the Agency's Designated Ethics Officer, how do you anticipate dealing with conflicts of interest at VA or incidents in which the Department may fail to adhere to Federal ethics rules?

Response. The U.S. Office of Government Ethics has defined in regulations the role of each executive branch agency's Designated Agency Ethics Officer (DAEO). These regulations hold that the DAEO is responsible for, among other things, providing advice and counseling to prospective and current employees regarding government ethics laws and regulations, including those dealing with conflicts of interest; carrying out an effective government ethics education program; taking appropriate action to resolve conflicts of interest and appearance of conflicts of interest, through recusals, directed divestitures, waivers, authorizations, reassignments, and other appropriate means; and assisting the agency in enforcement of ethics laws and regulations when agency officials make appropriate referrals to the Inspector General or the Department of Justice. If confirmed, I will actively fulfill these responsibilities.

Question 28. 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. My only discussion of this issue has been since I received these prehearing questions, in order to respond to them. My understanding is that such a prohibition has never been, and is not now, the practice of the VA.

Chairman ISAKSON. Without objection, and the statement of all of you will be entered for the record. I have had the privilege of reading all those statements as well and I am going to quote from a couple of them in my opening remarks.

Tom Bowman, I want to ask you a question. You and I have been together two and a half years. Correct?

Mr. BOWMAN. Yes, sir.

Chairman ISAKSON. In any time during our activities, in my role as Chairman of this Committee or yours, in terms of the leader of the staff, have you ever heard me utter, or, for that matter, any

Member of the Committee utter, privatization of veterans benefits or services being a solution to any problem that we have?

Mr. BOWMAN. I think that the discussions that I have heard, both in this room as well as in other briefings, the focus of you, as the Chairman, Ranking Member, and other members has been always focused on what is best for the veteran.

Chairman ISAKSON. Is it not true that every time we have ever had anything like Choice, which was, of course, a huge challenge that we all met, that we used it as a force multiplier for benefits to the veterans, not a replacement for the VA services themselves?

Mr. BOWMAN. Yes, sir.

Chairman ISAKSON. And, is it not true that—did you go to Denver with me, to the Denver Hospital?

Mr. BOWMAN. Yes, sir.

Chairman ISAKSON. That was our first field trip, if you will. Actually, it was our first crisis, if I remember correctly. We had a hospital that was supposed to cost $600 million and it was going to run $1.4 billion. It was about to be shut down. Dick Blumenthal went with me, he was Ranking Member at the time, and we went out there, took the bull by the horns, and tried to figure out a way to make it work, but also make sure it never happened again. Through that effort and through Dick's cooperation and his effort, and the Ranking Member, Jon Tester, that hospital is going to be finished, with no more cost overruns. At least that is what I am told and have been led to believe. We also got the VA out of building big projects that did not need to be built, and instead got the Corps of Engineers doing them. Is that not correct?

Mr. BOWMAN. Yes, sir.

Chairman ISAKSON. I think during the course of your service with us you have been a part of being a catalyst to solve problems, never lose the perspective of the VA being an organization of the U.S. Government whose responsibility it is to serve our veterans, but always looking for the best way to solve the problems, whatever that might be. Is that correct?

Mr. BOWMAN. That is correct, sir.

Chairman ISAKSON. Mr. Byrne, in reading your testimony—and I want to repeat one sentence, and it was just very meaningful to me. It said, "On induction day at the U.S. Naval Academy some 35 years ago, having been dispossessed of my civilian possessions and most of my hair, I stood with 1,300 classmates to take the oath of office, an oath I have given many times before, to serve something greater than ourselves by supporting and defending the Constitution of the United States of America."

That is a great statement, and for everybody that is before us today for confirmation, this is about more than ourselves. This is about something bigger than ourselves. I want to have a VA that projects itself to our veterans exactly that way, that we know our job is to make sure that they know that we are a part of something much bigger than ourselves, and that they are the most important thing in our job, and that is to see that they get the services that they deserve.

I also think we talked in my office a little bit, if I am not mistaken, Mr. Byrne, about the accountability legislation and its implementation. Can you give us any idea of how you plan to address

the implementation of the Accountability Bill that was passed by the Senate and House, and is now law?

Mr. BYRNE. Yes, sir. I will make it a priority, as I said in my statement, to engage in supporting, across the VA, the implementation of that act. There is a new office that is being stood up, and as you would imagine, when you have a new office with a new reporting structure, the relationships are going to be very key, in particular, the relationship between the Inspector General, Office of General Counsel (OGC), Human Resources, and this new office. So, I am coming in with a fresh look at this, understanding that we all need to work very closely together in implementing this act.

Chairman ISAKSON. Well, I do not want to put any pressure on you, but the success of the failure of the accountability program lies squarely on your shoulders.

Mr. BYRNE. Yes, sir.

Chairman ISAKSON. Is that right, Jon?

Senator TESTER. That is a fact.

Mr. BYRNE. I embrace that.

Chairman ISAKSON. Senator Tester and I are looking to you to tell us, not after the fact, but in advance of any problem you see coming down the road, and let us attack it early, let us attack it often, and let us do whatever we can, symbolically, to send the signal to the employees of the Veterans Administration that we are working together in unanimity, just like you suggested in the statement I read, that you wrote.

If we can do that together, elected officials, senior appointed members of the VA, and rank and file employees, then we will change the culture of the Veterans Administration, in my judgment, all for the better.

I want to read one of your statements, Mr. Tucker. You all did some good work, or somebody did some good work. If you all are like me, most of your good speeches come from somebody who wrote them for you, but I am sure you all wrote these yourselves.

I love this statement, Mr. Tucker. It says, "Those six and one-half years as a Senate staffer convinced me the only way to get the really big things done is to build relationships with sincere and like-minded people, of both political parties, who are committed to accomplishing the mission together."

I think that is music to my ears, and that is exactly the way Jon and I have tried to operate, and exactly the way Dick and I did when he was Ranking Member of the Committee. In your job as Assistant Secretary and Liaison on Congressional Affairs, your promoting that attitude is going to be a tremendous help to us. We are not Republican veterans. We are not Democratic veterans. We are veterans of the United States military and we have a job to do. We want to work together, and our mission is to work together to pull it off, not to count noses to see how many of us there are and how many of them there are.

So, I appreciate very much your statement and that being your goal. Is there anything you would like to add to it, in terms of how you intend to approach your job to see to it that that statement is something that should manifest itself under your leadership?

Mr. TUCKER. Senator, the only thing I would say at this point, without getting into too much details, is I think that the VA Office

of Congressional and Legislative Affairs has to have a more active and visible presence on Capitol Hill, and that goes from the senior leadership down to the rank and file in the office. I think there is some work to be done there. I think there is a consolidation that we referenced earlier, and I think that is going to help get more of us out and about, and developing the relationships that we need to have.

Chairman ISAKSON. You know, I am going to get myself in trouble here because I am running over time, so I apologize. But, one idea I have for you—this may not be a good idea but I will admit to that myself—we are always calling people to come before us, and let us ask them questions and testify. It occurred to me when I was reading some of these last night, what if you called us to come over to the VA and let the VA employees ask us questions about why we did what we did on X, Y, or Z?

We tried. Tom and I tried once, early on, 2 years ago, to go to the VA, and we had a town hall meeting in the VA building, but it was too large a crowd to really have the one-on-one back and forth. I would just tell you that I stand ready, and I bet—I did not ask Jon about this but I bet you Jon does too. If you need us every once in a while to come over there and reinforce why we did what we did, or explain why we did what we did, good communication between us and the rank and file members of the VA, through your conduit of your job as professional liaison, can help us avoid some problems.

So, I offer that to you as a suggestion, and I will be willing to keep my word and come if you call me to do so.

Senator Tester?

Senator TESTER. Thank you, Chairman Isakson, and absolutely, communication is critical and we are here to help on that. I think that is really the bottom line.

I am going to ask you a few very short questions that you could answer with yes or no, or a very short statement would be appreciated to, in this order—Mr. Bowman, Mr. Byrne, Mr. Tucker. There are reports that the administration has ordered agencies not to provide responses to Democrats' information requests. The question is, do you believe the VA has an obligation to be responsive to congressional oversight?

Mr. TUCKER. I can answer that initially. In the 5 months that I have been in working at the VA, the Secretary's guidance has been exactly to respond without any consideration of the party affiliation of the member communicating with us.

Senator TESTER. OK. Tom?

Mr. BOWMAN. Sir, there is an obligation on the part of the Department to always answer what may be questions, whether oral or written, and the reason is it is the only way that I believe committees can conduct effective oversight is with accurate information.

Senator TESTER. Mr. Byrne?

Mr. BYRNE. Yes, sir.

Senator TESTER. Thank you all. If you are confirmed you would be respond to the inquiries, whether it is from a Democrat, independent, Republican, or other?

Mr. TUCKER. Yes.

Senator TESTER. Yes?
Mr. BOWMAN. Yes, sir.
Senator TESTER. Yes.
Mr. BYRNE. Yes, sir.
Senator TESTER. Yes. Just one other thing I just want to add. I have been in this body for a little over 10 years now and about 10 years ago I got invited to be on a news show. I went on and I did not answer any of the questions, and I did it intentionally. I do not know why, but I talked in circles. The minute I got off that show one of my mentors called me up and said, "What the hell are you doing? That will not raise your prominency one inch by doing that kind of stuff." He was right, and I have never been on that show since, by the way, never been asked back.

The reason I bring this story up is because oftentimes we ask questions—and I am not pointing to you guys—but we do not get answers. We get folks talking in circles. So, when the questions are asked and you write the letter back, read the letter and say—ask yourself, does this actually answer the questions that these guys have asked? If you can do that you could be very effective. Thank you.

Tom, first of all I just want to say this. Conventional marriage vows are until death do we part, and I think that you have lived up to those by your story. I did not know that transpired with your wife, but I think the fact that you were the caregiver, the primary caregiver her last 7 months speaks to your character. Plus, I think it speaks to you, as a person, which I think is important, regardless of political views. Moving forward, I think that speaks well of you and I am very—you have my admiration. Let us put it that way.

A couple of weeks ago you said that most requests for information should be done within 2 weeks. What specifically can each of you do in this role to remove the layers of red tape that come between the request for information and a VA response?

Mr. TUCKER. Senator, one of the things I think that we need to do internally, and if confirmed I want to try to foster this kind of dialog, would be the administration under secretaries find a way to look at where all the sticky gates are——

Senator TESTER. Yep.

Mr. TUCKER [continuing]. In the process, and figure out where they are and see if we can unstuck them or remove them if they are extraneous or just problematic. So, I think from that perspective, looking at how we function internally, getting information to the Congress, needs a wire brush to it and see what we can do.

Senator TESTER. OK.

Mr. BOWMAN. Sir, I think the important thing is that when the Department receives the request, whether oral or in writing, getting it to the right level, the right people, the right office in the Department as quickly as possible. My experience, both within the VA and then over here, is that many times the answer is already there. It just needs to be pulled together very quickly.

Senator TESTER. OK.

Mr. BYRNE. Sir, if I am confirmed I will inquire about OGC, whether we are the problem or not——

Senator TESTER. OK.

Mr. BYRNE [continuing]. Because it is possible that there could be a particular organization that is holding things up, and if that is the case I will remedy that.

Senator TESTER. Good. This is a question for you, Tom. Based on your last experience at the VA as well as your knowledge of what expectations are here in Congress for senior leaders, what do you think is the right mix of Central Ops' oversight and VISN or local facility autonomy?

Mr. BOWMAN. I believe that my experience, and from what I have picked up having worked over here, is that currently there is a disconnect between the field and the VA Headquarters. Not purposeful, but I think there is a disconnect. I mentioned it kind of briefly in my statement that many times the VISN director sets the policy for those medical centers that are within, you know, his VISN or her VISN, and then they only—the medical centers only pay attention to what the VISN director says, not necessarily what they are aware of as the policy. When you deal with that number of VISNs across the country you have inconsistent approaches to providing information back to the VA Headquarters for oversight.

I really believe that that needs to be looked at and looked at seriously. I am not disparaging the performance, necessary, of VISN directors because I am not in a position to have looked at it—to look at it, but I know it because I have talked to people who work within the medical centers, and things that you would assume are understood down at that level, they are not even aware of it, because it has not gotten down. So, I think the disconnect needs to be addressed.

Senator TESTER. OK. Thank you. Thank you, Mr. Chairman.

Chairman ISAKSON. Senator Hirono.

HON. MAZIE K. HIRONO, U.S. SENATOR FROM HAWAII

Senator HIRONO. Thank you, Mr. Chairman. Mr. Byrne, the VA's Office of General Counsel provides conclusive interpretations of legal matters for the Department and assists in the drafting and implementation of relevant legislation. Last December, President Obama signed into law, as part of the Veterans Omnibus Bill, that included my bill, to improve staff recruitment and retention by allowing VA doctors to work flexible hours, like the private sector.

I understand the VA has not yet implemented this provision and has created a workgroup which includes OGC to develop a policy needed to implement this new legislation, and if confirmed can I count on your commitment to ensure OGC prioritizes this issue to swiftly implement this law, given the tens of thousands of vacancies in Hawaii and across the VA system?

Mr. BYRNE. Yes, ma'am. Thank you for bringing it to my attention. I was not aware. Thank you. I will.

Senator HIRONO. So, now that you are aware, it is going to rise to the top of your list of priorities——

Mr. BYRNE. Yes, ma'am.

Senator HIRONO [continuing]. To pay attention to, because you will hear from my office. Thank you very much.

I think it is important because I certainly—I visit our VA facilities all across our State, and retention—the need for more hospital personnel, et cetera, is really critical, and to keep them. If we can

buy this kind of legislation, enable them to work within our system, I think that is what we ought to be doing.

Homelessness, Mr. Bowman. As Deputy Secretary you will be involved with managing over $1 billion in funding to assist homeless veterans and their families, and the VA Director, former Director was going to eliminate homelessness in veterans 100 percent, and, of course, was a noteworthy effort, but we are not there yet. What are your thoughts on ways we can continue the progress we have made in reducing veteran homelessness? We have had a 47 percent decline since 2010, and to improve the transition process to prevent homelessness to begin with. Any thoughts?

Mr. BOWMAN. Senator, I think that the efforts that have gone on thus far have put into place an adequate, probably better than adequate structure within which to utilize the funds that are made available, interact with the community. I think that to bring veteran homelessness down further, first, there has to be a stronger coordination with the community, because when the veteran is homeless they are out in the community. When I was in Florida in VISN 8, there was a strong effort to make sure that you engaged heavily there.

The other is to identify, as early as you can, based upon, let us say, hospital visits, outreach, those veterans and veterans with children that are experiencing problems, either keeping their house, paying the rent, confronting problems relative to kids being absent from school because they are moving around. I think that type of approach will go a long way in further reducing that number, because I believe the numbers of young veterans with families are on the increase, and we have to be more innovative in how we approach and identify and address that.

Senator HIRONO. So, in terms of identifying those veterans who may be on the brink of homelessness, do you have enough resources for that kind of outreach efforts on your part, or whatever way that you would go about identifying those folks who may be potentially homeless?

Mr. BOWMAN. Not having been on the development side of the budget for the VA, I do believe that there probably is an existing outreach and social work structure within the VA that coordinates outside of VA. I think much can be picked up in the visits and the dialog that takes place when a veteran visits for a medical appointment, because they are going to talk about their problems. When, you know, an experienced counselor hears certain trigger words, they go, "Well, wait a minute. Maybe there is something going on here." Then, if they can have an enhanced dialog I think that is a way of being able to identify somebody that is approaching the brink, may be on the brink, and VA maybe able to intervene and help address the problem.

Senator HIRONO. That kind of approach has to become institutionalized within the VA, so it is not catch as catch can that you may have a social worker or somebody who hears something and then they decide for themselves there should be a protocol, I would think. Do you know if there is such a protocol?

Mr. BOWMAN. I believe there is. I believe there is.

Senator HIRONO. When you mentioned the issue of homelessness among veterans, that it involves the whole community, I think that

is very good because I think some of the programs involve mayors, for example, to be part of the housing first for veterans, so please keep that going.

Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Hirono.

Senator Tester.

Senator TESTER. Yes. I do not know that anyone was happy with the way the Choice fund shortfall came to light. I certainly think that the VA could have handled it much better in the weeks and days following the revelation.

Tom, you have been at the VA and you have worked here. Could you try to explain to me where the disconnect is between monitoring the fund and alerting leadership to this issue? If you can tell me where that disconnect is, can you tell me how you might have handled it differently, if you had been there?

Mr. BOWMAN. Well, Senator, I think the beginning point is you have in place individuals in the financial management area that are monitoring the expenditure of these funds. Now, I cannot tell you all of the manner, means, or methods that are in place, but all of them have a focus on if there is a certain amount of funds that are supposed to be being expended for a particular purpose then you have junctures and set points as you begin to monitor it.

Now, either there was a miscalculation on the part of somebody who was responsible for monitoring, or it was being monitored but nobody considered the fact that the burn rate may have been increased and thus, when it is increased, it is going to impact the ultimate end date and then create that follow-on problem.

Senator TESTER. Right.

Mr. BOWMAN. I think that there could have been a greater sense of attention to monitoring with the expectation of these funds are going to run out if the burn rate goes up, in support of veterans.

Senator TESTER. Right. Right.

Mr. BOWMAN. Then, when you know that, you alert your seniors up the line, because this was a well-known, critical issue conveyed to Congress——

Senator TESTER. Yep.

Mr. BOWMAN [continuing]. And I was on the staff, and one of the understandings was that we were going to have funds that were going to last at through December——

Senator TESTER. That is right.

Mr. BOWMAN [continuing]. Possibly even into January. So, the Congress operated under an understanding that the funds were there——

Senator TESTER. Yep.

Mr. BOWMAN [continuing]. Then, when it became known, there was an answer. If it became known then it became known in actuality earlier, that they had time to develop an answer.

Senator TESTER. Yeah.

Mr. BOWMAN. When something like that becomes aware, I believe a heads-up should have been provided to the Congress for them to be able to consider, along with the Secretary's input, how you are going to address it.

Senator TESTER. Right. Right. OK.

Mr. Byrne—that is good. Mr. Byrne—and I will give you some dates here—but by law Congress is required to be notified within 30 days after 75 percent of the Choice fund was exhausted—notified 30 days after 75 percent was exhausted. On June 7, we began hearing from the field that there was a problem with the money running out. Later the same day we heard from the VA that there was less than $1 billion left. On June 30, 3 weeks later, basically, I received a legal notification that 75 percent of the fund was exhausted, and that probably happened back in April, quite frankly. And throughout June, VA sent a series of contradictory instructions to the field, which further confused everybody, from veterans to doctors to VA to TPA staff.

So, Mr. Byrne, do you anticipate being involved in making sure that the VA would be meeting the letter of the law, even when it is something as mundane as reporting to Congress?

Mr. BYRNE. Yes, sir. I can imagine being involved in that, not only in my role as the chief legal officer for the organization but also on the senior staff, being aware and asking those types of sort of common-sense leadership questions.

Senator TESTER. OK. As many, if not all of you know, I did not serve. Most folks on this Committee have heard me say we need to take our cues from our vets, and I solidly believe that, whether back home in Montana or whether it is out here in D.C., with those individuals who are back here in D.C., with those individuals who represent, really, the millions of veterans across this country. I really think it is important to listen to our veterans. I value what they have to say.

Tom, starting with you, do you believe the VA should be taking its cues from the VSOs and the veterans that they represent?

Mr. BOWMAN. Yes, I do.

Senator TESTER. That is good enough for me. Could you talk to me about how you will keep your ear to the ground on what veterans nationwide are saying, and specifically how you will work with the veterans service organizations (VSOs) to basically better understand those needs?

Mr. BOWMAN. I think that there has been a pattern and practice not only during the period of time that I served in the VA earlier——

Senator TESTER. Yeah.

Mr. BOWMAN [continuing]. But, since then, and that is to meet with the veteran service organizations here at the headquarters level frequently, and I think the Secretary does that, and it would be my intention to do it.

Senator TESTER. OK. Good.

Mr. BOWMAN. But beyond that is during trips into the field, it is very important for whoever the VA official is, when they go to visit a site——

Senator TESTER. Yep.

Mr. BOWMAN [continuing]. Is that they also visit the—or have the opportunity to interact with the veteran service organizations at that particular site——

Senator TESTER. Yes, sir.

Mr. BOWMAN [continuing]. As well as the families of veterans there, which I think is something that does not happen that often.

They do meet with veterans and veteran organizations representatives, but I think there needs to be an effort to gather in families so they can talk about, candidly, what they believe to be issues that their veteran loved one is not conveying.

Senator TESTER. Mr. Tucker, do you believe we should listen to the VSOs and the veterans they represent?

Mr. TUCKER. I think it is invaluable advice, Senator.

Senator TESTER. OK. Do you have any ideas on how we could—over and above what Tom said—better bring them in for input?

Mr. TUCKER. I think we need to expand the aperture of who we are talking to also, because there are growing and different groups out there who represent different perspectives on the same problems. I think that you have got some—more of the post-9/11 veterans groups that are populated differently than the pre-9/11. So, I think that those folks need to be inclusive more, and I think the Secretary wants to do that.

Senator TESTER. OK. Mr. Byrne, do you feel that the veterans, we should be listening to them?

Mr. BYRNE. Yes, sir, I do, and I agree with everything that the gentlemen just stated.

Senator TESTER. OK. Very good. Thank you, Mr. Chairman.

Chairman ISAKSON. Can I answer that question?

Senator TESTER. Yes, you can.

Chairman ISAKSON. I definitely think we ought to listen to the VSOs. I hope they will listen closely to all of us, too. We are a team, just like your testimony, your statement, Mr. Byrne. We are in this thing together. It is bigger than all of us. It is very important that we take our leadership, as Jon said, from our veterans and those that did serve. I served. I know all of you are Marine Corps veterans. Correct? All Marines? Naval Academy but Marine Corps.

Mr. BYRNE. Yes, sir.

Mr. BOWMAN. Yes.

Mr. TUCKER. Yes.

Chairman ISAKSON. It is important that we listen to them but it is also important for them to listen to us, and that we develop this team spirit, whether we are in the Marines or Air Force or whatever it might have been. It is in the best interest of the Veterans Administration.

I appreciate Senator Tester bringing up the Choice issue, and with that I will just make an editorial comment, if I can.

Jon and I have been working very hard to get Choice finished in this session of Congress. We have gotten very close a couple of times to a bill to fully fund Choice for the remainder of the fiscal year, make some other changes within the system, and not have to worry about it again. But, Jon is correct—the fact that there are so many buckets in the VA. We have had manufactured crises of running out of money when, in fact, we really were not running out of money at all. We just run out of money in one bucket. That is not the way to run a railroad. I ran a pretty big company and that would have run us to the bank in a hurry.

So, one of the things that Jon is going to look for, and I am going to look for, are good, solid communications in one bucket, and if we have a crisis it needs to be a real crisis, not one manufactured for

the purpose of making us think we had to act quickly to do something we really did not have to do.

Did I say that clearly?

Senator TESTER. You did.

Chairman ISAKSON. So, that was not a question. That was a definitive statement, and I will let that rest.

With that said, any other questions, Jon?

Senator TESTER. None.

Chairman ISAKSON. Let me thank all of you. Congratulations on your nomination. I do not want you to think the ratification of your nomination is going to be a slam-dunk, but I will tell you, if Jon does his job and I do mine, and we have a majority of the Committee present for a quorum on the floor of the Senate tomorrow, on the first vote, then we will hold your markup tomorrow and you know your fate quickly, because we want you deployed quickly, in the field quickly, and we want to be there to support all of you.

Thank you for your service to the country. Thank you for your willingness to serve the country. Thank you for coming and for your testimony today. We wish you the very best of luck.

Now I call Panel II forward. [Pause.]

We have Panel II present and I will introduce the panel at this time. These are all nominees to the U.S. Court of Appeals for Veterans Claims, which is a tremendous responsibility and a tremendous job.

The three nominees testifying today are Michael Allen, of Florida, to be a Judge of the U.S. Court of Appeals for Veterans Claims; Amanda Meredith, who is no stranger to any of us on the Committee, to be a member of the Court of Appeals for Veterans Claims; and Joseph Toth, of Wisconsin, to be a Judge of the U.S. Court of Appeals for Veterans Claims.

Would you all please rise. Would you raise your right hand and repeat after me. Do you solemnly swear or affirm that the testimony you are about to give before this Committee of Veterans' Affairs will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ALLEN. I do.

Ms. MEREDITH. I do.

Mr. TOTH. I do.

Chairman ISAKSON. Thank you. You may be seated.

This is a really important—you are to be commended on your selection for this nomination. This is a tremendous honor for you to do it and of tremendous importance to our veterans. As Amanda knows, by being on the Committee staff, we have been working hard on appeals, to make sure that appeals are less in their volume, more quickly responded to in timing, and veterans get the service they need from the Court and from the VA in a timely fashion. I think all three of you—I have met with all three of you at the White House, and have met with you since then, independently. We thank you for accepting the responsibility of being nominated and we wish you the very best of luck and stand here to be supportive of everything that you are trying to do.

With that said, we will start the testimony. Mr. Allen, I will call on you first, for up to five minutes.

STATEMENT OF MICHAEL P. ALLEN, NOMINATED TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Mr. ALLEN. Thank you, Chairman Isakson, Ranking Member Tester, and Members of the Committee. I am honored to have been nominated by the President to be a Judge of the U.S. Court of Appeals for Veterans Claims.

First I want to thank the Committee and its staff for the way in which you have treated this nomination, and I also want to thank the White House Counsel's Office, and, in particular, Associate Counsel Rob Luther for their help in this process.

I also want to start out by thanking some people who have been instrumental in my life. My wife, Debbie, and my sons, Ben and Noah, mean everything to me. I love them more than they can imagine. They could not be here today because of a family obligation but they are here in spirit. I am also grateful for the support of my in-laws, Bob and Judy, my sister, Mary, and her family, my brother-in-law, Bob, and his family. Both my parents and my other sister, Michelle, have passed away, but I wanted to recognize them too.

I have to acknowledge the thousands of students I have taught at Stetson University College of Law. I can assure you that they have given me far more than I ever taught them. And finally, I want to thank my best friend, Jason Stearns, who is a veteran of the U.S. Navy. He is here today. He has always been there for me, and through his example I have learned a great deal about living with integrity. So, thank you, Jason.

Prior to 1988, veterans who believed that they were wrongfully denied benefits by the VA had no recourse. Those veterans had to rely solely on the VA to get it right with no judicial oversight, and the Supreme Court called this the era of the VA's splendid isolation. That era of splendid isolation came to an end when Congress passed, and President Reagan signed into law the Veterans Judicial Review Act of 1988, and that provided for judicial review of VA decisions for the first time before a new Federal Court, the Court of Appeals for Veterans Claims.

The judges of that court faced an awesome task. They not only had to create law where none existed but they actually had to create an institution. As the court approaches its 30th anniversary, it is important to recognize what the men and women who served on that court did. I think we owe them a debt of gratitude.

Now I firmly believe that the introduction of judicial review has been a success, but there is much work still to be done. As this Committee knows, all too well, there are serious challenges facing the VA veterans benefit system. The system is staggering under the weight of more than 1.5 million applications for benefits coming in the door every year, and there is a large backlog of appeals, as you suggested, Mr. Chairman, with veterans facing delays of years to have those appeals adjudicated at the agency. This Committee has recently considered that very issue and no doubt Congress and the Department will continue to do so.

But, I believe the court will also play a pivotal role in addressing these systemic challenges. At the same time, of course, the court has to be cognizant of the need to resolve individual veterans' ap-

peals fairly and expeditiously. As I said, there is a lot of work to be done and I am, quite frankly, excited to get to doing it.

I believe I can make a meaningful contribution to the court. I graduated from Columbia Law School 25 years ago, I spent 9 years in private practice in Boston, Massachusetts, and since 2001, I have been a professor of law at Stetson in Florida. I came to veterans' law accidentally. I spoke at the 2005 Judicial Conference of the Court and I was asked to speak precisely because I knew nothing about veterans' law and was an expert in the Federal court system. But I have to tell you, I got hooked at that first conference, and for the last 12 years I have spent my professional life focusing on veterans' law. I have spoken across the country and written widely in the field. I have testified before this Committee in the past, as well as its House counterpart, and the result of all of this is that I firmly believe that I am the right person at the right time to fill one of these vacancies.

It will be the highlight of my career, should I be confirmed, and take a seat on the Court of Appeals for Veterans Claims. I can promise you that I will strive every day that I am a judge to deliver equal justice under the law to everyone who appears before me.

In March 1865, only a few hundred yards from where we are sitting right at this moment, President Lincoln gave, as Mr. Bowman said, his famous Second Inaugural Address, and only a few weeks before he would be assassinated the President rallied the country to come together and bind its wounds, and specifically called on the Nation to care for him who borne the battle and his widow and his orphan.

By becoming a judge on this court, I will be able to carry out President Lincoln's exhortation on a daily basis, and, quite frankly, I cannot think of a better way to spend one's career.

So, thank you very much, Mr. Chairman, for considering the nomination.

[The prepared statement of Mr. Allen follows:]

PREPARED STATEMENT OF MICHAEL P. ALLEN, NOMINEE TO BE JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

THANK YOU CHAIRMAN ISAKSON, RANKING MEMBER TESTER, AND DISTINGUISHED MEMBERS OF THE COMMITTEE. I am honored to have been nominated by the President of the United States to serve as a Judge on the United States Court of Appeals for Veterans Claims. I want to begin by thanking this Committee and its excellent staff for the work done in connection with my nomination. And I too want to thank the White House Counsel's Office, and in particular Associate Counsel Rob Luther, for the guidance provided in connection with this process. It most certainly has been an adventure.

Before moving to substance, I must thank some people who have been instrumental in my life. My wife Debbie and my sons Ben and Noah mean everything to me. They have stood by me through good times and bad. I thank them for everything and love them a great deal. My life would not be the same without them in it. I'm also grateful for the support of my in-laws Bob and Judy Brown, my sister Mary and her family, and my brother-in-law Bob Brown and his family. Both my parents have passed away, but I thank them for bringing me up and hope—and believe—that they would be proud of me today. I also want to acknowledge the thousands of students I have interacted with at Stetson University College of Law over the past sixteen years. They have given me far more than I ever taught them. And finally, I thank my best friend Jason Stearns, a veteran of the United States Navy, who has always been there for me. Through his example, I've learned a great deal about living your life with integrity and what it really means to always stand shoulder to shoulder with a friend no matter what.

Prior to 1988, veterans who believed they had been wrongfully denied benefits by the then-Veterans Administration had no recourse. Unlike almost any other class of people in our country, veterans had to rely solely on the VA to "get it right" with essentially no judicial oversight. The Supreme Court described this period as one of the VA's "splendid isolation."

The era of "splendid isolation" came to an end when Congress enacted the Veterans Judicial Review Act of 1988. That Act provided for judicial review of VA decisions—now decisions of the Department of Veterans Affairs—for the first time. That review would be conducted by a new Federal court, the Court of Appeals for Veterans Claims. The original judges of the court faced a truly awesome task. They not only had to create law where none had existed before, they also had to build an institution. As the court approaches its 30th anniversary, it is worth stopping for a moment to recognize what has been accomplished since the VJRA became law by the men and women who have served on the court. We truly owe them a debt of gratitude.

I firmly believe that the creation of the court and the introduction of judicial review has been a success. Nevertheless, there is much work still to be done as the court enters its next phase. As the Members of this Committee know all too well, there are serious challenges facing the veterans' benefits system. The system is staggering under the weight of more than a million and a half applications for benefits coming in the door each year. There is also a large backlog of appeals in the Department and veterans are facing delays of years to have their appeals adjudicated at the agency. This Committee has recently considered this very issue and, no doubt, Congress and the Department will continue to do so. But I believe the court will also play a pivotal role in addressing these systemic challenges. At the same time, of course, the court will also need to be cognizant of the need to resolve individual veteran's appeals fairly and expeditiously. As I said, there is much work to be done. I confess that I'm very excited to get to be a part of addressing these issues.

I believe that I have the experience to make a meaningful contribution to the court's efforts and am well-suited to hit the ground running. I graduated from Columbia Law School 25 years ago. After law school, I spent nine years in private practice at the international law firm Ropes & Gray based in Boston, Massachusetts. Since 2001, I have been a Professor of Law at Stetson University College of Law in Tampa Bay, Florida teaching Constitutional Law, Remedies, Complex Litigation, Civil Procedure, and Federal Courts.

Like many things in life that turn out to shape us, I came to veterans law accidentally. I was asked to speak to the judicial conference of the United States Court of Appeals for Veterans Claims in 2006. I knew nothing about this area of law and, in fact, was asked to speak precisely for that reason. The court wanted an expert in the Federal court system to look at veterans law without the baggage of being immersed in the existing system. Quite simply, I was hooked after that introduction to veterans law.

After speaking at that judicial conference, I spent the next nearly 12 years focusing on veterans law and, in particular, the Court of Appeals for Veterans Claims. In that time, I have spoken to groups across the country about veterans law, presented at more judicial conferences of the Court of Appeals for Veterans Claims and the United States Court of Appeals for the Federal Circuit, become the Director of the Veterans Law Institute at Stetson University, written numerous law review articles about veterans law, and testified before this Committee as well as its counterpart in the House of Representatives. It's embarrassing for me to say this because I don't particularly like talking about myself, but I ended up becoming a national expert on the law of veterans' benefits. The result of all of this is that I firmly believe that I am the right person at the right time to fill one of the vacancies on the court.

I wish to end in many respects where I began. Thank you all for considering my nomination to this incredibly important court. It will be the highlight of my career should I be confirmed and take a seat on the Court of Appeals for Veterans Claims. I can promise you that I will strive every day that I am a judge to deliver justice under the law to everyone who comes before me.

In March 1865, only a few hundred yards from where this hearing is being held, President Lincoln gave his famous Second Inaugural Address. Only a few weeks before he would be assassinated, President Lincoln called on the country to come together and bind its wounds. He then called on the Nation to "care for him who has borne the battle and his widow and his orphan." By becoming a judge on this court, I will be able to carry out President Lincoln's exhortation on a daily basis. I can't think of a better way to devote my professional energies.

Thank you again Mr. Chairman. I would be pleased to answer any questions that you or other Members have about my nomination.

[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.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Judge, United States Court of Appeals for Veterans Claims	June 7, 2017

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Michael	Patrick	Allen	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			Street: Stetson University College of Law, 1401 61st Street South		
City: Gulfport	State: FL	Zip: 33707	City: Gulfport	State: FL	Zip: 33707

Other Names Used						
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 ☐	Est ☐
					Est ☐	Est ☐

Birth Year and Place	
Year of Birth (Do not include month and day)	**Place of Birth**
1967	Syracuse, New York

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	XX	☐	☐	☐	☐

Spouse's Name *(current spouse only)*			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
Debra	Brown	Allen	

Spouse's Other Names Used *(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)
Debra	Ann	Brown		X	04/1966 Est ☐	06/1994 Est ☐
					Est ☐	Est ☐

Children's Names (if over 18)			
First Name	Middle Name	Last Name	Suffix
None over 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
University of Rochester	University	08/1985 Est ☐	05/1989 Est ☐ Present ☐	BA	05/1989
Columbia University Law School	University/Law School	08/1989 Est ☐	05/1992 Est ☐ Present ☐	JD	05/1992
		Est ☐	Est ☐ Present ☐		
		Est ☐	Est ☐ 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.

Type of Employment (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	Name of Your Employer/ Assigned Duty Station	Most Recent Position Title/Rank	Location (City and State only)	Date Employment Began (month/year) (check box if estimate)	Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed)
Private Legal Education	Stetson University College of Law (Please note that I was a visiting professor of law at the University of Illinois College of Law in the spring 2004 semester but remained employed during that time by Stetson University)	Professor of Law and Directors, Veterans Law Institute	Gulfport, Florida	08/2001 Est ☐	Est ☐ Present XX
Private Law Firm	Ropes & Gray	Associate	Boston, Massachusetts	09/1992 Est ☐	07/2001 Est ☐
Private Law Firm	Ropes & Gray	Summer Associate	Boston, Massachusetts	05/1991 Est ☐	08/1991 Est ☐
Private Law Firm	Ernstrom & Estes	Summer Associate	Rochester, New York	05/1990 Est ☐	08/1990 Est ☐
Retail	Sears	Parts Department Associate	East Syracuse New York	Various beginning 06/1985 through 08/1989 (summers/holidays) Est X	08/1989 Est X

(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 (month/year) (check box if estimate)	Date Service Ended (month/year) (check box if estimate) (check "present" box if still serving)

None		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ 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.

A. Dickerson-Brown Award for Excellence in Faculty Scholarship (May 2009).

B. Homer & Dolly Hand University-Wide Award for Excellence in Faculty Scholarship (May 2005).

C. Golden Apple Achievement Award for Teaching voted by Student Bar Association (May 2007, December 2006, December 2004, December 2003, & December 2002).

D. Stetson University University-Wide Award for Excellence in Teaching (May 2007).

E. Stetson Law School Student Body Award for "Excellence in Professionalism and Career Development" (December 2001).

F. Co-Recipient (with my wife Debra Allen) of the Shofar Award for Temple Beth-El (St. Petersburg, Florida) Volunteers of the Year (2008).

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).

Name of Organization	Dates of Your Membership (You may approximate)	Position(s) Held
Association of American Law Schools	August 2001-Present	Member for all time Section of Remedies, Executive Committee (2006-2012; Chair 2008-2009) Section for New Law Professors, Executive Committee (2002-2006; Chair 2005-2006)
Southeastern Association of Law Schools	August 2001-Present	Member for all time Trustee (2004-2009)
American Bar Association	August 2001-Present	Member for all time Co-Chair of Veterans Law Committee of the Administrative Law Section (approximately 2010-2012 although I'm not sure of the exact dates)
Willson American Inn of Court (Polk County Florida)	2002-2004	Academic Master
Federal Bar Association	2010-Present	Member
Tampa Bay Chapter of the Federal Bar Association	2010-Present	Member
Court of Appeals for Veterans Claims Bar Association	2007-Present	Member
Court of Appeals for Veterans Claims Historical Society	2016-Present	Member

6. Political Activity

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

Name of Office	Elected/Appointed/ Candidate Only	Year(s) Election Held or Appointment Made	Term of Service (if applicable)
None			

(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.

Name of Party/Election Committee	Office/Services Rendered	Responsibilities	Dates of Service
None			

(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.

Name of Recipient	Amount	Year of Contribution
None		

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.

I have written extensively. I have provided a list of my publications in Appendix A to this document. The list includes the information requested in the chart below.

Title	Publisher	Date(s) of Publication
See Appendix 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.

1. In December 2016, I testified before the Judiciary Committee of the Florida House of Representatives concerning pending legislation to revise the procedures by which Florida imposes the death penalty.

2. In June 2016, I submitted written testimony to the United States House of Representatives Committee on Veterans Affairs concerning pending legislation to restructure the administrative appeals process.

3. In March 2015, I was an invited participant in the Veterans Appeals Roundtable conducted by the United States House of Representatives Committee on Veterans Affairs.

4. In October 2013, I was an invited participant in the Veterans Appeals Roundtable conducted by the United States House of Representatives Committee on Veterans Affairs.

5. In March 2010, I testified before the United States House of Representatives Committee on Veterans Affairs concerning judicial review.

6. In July 2009, I testified before the United States Senate Committee on Veterans Affairs concerning judicial review.

(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 attached a list of speeches/talks as Appendix B to this form. The list is divided into academic presentations and non-academic talks.

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

I have attached a list of the interviews I have given as Appendix C to this form.

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.

Status and Terms of Any Agreement or Arrangement	Parties	Date (month/year)
Effective July 1, 2017 and contingent on my confirmation, I have been granted a one year leave of absence from Stetson University. The leave has no financial term. It allows me to return to the University within one year with my tenure intact should I desire.	Stetson University and Michael P. Allen	Effective July 1, 2017 and contingent on confirmation thereafter.

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).

I have never been registered as a lobbyist.

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, I agree.

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

Yes, I agree.

APPENDIX A

MICHAEL P. ALLEN

PUBLICATIONS

Books

FEDERAL COURTS: CONTEXT, CASES AND PROBLEMS (Second Edition) (with Professors Michael Finch and Caprice Roberts) (Wolters Kluwer 2014)(with accompanying teacher's manual)

AN ILLUSTRATED GUIDE TO CIVIL PROCEDURE (Second Edition) (with Professor Michael Finch) (Wolters Kluwer 2011)(with accompanying teacher's manual)

Book Chapter

Constitutional Law in AN OVERVIEW OF AMERICAN LAW (LEXIS, 2009)

Published Articles and Essays

Justice Delayed; Justice Denied?: Causes and Proposed Solutions Concerning Delays in the Award of Veterans' Benefits, V. U. MIAMI NAT. SEC. & ARMED CONF. L. REV. 1 (2015) (invited contribution)

Veterans' Benefits Law 2010-2013: Summary, Synthesis, and Suggestions, 6 Vet. L. Rev. 1 (2014)

Remedies as a Capstone Experience, 57 ST. LOUIS U. L.J. 547 (2013)

Some Commentary on Three Cases from the Federal Circuit and the CAVC as We Approach Twenty-Five Years of Judicial Review of Veterans' Benefits, 5 VET. L. REV. 136 (2013)

Due Process and the American Veteran: What the Constitution Can Tell Us About the Veterans' Benefits System, 80 U. CIN. L. REV. 501 (2011)

The Roberts Court and How *to Say What the Law Is*, 40 STETSON L. REV. 671 (2011) (symposium issue)

The Law of Veterans' Benefits 2008-2010: Significant Developments, Trends, and a Glimpse into the Future, 3 VET. L. REV. 1 (2011)

A Limited Defense of (at Least Some of) the Umpire Analogy, 32 SEATTLE U. L. REV. 525 (2009) (invited symposium contribution)

The United States Court of Appeals for Veterans Claims at Twenty: A Proposal for a Legislative Commission to Consider its Future, 58 CATH. U. L. REV. 361 (2009)

The Underappreciated First Amendment Importance of Lawrence v. Texas, 65 WASH. & LEE L. REV. 1045 (2008)

Of Remedy, Juries and State Regulation of Punitive Damages: The Significance of Philip Morris v. Williams, 63 N.Y. U. ANNUAL SURVEY AM. L. 343 (2008)

George W. Bush and the Nature of Executive Authority: The Role of Courts in a Time of Constitutional Change, 72 BROOKLYN L. REV. 871 (2007)

Significant Developments in Veterans Law (2004-2006) and What They Reveal About the U.S. Court of Appeals for Veterans Claims and the U.S. Court of Appeals for the Federal Circuit, 40 U. MICH. J. L. REFORM 483 (2007)

A Survey and Some Commentary on Federal "Tort Reform" 39 AKRON L. REV. 909 (2006) (Invited Contribution to Fourth Remedies Discussion Forum)

Justice O'Connor and the "Right to Die": Constitutional Promises Unfulfilled, 14 WM. & MARY BILL RIGHTS J. 821 (2006)

Congress and Terri Schiavo: A Primer on the American Constitutional Order?, 108 W. VA. L. REV. 309 (2005)

Terri's Law and Democracy, 35 STETSON L. REV. 179 (2005) (symposium issue)

The Supreme Court, Punitive Damages and State Sovereignty, 13 GEO. MASON L. REV. 1 (2004)

The Constitution at the Threshold of Life and Death: A Suggested Approach to Accommodate an Interest in Life and a Right to Die, 53 AM. U. L. REV. 971 (2004)

Life, Death and Advocacy: The Role of Procedure in the Contested End-of-Life Case, 34 STETSON L. REV. 55 (2004) (Advocacy Symposium Issue)

Making Legal Education Relevant to Our Students One Step at a Time: Using the Group Project to Teach Personal Jurisdiction in Civil Procedure, 27 HAMLINE L. REV. 134 (2004)

In Rem Jurisdiction From Pennoyer to Shaffer to the Anticybersquatting Consumer Protection Act, 11 GEO. MASON L. REV. 243 (2002)

Other Writings

Ethical Foundations in Veterans Law: Competence, Communication, and Counseling, Submission in connection with Elder Law Section of the Florida Bar (June 2017)
Veterans' Benefits Law: 2013-2016, Submission published in the proceedings of the 2016 Judicial Conference of the United States Court of Appeals for Veterans Claims

Book Review: *The Constitution of the United States of America: A Contextual Analysis*, THE LAW AND POLITICS BOOK REVIEW Vol. 19 No. 7 (July 2009) pp. 534-37

The United States Court of Appeals for Veterans Claims: The Past, Present and Future, prepared in conjunction with and appearing in the proceedings of the Tenth Judicial Conference of the United States Court of Appeals for Veterans Claims (April, 2008)

Book Review: *The Civil Contingencies Act 2004: Risk, Resillience, and the Law in the United Kingdom*, THE LAW AND POLITICS BOOK REVIEW Vol. 17 No. 2 (February 2007) pp. 122-24

Introduction and Commentary: Reflections on and Implications of Schiavo, 35 STETSON L. REV. 1 (Symposium Issue) (2005) (with Rebecca Morgan)

Book Review: *Asbestos Litigation*, THE LAW AND POLITICS BOOKS REVIEW Vol. 15 No. 12 (December 2005) pp. 1057-59

The Proper Role of Religion in End-of-Life Matters, NAELA EBULLETIN (May 3, 2005) (invited contribution)

An Introduction (and Confession): The Role of Mentoring and Modeling in Teaching Professional Responsibility 14 WIDENER L. J. 323 (Symposium Issue) (2005)

Book Review: *Changes in the Standards for Admitting Expert Evidence in Federal Civil Cases Since the Daubert Decision*, THE LAW AND POLITICS BOOK REVIEW Vol. 12 No. 4 (April 2002) pp. 173-175

APPENDIX B

MICHAEL P. ALLEN

ACADEMIC PRESENTATIONS

August 2016	Southeastern Association of Law Schools Annual Meeting (Amelia Island, Florida) Panelist: *Emerging Remedies Discussion Group* Panelist: *Civil Procedure Discussion Group*
September 2015	Invited Symposium Panelist: *The Law of the Dead*, Savannah Law School (Savannah, Georgia)
August 2015	Southeastern Association of Law Schools Annual Meeting (Boca Raton, Florida) Panelist: *Emerging Remedies Discussion Group* Panelist: *Civil Procedure Discussion Group*
November 2014	Invited Symposium Panelist: *Delays in Veterans' Benefits Adjudications*, UNIVERSITY OF MIAMI NATIONAL SECURITY AND ARMED CONFLICT LAW REVIEW (Miami, Florida)
July 2014	Southeastern Association of Law Schools Annual Meeting (Amelia Island, Florida) Panelist: *Emerging Remedies Discussion Group* Panelist: *Civil Procedure Discussion Group* Panelist: *Tenure: Now What?*
November 2013	Panelist, *Veterans Benefits and the Elderly: PTSD and Dementia*, Richardson School of Law, University of Hawaii
July 2013	Southeastern Association of Law Schools Annual Meeting (Palm Beach, Florida) Coordinator and Panelist: Teaching Remedies
July 2012	Southeastern Association of Law Schools Annual Meeting (Amelia Island, Florida) Panelist: Teaching Civil Procedure Panelist: The Passive/Aggressive Virtues of the Federal Courts
August 2011	Southeastern Association of Law Schools Annual Meeting (Hilton Head, South Carolina) Panelist: Civil Procedure at a Crossroads

	Panelist: The Current State of Detainee Litigation
June 2011	Speaker at the Annual Meeting of the Florida Association of Criminal Defense Lawyers (Palm Beach, Florida)
April 2011	Speaker at the Annual Florida DCA Judges' Conference (Amelia Island, Florida)
December 2010	Constitutional Law Discussion Forum (University of Louisville) Speaker: The Roberts Court at Five
August 2010	Southeastern Association of Law Schools Annual Meeting (Palm Beach, Florida) Panelist: Federal Pleading Standards
May 2010	Speaker at the Judicial Conference of the United States Court of Appeals for the Federal Circuit (Washington D.C.)
March 2010	Speaker at the Eleventh Judicial Conference of the United States Court of Appeals for Veterans Claims (Washington, D.C.)
February 2010	Stetson University College of Law (Gulfport, Florida) Panelist: *The Jurisprudence of Justice Clarence Thomas*
October 2009	Keynote Speaker at the Ceremonial Convening of the United States Court of Appeals for Veterans Claims in honor of that Court's Twentieth Anniversary (Washington, D.C.)
April 2009	Seattle University School of Law Symposium Participant: *Alternative Conceptions of the Role of Courts in the United States*
January 2009	AALS Annual Meeting (San Diego, California) Moderator: *Civil Case Outcomes*
July 2008	Southeastern Association of Law Schools Annual Meeting (West Palm Beach, Florida) Panelist: *Alternative Conceptions of the Judicial Role*
April 2008	Tenth Judicial Conference United States Court of Appeals for Veterans Claims (Washington, D.C.) *The United States Court of Appeals for Veterans Claims: Past, Present and Future*
January 2008	AALS Annual Meeting (New York, New York)

	Moderator: Co-Sponsored Program of the Sections on Remedies and Employment Discrimination *Employment Discrimination Remedies*
December 2007	Third First Amendment Discussion Forum (Brandeis School of Law, University of Louisville) Participant and Presenter
July 2007:	Southeastern Association of Law Schools Annual Meeting (Amelia Island, Florida) Panelist: *The War Against Terror in the Courts*
May 2007	Fifth Remedies Discussion Forum (Emory University School of Law) Participant and Presenter
January 2007	AALS Annual Meeting (Washington, D.C.) Panelist: Section on Remedies Program *Consent Decrees and Structural Litigation*
July 2006:	Southeastern Association of Law Schools Annual Meeting (Palm Beach, Florida) Panelist: *The Changing Paradigm of Article II*
April 2006:	Ninth Judicial Conference United States Court of Appeals for Veterans Claims (Washington, D.C.) *Significant Decisions and Trends, 2004-2006*
January 2006:	AALS Annual Meeting (Washington, D.C.) Moderator: Section on Remedies Program *A Roundtable Discussion on Tort Reform: Remedial and Compensatory Proposals*
January 2006:	AALS Annual Meeting (Washington, D.C.) Moderator: Section on New Law Professors Program *Getting Involved: The Law Professor and Service to the Community and the Profession*
November 2005:	Fourth Remedies Discussion Forum (Brandeis School of Law, University of Louisville) Participant and Presenter
October 2005	Discussion of *Lofton v. Secretary* Joint Program of BYU School of Law and Stetson University College of Law

Organizer and Participant/Moderator

Summer 2005:	Southeastern Association of Law Schools Annual Meeting (Hilton Head, South Carolina) Panelist: "Punitive Damages after *State Farm*"
April 2005:	Thirteenth Annual Florida Bioethics Conference (Miami, Florida) Panelist: The Terri Schiavo Litigation
February 2005:	Presentation to Villanova Law School faculty concerning "Punitive Damages and State Sovereignty"
January 2005:	Presentation at Stetson College of Law Conference: "Reflections on and Implications of *Schiavo*." My presentation concerns 'Terri Schiavo and Democracy." In addition to presenting at the conference and moderating several panels, I, along with my colleague Professor Rebecca Morgan, organized the conference.
Summer 2004:	Southeastern Association of Law Schools Annual Meeting (Kiawah Island, South Carolina) Panelist: "Supreme Court and Legislative Update"
Summer 2004:	Southeastern Association of Law Schools Annual Meeting (Kiawah Island, South Carolina) Moderator: "The Jurisprudence of Justice Sandra Day O'Connor"
Summer 2004:	Microsociety National Meeting (St. Petersburg, Florida) Invited Speaker Concerning United States Litigation System
January 2004:	AALS Annual Meeting (Atlanta, Georgia) Moderator: "Can Actions Teach Louder than Words: The Role of Mentoring and Modeling in Teaching Professional Ethics" (Joint Program of the Sections on New Law Professors and Professional Responsibility)
Summer 2003:	AALS Section on Civil Procedure Conference (New York City) Presenter: "Innovative Personal Jurisdiction Curriculum: Using the Group Project"
Summer 2003:	Southeastern Association of Law Schools Annual Meeting Presenter: "Developments in the First Year Curriculum"
Summer 2003:	Southeastern Association of Law Schools Annual Meeting (Amelia Island, Florida) Moderator of Panel: "Judicial Selection: Election or Nomination"

Summer 2003:	Southeastern Association of Law Schools Annual Meeting (Amelia Island, Florida) Moderator of New Scholars' Panel

COMMUNITY/PROFESSIONAL PRESENTATIONS

June 2017	Speaker, Florida Bar Elder Law Section, *Ethical Foundations in Veterans Law: Competence, Communication, and Counseling* (Boca Raton, Florida)
April 2017	Speaker, Osher Institute for Lifelong Learning, *Law and Baseball* (St. Petersburg, Florida)
January 2017	Speaker, West Palm Beach Chapter of the Federal Bar Association, *Current Developments at the Supreme Court* (West Palm Beach, Florida)
November 2016	Speaker, Charlotte County Bar Association, *Current Developments at the Supreme Court* (Punta Gorda, Florida)
October 2016	Moderator, Southwest Florida Chapter of the Federal Bar Association, *Federal Judicial Roundtable* (Ft. Myers, Florida)
October 2016	Speaker, Special Needs Trust Conference, *Veterans Law* (St. Petersburg, Florida)
October 2016	Speaker, Goldberg Criminal Inn of Court, *The Supreme Court's Criminal Docket* (Tampa, Florida)
September 2016	Speaker, National Organization of Veterans Advocates, *Recent Developments in Veterans Law* (Providence, Rhode Island)
September 2016	Speaker, Constitution Day Otis Lecture for Palm Beach County School District, *Constitutional Interpretation* (Palm Beach, Florida)
July 2016	Speaker, Tiger Bay Club of Manatee, *Constitutional Interpretation* (Bradenton, Florida)
June 2016	Speaker, Florida Bar Association Military Affairs Committee, *Veterans Benefits Law* (Orlando, Florida)
June 2016	Speaker, Tiger Bay Club of Tampa Bay, *The Future of the Supreme Court* (St. Petersburg, Florida)

May 2016	Speaker, Florida Bar Basic Series, *Business Law: Remedies* (Tampa, Florida)
May 2016	Speaker, Sarasota County Bar Association Bench and Bar Conference, *The Daubert Standard in Florida* (Sarasota, Florida)
April 2016	Speaker, Redstone Arsenal JAG Officer Training, *Veterans Law* (Huntsville, Alabama)
April 2016	Speaker, Judicial Conference of the United States Court of Appeals for the Federal Circuit, *Veterans Law* (Washington, DC)
April 2016	Speaker, Judicial Conference of the United States Court of Appeals for Veterans Claims, *Developments in Veterans Law: 2013-2016* (Washington, DC)
January 2016	Speaker, National Academy of Elder Law Attorneys, *Veterans Law for the Elder Law Attorney* (San Diego, California)
January 2016	Speaker, Goldburg/Cacciatore Criminal Law Inn of Court, *Supreme Court Review* (Tampa, Florida)
October 2015	Speaker, Tampa Bay Chapter of the Federal Bar Association's Civil Practice Seminar, *Recent Amendment to the Rules of Civil Procedure* (Tampa, Florida)
October 2015	Speaker, Hillsborough County Bar Association Bench and Bar Conference, *Supreme Court Review* (Tampa, Florida)
October 2015	Speaker, West Palm Beach Chapter of the Federal Bar Association, *Supreme Court Review* (West Palm Beach, Florida)
October 2015	Speaker, Special Needs Trust Conference, *Veterans Law for the Special Needs Practitioner* (St. Petersburg, Florida)
October 2015	Speaker, National Organization of Veterans Advocates, *Recent Developments in Veterans Law* (Chicago, Illinois)
September 2015	Speaker, Constitution Day Otis Lecture for Palm Beach County School District, *Constitutional Interpretation* (Palm Beach, Florida)
August 2015	Speaker, Tiger Bay Club of Tampa Bay, *Same-Sex Marriage and the Constitution* (St. Petersburg, Florida)

June 2015	Speaker, Florida Bar Association Military Affairs Committee, *Veterans Benefits Law* (Orlando, Florida)
June 2015	Facilitator, Second Bench & Bar Conference, United States Court of Appeals for Veterans Claims (Washington, D.C.)
June 2015	Speaker, Tampa Bay Chapter of the Federal Bar Association, *The Supreme Court and Same-Sex Marriage* (Tampa Florida)
May 2015	Speaker, Orange County Bar Association Military Affairs Committee. *Veterans Benefits* (Orlando, Florida)
May 2015	Speaker, ABA Law Day, Manatee County Bar Association, *The Magna Carta and the Constitution* (Bradenton, Florida)
April 2015	Speaker, ABA Law Day, Seminole County Bar Association, *The Magna Carta and the Constitution* (Lake Mary, Florida)
April 2015	Speaker, Hillsborough County Bar Association Military Affairs Committee, *Veterans' Benefits* (Tampa, Florida)
March 2015	Speaker, Roads Scholar Program, *Law and Baseball* (St. Petersburg, Florida)
January 2015	Speaker, National Academy of Elder Law Attorneys Annual Meeting, *Veterans Benefits* (Newport Beach, California)
October 2014	Speaker, West Palm Beach Chapter of the Federal Bar Association, *The Supreme Court: Review and Preview* (West Palm Beach, Florida)
October 2014	Speaker, Special Needs Alliance Annual Meeting, *Veterans' Benefits* (St. Petersburg, Florida)
September 2014	Speaker, National Association of Veterans Advocates Semi-Annual Meeting, *Ethics in Veterans Law* (Orlando, Florida)
September 2014	Speaker, Constitution Day Otis Lecture for Palm Beach County School District, *Constitutional Interpretation* (Palm Beach, Florida)
September 2014	Speaker, Jacksonville Chapter of the Federal Bar Association, *The 225th Anniversary of the Judiciary Act of 1789* (Jacksonville, Florida)

June 2014	Moderator of the Federal Judicial Roundtable at the Annual Meeting of the Florida Bar
June 2014	Speaker, Florida Bar Military Affairs Committee, *Veterans Benefits: System Delays Causes and Cures*
June 2014	Presenter, *Contracts*, at the College of Advanced Judicial Studies for Florida Circuit Judges (Orlando, Florida)
June 2014	Speaker, Federal Bar Association of Tampa Bay, *Religion and Corporations*
June 2014	Court of Appeals for Veterans Claims Bar Association Program (Washington DC). Panelist: (1) Evidence and Veterans Benefits; and (2) Attorney Fee Issues
May 2014	World Congress on Guardianship (Washington, DC) Panelist, *Veterans Benefits and the Elderly: PTSD and Dementia,*
April 2014	Eckerd College "Roads Scholar" Program: *Law and Baseball*
March 2014	*Speaker*, Aging in America Conference, *10 Tips for the Expert Witness* (San Diego, CA)
September 2013	Speaker at Otis Lecture for Palm Beach County School Board
September 2013	Speaker, Federal Bar Association of West Palm Beach, *Supreme Court Roundup*
June 2013	Moderator of the Federal Judicial Roundtable at the Annual Meeting of the Florida Bar
June 2013	Speaker, Miami Federal Bar Association, *Judicial Independence*
May 2013	Presenter, *Damages*, at the College of Advanced Judicial Studies for Florida Circuit Judges (Orlando, Florida)
April 2013	Featured Speaker for the 12th Judicial Conference of the United States Court of Appeals for Veterans Claims (Washington, D.C.)
September 2012	Speaker at Otis Lecture for Palm Beach County School Board
July 2012	Speaker/Facilitator for the American Legions Florida Boys State Program (Tallahassee, Florida)

June 2012	Speaker at the Day Long CLE presented by the Bar Association of the United States Court of Appeals for Veterans Claims (Washington, D.C.)
February 2012	Speaker for the Osher Lifelong Learning Institute concerning Law and Baseball (Eckerd College, Florida)
June 2011	Speaker to the National Organization of Veterans' Advocates concerning Judicial Decision-making (St. Pete Beach, Florida)
September 2010	Speaker at the Palm Beach County Bar Association Constitution Day Luncheon
Spring 2010	St. Petersburg, Florida Library Association *The History of the Constitution*
Fall 2009	Presentation to the National Organization of Veterans' Advocates concerning "EAJA Developments" (Charlotte, North Carolina)
Spring 2009	Presentation to Clearwater Bar Association "People's Law School" Concerning Judicial Independence
Spring 2008	Presentation to the Sarasota County Bar Association Law Week Luncheon concerning "Threats to an Independent Judiciary"
Spring 2008	Presentation to the Charlotte County Bar Association Law Week Luncheon concerning "Threats to an Independent Judiciary"
Spring 2008	Presentation to Clearwater Bar Association "People's Law School" Concerning Judicial Independence
Fall 2008	Presentation to the Clearwater Bar Association Constitution Day Luncheon concerning "The Current State of the Legal War on Terror"
Spring 2007	Presentation to the Charlotte County Bar Association concerning "George Bush and the Nature of Executive Authority: The Role of Courts in a Time of Constitutional Change"
Spring 2007	Presentation to Clearwater Bar Association "People's Law School" Concerning Judicial Independence
Fall 2006	Keynote Address to Lakewood High School "The People Speak" Forum concerning "Immigration in America Today"

Fall 2006	Presentation to Tampa Federalist Society Chapter concerning "Judicial Activism"
Fall 2006	Presentation to Bradenton Rotary Club concerning "Current Constitutional Issues"
Spring 2006	Presentation to the Sarasota Bar Association Law Week Luncheon concerning "Significant Contemporary Constitutional Issues"
Spring 2006	Presentation to the Justice William Glenn Terrell Inn of Court concerning the "Importance of an Independent Judiciary"
Winter 2006	Presentation to the Clearwater Bar Association's People's Law School concerning the "Importance of an Independent Judiciary"
Fall 2005	Presentation to the Manatee County Bar Association concerning the state of constitutional separation of powers in 2005.
Spring 2005	Presentation to Temple Beth-El concerning Terri Schiavo litigation.
Spring 2005	Presentation to the Tampa Bay Paralegal Association concerning the litigation surrounding Terri Schiavo
Fall 2004	Presentation to the Gulfport Senior Citizens group concerning Florida Constitutional Amendments.

APPENDIX C—MICHAEL P. ALLEN MEDIA APPEARANCES

Main Repor

Summary

National	380
State Local	244
International	1

Magazine	28
News Service	237
Newspaper	152
Radio	50
TV	88
Website	69
Total	**624**

Search Criteria

Faculty
Title
First Name **Michael**
Last Name **Allen**

City
State:

Dates
Between **1/1/2003** and **6/12/2017**

☐ National
☐ International

☐ Has the Publication Run?

☑ Magazines
☑ Newspapers
☑ News Services
☑ Radio
☑ TV
☑ Websites

DescID	Description	National	International	Faculty
235	Dean Theresa Radwan and Professor Michael Allen spoke with the Sentinel about the proposed changes to the bankruptcy code and the associated possible constitutional issues.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
4/19/2005	Orlando Sentinel	Constitutional issues with bankrupt			☑

DescID	Description	National	International	Faculty
329	Professor Allen was quoted in an October 19 article in the Tampa Tribune regarding the Terry Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
10/19/2003	Tampa Tribune	Quoted, October 19, 2003, Article:			☑

DescID	Description	National	International	Faculty
330	Professor Allen was quoted in article concerning Terri Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
2/1/2004	Orlando Sentinel	Quoted, Re: Article:Terri Schiavo			☑

DescID	Description	National	International	Faculty
337	Professor Allen and a group of Stetson students spoke with Fox 13 to discuss how Schiavo is being taught and to get the law students' perspectives.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/22/2005	Fox 13, WTVT	Law students' perspectives on Schiavo	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
338	Professor Allen and Professor Morgan spoke to the Los Angeles Times about the timeline of events in the Schiavo case, the involved legal parties and the case's possible long-term impact.	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/30/2005	Los Angeles Times	Schiavo's Death Marked by Rancor			☐

DescID	Description	National	International	Faculty
339	Professor Allen appeared live at 8 a.m. on WTVT Fox 13 to discuss Schiavo case appeals and other developments.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/22/2005	Fox 13, WTVT	Schiavo appeals and developments	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
340	Professor Allen commented on Governor Bush's request for a jury trial to determine Schiavo's wishes.	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
11/1/2003	Philadelphia Inquirer	Quoted, Article Re: Terri's Law gua			☑

DescID	Description	National	International	Faculty
341	Professor Allen comments on Schiavo Judge's order to Governor Bush.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
11/1/2003	Orlando Sentinel	Quoted, Article Re: Judge says 'Ter			☑

DescID	Description	National	International	Faculty
342	Professor Allen discussed the Florida Supreme Court's decision in the Terri Schiavo case on camera with Channel 10 reporter, the Orlando Sentinel, and Fox 13.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
9/23/2004	Orlando Sentinel	Terri Schiavo decision			☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
9/23/2004	Fox 13, WTVT	Professor Allen interviewed regarding the Terri Schiavo case	Tampa Bay	FL	☑
9/23/2004	CBS 10, WTSP	Fla. Supreme Court Terri Schiavo decision	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
345	Professor Allen interviewed by the Associated Press regarding oral arguments before the Florida Supreme Court in the Terri Schiavo case.	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
8/24/2004	Associated Press	Terri Schiavo case			☑

DescID	Description	National	International	Faculty
346	Professor Allen quoted by NPR re: the Terri Schiavo case.	☑	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
12/1/2003	NPR	Media Coverage: Terri Schiavo			☑

DescID	Description	National	International	Faculty
347	Professor Allen spoke about the death of Terri Schiavo with WTSP Ch. 10.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/30/2005	CBS 10, WTSP	Death of Terri Schiavo	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
348	Professor Allen spoke about the difficulties in getting the U.S. Supreme Court to review the decision in the Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
9/24/2004	St. Petersburg Times	Odds are high court won't hear Terr	St. Petersburg	FL	☑

DescID	Description	National	International	Faculty
349	Professor Allen spoke about the final developments in the Schiavo case with WFLA Ch. 8.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/30/2005	NBC 8, WFLA-tv	Final days of Terri Schiavo	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
350	Professor Allen spoke about the latest developments in the Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
2/25/2005	Orlando Sentinel	Ruling in Schiavo case extending s			☑

DescID	Description	National	International	Faculty
351	Professor Allen spoke about the latest in the Schiavo case with 970 WFLA live at 7:45 a.m.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
3/30/2005	Fox Radio 970 AM, WFLA	Terri Schiavo case	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
352	Professor Allen spoke about the Motion for Rehearing filed by Governor Bush in the Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
10/4/2004	Orlando Sentinel	Motion for Rehearing in Schiavo c			☑

DescID	Description	National	International	Faculty
353	Professor Allen spoke about the process of the Schiavo case live on the air with 1340 AM.	☑	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
3/30/2005	1340 AM	Schiavo case overall impact			☑

DescID	Description	National	International	Faculty
354	Professor Allen spoke about the proposed Amendment 1 concerning teenage abortions. The story compares the parents' right to know with the teens' right to privacy.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
10/12/2004	NPR 89.7 FM, WUSF	Proposed Florida Amendment 1	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
355	Professor Allen spoke about U.S. Supreme Court Justice Sandra Day O'Connor's retirement for video for the St. Petersburg Times' Web site and Channel 8.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
7/1/2005	St. Petersburg Times.com	Justice Sandra Day O'Connor's Ret			☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
7/1/2005	NBC 8, WFLA-tv	Retirement of Justice Sandra Day O'Connor	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
357	Professor Allen spoke in the studio with Bay News 9 about the U.S. Supreme Court refusing to hear the Schiavo case.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
1/24/2005	Bay News 9	U.S. Supreme Court refuses to consider Schiavo	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
358	Professor Allen spoke live on "Sound Off with Sasha" discussing the various legal aspects of the Schiavo case.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
3/25/2005	NPR 90.1 FM, WGCU-FM	Terri Schiavo case	Ft. Myers	FL	☑

DescID	Description	National	International	Faculty
359	Professor Allen spoke live on the air at 8 a.m. with 970 WFLA about the latest legal defeats for the family of Terri Schiavo.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
3/24/2005	Fox Radio 970 AM, WFLA	Terri Schiavo rulings	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
360	Professor Allen spoke live on the air at 8 a.m. with WTVT Fox 13 about the family of Terri Schiavo running out of options to continue their appeals.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/25/2005	Fox 13, WTVT	Terri Schiavo legal battle	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
361	Professor Allen spoke live on the WFLA Ch. 8 6 p.m. newscast about the day's developments in Terri Schiavo battle.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/24/2005	NBC 8, WFLA-tv	Terri Schiavo decision	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
362	Professor Allen spoke live on the WTVT morning show about the latest legal maneuvering in the Schiavo case.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/23/2005	Fox 13, WTVT	Schiavo case updates	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
363	Professor Allen spoke live on WTVT Fox 13's 6:30 p.m. newscast about the day's developments in the Terri Schiavo case.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/23/2005	Fox 13, WTVT	Terri Schiavo case updates	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
364	Professor Allen spoke live with 970 WFLA live at 6:40 a.m. about the latest ruling in the Schiavo case.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
3/22/2005	Fox Radio 970 AM, WFLA	Schiavo case updates	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
365	Professor Allen spoke on about the Terri Schiavo case and the U.S. Supreme Court hearing cases from the state Supreme Court Level.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
9/28/2004	ABC 28, WFTS	U.S. Supreme Court and Terri's Law	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
366	Professor Allen spoke this afternoon with 970 AM WFLA about the latest legal maneuvering in the Schiavo case.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
3/22/2005	Fox Radio 970 AM, WFLA	Terri Schiavo case updates	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
367	Professor Allen spoke to Fox 13 about the effect of proposed Schiavo-related legislation on living wills and advanced directives.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/15/2005	Fox 13, WTVT	Effect of Schiavo case	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
368	Professor Allen spoke with 970 WFLA about possible Schiavo legislation.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
3/14/2005	Fox Radio 970 AM, WFLA	Possible Schiavo legislation	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
369	Professor Allen spoke with a radio station in Charlottesville, VA regarding a Supreme Court nomination process on Wednesday morning.	☑	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
7/18/2005			Charlottesville	VA	☑

DescID	Description	National	International	Faculty
370	Professor Allen spoke with Bay News 9 about the Schiavo case and the possibility of the U.S. Supreme Court hearing the case.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
1/21/2004	Bay News 9	Possibility of U.S. Supreme Court to hear Schiavo case	Tampa Bay	FL	☑
1/20/2005	Bay News 9	Update on status of Schiavo case	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
371	Professor Michael Allen spoke with Bay News 9 concerning potentially moving the Al Arian case out of Tampa.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
6/5/2005	Bay News 9	Possibility of moving Al-Arian trial	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
372	Professor Allen spoke with Deborah Zith today at the Tampa Tribune for a feature piece about discrimination lawsuits. Her story asks, what happens when a customer can't use a facility because of sexual discrimination and should fitness clubs like Curves b	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
8/11/2006	Tampa Tribune				☐

DescID	Description	National	International	Faculty
373	Professor Michael Allen spoke with Florida Public Radio in Tallahassee concerning a constitutional equal protection to some tobacco taxation legislation pending in the Florida Legislature.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
4/12/2005	Florida Public Radio, WFLA	Tobacco taxation legislation			☑

DescID	Description	National	International	Faculty
374	Professor Allen spoke with the Associated Press regarding Judge George Greer's actions in the Terri Schiavo case.	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/23/2005	Associated Press	Judge sticks to decision despite dea			☑

DescID	Description	National	International	Faculty
375	Professor Allen spoke with the Miami Herald about constitutional issues and rulings in the Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/23/2005	Miami Herald	Latest Schiavo rulings and options			☑

DescID	Description	National	International	Faculty
376	Professor Allen spoke with the Orlando Sentinel about federal involvement in the Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/17/2005	Orlando Sentinel	Federal involvement in the Schiavo			☑

DescID	Description	National	International	Faculty
377	Professor Allen spoke with the Orlando Sentinel about the Schiavo case, the government's involvement in the case and its impact on the judicial system	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/25/2005	Orlando Sentinel	Schiavo protesters aim ire at Gov.			☑

DescID	Description	National	International	Faculty
378	Professor Allen spoke with the Orlando Sentinel about the U.S. Supreme Court refusing to hear the Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
1/24/2005	Orlando Sentinel	U.S. Supreme Court refuses to cons			☑

DescID	Description	National	International	Faculty
379	Professor Allen spoke with the Orlando Sentinel concerning the decision by Circuit Judge Baird to strike Terri's Law down as unconstitutional rendered.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
5/6/2004	Orlando Sentinel	Terri's Law found unconstitutional	Orlando	FL	☑

DescID	Description	National	International	Faculty
380	Professor Allen spoke with the Orlando Sentinel concerning the Second District Court of Appeal's order in the Schiavo v. Bush case. That order is the first step in sending the case directly to the Florida Supreme Court for review and decision.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
5/14/2004	Orlando Sentinel	Developments in Schiavo case	Orlando	FL	☑

DescID	Description	National	International	Faculty
381	Professor Allen spoke with the Orlando Sentinel concerning the status of the Schiavo matter including what may or may not happen at the United States Supreme Court.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
1/13/2005	Orlando Sentinel	U.S. Supreme Court and Schiavo			☑

DescID	Description	National	International	Faculty
382	Professor Allen spoke with the Orlando Sentinel regarding new legislation being introduced in Congress regarding the Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/8/2005	Orlando Sentinel	Proposed Schiavo legislation			☑

DescID	Description	National	International	Faculty
383	Professor Allen spoke with the Sentinel about Constitutional issues in the Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/16/2005	Orlando Sentinel	Schiavo case ruling			☑

DescID	Description	National	International	Faculty
384	Professor Allen spoke with the Sentinel about the latest developments in the Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/17/2005	Orlando Sentinel	Update on status of Schiavo case			☑

DescID	Description	National	International	Faculty
385	Professor Allen spoke with the Sentinel about the latest ruling in the Schiavo case and other possible legal action.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/22/2005	Orlando Sentinel	Schiavo case ruling			☑

DescID	Description	National	International	Faculty
386	Professor Allen spoke with the St Petersburg Times concerning the Schiavo case and what implications it could have on claims of "judicial activism."	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/28/2005	St. Petersburg Times	Claims of "judicial activism" in Sc			☑

DescID	Description	National	International	Faculty
387	Professor Allen spoke with the St. Petersburg Times about federal appeals court Judge Charles R. Wilson's dissent in the Terri Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/23/2005	St. Petersburg Times	Judge in dissent works from Tampa			☑

DescID	Description	National	International	Faculty
388	Professor Allen spoke with the St. Petersburg Times about possible federal involvement in the Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/17/2005	St. Petersburg Times	Federal legislation in the Schiavo c			☑

DescID	Description	National	International	Faculty
389	Professor Allen spoke with the St. Petersburg Times about Supreme Court Justice Sandra Day O'Connor's retirement.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
7/1/2005	St. Petersburg Times	Reaction: Justice O'Connor Retires			☑

DescID	Description	National	International	Faculty
390	Professor Allen spoke with the St. Petersburg Times about the latest rejections of legal appeals for the family of Terri Schiavo.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/24/2005	St. Petersburg Times	Terri Schiavo case running out of o			☑

DescID	Description	National	International	Faculty
391	Professor Allen spoke with the Tampa Bay Business Journal about his connection to graduation speaker Dan Abrams.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
12/17/2004	Tampa Bay Business Journal	Stetson Law graduation and Dan A			☑

DescID	Description	National	International	Faculty
392	Professor Allen spoke with the Tampa Tribune about the impact the Schiavo case will have on public perception of the courts.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
2/15/2005	Tampa Tribune	Effects of Schiavo case			☑

DescID	Description	National	International	Faculty
393	Professor Allen spoke with the Tribune about the Schiavo case and its impact on the judicial system.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/16/2005	Tampa Tribune	Schiavo saga strains courts			☑

DescID	Description	National	International	Faculty
394	Professor Allen spoke with WBT 1100 AM in Charlotte, N.C. about Justice O'Connor's retirement.	☑	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
7/10/2005	News & Talk Radio 1100 AM, WBT	Justice Sandra Day O'Connor retirement	Charlotte	NC	☑

DescID	Description	National	International	Faculty
395	Professor Allen spoke with WFLA about the latest developments in the Schiavo case.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
3/17/2005	Fox Radio 970 AM, WFLA	Schiavo case updates	Tampa Bay	FL	☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/23/2005	NBC 8, WFLA-tv	Terri Schiavo case updates	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
396	Professor Allen spoke with WFTS ABC 28 about the latest in the Schiavo case and its possible impact on future cases.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/22/2005	ABC 28, WFTS	Schiavo appeals and developments	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
397	Professor Allen spoke with WTSP about the latest developments in the Schiavo case.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/16/2005	CBS 10, WTSP	Schiavo case updates	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
398	Professor Allen spoke with WTSP about what the ruling extending the stay in the Schiavo case means.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
2/25/2005	CBS 10, WTSP	Ruling in Schiavo case extending stay	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
399	Professor Allen spoke with WTSP Ch. 10 about the latest in the legal fight over Terri Schiavo.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/25/2005	CBS 10, WTSP	Terri Schiavo case	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
400	Professor Allen spoke with WTTA WB 38 about the latest developments in the Schiavo case.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/24/2005	WB 38, WTTA	Latest Schiavo rulings	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
401	Professor Allen spoke with WTVT Fox 13 about a suit moving for Florida to recognize the marriage of a homosexual couple that was married in Massachusetts. The suit was filed in federal court in Hillsborough County.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
7/20/2004	Fox 13, WTVT	Same-sex marriage suit filed in Florida	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
402	Professor Allen spoke with WTVT Fox 13 about developments in the Terri Schiavo case.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
2/24/2005	Fox 13, WTVT	Schiavo proceedings	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
403	Professor Allen spoke with WTVT Fox 13 for background about the mandate issued today in the Schiavo case.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
2/22/2005	Fox 13, WTVT	Schiavo case updates	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
404	Professor Allen spoke with WUSF 89.7 FM about efforts for new legislation in the Schiavo case.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
3/17/2005	NPR 89.7 FM, WUSF	Legislation in the Schiavo case	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
405	Professor Allen spoke with WUSF about what the ruling extending the stay in the Schiavo case means.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
2/25/2005	NPR 89.7 FM, WUSF	Ruling in Schiavo case extending stay	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
406	Professor Allen spoke with WUSF radio about the mandate issued today in the Schiavo case.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
2/22/2005	NPR 89.7 FM, WUSF	Update in Schiavo case	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
407	Professor Allen was going to speak on the Fla. Supreme Court not reconsideriug their decisiou concerning Terri Schiavo.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
10/21/2004	CBS 10, WTSP	Fla. Supreme Court refuses to reconsider Schiavo	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
408	Professor Allen was interviewed about legal issues related to the national same-sex marriage debate.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
8/11/2004	Bay News 9	Same-sex marriage	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
409	Professor Allen was interviewed by Fox 13 in October 2003 regarding the Terri Schiavo case.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
10/1/2003	Fox 13, WTVT	Quoted, October 2003 Interview Fox 13: Terri Schiavo	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
410	Professor Allen was interviewed for "Your Turn" re: Terry Schiavo case.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
10/1/2003	Fox 13, WTVT	Media Coverage, Re: Terri Schiavo case	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
411	Professor Allen was interviewed for KUMR-Raleigh Missouri re: Schiavo case.	☑	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
10/1/2003	Public Radio 96.3 FM, KMST	Media Coverage: Schiavo Case	Rolla	MO	☑

DescID	Description	National	International	Faculty
412	Professor Allen was interviewed regarding the Terri Schiavo case.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
10/23/2003	CBS 10, WTSP	Media Coverage: Schiavo Case	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
413	Professor Allen was quoted in a July 2003 article addressing the new civil business court in Orlando.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
7/1/2003	Orlando Sentinel	Quoted, July 2003 Article: New Ci			☑

DescID	Description	National	International	Faculty
414	Professor Allen was quoted in a Tampa Tribune article.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
12/1/2003	Tampa Tribune	Quoted, Article: Tampa Tribune			☑

DescID	Description	National	International	Faculty
415	Professor Allen was quoted in an interview with WUSF regarding the Terri Schiavo case.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
10/1/2003	NPR 89.7 FM, WUSF	Quoted, October 2003 Interview: Terri Schiavo	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
416	Professor Allen was quoted in an October 2003 article in the Tampa Tribune regarding the Terry Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
10/1/2003	Tampa Tribune	Quoted, October 2003 Article: Terr			☑

DescID	Description	National	International	Faculty
417	Professor Allen was quoted in an October 2003 interview on the Bay News 9 talk-back session regarding Terri Schiavo.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
10/1/2003	Bay News 9	Quoted, October 2003 Article: Talk-Back Session w Tim Boyles about Terri Schiavo	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
418	Professor Allen was quoted in article about Terri's Law.	☑	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
11/1/2003	ABA Student Lawyer	Article, Re: Terri's Law			☑

DescID	Description	National	International	Faculty
419	Professor Allen was quoted in article about the Terri Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
12/1/2003	Orlando Sentinel	Quoted, Article, Re: Terri Schiavo			☑

DescID	Description	National	International	Faculty
421	Professor Allen was quoted in article regarding comments made by Terri Schiavo Judge.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
11/1/2003	Orlando Sentinel	Quoted, Article Re: Schiavo			☑

DescID	Description	National	International	Faculty
422	Professor Allen was quoted in October 2003 in the Orlando Sentinel regarding the Terri Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
10/1/2003	Orlando Sentinel	Quoted, October 2003 Article: Terr			☑

DescID	Description	National	International	Faculty
423	Professor Allen was quoted in the St. Petersburg Times in October 2003 regarding the Terri Schiavo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
10/1/2003	St. Petersburg Times	Quoted, October 2003 Article: Terr			☑

DescID	Description	National	International	Faculty
424	Professor Allen was quoted regarding motion made by Governor Bush.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
11/1/2003	Orlando Sentinel	Quoted, Re: Article: Governor requ			☑

DescID	Description	National	International	Faculty
425	Professor Allen was quoted regarding Schiavo Judge's comments.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
11/1/2003	St. Petersburg Times	Article, Re: Eyes on judge in Schia			☑

DescID	Description	National	International	Faculty
426	Professor Allen was quoted regarding sovereign immunity in an investigative report focusing on medical malpractice.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
7/1/2003	ABC 28, WFTS	Quoted, Television Interview, July 2003: Sovereign Immunity	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
1100	Professor Michael Allen agreed to start a dialogue with L.A. News about a story on class-action lawsuits.	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
1/10/2005	L.A. Daily News				☐

DescID	Description	National	International	Faculty
1101	Professor Michael Allen and Dean Ellen Podgor were quoted in today's widely read ABA Journal e-report in the article, "Neither Brief nor Usual; Judge files defense of his ruling to get firm to pay employees' legal fees."	☑	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
1/19/2007	ABA Journal e-report				☑

DescID	Description	National	International	Faculty
1102	Professor Michael Allen did a live interview in studio on their morning show and a Wednesday evening broadcast at Fox 13 about a federal judge in San Francisco who ruled it's unconstitutional for public school children to recite the "Pledge of Allegiance"	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
9/15/2005	Fox 13, WTVT		Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
1103	Professor Michael Allen did an interview with Steve Nichols at Fox 13 regarding upcoming county decision to allocate $50 million in funds to a restoration project involving the pier downtown St. Petersburg.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
9/20/2007	Fox 13, WTVT		Tampa Bay	FL	☐

DescID	Description	National	International	Faculty
1104	Professor Michael Allen discussed sovereign immunity with Channel 28 News.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
8/7/2003	ABC 28, WFTS	Media Coverage: Sovereign Immunity	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
1105	Professor Michael Allen joined Kathy Fountain's "Your Turn" panel this afternoon in the Fox studios to discuss the implication of municipalities adopting strict illegal immigration ordinances. The first ordinance popped up in Hazelton, Pa., Avon Park, Fla	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
7/31/2006	Fox 13, WTVT "Your Turn"		Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
1106	Professor Michael Allen spoke live with KAHL talk radio in San Antonio, TX this evening about the Supreme Court nomination prospects and process.	☑	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
7/19/2005	Talk Radio 1310 AM, KAHL		San Antonio	TX	☑

DescID	Description	National	International	Faculty
1107	Professor Michael Allen spoke this morning with Deborah Zith, Tampa Tribune, for a story she is working on concerning a statute preventing the wearing of masks at certain demonstrations.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
8/15/2006	Tampa Tribune	In RE: statute preventing the weari	Tampa	FL	☑

DescID	Description	National	International	Faculty
1108	Professor Michael Allen spoke with a reporter from the ABA E-Report about a judge issuing a brief to the appellate court upon invitation of the 2nd Circuit in the Stein case.	☑	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
1/16/2007	ABA Journal e-report				☐

DescID	Description	National	International	Faculty
1109	Professor Michael Allen spoke with Carol Gentry at the Tampa Tribune regarding an amendment to the Florida Constitution regarding patients' right to know about adverse medical incidents.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
6/6/2007	Tampa Tribune				☑

DescID	Description	National	International	Faculty
1110	Professor Michael Allen spoke with Channel 13's Glenn Selig about the new Supreme Court nominee and implications for the Court.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
10/31/2005	Fox 13, WTVT		Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
1111	Professor Michael Allen spoke with Chris Tisch at the St. Petersburg Times about the Florida State Supreme Court decision that a landmark $145 billion punishment against big tobacco was too broad, forcing 700,000 Floridians named in the class action lawsu	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
7/7/2006	St. Petersburg Times	State: Court tosses tobacco verdict			☑

DescID	Description	National	International	Faculty
1112	Professor Michael Allen spoke with Christina Asquith, editor at Diverse: Issues in Higher Education magazine, for a piece on the upcoming U.S. Supreme Court ruling on two school desegregation cases for an article that will run in the Dec. 28 magazine.	☑	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
12/8/2006	Diverse Magazine: Issues in				☐

DescID	Description	National	International	Faculty
1113	Professor Michael Allen spoke with Denise Zoldan, reporter with the Naples Daily News, about the judicial election process for a story she is working on about the election of 67 new judges in the state of Florida.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
9/22/2006	Naples Daily News	In RE: judicial election process for	Naples	FL	☑

DescID	Description	National	International	Faculty
1114	Professor Michael Allen spoke with Fox 13's Glenn Selig this afternoon on campus regarding judicial elections and the importance of the process of electing judges and awareness of the process. The piece aired during the Fox news program.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
8/11/2006	Fox 13, WTVT		Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
1115	Professor Michael Allen spoke with Jay Stapleton at the Daytona Beach News Journal regarding the ramifications of the Florida State Supreme Court decision reversing a landmark settlement against big tobacco. The decision forces people involved in the cla	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
7/12/2006	Daytona Beach News Journal				☑

DescID	Description	National	International	Faculty
1116	Professor Michael Allen spoke with Jennifer Liberto at the St. Petersburg Times about First Amendment issues surrounding a suit filed by Mons Venus owner Joe Render, who claimed he was personally affected when a city commission rejected a gay pride exhibi	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
12/12/2005	St. Petersburg Times				☑

DescID	Description	National	International	Faculty
1117	Professor Michael Allen spoke with Jennifer Liberto at the St. Petersburg Times today to interpret the opinion in the Florida Supreme Court decision today regarding consent in abortion. The Florida Supreme Court overturned the lower court decision. You ca	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
4/6/2006	St. Petersburg Times				☑

DescID	Description	National	International	Faculty
1118	Professor Michael Allen spoke with Jim Haug at the Daytona Beach News Journal about the constitutional issues involved in asking citizens to tune into religious radio stations in order to get emergency information.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
8/18/2005	Daytona Beach News Journal				☑

DescID	Description	National	International	Faculty
1119	Professor Michael Allen spoke with reporter John Frank at the St. Petersburg Times for the story, "Tobacco suit deadline Friday."	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
1/9/2008	St. Petersburg Times				☑

DescID	Description	National	International	Faculty
1120	Professor Michael Allen spoke with Steve Nichols at Fox 13 about the city of St. Petersburg's legal exposure and the issue of destruction of private property for a piece about city officials raiding and slashing donated tents at two homeless camps.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
1/25/2007	Fox 13, WTVT		Tampa Bay	FL	☐

DescID	Description	National	International	Faculty
1121	Professor Michael Allen spoke with Steve Nichols at Fox 13 on campus regarding the legality of St. Pete Beach placing magnetic signs on city vehicles urging citizens to vote "no" on an upcoming referendum.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
10/16/2006	Fox 13, WTVT	In RE: legality of St. Pete Beach placing magnetic signs on city vehicles urging citizens to vote "no" on upcoming referendum	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
1122	Professor Michael Allen spoke with the editor of Diverse magazine for an article about the Supreme Court's pending ruling on desegregation in the schools.	☑	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
12/29/2006	Diverse Magazine: Issues in	Legal experts await Supreme Court's ruling			☑

DescID	Description	National	International	Faculty
1123	Professor Michael Allen spoke with the Naples Daily News for the story, "Full slate of candidates vie for 6 new judicial seats," that ran Aug. 27.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
8/27/2006	Naples Daily News	Full slate of candidates vie for 6 ne	Naples	FL	☑

DescID	Description	National	International	Faculty
1124	Professor Michael Allen spoke with the Sarasota Herald Tribune for the article, "Lawyers are correct to question Bush's use of 'signing statements.'"	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
7/31/2006	Sarasota Herald Tribune				☑

DescID	Description	National	International	Faculty
1125	Professor Michael Allen spoke with the St. Petersburg Times regarding constitutional questions relating to the Terri Schaivo case.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/27/2005	St. Petersburg Times	Constitutional issues in Schiavo ca			☑

DescID	Description	National	International	Faculty
1126	Professor Michael Allen spoke with the Tampa Tribune about issues surrounding the debate on same-sex marriages.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
7/28/2004	Tampa Tribune	Florida unlikely battleground for sa	Tampa	FL	☑

DescID	Description	National	International	Faculty
1127	Professor Michael Allen spoke with Todd Leskanic at the Tampa Tribune about new rules for civil and criminal procedure that allow jurors to ask questions of witnesses.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
11/6/2007	Tampa Tribune				☐

DescID	Description	National	International	Faculty
1128	Professor Michael Allen spoke with Todd Leskanic, a reporter with the Tampa Tribune, about how a federal court system operates for a story about a federal civil case in which a judge recently overruled the findings of a magistrate judge, and how often thi	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
2/21/2006	Tampa Tribune				☑

DescID	Description	National	International	Faculty
1129	Professor Michael Allen spoke with WFLA Radio's Eben Brown about the new Supreme Court nominee and implications.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
10/31/2005	Fox Radio 970 AM, WFLA		Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
1131	Professor Michael Allen talked with the L.A. Daily News about class-action lawsuits: procedures, benefits, and drawbacks.	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
1/10/2006	L.A. Daily News				☐

DescID	Description	National	International	Faculty
1132	Professor Michael Allen was interviewed by Newschannel 8 about the Supreme Court nomination process.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
10/3/2005	NBC 8, WFLA-tv		Tampa Bay	FL	☐

DescID	Description	National	International	Faculty
1134	Professor Michael Allen was quoted in the Congressional Quarterly article on the Court of Appeals for Veterans Claims testimony.	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
11/7/2007	Congressional Quarterly	CQ Congressional Testimony: Cou			☑

DescID	Description	National	International	Faculty
1136	Professor Michael Allen's interview with Diverse, "Legal experts await Supreme Court's ruling" ran over the holidays.	☑	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
1/8/2007	Diverse Magazine: Issues in				☑

DescID	Description	National	International	Faculty
1140	Professor Mike Allen spoke with the St. Petersburg Times about possible constitutional issues that might arise with the possible approval of same sex marriages.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
7/16/2004	St. Petersburg Times	Same-sex marriage Constitutional i	St. Petersburg	FL	☑

DescID	Description	National	International	Faculty
1161	Professor Morgan, Professor Allen and Dr. Wolfson spoke with Bay News 9 about the upcoming Schiavo conference and the issues involved.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
1/27/2005	Bay News 9	Schiavo CLE conference preview	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
1655	Terri Schiavo case: Professor Allen commented on the legislature giving Governor Bush power to require that a feeding tube remain in a patient.	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
10/1/2003	Boston Globe	Article: Schiavo case			☑

DescID	Description	National	International	Faculty
1734	Professor Michael Allen spoke with reporter John Frank at the St. Petersburg Times today as a follow-up to an earlier conversation regarding the aftermath of the Florida Supreme Court's decision in Engel. The case reversed a class action ruling against to	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
1/9/2008	St. Petersburg Times		St. Petersburg	FL	☑

DescID	Description	National	International	Faculty
1788	Professor Allen also talked with Newschannel 8 about the impact of legislation that the Governor plans to sign into law on Friday on people who engage in photographing and selling pictures of partially clothed children. The interview airs June 30.	☐	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
6/12/2008					☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
6/12/2008	NBC 8, WFLA-tv "Newschannel 8"		Tampa	FL	☐

DescID	Description	National	International	Faculty
1789	Professor Michael Allen spoke this morning with Newschannel 8's Mark Douglas for a story about what today's Supreme Court decision means for prisoners in Guantanamo. The interview should air this evening.	☐	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
6/12/2008					☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
6/12/2008	NBC 8, WFLA-tv "Newschannel 8"		Tampa	FL	☐

DescID	Description	National	International	Faculty
1800	Professor Michael Allen was quoted in the June 6 Legal Theory Blog regarding "The Underappreciated First Amendment Importance of Lawrence v. Texas."	☑	☐	Professor Michael Allen

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
6/20/2008	Legal Theory Blog	"The Underappreciated First Ame		☑

DescID	Description	National	International	Faculty
1804	Professor Michael Allen's scholarship on the First Amendment and Lawrence v. Texas continued to be cited in academic blogs including the First Amendment Law Prof Blog and Legal Theory Blog.	☑	☐	Professor Michael Allen

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
6/23/2008	First Amendment Law Prof	scholarship on the First Amendme		☑
6/23/2008	Legal Theory Blog.	scholarship on the First Amendme		☑

DescID	Description	National	International	Faculty
1846	Professor Allen's interview with Newschannel 8's Mark Douglas regarding obscenity and the First Amendment and a proposed new law's impact on child nudity on a web site aired yesterday evening on the news.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
7/1/2008	NBC 8, WFLA-tv "Newschannel 8"	Child Nudity	Tampa	FL	☑

DescID	Description	National	International	Faculty
1847	Professor Michael Allen appeared live on the Kathy Fountain "Your Turn" program in the Fox 13 studios today discussing the recent Supreme Court decision regarding gun ownership in D.C. and the 2nd Amendment.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
7/1/2008	Fox 13, WTVT "Your Turn"	Supreme Court decision regarding gun ownership	Tampa	FL	☑

DescID	Description	National	International	Faculty
1852	Professor Michael Allen spoke with Bay News 9's Josh Rojas regarding constitutional issues surrounding a new law intended to keep children safe from appearing partially clothed on Web sites.	☐	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
7/2/2008					☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
7/2/2008	Bay News 9 "News"	children on the web	St. Petersburg	FL	☐

DescID	Description	National	International	Faculty
1854	Professor Michael Allen spoke today with John Kennedy at the Orlando Sentinel concerning a decision from the Florida Supreme Court about the regulation of Indian gambling activities in Florida.	☐	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
7/3/2008					☑

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
7/3/2008	Orlando Sentinel	Indian Gambling	Orlando	FL	☐

DescID	Description	National	International	Faculty
1885	Professor Michael Allen spoke with reporter John Frank at the St. Petersburg Times today as a follow-up to an earlier conversation regarding the aftermath of the Florida Supreme Court's decision in Engel. The case reversed a class action ruling against t	☐	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
1/9/2008					☑

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
1/9/2008	St. Petersburg Times		St. Petersburg	FL	☐

DescID	Description	National	International	Faculty
1899	Professor Michael Allen's article, "Of Remedy, Juries and State Regulation of Punitive Damages : The Significance of Philip Morris v. Williams" was written about in the Civil Procedure Prof Blog May 28 Academic Round-Up in the SCOUTUSblog for the Supreme	☑	☐	Professor Michael Allen

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
5/28/2008	SCOTUS Blog			☑
5/29/2008	Civil Procedure Prof Blog		http://lawprofessors.typepad.com/c	☑

DescID	Description	National	International	Faculty
1928	Professor Michael Allen agreed to be available to film a program for the Education Channel this summer about " Founding Documents" and how the concepts relate to and impact high school student's lives.	☑	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
5/8/2008	Education Channel				☑

DescID	Description	National	International	Faculty
1949	Professor Michael Allen's article about the significance of Phillip Morris v. Williams was picked up by the April 13 California Punitive Damages blog.	☑	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
4/14/2008					☑

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
4/14/2008	California Punitive Damag			☐

DescID	Description	National	International	Faculty
1964	Professor Micheal Allen spoke with Mark Douglas of News channel 8 on campus this morning about veterans involved in a legal battle with a nursing home.	☐	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
5/1/2008					☑

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
5/1/2008					☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
5/1/2008	News Channel 8 8				☐

DescID	Description	National	International	Faculty
1995	Professor Michael Allen agreed to provide some background today on the veterans's appeals process for a story for Mark Douglas and News channel 8 about two WWII veterans involved in a skirmish with health insurance companies and a nursing home.	☐	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
4/28/2008					☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
4/18/2008	News Channel 8 8				☑

DescID	Description	National	International	Faculty
2012	Professor Allen spoke with Paul Pinkham at the Florida Times Union about a lawyer who filed suit in the federal court in Jacksonville seeking permission for assisted suicide for himself.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/31/2008	Florida Times Union				☑

DescID	Description	National	International	Faculty
2022	Professor Michael Allen's " The Underappreciated First Amendment Importance of Lawrence v. Texas" was discussed on the Legal Theory Blog June 6.	☑	☐	Professor Michael Allen

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
6/10/2008	Legal Theory Blog	" The Underappreciated First Ame		☑

DescID	Description	National	International	Faculty
2050	Professor Michael Allen was quoted in the Miami Herald story, "Florida's gay adoption ban ruled unconstitutional," by Carol Marbin Miller. The story was picked up my the AP in a story by Brian Skoloff: "Judge: Gay Adoption Ban Is Inconstitutional."	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
9/10/2008	Miami Herald	"Florida's gay adoption ban ruled u	Miami	FL	☑
9/10/2008	Gay South Florida	"Florida's gay adoption ban ruled u		FL	☑
9/10/2008	All Facts and Opinions	"Florida's gay adoption ban ruled u		FL	☑
9/10/2008	The Edge Boston	"Judge: Gay Adoption Ban Is Incon	Boston	MA	☑
9/10/2008	The Edge Providence	"Judge: Gay Adoption Ban Is Incon	Providence	RI	☑
9/10/2008	National Gay News	"Judge: Gay Adoption Ban Is Incon			☑
9/10/2008	The Ledger	"Judge: Gay Adoption Ban Is Incon			☑
9/26/2008	Gay and Lesbian Times				☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
9/10/2008	First Coast News	"Judge: Gay Adoption Ban Is Inconstitutional."	Jacksonville	FL	☑

DescID	Description	National	International	Faculty
2052	Professor Michael Allen spoke with Carol Marbin at the Miami Herald today about a judge in Key West who made a decision regarding a gay adoption.	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
9/8/2008	Miami Herald		Miami	FL	☑
9/8/2008	Daily Business Review				☑
9/8/2008	Herald Tribune				☑
9/8/2008	Gainesville Sun		Gainesville	FL	☑
9/8/2008	Sun Herald Florida			FL	☑
9/8/2008	Florida Times Union		Jacksonville	FL	☑
9/8/2008	New-Chief				☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
9/8/2008	Local 10				☑
9/8/2008	, WFTV				☑
9/8/2008	, WOFL				☑

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
9/8/2008	ABC Action News			☑
9/8/2008	Gay.com			☑
9/8/2008	MyFox Orlando			☑
9/8/2008	Naked Politics			☑
9/8/2008	PlanetOut			☑

DescID	Description	National	International	Faculty
2095	Professor Michael Allen talked with Mark Douglas at Newschannel 8 about veterans' rights.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
5/13/2008	NBC 8 "8 On Your Side"	Veterans' rights	Tampa	FL	☑

DescID	Description	National	International	Faculty
2124	Professor Michael Allen's article about the significance of Philip Morris v. Williams was picked up by the April 13, 2008 California Punitive Damages blog.	☑	☐	Professor Michael Allen

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
4/14/2008	California Punitive Damag			☑

DescID	Description	National	International	Faculty
2131	Professor Michael Allen was cited in the Daily Report article by the National Law Journal's Marcia Coyle, "Veterans' appeals court may get boost."	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
10/1/2008	Daily Report	"Veterans' appeals court may get b			☑

DescID	Description	National	International	Faculty
2150	Professor Michael Allen will speak to the Florida Matters program in the WUSF studieos in Tampa next week to discuss the six amendments on the ballot and what they each mean.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
10/10/2008	WUSF "Florida Matters"	ballot amendments	Tampa	FL	☑

DescID	Description	National	International	Faculty
2165	Professor Michael Allen spoke with the Miami Herald and the AP regarding a Circuit Judge ruling against the gay adoption ban in the Keys.	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
9/26/2008	Miami Herald	Gay Adoption	Miami	FL	☑
9/26/2008	AP	Gay Adoption			☑
9/26/2008	Gay and Lesbian Times	Gay Adoption			☑

DescID	Description	National	International	Faculty
2166	Professor Michael Allen spoke with James Zambrosky at ABC Action News regarding Amendment 3.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
10/15/2008					☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
10/15/2008	ABC 28 "News"	Amendment 3	Tampa	FL	☐

DescID	Description	National	International	Faculty
2185	Professor Michael Allen spoke with Marcia Coyle of the National Law Journal about the US Court of Appeals for Veteran Claims for a story that will run Monday and should appear online on the NLJ website this Friday	☑	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
10/22/2008	National Law Journal	Veteran claims			☑

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
#########	NLJ	Veteran claims		☐

DescID	Description	National	International	Faculty
2193	Professors Michael Allen and Rebecca Morgan were recorded at the Oct. 31 National Clearinghouse panel discussion issues facing returning veterans for a report ofr WMNF news.	☑	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
11/3/2008	WMNF	Veterans			☑

DescID	Description	National	International	Faculty
2221	Professor Michael Allen spoke with Aaron Sharockman at the St. Petersburg Times about a Miami-Dade circuit judge who ruled Florida's gay adoption ban unconstitutional.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
11/25/2008	St. Petersburg Times		St. Petersburg	FL	☑

DescID	Description	National	International	Faculty
2486	Professor Michael Allen spoke with Newschannel 8's Mark Douglas on campus about a federal class action lawsuit against the City of St. Petersburg on behalf of homeless plaintiffs.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
5/21/2009	Newschannel 8 8	re: class action lawsuit on behalf of homeless plaintiffs.			☑

DescID	Description	National	International	Faculty
2488	Professor Michael Allen agreed to talk with Sarah Lundy at the Orlando Sentinel about a gay adoption battle that may be headed for the Florida Supreme Court	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
5/20/2009	The Orlando Sentinel	re: gay adoption battle that may be			☑

DescID	Description	National	International	Faculty
2501	Professor Michael Allen's article on the Umpire Analogy is featured today in the Legal Theory Blog.	☑	☐	Professor Michael Allen

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
6/1/2009	Legal Theory Blog		http://lsolum.typepad.com/legalthe	☑

DescID	Description	National	International	Faculty
2512	Professor Michael Allen spoke with Colleen Jenkins at the St. Petersburg Times regarding the Supreme Court ruling regarding justices needing to disqualify themselves from cases involving financial interests of judicial election campaign donors.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
6/10/2009	St. Petersburg Times		St. Petersburg	FL	☑

DescID	Description	National	International	Faculty
2517	Professor Michael Allen spoke with Mitch Perry, newsroom director at WMNF Radio, for a report on the U.S. Supreme Court's decision today regarding Section 5 of the Voting Rights Act.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
6/22/2009	WMNF Radio 88.5 FM, WMNF	US Supreme Court's decision regarding Section 5 of the Voting Rights Act	Tampa	FL	☑

DescID	Description	National	International	Faculty
2544	Professor Mike Allen did a live talkback in the Bay News 9 studios today with anchor Al Ruechel regarding the impact of the US Supreme Court's recent Ricci decision on Judge Sonia Sotomayor's confirmation to the Court.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
6/30/2009	Bay News 9 9, Bay "News"	Supreme Court's recent Ricci decision	Tampa	FL	☑

DescID	Description	National	International	Faculty
2557	Professor Michael Allen agreed to tape an interview with the Political Connections program on BayNews9 regarding Judge Sotomayor's confirmation hearings this Thursday. The program airs Sunday	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
7/14/2009	Bay News 9 9 "Political Connections"	Judge Sotomayor's Confirmation hearings	Tampa	FL	☑

DescID	Description	National	International	Faculty
2558	This Thursday professor Michael Allen joins a panel of experts in the Fox 13 studios in Tampa to discuss Judge Sotomayor's confirmation hearings for Kathy Fountain's "Your Turn" program. The program airs live at 12:30 pm Thursday on Fox.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
7/14/2009	Fox 13 13, Fox "Your Turn"	Judge Sotomayor's confirmation hearings	Tampa	FL	☑

DescID	Description	National	International	Faculty
2581	Professor Michael Allen agreed to do an interview with Jeff Fisher at WFLA Radio tomorrow morning at 8:40 a.m. about the issue recently raised in the media of what would happen if President Obama were born outside the U.S.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
8/5/2009	Fox 970 AM, WFLA	President Obama Born Outside US?	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
2625	Professor Michael Allen interviewed on 970 WLFA radio on September 4, 2009 for the AM Tampa Bay program discussing "truth detectors."	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
9/3/2009	970 WLFA 970 WLFA, 970 "Tampa Bay program"		Tampa	FL	☑

DescID	Description	National	International	Faculty
2641	Professor Michael Allen spoke with Saint Petersburg Times reporter Will Van Sant about the impact of a healthcare freedom act calling for an amendment to the state constitution on the federal level.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
9/14/2009	Saint Petersburg Times		Saint Petersburg	FL	☑

DescID	Description	National	International	Faculty
2645	Prof. Michael Allen testified at a hearing for the Senate Veterans' Affairs Committee in Washington, D.C. on July 29, 2009.	☑	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
8/14/2009	US Fed News		Washington	DC	☑

DescID	Description	National	International	Faculty
2646	Prof. Michael Allen spoke with Scott Maxwell, columnist with The Orlando Sentinel, for a column about health care legislation in Florida.	☐	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
9/18/2009	The Orlando Sentinel		Orlando	FL	☑

DescID	Description	National	International	Faculty
2647	Prof. Michael Allen did a follow-up interview with Will Van Sant at the St. Pete Times regarding the healthcare freedom acting being proposed at the state level.	☐	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
9/16/2009	Saint Petersburg Times		Saint Petersburg	FL	☑

DescID	Description	National	International	Faculty
2648	Prof. Michael Allen shared comments with Roy De Jesus at Bay News 9 today for a web story in the healthcare reform issue.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
9/16/2009	Bay News 9 9			FL	☑

DescID	Description	National	International	Faculty
2656	Professor Michael Allen's interview with columnist Scott Maxwell at The Orlando Sentinel ran in thecolumn, "Health care: an uncivil war."	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
9/21/2009	The Orlando Sentinel	Health care: an uncivil war	Orlando	FL	☑

DescID	Description	National	International	Faculty
2662	Professor Michael Allen did an interview this a.m. with 970WFLA Radio talking about the conceptualizing of bills and rewrites that require significant deliberation time.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
9/25/2009	970 WFLA 970 WLFA	Conceptualizing of bills and rewrites that require significant deliberation time.			☑

DescID	Description	National	International	Faculty
2685	Prof. Michael Allen did an interview on 10/12/09 with 970WFLA Radio about the new session of the Supreme Court and what people can expect from upcoming cases.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
10/12/2009	970WFLA W970WFLA				☑

DescID	Description	National	International	Faculty
2695	Professor Michael Allen spoke with Fox 13's Mike Wilson, co-hosting the AM Tampa Bay program on 10/12/09 970WFLA, regarding upcoming cases to watch in the U.S. Supreme Court.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
10/12/2009	970 WFLA				☑

DescID	Description	National	International	Faculty
2696	Professor Allen spoke with John Barry of the St. Petersburg Times regarding the tough legal market, and guidanc he offers students regarding internships and other opportunities.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
10/12/2009	St. Petersburg Times		St.Petersburg	FL	☑

DescID	Description	National	International	Faculty
2715	Professor Michael Allen agreed to join a panel of experts in the Fox 13 studios in Tampa next Friday for the Kathy Fountain program to discuss a case working its way through the Court about juvenile offenders facing life in prison without the possibility	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
11/5/2009					☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
11/5/2009	Fox 13 13 "Kathy Fountain"		Tampa Bay	FL	☐

DescID	Description	National	International	Faculty
2718	Professor Michael Allen was quoted in Bloomberg News in the story, "Pfizer Jury Said to Award $75 Million Preinpo Damages Verdict," by Jef Feeley. Read the complete article by visiting: http://www.bloomberg.com/apps/news ?pid=20601103&sid=amZx1Q1aNxHc	☑	☐	Professor Michael Allen

News Services

Date	Publication	Article	Has the Publication Run?
11/4/2009	Bloomberg News	Pfizer Jury Said to Award $75	☑

DescID	Description	National	International	Faculty
2734	Professor Michael Allen spoke with Jeff Feeley at Bloomberg news today regarding a punitive damages judgment handed down in a Pennsylvania court against a drug company.	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
11/16/2009	Bloomberg News				☑

DescID	Description	National	International	Faculty
2744	Professor Michael Allen appeared this afternoon on the Fox 13 Kathy Fountain program, "Send Kids to Prison for Life?" discussing the U.S. Supreme Court evaluating whether or not to allow kids to spend life in prison without parole.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
11/13/2009	Fox 13 13, Fox 13 "Kathy Fountain"		Tampa	FL	☑

DescID	Description	National	International	Faculty
2791	Professor Michael Allen spoke with Jay Stapleton for a story for the Miami Daily Business Review about a class action lawsuit against American Express, the history of cy pres, and how often it is used.	☐	☐	Professor Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
1/12/2010	Miami Daily Business Revie		Miami	FL	☑

DescID	Description	National	International	Faculty
2797	Professor Michael Allen was quoted in Bloomberg News story, "Pfizer Jury Said to Set Prempro Punitive Damages at $8 Million."	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
1/5/2010	Bloomberg News	Pfizer Jury Said to Set Prempro Pu			☑

DescID	Description	National	International	Faculty
2814	Professor Michael Allen spoke with the St. Petersburg Times about Justice Thomas's visit to Stetson	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
2/2/2010	St. Petersburg Times		St Petersburg	FL	☑

DescID	Description	National	International	Faculty
2901	Professor Michael Allen spoke with 970 WFLA about the consitutionality of health care reform	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
3/30/2010	970 WFLA 970 AM, WFLA	Health care reform	Tampa	FL	☑

DescID	Description	National	International	Faculty
2918	Professor Michael Allen spoke with Bay News 9 about the official news that Justice Stevens will be stepping down from serving on the U.S. Supreme Court. The interview is scheduled to air this evening on the 6 p.m. news.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
4/9/2010	Bay News 9 9 "6 pm News"			FL	☐

DescID	Description	National	International	Faculty
2952	Professor Michael Allen spoke about federal court litigation filed in connection with the BP oil spill.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
6/11/2010	Pensacola News-Journal		Pensacola	FL	☑

DescID	Description	National	International	Faculty
3008	Professor Michael Allen agreed to tape an interview for Bay News 9 with Al Ruechel about the Supreme Court extending the right to bear arms in a recent decision.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
6/28/2010	Bay News 9				☐

DescID	Description	National	International	Faculty
3017	Professor Michael Allen was quoted in the Pensecola News-Journal article, "Oil Spill: Fund chief vows faster, fatter checks."	☐	☐	Professor Michael Allen

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
7/6/2010	Pensacola News-Journal	Oil Spill: Fund Chief vows faster,	http://www.pnj.com/article/201007	☑

DescID	Description	National	International	Faculty
3061	Professor Mike Allen is doing a TV interview for Tampa Bay 10 with Preston Rudie about a recent poll regarding public awareness of the Supreme Court and the importance of constitutional awareness.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
8/3/2010	Tampa Bay's 10 10		Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
3077	Professor Michael Allen did an interview with Dalia Colon at WUSF this morning about tomorrow's Florida Supreme Court hearing on Amendment 9, challenging federal health care.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
8/17/2010	WUSF, WUSF		Tampa	FL	☑

DescID	Description	National	International	Faculty
3078	Professor Michael Allen quoted by the St. Petersburg Times on August 19, 2010, regarding church and state issues involving a Seventh Day Adventist Church wanting a clause removed from a rental agreement.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
8/19/2010	St. Pete Times		St Pete	FL	☑

DescID	Description	National	International	Faculty
3133	Professor Michael Allen spoke with Elaine Silvestrini at the Tampa Tribune about a federal judge trying to prevent a state judge from taking actions in a state court against a lawyer.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
9/29/2010	Tampa Tribune	Federal judge preventing state judg	Tampa	FL	☑

DescID	Description	National	International	Faculty
3134	Professor Michael Allen was quoted in the Tampa Tribune story about a clash between federal and state courts, "Scientology suit takes 'very, very rare' turn."	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
9/30/2010	Tampa Tribune	Scientology suit takes 'very, very ra	Tampa	FL	☑

DescID	Description	National	International	Faculty
3176	Professor Michael Allen spoke with Doug Iten at ABC Action News today about Jim Norman being put back on the ballot	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
10/28/2010	ABC, ABC "ABC Action News"	Jim Norman	Tampa	FL	☑

DescID	Description	National	International	Faculty
3196	Professor Michael Allen did an interview with WUSF radio for the story, "State of Florida sued for selling personal records."	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
11/30/2010	WUSF Radio	"State of Florida sued for selling personal records"			☑

DescID	Description	National	International	Faculty
3250	Professory Michael Allen discussed the constitutionality of the healthcare bill, the commerce clause and where we go from here	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
12/14/2010	Baynews 9				☑

DescID	Description	National	International	Faculty
3276	Professor Michael Allen spoke for a program on the constitution.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
2/8/2011	WMNF				☑

DescID	Description	National	International	Faculty
3345	Professor Michael Allen spoke about the US Court of Appeals for Veterans Claims.	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/31/2011	Washington Post				☑

DescID	Description	National	International	Faculty
3377	Professor Michael Allen agreed to talk to the Washington Post today concerning the U.S. Court of Appeals for Veterans Claims	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
4/1/2011	Washington Post				☑

DescID	Description	National	International	Faculty
3409	Professor Michael Allen spoke about campaign finance and the constitution.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
6/3/2011	Bay News 9				☑

DescID	Description	National	International	Faculty
3428	Professor Michael Allen spoke about the health care law challenge tha goes before the Court of Appeals today and its possible impact	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
6/8/2011	Channel 10				☑

DescID	Description	National	International	Faculty
3462	Professor Michael Allen is quoted in the PolitiFact story, "Mike Haridopolos says Florida law could allow state to 'opt out' of federal health care plan"	☑	☐	Professor Michael Allen

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
7/13/2011	PolitiFact			☑

DescID	Description	National	International	Faculty
3491	Professor Michael Allen spoke with Janet Zink at the St Petersburg times today about a proposed constitutional amendment headed to the ballot in 2012 on mandatory healthcare	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
7/6/2011	St Petersburg Times				☑

DescID	Description	National	International	Faculty
3552	Professor Allen appeared on Bay News 9 discussing campaign finance	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
6/2/2011	Bay News 9				☑

DescID	Description	National	International	Faculty
3609	Micael Allen is quoted about a Navy veteran challenging the denial of benefits for a same-sex partner.	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
10/13/2011	New York Times		New York	NY	☑

DescID	Description	National	International	Faculty
3618	Michael Allen is quoted inj an article about same-sex couples access to veteran's benefits	☑	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
10/13/2011	New York Times		New York	NY	☑
10/13/2011	Tuscaloosa News				☑
10/13/2011	San Francisco Sentinel				☑
10/13/2011	Seattle Gay News				☑
10/13/2011	Newsy				☑
10/13/2011	The Dispatch				☑
10/13/2011	The Ledger				☑

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
#########	americaspeaksink.com			☑
#########	blogrunner.com			☑
#########	blogs.wsj.com			☑
#########	blueridgenow.com			☑
#########	bush.einnews.com			☑
#########	christianbias.com			☑
#########	ctpost.com			☑
#########	disability-411.com			☑
#########	disabilityinsurancetoday.co			☑
#########	d-map.org/aggregator			☑
#########	factsoflaw.com			☑
#########	florida-lawyer			☑
#########	friendseat.com			☑
#########	gayrights.einnews.com			☑
#########	greenwichtime.com			☑
#########	incontrol.org			☑
#########	lawadvice.ws/new-docs			☑
#########	lawyerstrial.net			☑
#########	ldstage.ny.atl.publicus.com			☑
#########	legal planet.com			☑
#########	legalplanet.com			☑
#########	marriagenewswatch.com			☑
#########	marriagepartner.com			☑
#########	media-dis-n-dat.blogspot			☑
#########	Memeorandum			☑
#########	metacafe.com			☑
#########	michaelbutler.com/blog			☑
#########	military.com			☑

DescID	Description	National	International	Faculty	
	######### miziuk.daytona-beach.fl.us				☑
	######### miziuk.daytona-beach.fl.us				☑
	######### nbcconnecticut.com				☑
	######### newstimes.com				☑
	######### rawstory.com				☑
	######### review journal.com				☑
	######### sacvalleyvets.wordpress.co				☑
	######### sacvalleyvets.wordpress.co				☑
	######### sgn.org				☑
	######### think progress			thinkprogress.com	☑
	######### topix.com				☑
	######### trendsbuzz.com				☑
	######### uderstandinggov.org				☑
	######### uspolitics.einnews.com				☑
	######### vawatchdogtoday.org				☑
	######### veteransforcommonsense.or				☑
	######### veteranstoday.com				☑
	######### veteranwatchdog.com				☑
	######### videosurf.com				☑
	######### voiceforveterans.com				☑
	######### washington-heights.us				☑
	######### wn.com				☑
3674	Professor Michael Allen did an interview with the Panama City News Herald about the Florida Supreme Court hearing oral arguments today about Florida's drug law. He also did an interview with the Last call on WMNF Radio about this topic.	☐	☐	Professor Michael Allen	

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
12/6/2011	Panama City News Herald				☑

Radio

Date	Station	Topic	City	State	Has the Publication Run?
12/6/2011	WMNF Radio 88.5 FM, WMNF "The Last Call"		Tampa	FL	☑

DescID	Description	National	International	Faculty
3721	Professor Michael Allen spoke with reporter John Kennedy at the Palm Beach Post concerning a bill pending in the Florida Legislature concerning school prayer	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
2/13/2012	Palm Beach Post	New law on school prayer	West Palm Beach	FL	☑

DescID	Description	National	International	Faculty
3738	Professor Michael Allen spoke with Rob Shaw at the Tampa Tribune today about pending legislation regarding school prayer.	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
2/17/2012	Tampa Tribune	school prayer legislation	Tampa	FL	☑

DescID	Description	National	International	Faculty
3790	Professors Judith Scully, Brooke Bowman, Roberta Flowers, Timothy Kaye, Lance Long, and Michael Allen served as justices along side Judge Irene Sullivan for reenactments of the oral arguments for the cases Miller v. Alabama and Jackson v. Hobbs. The cases	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/27/2012	Tampa Bay Times		Tampa	FL	☑

DescID	Description	National	International	Faculty
3855	Professor Michael Allen spoke with the Food Nation Radio Network about GMO labeling regading genetically engineered foods and the conflict of state and federal rights for a story to air on AM101CBS, AM820, WWBA, and WXMR FM 100.7.	☑	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
5/11/2012	Food Nation Radio Network	GMO labeling regading genetically engineered foods and the conflict of state and federal rights			☑
5/11/2012	CBS AM101CBS	GMO labeling regading genetically engineered foods and the conflict of state and federal rights			☑
5/11/2012	AM820	GMO labeling regading genetically engineered foods and the conflict of state and federal rights			☑
5/11/2012	, WWBA	GMO labeling regading genetically engineered foods and the conflict of state and federal rights			☑
5/11/2012	100.7, WXMR	GMO labeling regading genetically engineered foods and the conflict of state and federal rights			☑

DescID	Description	National	International	Faculty
3870	Fox News Radio 970WFLA ran a piece about Stetson's new Veterans Law Institue interviewing Professor Michael Allen on the morning drive-time news on May 31.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
5/31/2012	Fox News 970 AM, WFLA "Morning drive-time news"	Stetson's new Veterans Law Institue interviewing Professor Michael Allen on the morning drive-time news on May 31.			☑

DescID	Description	National	International	Faculty
3871	The Tampa Bay Times, Gulfport Patch, Bay News 9, and WUSF radio covered the Veterans Law Institute ribbon-cutting on May 31. WUSF also conducted an interview with Veterans Law Institute director Professor Michael Allen	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
5/31/2012	Tampa Bay Times		Tampa	FL	☑
5/31/2012	Gulfport Patch		Gulfport	FL	☑

Radio

Date	Station	Topic	City	State	Has the Publication Run?
5/31/2012	WUSF, WUSF				☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
5/31/2012	Bay News 9				☑

DescID	Description	National	International	Faculty
3872	Professor Michael Allen did an interview this afternoon with Sharon Parker at 970WFLA Radio about the opening of Stetson's Veterans Law Institute tomorrow.	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
5/30/2012	970 AM, WUSF	the opening of Stetson's Veterans Law Institute tomorrow.			☑

DescID	Description	National	International	Faculty
3908	Professor Michael Allen did in-studio interviews at both Fox 13 (morning show 8:40 a.m. in Tampa) and Bay News 9 (noon-time news repeating hourly from St. Petersburg) about the Supreme Court's stance on Arizona's immigration law.	☐	☐	Professor Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
6/26/2012	Fox 13 "Fox 13 morning show"	Supreme Court's stance on Arizona's immigration law.	Tampa	FL	☑
6/26/2012	Bay News 9 9 "Bay News 9"	Supreme Court's stance on Arizona's immigration law.	St. Petersburg	FL	☑

DescID	Description	National	International	Faculty
3966	Dean Michael Allen agreed to talk with Military Advancement Education magazine for their story about law school for members of the military.	☑	☐	Dean Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
9/19/2012	Military Advancement Educa	law school for members of the military.			☑

DescID	Description	National	International	Faculty
3971	Dean Michael Allen and Professor Cynthia Batt answered follow up questions for Art Levy at Florida Trend about Stetson's Veterans Advocacy Clinic for a forthcoming article.	☐	☐	Dean Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
9/18/2012	Florida Trend	Stetson's Veterans Advocacy Clinic		FL	☑

DescID	Description	National	International	Faculty
4002	Dean Michael Allen conducted interviews today with both WUSF and Military Advancement Education about the Veterans Law Institute at Stetson	☑	☐	Dean Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
9/27/2012	Military Advancement Educa	the Veterans Law Institute at Stetson			☑

Radio

Date	Station	Topic	City	State	Has the Publication Run?
9/27/2012	WUSF	the Veterans Law Institute at Stetson			☑

DescID	Description	National	International	Faculty
4005	Dean Michael Allen agreed to do an interview with WUSF's Bobbie O'Brien about plans for the Veterans Law Institute tomorrow morning. He also agreed to talk with JB at Military Adevancement Education Magazine about Stetson's efforts in the area of veteran	☑	☐	Dean Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
9/26/2012	Military Advancement Educa	Stetson's efforts in the area of veteran's advocacy in the afternoon.			☑

Radio

Date	Station	Topic	City	State	Has the Publication Run?
9/26/2012	WUSF	plans for the Veterans Law Institute tomorrow morning.			☑
9/26/2012	WUSF	about Affordable Healthcare in the afternoon.			☑

DescID	Description	National	International	Faculty
4008	Student Veteran Emily Pabalan who is working in the Veterans Advocacy Clinic, has completed an interview with Florida Trend about her work at the clinic. Dean Michael Allen and Professor Cynthia Batt talked with the magazine as well.	☐	☐	Dean Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
9/26/2012	Florida Trend	Student Veteran Emily Pabalan who is working in the Veterans Advocacy Clinic, has completed an interview with Florida Trend about her work at the clinic.		FL	☑

DescID	Description	National	International	Faculty
4011	Dean Michael Allen spoke with Gulf Coast Business Review editor Matt Walsh today about Amendment 1 on the November ballot in Florida and the supremacy clause.	☐	☐	Dean Michael Allen

News Services

Date	Publication	Article	Has the Publication Run?
10/5/2012	Gulf Coast Business Review		☑

DescID	Description	National	International	Faculty
4015	Dean Michael Allen, Professor Charles Rose and alumnus Javier Centonzio are quoted in the WUSF News story, "Stetson Veterans Law Clinic Offers Help with VA Benefit Claims."	☐	☐	Dean Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
10/19/2012					☐

Radio

Date	Station	Topic	City	State	Has the Publication Run?
10/19/2012	WUSF				☑

DescID	Description	National	International	Faculty
4017	Dean Michael Allen spoke with Chris Wilkerson at the Tampa Bay Business Journal today about Stetson's Veterans Law Institute, work in the areas of veterans law, the upcoming Veterans Law CLE and the need to assist veterans with legal matters	☐	☐	Dean Michael Allen

News Services

Date	Publication	Article	Has the Publication Run?
10/18/2012	Tampa Bay Business Journal		☑

DescID	Description	National	International	Faculty
4024	Dean Michael Allen did an in-studio interview today with Bay News 9 about the electoral college and popular vote for a forthcoming news program.	☐	☐	Dean Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
10/25/2012	Bay News 9 9 "Bay News 9"	the electoral college and popular vote	Tampa	FL	☑

DescID	Description	National	International	Faculty
4043	Dean Michael Allen is quoted in the Nov. 9 Tampa Bay Business Journal Article, "Veterans law a growing industry niche"	☐	☐	Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
11/9/2012	Tampa Bay Business Journal	"Veterans Law a Growing Industry	Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
4064	An interview with Dean Michael Allen and news of Stetson's Veterans Law Institute ran in the Military Advanced Education magazine article, "Legally Speaking: Many Veterans Have Enrolled	☑	☐	Dean Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
11/30/2012	Military Advancement Educa	"Legally Speaking: Many Veterans Have Enrolled			☑

DescID	Description	National	International	Faculty
4083	Dean Michael Allen spoke with Reporter Mark Puente at the Tampa Bay Times about a class action lawsuit filed on behalf of people who signed a petition to stop the new Pier design in St.Petersburg.	☐	☐	Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
12/14/2012	Tampa Bay Times				☑

News Services

Date	Publication	Article	Has the Publication Run?
12/14/2012	Tampa Bay Times		☐

DescID	Description	National	International	Faculty
4100	Dean Michael Allen agreed to do a follow up interview with the Tampa Bay Times about the lawsuit over the pier. He is quoted in the Jan. 9 Tampa Bay Times article "Pier lawsuit draws in some reluctant petitioners and possible push away from mediation."	☐	☐	Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
1/10/2013	Tampa Bay Times				☑

DescID	Description	National	International	Faculty
4105	Dean Michael Allen's follow up interview with the Tampa Bay Times about the lawsuit over the pier has been picked up by the Chicago Tribune and other media outlets	☐	☐	Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
1/14/2013	Tampa Bay Times				☑

News Services

Date	Publication	Article	Has the Publication Run?
1/14/2013	Tampa Bay Times		☐

DescID	Description	National	International	Faculty
4117	Dean Michael Allen spoke with Bill Robertson about the Second Amendment today after his live radio program, "Let's Talk Law," on WSRQ.	☐	☐	Dean Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
1/18/2013	WSRQ				☑

DescID	Description	National	International	Faculty
4144	Dean Michael Allen spoke with the News-Press for the Feb. 14 story, "Class Action Suits Are Many."	☐	☐	Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
2/14/2013	News Press				☑

DescID	Description	National	International	Faculty
4152	Dean Michael Allen agreed to do an in-studio interview on Monday morning with Bay News 9 about the latest debate over whether cameras should be allowed in Court.	☐	☐	Dean Michael Allen

News Services

Date	Publication	Article	Has the Publication Run?
2/20/2013	Bay News 9		☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
2/20/2013	Bay News 9				☑

DescID	Description	National	International	Faculty
4160	Dean Michael Allen appeared on Bay News 9 today discussing Florida v. Harris, a Supreme Court case involving a dog trained to sniff out substances. He is scheduled to appear next Monday discussing the use of cameras in court.	☐	☐	Dean Michael Allen

News Services

Date	Publication	Article	Has the Publication Run?
2/25/2013	Bay News 9		☑

TV

Date	Station	Topic	City	State	Has the Publication Run?
2/25/2013	Bay 9 News				☑

DescID	Description	National	International	Faculty
4197	Associate Dean Michael Allen did an interview with Tampa Bay's 10 today on the Gulfport campus about the implications of the Supreme Court's hearing gay marriage cases.	☐	☐	Associate Dean Michael Allen

News Services

Date	Publication	Article	Has the Publication Run?
3/26/2013	Tampa Bay 10		☐

TV

Date	Station	Topic	City	State	Has the Publication Run?
3/26/2013	Tampa Bay's 10				☑

DescID	Description	National	International	Faculty
4262	Associate Dean Michael Allen is quoted in the El Diario story regarding gay marriage.	☐	☑	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
3/27/2013	El Diario				☑

DescID	Description	National	International	Faculty
4423	Associate Dean Michael Allen spoke with the Sun Sentinel today about a new ABA initiative to provide veterans in need with legal counsel.	☐	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
12/13/2013	Sun Sentinel				☑

DescID	Description	National	International	Faculty
4428	Associate Dean Michael Allen agreed to do an interview with the Christian Science Monitor for a magazine story about Jahi McMath and end of life issues. McMath is the teen who doctors say is brain dead after tonsil surgery.	☑	☐	Associate Dean Michael Allen

News Services

Date	Publication	Article	Has the Publication Run?
1/7/2014	Christian Science Monitor		☑

DescID	Description	National	International	Faculty
4432	Associate Dean Michael Allen agreed to do an interview with the Christian Science Monitor for a magazine story about Jahi McMath and end of life issues. McMath is the teen who doctors say is brain dead after tonsil surgery.	☑	☐	Associate Dean Michael Allen

News Services

Date	Publication	Article	Has the Publication Run?
1/7/2014	Christian Science Monitor		☑

DescID	Description	National	International	Faculty
4585	Associate Dean Michael Allen talked with Scott Powers at the Orlando Sentinel today about state and federal jurisdiction and Florida Gov. Rick Scott announcing a lawsuit against the VA to inspect facilities.	☐	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
5/28/2014	Orlando Sentinel				☑

DescID	Description	National	International	Faculty
4599	Associate Dean Michael Allen agreed to talk to the Miami Herald as follow up to a story about veterans affairs in the Miami area.	☐	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
7/28/2014	Miami Herald		Miami	FL	☑

DescID	Description	National	International	Faculty
4622	Associate Dean and Professor of Law Michael Allen spoke with the Miami Herald about veterans benefit issues.	☐	☐	Associate Dean Michael Allen Professor of Law Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
7/3/2014	Miami Herald		Miami	FL	☑

DescID	Description	National	International	Faculty
4631	Associate Dean Michael Allen spoke with Bay News 9 Live this afternoon for a story about the Supreme Court's decision in Hobby Lobby.	☐	☐	Associate Dean Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
6/30/2014	Bay News 9 Live 9				☑

DescID	Description	National	International	Faculty
4632	Associate Dean Michael Allen spoke with the Tampa Bay Times today about the Hobby Lobby decision.	☐	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
6/30/2014	Tampa Bay Times		Tampa Bay	FL	☐

DescID	Description	National	International	Faculty
4640	The June 21 Gainesville Sun quotes associate dean and professor Michael Allen in the story, "Gainesville VA paid out $5 million in wrongful death cases.	☐	☐	Associate Dean Michael Allen Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
6/25/2014	Gainesville Sun		Gainesville	FL	☑

DescID	Description	National	International	Faculty
4647	Associate Dean Michael Allen agreed to do an interview with the Gainesville Sun about medical malpractice suits brought against VA medical centers.	☐	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
6/17/2014	Gainesville Sun		Gainesville	FL	☑

DescID	Description	National	International	Faculty
4808	Associate Dean Michael Allen agreed to work (along with Professor Stacey-Rae Simcox) on a Q&A for the Orlando Sentinel's Front & Center opinion section spotlighting Stetson's Veterans Law Institute and Veterans Advocacy Clinic.	☐	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
12/3/2014	Orlando Sentinel				☑

DescID	Description	National	International	Faculty
4821	Associate Dean Michael Allen spoke with Rene Stutzman at the Orlando Sentinel today about the Constitutionality of same-sex marriage in the state and a ruling by federal Judge Robert Hinkle striking down Florida's ban.	☐	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
12/15/2014	Orlando Sentinel				☑

DescID	Description	National	International	Faculty
4826	Associate Dean Michael Allen is quoted in the Orlando Sentinel Front & Center column, "Vets get cavalry for the courtroom: Front & Center."	☐	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
12/9/2014	Orlando Sentinel				☑

DescID	Description	National	International	Faculty
4832	Associate Dean Michael Allen provided editorial for the Orlando Sentinel's Front and Center section to run tomorrow featuring Stetson's Veterans Law Institute and Veterans Advocacy Clinic.	☐	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
12/8/2014	Orlando Sentinel				☑

DescID	Description	National	International	Faculty
4835	Associate Dean Michael Allen spoke with the Orlando Sentinel for the article, "Law firm to Florida court clerks: Issuing gay-marriage licenses risks arrest." The article ran nationally in MSN and other outlets.	☑	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
12/17/2014	Orlando Sentinel				☑

News Services

Date	Publication	Article	Has the Publication Run?
12/17/2014	MSN.com		☑

DescID	Description	National	International	Faculty
4841	Associate Dean and Professor of Law Michael Allen agreed to talk about the future of gay marriage with Hometwon News. Allen is most recently quoted on this topic in the Jan. 6 Tampa Tribune story, "Weddings don't mean gay marriage issue totally settled."	☐	☐	Associate Dean Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
1/7/2015	Hometown News				☑

DescID	Description	National	International	Faculty
4843	Associate Dean Professor of Law Michael Allen agreed to talk with the Tampa Tribune today about same sex marriage in Florida.	☐	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
1/6/2015	Tampa Tribune				☑

DescID	Description	National	International	Faculty
4844	Associate Dean Michael Allen is quoted in the Free Speech Radio News article, "Q&A: Legal analysis of Florida's same-sex marriage ban controversy."	☑	☐	Associate Dean Michael Allen

Magazines

Date	Publication	Article	City	State	Has the Publication Run?
1/6/2015	free speech radio news	Q&A: Legal analysis of Florida's same-sex marriage ban controversy."			☑

DescID	Description	National	International	Faculty
4854	Associate Dean Michael Allen did an interview with WMNF News today about the future of gay marriage in Florida. The report has been picked up by FSRN radio and aired during the evening news tonight. Hear the report here: http:/www.wmnf.org/news_stories/un	☐	☐	Associate Dean Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
12/29/2014	WMNF				☑
12/29/2014	FSRN				☑

DescID	Description	National	International	Faculty
4855	Associate Dean Michael Allen also did an interview with WFSU radio in Tallahassee about the legality of gay marriage for a report to air on WFSU/NPR.	☐	☐	Associate Dean Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
12/29/2014	wfsu				☑

DescID	Description	National	International	Faculty
4979	Associate Dean Micheal Allen agreed to be available for Bay News 9 in the studios next week to provide legal analysis as the U.S. Supreme Court hands down decisions.	☐	☐	Associate Dean Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
6/16/2015	Bay 9 News				☑

DescID	Description	National	International	Faculty
4988	Associate Dean Michael Allen agreed to do an interview with Bloomberg Radio on two cases headed to the Supreme Court: the veterans' rights in business case and Texas ruling imposing limits on abortions.	☑	☐	Associate Dean and professor of law Michael All

Radio

Date	Station	Topic	City	State	Has the Publication Run?
6/23/2015	Bloomberg Radio				☑

DescID	Description	National	International	Faculty
4991	Associate Dean and Professor of Law Michael Allen spoke with Bay News 9 as the in-studio expert on the Supreme Court's decision this morning in King v. Burwell.	☐	☐	Associate Dean and professor of law Michael All

TV

Date	Station	Topic	City	State	Has the Publication Run?
7/25/2015	Bay 9 News				☑

DescID	Description	National	International	Faculty
4992	Dean Allen spoke with the Tampa Bay Times about King v. Burwell Allen also agreed to be available to share commentary with the Star-Banner.	☐	☐	Associate Dean and professor of law Michael All

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
6/25/2015	Tampa Bay Times				☑
6/25/2015	Star Banner				☑

DescID	Description	National	International	Faculty
4994	Associate Dean Michael Allen did an interview with the Tampa Tribune about the Supreme Court ruling on gay marriage.	☐	☐	Associate Dean and professor of law Michael All

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
6/26/2015	Tampa Tribune				☑

DescID	Description	National	International	Faculty
4995	Associate Dean and Professor Michael Allen was quoted on the King v. Burwell ruling regarding the Affordable Care Act in the Tampa Bay Times.	☐	☐	Associate Dean and professor of law Michael All

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
6/26/2015	Tampa Bay Times		Tampa Bay	FL	☑

DescID	Description	National	International	Faculty
4996	Associate Dean and Professor of Law Michael Allen spoke with the Sun Herald about the Supreme Court's decision on gay marriage.	☐	☐	Associate Dean and professor of law Michael All

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
6/29/2015	Sun Herald				☑

DescID	Description	National	International	Faculty
5061	Associate Dean Allen spoke with L.A. Times about growing backlog of appeals in V.A. disability compensation system	☑	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
10/9/2015	L.A. Times				☑

DescID	Description	National	International	Faculty
5081	Professor Stacy-Rae Simcox and Michael Allen are quoted in Stetson Again Named Military Friendly School	☑	☐	Dean and Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
11/10/2015	Houston Chronicle Online/ch		Houston	TX	☑
11/10/2015	The Advocate Online		Stamford	CT	☑
11/10/2015	seattlePI.com		Seattle	WA	☑
11/10/2015	San Francisco Chronicle - On		San Francisco	CA	☑
11/10/2015	San Antonio Express-News O		San Antonio	TX	☑
11/10/2015	KAIT-TV Online		Jonesboro	AR	☑

DescID	Description	National	International	Faculty
5092	Associate Dean Michael Allen is quoted in the AP article, "VA staff is buried in backlog of veterans disability appeals."	☑	☐	Associate Dean Michael Allen

News Services

Date	Publication	Article	Has the Publication Run?
11/23/2015	Charleston Gazette-Mail, The		☑
11/23/2015	Daily Press Online		☑
11/23/2015	Klamath Falls Herald and Ne		☑
11/23/2015	Ledger Online, The		☑
11/23/2015	Legal Monitor Worldwide		☑
11/23/2015	Lodi News-Sentinel Online		☑
11/23/2015	Los Angeles Times		☑
11/23/2015	News Chief Online		☑
11/23/2015	Noodls		☑
11/23/2015	Orlando Sentinel Online		☑
11/23/2015	Stars and Stripes Online		☑
11/23/2015	Sun Herald Online		☑
11/23/2015	Tampa Bay Times Online		☑
11/23/2015	Tea Party		☑
11/23/2015	Virginia Gazette - Online, Th		☑
11/23/2015	West Hawaii Today Online		☑

DescID	Description	National	International	Faculty
5111	Associate Dean Michael Allen spoke with the Wall Street Journal about a pending appeal in Monk v McDonald and a push by veterans to bring class action lawsuits before the veterans court.	☑	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
11/16/2015	Wall Street Journal				☑

DescID	Description	National	International	Faculty
5177	Associate Dean Allen spoke with Bay News 9 tonight on Gulfport Campus	☐	☐	Associate Dean Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
2/13/2016	Bay 9 News	death of Supreme Court Justice Antonin Scalia and its impact on the Court			☑

DescID	Description	National	International	Faculty
5186	Associate Dean Allen and Professor Virelli agreed to speak with 10News	☐	☐	Associate Dean Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
2/23/2016	10News	when President Obamaannounces a nomination for Supreme Court Justice			☑

DescID	Description	National	International	Faculty
5242	Dean Michael Allen quoted in Bradenton Herald Story	☐	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
5/19/2016	Bradenton Herald	Tiger Bay panelists: Transgender is			☑

DescID	Description	National	International	Faculty
5268	Associate Dean Allen has agreed to ape an In Depth with Bay News 9	☐	☐	Associate Dean Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
6/10/2016	Bay News 9	9th Circuit Court of Appeals ruling that the Second Amendment right to bear arms does not include carrying a concealed gun			☑

DescID	Description	National	International	Faculty
5279	Law Associate Dean Allen was the guest on the Bay News 9 In Depth program	☐	☐	Associate Dean Michael Allen

TV

Date	Station	Topic	City	State	Has the Publication Run?
6/15/2016	Bay News 9 "In Depth"	Second Amendment and history of concealed and open carry in the US			☑

DescID	Description	National	International	Faculty
5341	Assiciate Dean Michael Allen's intervie with Tampa Bay Times ran in the story 'Leaders seek Zika Help"	☐	☐	Associate Dean Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
8/29/2016	Tampa Bay Times	'Leaders seek Zika Help"			☑

DescID	Description	National	International	Faculty
5440	Professor Allen spoke with The Daily Beast about a potential civil matter in a criminal case	☑	☐	Professor Michael Allen

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
1/5/2017	Daily Beast			☑

DescID	Description	National	International	Faculty
5448	Professor Allen is quoted in Florida Politics story and WUSF story	☐	☐	Professor Michael Allen

Radio

Date	Station	Topic	City	State	Has the Publication Run?
1/12/2017	wfsu	FL House Beings Mulling Death penalty Changes			☑

Websites

Date	Website	Article	WebsiteAddress	Has the Publication Run?
1/12/2017	Florida Politics	Former Death Row Prisoner appea		☑

DescID	Description	National	International	Faculty
5452	Professor Allen is quoted in the Florida Bar News	☐	☐	Professor Michael Allen

Newspapers

Date	Publication	Article	City	State	Has the Publication Run?
1/24/2017	Florida Bar News	Legislators receive a death penalty			☑

DescID	Description	National	International	Faculty
5540	Professor Michael Allen was tapped for a federal judgeship by the White House as reported in multiple national media outlets via the wire.	☑	☐	Professor Michael Allen

News Services

Date	Publication	Article	Has the Publication Run?
6/8/2017	24-7PressRelease - Online		☑
6/8/2017	AZ Family		☑
6/8/2017	Before It's News		☑
6/8/2017	Big Spring Herald Online		☑
6/8/2017	BioSpace		☑
6/8/2017	Buffalo News Online, The		☑
6/8/2017	Business theantlersamerican		☑
6/8/2017	CEO CA		☑
6/8/2017	Charisma Online		☑
6/8/2017	Crossroads Today		☑
6/8/2017	Daily Press - Online		☑
6/8/2017	Daily Times Leader Online		☑
6/8/2017	Decatur Daily Democrat Onli		☑
6/8/2017	Digital Journal		☑
6/8/2017	Erie News Now		☑
6/8/2017	Evening Leader Online, The		☑
6/8/2017	Finanzen (CH)		☑
6/8/2017	Florida Politics		☑
6/8/2017	Friends Of Liberty		☑
6/8/2017	GlobeAdvisor.com		☑
6/8/2017	Inyo Register - Online		☑
6/8/2017	KAIT-TV Online		☑
6/8/2017	Kane Republican - Online		☑
6/8/2017	KAUZ-TV Online		☑
6/8/2017	KAUZ-TV Online		☑
6/8/2017	KCBD-TV Online		☑
6/8/2017	KCBD-TV Online		☑
6/8/2017	KCTV-TV Online		☑
6/8/2017	KEYC-TV Online		☑
6/8/2017	KEYC-TV Online		☑
6/8/2017	KFBB-TV - Online		☑
6/8/2017	KFDA-TV Online		☑
6/8/2017	KFMB-AM (760 AM Talk R		☑
6/8/2017	KFMB-FM Online		☑
6/8/2017	KFMB-TV Online		☑
6/8/2017	KFMB-TV Online		☑
6/8/2017	KFVE-TV Online		☑
6/8/2017	KFVE-TV Online		☑
6/8/2017	KFVS-TV Online		☑
6/8/2017	KFVS-TV Online		☑
6/8/2017	KHNL-TV Online		☑
6/8/2017	KHQ-TV Online		☑

DescID	Description		National	International	Faculty	
	6/8/2017	KLKN-TV Online				☑
	6/8/2017	KLKN-TV Online				☑
	6/8/2017	KLTV-TV Online				☑
	6/8/2017	KLTV-TV Online				☑
	6/8/2017	KMIR-TV Online				☑
	6/8/2017	KMOV-TV Online				☑
	6/8/2017	KMOV-TV Online				☑
	6/8/2017	KNBN-TV - Online				☑
	6/8/2017	KNDO-TV - Online				☑
	6/8/2017	KNDO-TV - Online				☑
	6/8/2017	KOAM-TV Online				☑
	6/8/2017	KOAM-TV Online				☑
	6/8/2017	KOLD-TV Online				☑
	6/8/2017	KOLD-TV Online				☑
	6/8/2017	KOTV-TV Online				☑
	6/8/2017	KPLC-TV Online				☑
	6/8/2017	KPLC-TV Online				☑
	6/8/2017	KQCW-TV Online				☑
	6/8/2017	KQCW-TV Online				☑
	6/8/2017	KRGV-TV - Online				☑
	6/8/2017	KSLA-TV Online				☑
	6/8/2017	KSLA-TV Online				☑
	6/8/2017	KSWO-TV Online				☑
	6/8/2017	KSWO-TV Online				☑
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	6/8/2017	KTEN-TV Online				☑
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	6/8/2017	KTRE-TV Online				☑
	6/8/2017	KTVN-TV Online				☑
	6/8/2017	KTVN-TV Online				☑
	6/8/2017	KUAM-TV Online				☑
	6/8/2017	KUAM-TV Online				☑
	6/8/2017	KULR-TV - Online				☑
	6/8/2017	KUSI-TV Online				☑
	6/8/2017	KUSI-TV Online				☑
	6/8/2017	KVVU-TV Online				☑
	6/8/2017	KWES-TV Online				☑
	6/8/2017	KWES-TV Online				☑
	6/8/2017	KWTV-TV Online				☑
	6/8/2017	KXXV-TV Online				☑
	6/8/2017	KXXV-TV Online				☑
	6/8/2017	Le Lézard.com				☑
	6/8/2017	Malvern Daily Record - Onli				☑
	6/8/2017	Mammoth Times Online				☑
	6/8/2017	Minster Community Post				☑
	6/8/2017	Money News				☑
	6/8/2017	My informs				☑
	6/8/2017	Newsroom America				☑

DescID	Description		National	International	Faculty	
	6/8/2017	Observer News Enterprise -				☑
	6/8/2017	Patriotpost				☑
	6/8/2017	Pilot News - Online				☑
	6/8/2017	Post & Mail				☑
	6/8/2017	PR Newswire - Online				☑
	6/8/2017	Press-Enterprise - Online (pre				☑
	6/8/2017	Profit Quotes				☑
	6/8/2017	Publicnow				☑
	6/8/2017	Punxsutawney Spirit - Online				☑
	6/8/2017	Ridgway Record - Online				☑
	6/8/2017	Saint Petersblog				☑
	6/8/2017	Saline Courier Online				☑
	6/8/2017	Saline Courier Online				☑
	6/8/2017	Spoke				☑
	6/8/2017	Starkville Daily News Online				☑
	6/8/2017	State Capital News Feed				☑
	6/8/2017	States News Service				☑
	6/8/2017	Stetson Today				☑
	6/8/2017	Stetson Today				☑
	6/8/2017	Stock Markets Pettinga				☑
	6/8/2017	Sweetwater Reporter - Online				☑
	6/8/2017	SWENGEN USA				☑
	6/8/2017	Targeted News Service				☑
	6/8/2017	Targeted News Service				☑
	6/8/2017	Thai News Service				☑
	6/8/2017	TheStreet				☑
	6/8/2017	TickerTech.com				☑
	6/8/2017	Trial Insider				☑
	6/8/2017	TutorialFinder.com				☑
	6/8/2017	Twitter				☑
	6/8/2017	Twitter				☑
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	6/8/2017	Twitter				☑
	6/8/2017	Twitter				☑
	6/8/2017	Twitter				☑
	6/8/2017	Twitter				☑
	6/8/2017	Twitter				☑
	6/8/2017	Twitter				☑
	6/8/2017	Valley City Times-Record O				☑
	6/8/2017	WAFB-TV Online				☑
	6/8/2017	WAFF-TV Online				☑
	6/8/2017	WAFF-TV Online				☑
	6/8/2017	WALB-TV Online				☑
	6/8/2017	WALB-TV Online				☑
	6/8/2017	WAND-TV Online				☑
	6/8/2017	Wapakoneta Daily News Onli				☑
	6/8/2017	Washington Post Online, The				☑
	6/8/2017	Washington Times Online				☑

DescID	Description		National	International	Faculty	
	6/8/2017	Washington Times, The				☑
	6/8/2017	WAVE-TV Online				☑
	6/8/2017	WAVE-TV Online				☑
	6/8/2017	WBBH-TV Online				☑
	6/8/2017	WBOC2-TV Online				☑
	6/8/2017	WBOC-TV Online				☑
	6/8/2017	WBOY-TV Online				☑
	6/8/2017	WBOY-TV Online				☑
	6/8/2017	WBRC-TV Online				☑
	6/8/2017	WBRC-TV Online				☑
	6/8/2017	WBTV-TV Online				☑
	6/8/2017	WBTV-TV Online				☑
	6/8/2017	WCSC-TV Online				☑
	6/8/2017	WCSC-TV Online				☑
	6/8/2017	WDAM-TV Online				☑
	6/8/2017	WDAM-TV Online				☑
	6/8/2017	WDRB-TV Online				☑
	6/8/2017	WDRB-TV Online				☑
	6/8/2017	WECT-TV Online				☑
	6/8/2017	WECT-TV Online				☑
	6/8/2017	WFIE-TV Online				☑
	6/8/2017	WFIE-TV Online				☑
	6/8/2017	WFLX-TV Online				☑
	6/8/2017	WFMJ-TV Online				☑
	6/8/2017	WFMJ-TV Online				☑
	6/8/2017	WFXG-TV Online				☑
	6/8/2017	WFXG-TV Online				☑
	6/8/2017	White House, The				☑
	6/8/2017	WICU-TV Online				☑
	6/8/2017	WireUpdate | Update to the				☑
	6/8/2017	WIS-TV Online				☑
	6/8/2017	WIS-TV Online				☑
	6/8/2017	WLBT-TV Online				☑
	6/8/2017	WLBT-TV Online				☑
	6/8/2017	WLNE-TV Online				☑
	6/8/2017	WLOX-TV Online				☑
	6/8/2017	WLOX-TV Online				☑
	6/8/2017	WLWC-TV Online				☑
	6/8/2017	WMBF-TV Online				☑
	6/8/2017	WMBF-TV Online				☑
	6/8/2017	WMC-TV Online				☑
	6/8/2017	WMC-TV Online				☑
	6/8/2017	WNKY-TV - Online				☑
	6/8/2017	WOHL-TV - Online				☑
	6/8/2017	WOHL-TV - Online				☑
	6/8/2017	WOIO-TV Online				☑
	6/8/2017	WOIO-TV Online				☑
	6/8/2017	WOWK-TV Online				☑

DescID	Description		National	International	Faculty	
	6/8/2017	WOWK-TV Online				☑
	6/8/2017	WRCB-TV Online				☑
	6/8/2017	WSFA-TV Online				☑
	6/8/2017	WSFA-TV Online				☑
	6/8/2017	WTOC-TV Online				☑
	6/8/2017	WTOC-TV Online				☑
	6/8/2017	WTOL-TV Online				☑
	6/8/2017	WTOL-TV Online				☑
	6/8/2017	WTRF-TV Online				☑
	6/8/2017	WTRF-TV Online				☑
	6/8/2017	WTVM-TV Online				☑
	6/8/2017	WVIR-TV Online				☑
	6/8/2017	WVIR-TV Online				☑
	6/8/2017	WVNS-TV Online				☑
	6/8/2017	WVNS-TV Online				☑
	6/8/2017	WVUE-TV Online				☑
	6/8/2017	WVUE-TV Online				☑
	6/8/2017	WWBT-TV Online				☑
	6/8/2017	WWBT-TV Online				☑
	6/8/2017	WWTV-TV Online				☑
	6/8/2017	WXIX-TV Online				☑
	6/8/2017	WXIX-TV Online				☑
	6/8/2017	WZVN-TV Online				☑
	6/8/2017	WZVN-TV Online				☑

[Committee non-confidential supplemental questionnaire follows:]

UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS

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

Name: **Michael P. Allen**

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.

   - **United States Court of Appeals for Veterans Claims Bar Association.**
   - **United States Court of Appeals for Veterans Claims Historical Society.**
   - **Federal Bar Association.**
   - **Tampa Bay Chapter of the Federal Bar Association.**
   - **American Bar Association.**
     - **For two years (approximately 2010-2012) I was the co-chair of the Veterans Law Sub-Committee of the Section on Administrative Law.**

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?

      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.

      I was admitted to the Bar of the Commonwealth of Massachusetts on December 15, 1992. I have been continuously admitted to the bar in Massachusetts since I was originally admitted in 1992.

   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.

      - **United States Court of Appeals for Veterans Claims from February 16, 2006 to the present.**

- **Supreme Court of the United States from March 6, 2006 to the present.**
- **United States Court of Appeals for the First Circuit from January 10, 1995 to the present.**
- **United States Court of Appeals for the Third Circuit from February 16, 1998.**
- **United States Court of Appeals for the Eleventh Circuit from March 9, 2009 through March 8, 2014. I did not renew my admission to the Eleventh Circuit because I did not have a professional reason to continue to be a member of the court's bar.**
- **United States Court of Appeals for the Federal Circuit from February 22, 2006 to the present.**
- **United States District Court for the District of Massachusetts from April 16, 1993 to the present.**
- **United States District Court for the Eastern District of Michigan from April 30, 1998 to the present.**
- **The Commonwealth of Massachusetts from December 15, 1992 to the present.**

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.

   There are no additional organizations to report.

   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.

   None of the organizations listed on the original form discriminate on these bases.

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.

   I have provided the requested materials (along with an index) with the hardcopy of this questionnaire.

   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.

   I have provided the requested materials (along with an index) with the hardcopy of this questionnaire.

   (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:

I graduated from Columbia University Law School in 1992. While at Columbia, I was a Harlan Fiske Stone Scholar in my second and third years. After studying for and passing the Massachusetts Bar examination, I began my legal career in the fall of 1992 at the Boston office of the international law firm Ropes & Gray. I was an associate in the firm's litigation department until I left in the summer of 2001 to enter legal education.

While at Ropes & Gray my practice varied but generally concerned complex business disputes. I worked on matters for clients such as Fidelity Investments, Raytheon, Lloyds of London, Bain Capital, and several other companies involved in the financial services area.

In the summer of 2001, I left Ropes & Gray and the private practice of law to enter legal education. I was hired as an untenured Assistant Professor of Law at Stetson University College of Law in Gulfport, Florida. I began teaching in the fall 2001 semester

and have been a full time member of the faculty for the past 16 years. I became an Associate Professor of Law in 2004. I received tenure in 2006 and became a full professor in 2007. I served as a visiting Professor of Law at the University of Illinois College of Law in the spring 2004 semester. Over the years, I have taught the following courses: (1) American Constitutional Law; (2) Veterans Benefits Law and Policy; (3) Civil Procedure; (4) Complex Litigation; and (5) Remedies. I have also served as the faculty advisor for the past 16 years for Stetson's Externship with the United States District Court for the Middle District of Florida.

I have held two additional positions (beyond being a professor) during my time at Stetson. First, I served as an Associate Dean at the law school from 2012-2016. Second, from 2012 to the present I have been the Director of Stetson's Veterans Law Institute.

In addition to my teaching and administrative roles, I have also been a prolific author. I am the co-author of two books[1] and nearly 30 book chapters and articles/essays. My writings cover a wide area dealing in my early years with constitutional law and civil procedure. Recently, my scholarship has focused on veterans' law. I have also spoken widely to academic and community groups concerning my areas of expertise, including veterans' law.

During my time in legal education, I have also been involved in professional associations. For example, I have served as the Chair of the Executive Committee for two sections of the Association of American Law Schools: Remedies and New Law Professors. I have also served as a Trustee of the Southeastern Association of American Law Schools. Finally, I spent two years as the Co-Chair of the Veterans Law Sub-Committee of the Administrative Law Section of the American Bar Association.

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; **I was not a clerk.**

ii. whether you practiced alone and, if so, the addresses and dates; **I did not practice 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;

Ropes & Gray: Main address: Prudential Tower, 800 Boylston Street, Boston, MA 02199-3600. I worked at Ropes & Gray from September 1992-July 2001.

[1] I had contracts pending to write two additional books, one a casebook on Veterans' Law and the other a scholarly history of the United States Court of Appeals for Veterans Claims. I have informed my publishers that I will not be able to be a part of these projects should my nomination be approved.

Stetson University College of Law: 1401 61st Street South, Gulfport, FL 33707. I have worked at Stetson from July 2001 to the present.

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. **I have not served as a mediator or arbitrator.**

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years;

As mentioned above, my law practice has generally been in two phases: my first 9 years in private practice followed by the last 16 years in legal education. During my time in private practice (1992-2001), the general character of my practice was general civil litigation focusing on complex matters in state and federal courts. During my time in legal education (2001-present), I have not practiced law. I described the nature of my work in legal education above.

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized;

During the time in which I was in private practice (1992-2001), my practice was focused on general complex civil litigation focusing on commercial matters. I did handle some complex tort actions as well, but I would characterize the focus of my practice as being on securities litigation, insurance coverage matters, and general commercial litigation. I have not practiced law since entering legal education in 2001 through the present.

iii. any law practice or legal experience that involved veterans' law.

I did not practice veterans' law while I was in private practice. While in legal education, I have had a primary professional focus on veterans' law at least since 2006. I was the inaugural Director of Stetson's Veterans Law Institute and have served in that role from May 2012 to the present.

A brief description of the general types of my activities concerning veterans' law follows:

- I have been a featured speaker at every judicial conferences of the United States Court of Appeals for Veterans Claims beginning in 2006. In connection with each conference, I have prepared extensive materials for the conference and produced at least one other published writing about veterans law.
- I have also spoken at several judicial conferences of the United States Court of Appeals for the Federal Circuit concerning veterans' law issues.
- I served as the moderator and reporter for a two-day "Bar and Bench" Conference of the United States Court of Appeals for Veterans Claims in 2015.
- I have spoken on several occasions at CLE programs produced by the United States Court of Appeals for Veterans Claims Bar Association.
- I have been a frequent speaker at the semi-annual meetings of the National Organization of Veterans Advocates.
- I have testified before the Veterans Affairs Committees of both the United States Senate and the United States House of Representatives on several occasions.
- I have coached the Stetson University College of Law veterans' law moot competition for the past 8 years. The Stetson team has won the competition for 4 of the 8 eight years.
- I have written "friend of the court" briefs on veterans' law issues in both the Supreme Court of the United States and the United States Court of Appeals for the Federal Circuit.
- I have spoken at several events hosted by the Military Affairs Committee of the Florida Bar concerning veterans' law matters. I have also spoken about veterans' law at various county bar associations in Florida.

- **I have presented three times about veterans' law to JAG officers at Redstone Arsenal in Huntsville, Alabama.**

- **I have written extensively in academic journals concerning veterans' law. As directed by an earlier question, I have provided copies of these writings.**

- **I designed a course in "Veterans' Benefits Law and Policy" that I co-taught at Stetson University College of Law with two judges of the United States Court of Appeals for Veterans Claims.**

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.

As stated above, I have not been in the private practice of law since 2001. I have provided the requested information below for the period while I was in the active practice of law between 1992-2001.

i. Indicate the percentage of your practice in:
   1. federal courts; **75%**
   2. state courts of record; **25%**
   3. other courts; **0%**
   4. administrative agencies. **0%**

ii. Indicate the percentage of your practice in:
   1. civil proceedings; **98%**
   2. criminal proceedings. **2%**

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.

While I was in practice between 1992-2001, I tried (or otherwise litigated in the context of formal arbitration) numerous cases in state and federal courts around the country. To the best of my recollection, I was either sole or chief counsel in six jury or bench trials and served as second chair in nearly another ten. In addition, I was sole or lead counsel in approximately 15 arbitrations and at least 20 formal mediations.

e. 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.

I have not had a practice before the Supreme Court of the United States. The only amicus brief I have submitted is the one I have supplied in response to Question 4(a) above, *Robertson v. McDonald*, No. 14-968.

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.

Preliminary Statement: **As described above, I engaged in the private practice of law from 1992-2001. Since 2001, I have been a full-time law professor. As a law professor, I have not engaged in the practice of law. I have endeavored to collect as much information as possible in response to this question posed by the Committee. Set out below is information about 8 litigations in which I was involved in private practice. I have included information concerning 2 cases in which I filed friend of the court briefs while I was a law professor dealing with veterans' law. I would be happy to provide additional information to the Committee about all of these matters if it is necessary.**

For each entry below, I first provide a general description. Thereafter, I provide the specific information requested in sub-parts (a)-(c) above.

Matter #1: ***Port Authority of New York and New Jersey v. Arcadian Corp. et al.***

This case concerned the 1993 bombing of the World Trade Center. My law firm represented defendant Hydro Agri North America (Hydro). Hydro was a manufacturer and supplier of ammonia nitrate based fertilizer. The plaintiff claimed that Hydro (and the other defendants) were liable in tort for manufacturing the fertilizer that terrorists used to create the explosive device used in the bombing. The United States District Court for the District of New Jersey dismissed the complaint under Fed. R. Civ. P. 12(b)(6) for failure to state a claim. The United States Court of Appeals for the Third Circuit affirmed the dismissal in a reported decision: 189 F.3d 305 (3rd Cir. 1999). I was the principal author of the briefs in both the district court and the court of appeals.

a. Approximately late 1995-late 1999.

b. After filing in the Superior Court of New Jersey, the case was removed to the United States District Court for the District of New Jersey. The

assigned judge was Judge William Bassler. The appeal proceeded before the United States Court of Appeals for the Third Circuit. The panel issuing the decision was Circuit Judges Roth and Stapleton and Senior District Judge Hoeveler who was sitting by designation.

c. My co-counsels on the case at my law firm were John T. Montgomery and Douglas Hallward-Driemeier, both of Ropes & Gray. Mr. Montgomery is resident in Boston, Prudential Tower, 800 Boylston Street, Boston, MA 02199, Phone: (617) 951-7000. Mr. Hallward-Driemeier is resident in the Washington office, 2099 Pennsylvania Ave., NW, Washington DC 20006, Phone: (202) 508-4600. The opposing counsel was William B. McGuire of Tompkins, McGuire & Wachenfeld in Newark New Jersey. I do not believe Mr. McGuire is still with the firm and I could not locate him.

Matter #2: *Pfizer, Inc. v. Underwriters at Lloyd's, London et al.*

This case concerned a claim by Pfizer against a number of property insurers seeking insurance coverage for approximately 100 locations around the world. Pfizer's claim was that it did not have knowledge of pollution on its property when it placed insurance and was, therefore, entitled to coverage. My law firm represented the Underwriters at Lloyds, London. The case was filed and litigated in the Chancery Court in New Brunswick, New Jersey (Middlesex County). I could not find reported decisions and do not have a docket number. I was the principal lawyer representing Lloyd's in the case. As such I managed a team of approximately 10 lawyers and para-professionals and was the principal "face" of the client in court and before the special master in the case. The case settled after about two years on confidential terms.

a. Approximately between 1999-2001.

b. The case was litigated in the Chancery Court in Middlesex County, New Jersey. The judge assigned to the case was Judge Joseph Messina.

c. My co-counsels at Ropes & Gray were Marshall Moriarty and Ken Erickson, both resident in the Boston office of Ropes & Gray: Prudential Tower, 800 Boylston Street, Boston, MA 02199, Phone: (617) 951-7000. Opposing counsel were Drew Berry and Andrew Natali, Jr of McCarter & English in Newark, New Jersey. Mr. Berry is deceased. Mr. Natali is now a Superior Court Judge in New Jersey. An Internet search provides the following information for Judge Natali: Middlesex County Courthouse, 56 Paterson Street, New Brunswick, New Jersey, 08903; Phone: (732) 519-3609.

Matter #3: *Lawton v. Nyman et al.*

This case involved a family dispute over ownership of a closely-held corporation. The claims concerned alleged misrepresentations by a group of family members purportedly designed to get another group of family members to sell stock in the business at deflated prices. My law firm represented the defendants. I was the principal lawyer in

charge of the case and as such conducted the majority of discovery and made oral arguments as appropriate. The case eventually settled before trial on confidential terms. The case was litigated before the United States District Court for the District of Rhode Island. There is a reported decision in the case concerning a motion to dismiss for failure to state a claim. *See Lawton v. Nyman*, 62 F.Supp. 533 (D. R.I. 1999).

a. Approximately 1999-2001.

b. The case was pending before the United States District Court for the District of Rhode Island. The judge assigned to the case was Judge Torres.

c. Co-counsel on the case from Ropes & Gray was Joan McPhee. Ms. McPhee is resident in the Boston office of Ropes & Gray: Prudential Tower, 800 Boylston Street, Boston, MA 02199, Phone: (617) 951-7000. Opposing counsel was Joseph Cavanagh, Jr. and Karen Ann Pelczarski of Blish & Cavanagh: Commerce Center, 30 Exchange Terrace, Providence, Rhode Island 02903; Phone: (401) 831-8900.

Matter #4: *Greebel v. FTP Software, Inc.*

This case concerned a putative class action under the Federal securities laws alleging the defendant fraudulently inflated its sales through unlawful accounting techniques. My law firm represented the defendant in the matter. The case was filed in the United States District Court for the District of Massachusetts and was heavily contested. It was particularly heavily contested in part because the case was one of the first subject to the terms of the Private Securities Litigation Reform Act. It proceeded through class certification, discovery, and summary judgment. Eventually, the court granted the defendant summary judgment as to most claims and ordered dismissal as to the rest. I was principally involved in discovery with an emphasis on the development of expert witnesses concerning accounting matters. There are two reported decisions in this case. The first decision concerns class certification and appointment of class counsel: *Greebel v. FTP Software, Inc.* 939 F.Supp. 57 (D. Mass. 1996). The second decision concerned the motions for summary judgment. *Greebel v. FTP Software, Inc.*, 182 F.R.D. 370 (D. Mass. 1998).

a. approximately 1995-1998.

b. The case was pending in the United States District Court for the District of Massachusetts. The case was assigned to Chief Judge Joseph Tauro.

c. Co-counsel at my law firm were John Donovan, Jr. and Christopher Green. Both Mr. Donovan and Mr. Green are resident in the Boston office of Ropes & Gray: Prudential Tower, 800 Boylston Street, Boston, MA 02199, Phone: (617) 951-7000. Opposing counsel was Steven Shulman of Milberg, Weiss, Bershad, Specthrie & Lerach in New York City. After this case (although unrelated to it) the Milberg firm was the subject of criminal charges. I am not sure if Mr. Shulman (who was not the subject of the charges) remained with the firm after it was re-constituted.

Matter #5: *Gary Scott International, Inc. v. Baroudi*

This was a trademark infringement lawsuit filed in the United States District Court for the District of Massachusetts concerning allegedly infringing use of a trademark for humidors. My law firm represented the defendant. After some initial motion practice the case settled on confidential terms. I was the principal drafter of the briefs in the case and argued the motion to dismiss. The case was significant because it was an early case to consider how personal jurisdiction principles applied to Internet contacts. There is a reported decision on personal jurisdiction. *Gary Scott International, Inc. v. Baroudi*, 981 F.Supp. 714 (D. Mass. 1997).

a. approximately early 1997-early 1998.

b. The case was pending in the United States District Court for the District of Massachusetts. It was assigned to United States District Judge William Harrington.

c. There were no co-counsels on this case. The opposing counsel was a solo practitioner in Boston named Gary Lambert. I could not located an address for him.

Matter #6: *In re: Hibbard Brown Securities*

This was a case brought by the Massachusetts Securities Division seeking to revoke the license of a broker-dealer under Massachusetts law. My law firm represented the defendant/respondent. The case proceeded in a quasi-administrative proceeding before a Massachusetts Superior Court Judge sitting as a "referee" under the Massachusetts statute then in effect. I believe this was the first time the statute was implemented. I was a junior associate on this case on a team of 3. My principal role was management of discovery and the preparation of legal memoranda. I also examined several witness during a four month trial. Before the conclusion of the trial, the case settled on confidential terms. There are no reported decisions in this case and it has no docket number, at least none that I can recall or find.

a. approximately late 1992 to mid-1994.

b. The case was tried before a Massachusetts Superior Court Judge sitting as referee. I believe the judge was named Garrity, but I can no longer be sure.

c. Harvey Wolkoff of Ropes & Gray was senior counsel on the case. Mr. Wolkoff is resident in the Boston office of Ropes & Gray: Prudential Tower, 800 Boylston Street, Boston, MA 02199, Phone: (617) 951-7000. Opposing counsel was Celia Moore then of the Massachusetts Securities Division. I do not believe Ms. Moore is currently at the Securities Division and I have not been able to locate her current employment on the Internet.

Matter #7: *Seidel v. Lee et al.*

This was a lawsuit brought under the Investment Company Act in which the plaintiff alleged that the defendants defrauded him in connection with certain transactions. My law firm represented certain of the defendants. The case concerned some nuanced aspects of law under the ICA. I was a senior lawyer on the case and was responsible for the briefing and the preparation of expert testimony. The case settled after a period of discovery. There is a reported decision concerning certain preliminary matters. *See Seidel v. Lee*, 954 F.Supp. 810 (D. Del. 1996).

a. Approximately 1996-1997.

b. The case was litigated in the United States District Court for the District of Delaware. The case as assigned to Chief Judge Joseph Farnan.

c. Co-counsel on the case from Ropes & Gray was John D. Donovan. Mr. Donovan is resident in Ropes & Gray's Boston office: Prudential Tower, 800 Boylston Street, Boston, MA 02199, Phone: (617) 951-7000. Opposing counsel was Pamela Tikellis of Chimicles, Jacobsen & Tikellis (now Chimicles & Tikellis LLP): 222 Delaware Ave Suite 1100, Wilmington, Delaware 19801; Phone: (302) 656-2500.

Matter #8: *In re: Ply Gem Industries, Inc. Shareholders Litigation*

This was a shareholders' derivative lawsuit brought in the Chancery Court in Delaware. I was only involved in the preliminary stages of the matter because I left private practice in mid-2001. However, the issues in the case – at least at the time – were at the cutting edge of derivative claims. There is a decision in connection with the matter. *See In re: Ply Gem Industries, Inc. Shareholders Litigation*, 27 Del. J. Corp. L. 937, 2001 WL 755133 (Del. Ch. Ct. June 26, 2001).

a. approximately late 2000 through mid-2001.

b. The case was litigated in the Court of Chancery in the State of Delaware. It was assigned to Vice Chancellor Noble.

c. Co-counsel at Ropes & Gray were John Donovan and Christopher Green. They are both resident in Ropes & Gray's Boston office: Prudential Tower, 800 Boylston Street, Boston, MA 02199, Phone: (617) 951-7000. I can no longer recall opposing counsel. I was able to view them on the reported decision in the case, but I cannot remember meeting them ever.

Matter #9: *Monk v. McDonald*

This matter concerns an amicus brief I co-wrote in connection with a veterans' law case before the United States Court of Appeals for the Federal Circuit. The brief has been submitted as part of the material submitted in response to Question #4 above. I believe that the Federal Circuit's decision in *Monk* may be the most significant legal development in this area since the enactment of the Veterans Judicial Review Act in 1988. The decision concerns the ability of the Court of Appeals for Veterans Claims to entertain aggregate actions. The case is reported at 855 F.3d 1312 (Fed. Cir. 2017). The brief I co-authored is cited in the opinion as well as one of my law review articles concerning veteran's law.

a. 2016.

b. This case was pending before a panel of the United States Court of Appeals for Federal Circuit. The panel consisted of Circuit Judges Newman, Dyk, and Reyna.

c. Co-counsel on this case was Barton Stichman of National Veterans Legal Services Program, 1600 K Street, NW, Suite 500, Washington, DC 20006; Phone: (202) 621-5677. Counsel for Mr. Monk was Michael Wishnie at the Yale Law School's Jerome N. Frank Legal Services Organization, 127 Wall Street, New Haven, CT 06511, Phone: (203) 436-4780. Counsel for the government was Agatha Koprowski and Martin Hockey of the Department of Justice's Commercial Litigation Brnach.

Matter #10: *Robertson v. McDonald*

I was the co-author of an amicus brief supporting a veteran's petition seeking a writ of certiorari before the Supreme Court of the United States. The Supreme Court docket number is No. 14-968. The brief has been submitted as part of the material submitted in response to Question #4 above. The case concerned the effect of a presidential pardon on a Vietnam veteran's entitlement to benefits. Our brief focused on the impact of the lower court's ruling on Vietnam-era veterans. The Supreme Court ultimately denied certiorari.

a. 2015.

b. The case was pending before the Supreme Court of the United States. No opinion was issued.

c. Co-counsel on the amicus brief was Professor Stacey-Rae Simcox, Stetson University College of Law, 1401 61st Street South, Gulfport, FL 33707; Phone: (727) 562-7800. Counsel for the Petitioner was Nathan Mammen, Kirkland & Ellis, 655 15th Street, NW, Washington, DC 20005; Phone: (202) 879-5949. The government was not required to file a brief in opposition to the writ.

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.)

I have not served as a judge.

   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.

I have not served as a judge.

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.

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

As described above, I have had a long legal career both in private practice and in legal education. In my view, the most significant legal activities in which I have been engaged in that period are the ones associated with my service as the Director of Stetson University's Veterans Law Institute (VLI). I believe these activities have had a meaningful impact for veterans, both individually and collectively. In addition, my work in this regard has been incredibly meaningful to me on a personal level.

I was the VLI's inaugural Director and was intimately involved in the Institute's creation. The VLI has four principal pillars: (1) a Veterans' Advocacy Clinic; (2) the Pro Bono Initiative; (3) a public policy wing; and (4) a student services component. While I mentioned some of this information at other places in this form as well as the main one for presidential appointees, I briefly describe the legal activities associated with each of the VLI's pillars below to fully answer this Question:

***Veterans' Advocacy Clinic*: In a law school clinic, a student is allowed to represent an actual client under the supervision of a licensed attorney. The VLI's first component is a clinic focused on representing veterans seeking benefits before the Department of Veterans Affairs. I was involved in setting up the clinic. I do not**

supervise students in actual litigation. The supervision falls to my faculty colleague Professor Stacey-Rae Simcox. It has been incredibly gratifying to watch the clinic develop over the past 5 years. It has introduced a number of students to the area of veteran's law. This is critically important because there are millions of veterans and their dependents in need of assistance with obtaining benefits. The need outpaces the supply of advocates. The earlier we can introduce students to this field, the more likely it is that the need I have described will be addressed. In addition to this point about students, the clinic has helped hundreds of veterans over the past several years. The students in the clinic have literally changed lives. If the only thing I ever did in my legal career was assist in the development of this clinic, I would count my time in the law to be quite successful.

Pro Bono Initiative: The second component of the VLI is the pro bono initiative, or "PBI." The PBI is essentially a matching service. Veterans (as well as active duty military) who have legal needs beyond seeking VA benefits submit applications for legal services. Such legal needs span the scope of people's lives: landlord/tenant; family law; criminal law; estate planning; etc. The VLI does not itself provide these services. Instead, the VLI recruits lawyers in the relevant community who agree to provide pro bono services to the veterans. In addition, we are able to place law students with these volunteer lawyers so that the students obtain valuable legal experience.

Public Policy: The third VLI pillar concerns public policy matters. The first two components of the VLI I have discussed assist veterans one at a time. That is certainly important. The public policy aspect of the VLI seeks to affect all veterans by influencing the law. In connection with this part of the VLI I have (1) prepared amicus briefs in cases; (2) testified before committees of Congress; (3) spoken across the United States to veterans groups; (4) proposed and/or supported legislative changes at the national and state level; aud (5) generally raised awareness of veterans' law.

Students: The final component of the VLI does not really have a legal focus, but it is critically a part of the whole. It focuses on making the Stetson campus a friendly one for veterans and their families. Our activities in this regard have led to Stetson being named a "Veteran Friendly School" for the past three years.

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).

None.

(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.

    I have attached as Appendix A a list of all courses I have taught. Of the period I have been in legal education (2001-2017), I have taught six substantive courses multiple times:

    - **Civil Procedure**
    - **Constitutional Law**
    - **Complex Litigation**
    - **Remedies**
    - **Federal Courts and the Federal System**
    - **Veterans Benefits Law and Policy**

    I have provided a copy of a syllabus for each of these courses along with the hardcopy of this questionnaire.

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.

    Should I be confirmed, I intend to devote my full professional energy to service as a judge on the United States Court of Appeals for Veterans Claims. I have no plans to pursue any outside employment.

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?

    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.

There are two areas that principally are relevant to this question:

First, as Director of the Veterans Law Institute I have been involved in a number of activities by which Stetson University provides community service focused on veterans and members of the active duty military. For example:

- **In partnership with Stetson's Center for Excellence in Elder Law, the Veterans Law Institute spearheaded a program called "Wills for Warriors." As a part of that**

program, Stetson recruited lawyers in the community who agreed to provide free basic estate planning services to veterans and their spouses.

- In partnership with the Military Officers Association of America (MOAA), Stetson spearheaded a program at the VA's Haley Hospital in Tampa, Florida to provide necessary services to active duty military and veterans in need of guardianship services.

- The Veterans Law Institute has also partnered with VA's Young Medical Center in St. Petersburg, Florida and with a non-profit entity (Bay Area Legal Services) to provide non-VA related legal services on a pro bono basis to veterans and their families.

The second area of charitable activities focuses on the religious congregation to which I belong, Temple Beth-El in St. Petersburg, Florida. My wife Debbie and I have served as the Co-Chairs of the Temple's Social Action Committee. That Committee's role is to develop and facilitate activities for our congregation to engage in community service. In that regard, we have organized beach clean-ups; preparation of meals for the homeless in our community; inter-faith opportunities; and even writing letters to troops in combat around the world. In addition, I have been the director of the Temple's Leadership Development Program for the past 5 years. In recognition of our social justice activities, my wife and I were jointly awarded the Shofar Award by the Temple.

APPENDIX A

MICHAEL P. ALLEN

COURSES TAUGHT[1]

Fall 2001 Semester

- Civil Procedure

Spring 2002 Semester

- Civil Procedure
- Remedies

Fall 2002 Semester

- Civil Procedure
- Complex Litigation

Spring 2003 Semester

- Remedies
- Federal Courts & the Federal Circuit

Fall 2003 Semester

- Civil Procedure
- Constitutional Law

Spring 2004 Semester[2]

- Civil Procedure (2 sections)

Fall 2004 Semester

- Civil Procedure
- Remedies

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[1] All courses taught at Stetson University College of Law with the exception of those taught in the Spring 2004 semester. In the spring of 2004, I served as a visiting professor of law at the University of Illinois College of Law.
[2] These courses taught at the University of Illinois College of Law.

Spring 2005 Semester

- Constitutional Law
- Remedies

Fall 2005 Semester

- Civil Procedure
- Federal Courts & the Federal System

Spring 2006 Semester

- Constitutional Law
- Remedies

Summer 2006 Semester[3]

- Constitutional Law

Fall 2006 Semester

- Civil Procedure
- Remedies

Spring 2007 Semester

- Federal Courts & the Federal System
- Remedies

Summer 2007 Semester

- Constitutional Law

Fall 2007 Semester

- Civil Procedure (2 sections)

[3] Summer teaching is optional. At times I taught in the summer and at other times I did not.

Spring 2008 Semester

- Federal Courts & the Federal System
- Remedies
- Veterans Benefits Law and Policy

Fall 2008 Semester

- Complex Litigation
- Federal Courts & the Federal System

Spring 2009 Semester

- Constitutional Law
- Remedies

Fall 2009 Semester

- Civil Procedure
- Complex Litigation

Spring 2010 Semester

- Constitutional Law
- Remedies

Summer 2010 Semester

- Remedies

Fall 2010 Semester

- Civil Procedure
- Federal Courts & the Federal System

Spring 2011 Semester

- Constitutional Law

Summer 2011 Semester

- Civil Procedure

Fall 2011 Semester

- Civil Procedure
- Remedies

Spring 2012 Semester

- Federal Courts & the Federal System

Summer 2012 Semester

- Remedies

Spring 2013 Semester[4]

- Constitutional Law

Fall 2013 Semester

- Remedies

Spring 2014 Semester

- Complex Litigation

Fall 2014 Semester

- Remedies

Spring 2015 Semester

- Federal Courts & the Federal System

Fall 2015 Semester

- Constitutional Law

Spring 2016 Semester

- Constitutional Law

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[4] I did not teach in the Fall 2012 Semester because that was my first full semester as Associate Dean. Also, after assuming this administrative position, I generally taught only a single course during a semester.

Spring 2017 Semester[5]

- Constitutional Law
- Federal Courts & the Federal System

[5] I had a sabbatical in the Fall 2016 Semester because my term as Associate Dean ended in August of that year. As a result, I did not have teaching responsibilities for that semester.

[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 Gary A. Fenner, Chair

Judge Roger T. Benitez
Judge Elaine E. Bucklo
Judge David L. Bunning
Judge Mary L. Cooper
Judge Michael James Davis
Judge Mary Grace Diehl
Judge Holly B. Fitzsimmons
Judge S. Maurice Hicks
Judge Joseph M. Hood
Judge Carlos F. Lucero
Judge Diana Gribbon Motz
Judge Milan D. Smith, Jr.
Judge Theresa Lazar Springmann
Judge Anthony John Trenga
Judge Rya W. Zobel

One Columbus Circle, N.E.
Washington, D.C. 20544
Telephone: (202) 502-1850

June 29, 2017

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 Michael P. Allen

Dear Chairman Isakson:

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

Sincerely,

Gary A. Fenner
Chair

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO MICHAEL P. ALLEN, NOMINEE FOR JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

CHAIRMAN ISAKSON, First thank you and your staff for the manner in which you have considered my pending nomination to serve as a Judge on the United States Court of Appeals for Veterans Claims. It is a singular honor for me to have received this nomination. If I am confirmed, I very much look forward to serving in this important role. I have provided below the answers to the questions you have asked. If you would like further information, please let me know.

Respectfully,

MICHAEL P. ALLEN.

Question 1. The United States Court of Appeals for Veterans Claims generally hears appeals from claimants seeking benefits from VA. How has your background equipped you to serve as an appellate judge?

Response. I have been in the legal profession for over twenty-five years. During that time, I spent nine years as an advocate at a large law firm and sixteen years

as a law professor. My combined experiences in these roles have allowed me to develop skills that equip me to serve as an appellate judge. I describe four important examples below.

First, I have been able to hone my skills as a writer. An appellate judge has an important duty to be able to convey his or her decisions in ways that are both understandable to laypersons, particularly an individual claimant, and also other decisionmakers who must follow the law as articulated in a judicial opinion. While all judges must be strong writers, that skill is particularly important for an appellate judge because of the binding effect of appellate decisions in the relevant area of law. I have written hundreds of briefs and scores of articles and books in my time in the legal profession. That skill in written legal communication will be important in my service as an appellate judge should I be confirmed.

Second, in my capacity as a law professor in particular, I have developed a deep understanding of the functioning of the Federal judiciary. As a general matter, for example, I am the author of a widely-adopted textbook on the Federal courts. This work caused me to study how courts—principally at the Federal appellate level—operate. More specifically, I have spent the last twelve years focusing my professional activities on the operation of the United States Court of Appeals for Veterans Claims. This work provides me with a unique perspective on the specific institution on which I have been nominated to serve.

Third, in my entire career I have worked with other lawyers or lawyers in training to prepare them to appear before appellate courts. For example, I have coached moot court teams at Stetson University College of Law for the past sixteen years. In moot court, students prepare written briefs and argue before panels of lawyers and judges in mock appellate cases. Working on these educational experiences has allowed me to guide students though the process of understanding how one influences appellate tribunals. While this may seem trivial in some sense, moot court has been an intense educational experience that has the benefit of providing me with an understanding of the appellate process that will serve me well should I be confirmed to serve as an appellate judge on the Court of Appeals for Veterans Claims. Indeed, one of the competitions I have coached has been the one held by the Court of Appeals for Veterans Claims. That competition has been held for the past eight years. I am proud to say that the teams I have coached have won the competition four of those eight years.

Finally, my time in the legal profession, in particular my time as a law professor, has given me a deep appreciation of the law. A judge—and in particular an appellate judge—must love the law, both substantively and procedurally. He or she must be energized by trying to find the correct result within the confines of the law and facts of a given case. My deep and sustained study of the law (procedural, substantively, and remedial) makes me ideally suited to serve as an appellate judge.

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

Response. There are two core elements to what I believe a judge must do, elements that effectively describe the "temperament and traits of a judge." First, a judge has to try to "get it right." That means a judge must assess the facts of a given case, determine what the law is, and then apply that law to the facts. A judge will never get everything right because we are all human. But he or she needs to focus their efforts on diligently trying to do so.

Second, a judge needs to consciously ensure that the litigants and advocates appearing before him or her feel that they had a fair day in court. Such a perception (and of course reality) of due process is critical to maintaining a respect in an independent judiciary. A significant component of this point is that a judge needs to listen (and read) what the litigants and advocates submit. And even more importantly, a judge needs to treat everyone before him or her with respect. In some measure, appellate decisionmaking is a zero sum game; there will be a winner or loser. The hallmark of a truly great judge is that the "loser" can say they had a fair shot from a respectful arbiter. In other words, the judge needs to be impartial but yet make clear that he or she cares about the integrity of the process.

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

Response. As I described above, the two main pillars by which I assess judging are trying to obtain the correct result and making sure that the people appearing before the judge feel that they got a fair day in court. I provide two illustrations from my twenty-five year career in the law that exemplify these characteristics.

First, one of the core goals of the academic enterprise is about getting the correct result when a professor produces scholarship or proposes policy changes. A law professor develops a thesis and writes an article or policy proposal setting forth that

thesis. Then, he or she presents the idea to others in order to assess its validity. At times, an idea that looks great on paper in the first instance turns out to have flaws or gaps in reasoning. That has certainly happened to me. Having experienced preparing an idea, presenting it, hearing criticism, and revising it has prepared me well to be a judge. To sum it up, it's not so important to be right at the start of the process; what's critical is to try to be right at the end. My time in the legal academy has been critical in this regard.

Second, my work in teaching and speaking to community groups has shown my ability to present a fair and impartial demeanor. A key component of fair process is that the adjudicator be impartial. In other words, he or she should not be seen to have a preference for one point of view or the other when the goal is to present a certain topic. One of the courses I teach is Constitutional Law. As you might imagine, the course raises a number of controversial issues. I am often told by students after the course that they have no idea what I think about a particular issue as a matter of personal preference because I am so neutral in the class. The same thing happens with community groups. No one knows what position I would take as, for example, a legislator. None of this means I don't care. I care deeply about the process. But I have been able to display a neutrality that allows me to reach many more people than if I had been an advocate for a particular position. I will bring this same impartiality to being a judge if I am confirmed.

Question 4. For a number of years, you have been involved with training and mentoring law students and practitioners in the field of veterans' law and, if you are confirmed, you may come across cases handled by former students and practitioners.

a. Do you foresee that you might need to recuse yourself if any of those former students and practitioners come before the Court?

Response. As a general matter, I would not foresee recusing myself from an appeal or other matter solely because a lawyer appearing before me had been a former student or a practitioner with whom I had dealings before becoming a judge (should I be confirmed). Instead, I would make such decisions on a case-by-case basis based on the factors I describe in sub-part (b) to this question. As with all judges, I am sure that there would be some appeal or other matter that would require me to recuse myself, but such instances would be the exception not the rule. And this makes sense. Most people appointed to be a judge will have been involved in the relevant legal community. If one were to take the position that recusal would be required if there were general interactions with others in the relevant area, the result would be appointment to the judicial office of those with no connections to the area, whether that be geographic or substantive. For example, one of the reasons that I am qualified to serve as a judge on the Court of Appeals for Veterans Claims is that I have been deeply involved in veterans law for the past twelve years. During that time, I have had professional interactions with advocates representing veterans and other claimants, Veterans Law Judges at the Board of Veterans' Appeals, and lawyers representing the Secretary of Veterans Affairs. Those interactions are, in part, what qualify me to serve as a judge on the court. A blanket rule of disqualification would potentially foreclose experts from serving as judges. It is for this reason that I would make case-by-case recusal decision as I describe below.

b. What factors would govern your decision?

I would be guided in my recusal decisions by the principles set forth in 28 U.S.C. § 455 governing the disqualification of Federal judges. More colloquially, I would recuse myself when the circumstances of a given case might cause others to reasonably question my impartiality. In a non-exclusive way, I will provide three examples of situations in which I would recuse myself:

- When a law firm representing a party had some financial relationship with a member of my family. For example, my wife is a lawyer at Ropes & Gray, a large law firm. That firm handles some matters before the Court of Appeals for Veterans Claims on a pro bono basis.
- When I had participated in some way in a matter before becoming a judge. For example, I submitted an amicus brief in a matter (*Monk* v. *Shulkin*) that could come before the Court of Appeals on remand from the United States Court of Appeals for the Federal Circuit.
- When I have a more specific personal relationship with a lawyer in a case than merely knowing him or her through professional interactions. For example, if my relationship with a lawyer were more than one that was just a friend—more akin to being a best friend—recusal might be warranted.

Question 5. You have provided Congressional testimony and written a number of articles on veterans' law in which you suggest changes within the system for review-

ing veterans' benefits appeals, including at the Court. If confirmed, would you advocate for making specific changes at the Court? If so, what would those changes be?

Response. Yes, if I am confirmed I would advocate making certain changes in the way in which the court operates. The gravamen of the changes I would advocate focus on three issues that are related, but distinct: (1) the manner of decisionmaking (single judge versus panel decisions); (2) precedential versus non-precedential decisions; and (3) the use of oral argument. I will discuss these issues below. Before doing so, however, I suggest one more general change at the court that I would hope to implement. The court's opinions often appear to be formulaic and difficult to read. Judicial opinions will never be literature. That is perhaps even more so in a highly technical area such as the law of veterans' benefits. However, judges should strive to make their opinions as readable as possible. I hope to inject more "readability" into opinions of the court.

I now turn to the three more general points I mentioned above. Under the court's rules and internal operating procedures,[1] (1) manner of decisionmaking, (2) the precedential nature of decisions, and (3) the use of oral argument are essentially linked. I will first explain how that is so and then turn to possible changes I would advocate should I be confirmed.

Congress provided that the Court of Appeals for Veterans Claims could operate in panels or en banc (as the full court) as other appellate courts do. However, Congress also specifically provided that the court could operate by single judge action. See 38 U.S.C. § 7254(b). Over its history, the court has been aggressive in it use of single judge adjudication to resolve appeals. For example, in Fiscal Year 2016 (October 1, 2015 through September 30, 2016), 1,561 appeals[2] reached a judge for decision.[3] Single judges decided 1,532 of these appeals. Stated differently, the court acted through single judges more than 98% of the time.

What is the effect of a single judge resolution of an appeal? To be sure, such action resolves the dispute between the claimant-appellant and the Secretary. However, through its rules and internal operating procedures, the court provides that the actions of single judges in what are called Memoranda Decisions are not precedential. This means that such decisions only apply to the case the single judge adjudicates. They do not provide rules that are binding more generally on the Department of Veterans Affairs in connection with its administration of veterans' benefits. Thus, in FY 2016 while the court disposed of 1,561 appeals through judicial action, it issued only 29 precedential decisions, that is decisions by a panel of judges.

Finally, in terms of current procedure, the court generally uses oral argument only in matters decided by panels (or the court sitting en banc). Oral argument is not prohibited in single-judge matters, but the court's rules provide that "[o]ral argument normally is not granted on nondispositive matters or matters being decided by a single judge." See Rule 34(b) of the Rules of Practice and Procedure of the United States Court of Appeals for Veterans Claims.

In sum, the court's current procedures link the three concepts I am discussing. A single judge disposition is one that is non-precedential and for which oral argument will generally not be held. If I am confirmed, I hope to be able to (a) disaggregate these three concepts and (b) assess each one individually. I briefly note below some of my ideas about these issues:

• In my view, the court needs to issue more precedential opinions. Whether such precedent is established in single judge decisions or only by panels as now provided at the court is distinct from the question of precedent standing alone. One of core components of the establishment of judicial review of actions of the Department of Veterans Affairs on benefits matters in the Veterans Judicial Review Act of 1988 was to provide a legal framework by which the Department would carry out the laws Congress enacted. This process works most efficiently on the system as a whole if the court provides rules that govern all cases not just the particular one before it. If I am confirmed, one of my principal goals will be work to revise the court's rules to provide for the issuance of more precedential opinions.

• As I have described, the court's current procedures link the precedential nature of a decision with whether the decision is made by a panel or a single judge. There is no reason that this is necessarily so. I hope the court will consider these matters

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[1] The court's rules and internal operating procedures can be found at the court's website. www.uscourts.cavc.gov.

[2] I have limited this analysis to appeals. It does not include other matters such a petitions for extraordinary relief.

[3] A majority of appeals filed at the court do not reach a judge for decision. For example, in FY 2016 while judges resolved 1,561 appeals, an additional 2,651 were resolved by the Clerk of Court. The overwhelming reason for these Clerk-driven resolutions was settlement by the parties after use of the court's mediation program.

independently. While reasonable minds can differ on this question, my tentative view is that there is a certain logic to the having precedential decisions be those of the court acting in panels. When the court is making a decision that will bind the Department's actions across the United States and with respect to the millions of claims filed each year, the considered deliberation of a panel of judges seems the best approach. Thus, when one combines my first point with this one, after independently assessing each variable, my current position is that the court should hear many more cases in panels in order to provide for an increased number of precedential decisions.

– A comparative note may be helpful in terms of explaining why the court's decisions on these matters are so difficult. In the context of Social Security, a denied claimant also has the right to judicial review. However, judicial review in the Social Security context is quite different than in the context of veterans' benefits. A Social Security claimant files his or her appeal initially in a United States District Court. Thereafter, the parties can appeal the District Court's decision to the regional United States Circuit Court of Appeals. The result of this approach is that one body—the District Courts—act merely on one case at a time. They can be error correctors. There is a separate body—the regional Circuit Court of Appeals—that can act more broadly on appeals that reach it in order to establish binding precedential rules in its geographic region. In some senses, the structure of judicial review in the veterans' benefits context combines the functions of the District Courts and regional Circuit Courts of Appeals in the Social Security arena. The Court of Appeals for Veterans Claims essentially needs to find a balance between being an error corrector (what it does now in the single judge decisions) and the provider of binding, broader legal precedent.[4]

• Finally, there is the question of oral argument. As described above, the court currently generally holds oral argument only in panel (or en banc) matters and because the court hears so few cases in panels there are correspondingly few oral arguments. Regardless of how the other matters are addressed, I believe the court should hold more oral arguments. In my view, oral argument has two principal positive attributes. First, it is important as a means to reach better decisions. Briefs are incredibly important, but they are snapshots of the parties' positions. Oral argument allows a judge to explore and probe the matters at issue in real time in a way that merely relying on the briefs does not. Second, I believe oral argument has an important public purpose. The general public should have the opportunity to see how justice is being delivered. Oral argument provides that opportunity.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO MICHAEL P. ALLEN, NOMINEE FOR JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

RANKING MEMBER TESTER, First thank you and your staff for the manner in which you have considered my pending nomination to serve as a Judge on the United States Court of Appeals for Veterans Claims. It is a singular honor for me to have received this nomination. If I am confirmed, I very much look forward to serving in this important role. I have provided below the answers to the questions you have asked. If you would like further information, please let me know.

Respectfully,

MICHAEL P. ALLEN

Question 1. In describing the many factors that affect the delays veterans experience in receiving the benefits for which they apply, you noted in a 2015 essay that "it requires a great many people to review millions of claims for benefits submitted each year." However, you did not highlight a lack of resources as one of the fundamental causes of delay in the appeals process.

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[4] It is possible for a party to appeal a decision of the Court of Appeals for Veterans Claims to the United States Court of Appeals for the Federal Circuit. However, such an appeal is limited by statute to pure questions of law. Outside of an appeal presenting a constitutional question, the Federal Circuit's jurisdiction does not extend to appeals focused on factual matters or to the application of law to fact. See 38 U.S.C. § 7292(d)(2). The result of this jurisdictional limitation is that the Court of Appeals for Veterans Claims is the final decisionmaker in the great majority of situations. For example, in Fiscal Year 2016 there were 4,140 appeals filed at the Court of Appeals for Veterans Claims. In that same period, there were 104 appeals filed at the Federal Circuit from decisions rendered by the Court of Appeals for Veterans Claims. And even that relatively small number is deceptive because a large portion of these appeals to the Federal Circuit were dismissed for lack of jurisdiction under 38 U.S.C. § 7292(d)(2).

a. From your perspective, do VBA and the Board have the resources they need to address the volume of claims and appeals handled during the administrative phase of the process? Why or why not?

Response. There is no question that the provision of appropriate resources is a critical part of ensuring that any system for the review of veterans' claims can process claims expeditiously. The purpose of my 2015 essay was to highlight reasons for administrative delay that went beyond the more traditional points concerning resources and general bureaucratic inefficiency. That explains in some sense why I did not address the resource question at the Board and the Veterans Benefits Administration. Another reason is that I did not—and do not—have the depth of knowledge to make a meaningful assessment of the level of resources provided to these components of the Department of Veterans Affairs. At the Board level, I am aware that Congress recently provided for an increase in the number of Veterans Law Judges on the Board. In addition, there was a corresponding increase in authorized staff attorneys to assist Board members in issuing decisions. While I do not know this for certain, I suspect that the Board is evaluating whether this increase in staffing is sufficient. I have very little information concerning resource issues at the VBA.

My sense is that actions going beyond resource allocation, important as that issue is, are ultimately more significant in terms of addressing the delays in the administrative appeal process. For example, the Appeals Modernization Act recently voted on by this Committee are likely to have more significant implications for reducing delays in the long term than merely focusing on resources.

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

Response. Let me begin by stating that I don't believe that there is single timeframe that one can say applies to all judicial decisions at the Court of Appeals for Veterans Claims. The time to disposition is affected by numerous factors ranging from the staffing of the court to the complexity of the issues presented by appeal to the actions of the advocates. That being said, it is possible to make generalities about the timeframe for judicial decisions.

Some statistics for current resolution of appeals at the court may be instructive as a place to begin. In assessing the time for resolution, it is important to consider the baseline for measuring resolution. One method is to simply measure the time from the filing of an appeal up to the time the matter is resolved by a judge. However, that metric may not be the most useful one in terms of assessing the efficiency of judicial action. The reason is that an appeal[1] is only assigned to a judge after it has been fully briefed. There are numerous steps that take place before assignment of an appeal to a judge. For example, most appeals proceed through a mediation process with court staff that resolves more than 50% of appeals filed with the court. Thus, the most useful measure for assessing the timeliness of decisions from a judge's perspective is by measuring the time to decision from assignment to a judge for resolution when all other activities (settlement, briefing, record disputes, etc.) have been concluded.

In Fiscal Year 2016 (October 1, 2015-September 30, 2016) the median time for disposition by a single judge issuing a Memorandum Decision from assignment to chambers was 59 days, about two months. When the court acted as a panel (or when it was sitting en banc), the median time for disposition from assignment of a case to chambers was 155 days, or slightly more than five months.

I believe that the current time for resolution at the court I've described above for FY 2016, is generally appropriate in terms of median times for resolution. I should add that one needs to be careful in assessing this data not to focus too greatly on the longer time for multi-judge resolution when compared to single judge action. It is not surprising that a multi-judge decision will take longer. A single person acting alone can produce a product faster than three people deciding a case because the three people need to agree not just on an outcome but also a rationale. Moreover, concurring and dissenting opinions add time. But (and as I discuss below in response to Question #3) under current court rules single judge decisions are not precedential. Therefore, while a single judge decision is faster than the panel production process, only the panel decision will be precedential. If one believes the court should issue more precedential opinions (as I do), the effect will be that the appropriate median time for disposition will be longer.

Question 2. You wrote in a 2009 essay that the Department of Veterans Affairs does not appropriately recognize and appreciate the independent adjudicative role of the Court of Appeals for Veterans Claims, even after 20 years of its existence. Can you please describe your view of the current relationship between the Depart-

[1] I am focusing on appeals in this answer and have not addressed other matters such as petitions for extraordinary relief.

ment and the Court of Appeals for Veterans Claims? If similar tensions still exist, how would you propose to help relieve those tensions in your role on the court?

Response. I believe that the relationship between the Department of Veterans Affairs and the Court of Appeals for Veterans Claims has improved significantly since I wrote my essay in 2009. That essay was written in connection with the court's 20th anniversary. That means that the Department had only been out of its "splendid isolation" (the term the Supreme Court has used to describe the period prior to the creation of the court) for a relatively short time. There were many growing pains as the Department and the court learned to work together. Quite frankly, it took the Department some time to fully appreciate that the court was not simply providing general guidance but rather issuing binding decisions that needed to be followed. For example, in certain situations the court had issued a decision that the Department disagreed with and that had broad implications for the resolution of benefits' claims. In those situations the Department appealed to the United States Court of Appeals for the Federal Circuit. That was entirely appropriate. However, in these situations the Department would also unilaterally suspend resolving benefits claims while the appeal was pending. That was not appropriate. As the Court of Appeals for Veterans Claims explained, the appropriate course would be for the Department to seek a stay from the court. See *Ribaudo* v. *Nicholson*, 21 Vet. App. 16 (2007). It was actions such as this that led me to make the comments I did in 2009. But today, I have a very different sense of how the Department views the court and judicial review more generally. The relationship is becoming more and more like that between Federal courts and other government agencies.

Question 3. In a 2009 essay, you weighed the merits and shortcomings of various proposed changes to the Court of Appeals for Veterans Claims, both within the existing structural system and by making substantial changes to the system itself. What changes since that time have improved the court's functioning for the best interests of veterans? What changes would you advocate for now, eight years later?

Response. Many of the potential changes I canvassed in my 2009 essay would require actions such as statutory changes that the court could not enact. However, the court has taken a number of steps that I believe have had a positive impact on the judicial appeals process. One of the most significant is the implementation and refinement of a formal mediation process for filed appeals. See Rule 33 of the Rules of Practice and Procedure of the United States Court of Appeals for Veterans Claims. This process is conducted by members of the court's Central Legal Staff. It has been incredibly successful at assisting the parties to reach negotiated resolutions of appeals without formal judicial intervention. In addition, the court has taken other positive steps:

- The court has begun to more creatively use the services of its Senior Judges to process appeals and other matters. As the number of Senior Judges grows, the opportunities for even greater use of these judicial officers will be present.
- The court has aggressively reached out to law schools across the United States to introduce law students (and faculty members) to veterans law. These actions are critically important for the future. Veterans and other claimants need the services of lawyers. By spreading the word, so to speak, the court is paving the way for the future.
- Finally, the court has continued its efforts to work with practitioners and other constituencies to cooperatively develop strategies for addressing problems facing the court. For example, the court held its second Bench and Bar Conference recently that led to important recommendations for changes in proceedings.

If I am confirmed I would advocate making certain additional changes in the way in which the court operates. The gravamen of the changes I would advocate focus on three issues that are related, but distinct: (1) the manner of decisionmaking (single judge versus panel decisions); (2) precedential versus non-precedential decisions; and (3) the use of oral argument. I will discuss these issues below. Before doing so, however, I suggest one more general change at the court that I would hope to implement. The court's opinions often appear to be formulaic and difficult to read. Judicial opinions will never be literature. That is perhaps even more so in a highly technical area such as the law of veterans' benefits. However, judges should strive to make their opinions as readable as possible. I hope to inject more "readability" into opinions of the court.

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precedential nature of decisions, and (3) the use of oral argument are essentially linked. I will first explain how that is so and then turn to possible changes I would advocate should I be confirmed.

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What is the effect of a single judge resolution of an appeal? To be sure, such action resolves the dispute between the claimant-appellant and the Secretary. However, through its rules and internal operating procedures, the court provides that the actions of single judges in Memoranda Decisions are not precedential. This means that such decisions only apply to the case the single judge adjudicates. They do not provide rules that are binding more generally on the Department of Veterans Affairs in connection with its administration of veterans' benefits. Thus, in FY 2016 while the court disposed of 1,561 appeals through judicial action, it issued only 29 precedential decisions, that is decisions by a panel of judges.

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In sum, the court's current procedures link the three concepts I am discussing. A single judge disposition is one that is non-precedential and for which oral argument will generally not be held. If I am confirmed, I hope to be able to (a) disaggregate these three concepts and (b) assess each one individually. I briefly note below some of my ideas about these issues:

- In my view, the court needs to issue more precedential opinions. Whether such precedent is established in single judge decisions or only by panels as now provided at the court is distinct from the question of precedent standing alone. One of core components of the establishment of judicial review of actions of the Department of Veterans Affairs on benefits matters in the Veterans Judicial Review Act of 1988 was to provide a legal framework by which the Department would carry out the laws Congress enacted. This process works most efficiently on the system as a whole if the court provides rules that govern all cases not just the particular one before it. If I am confirmed, one of my principal goals will be work to revise the court's rules to provide for the issuance of more precedential opinions.
- As I have described, the court's current procedures link the precedential nature of a decision with whether the decision is made by a panel or a single judge. There is no reason that this is necessarily so. I hope the court will consider these matters independently. While reasonable minds can differ on this question, my tentative view is that there is a certain logic to the having precedential decisions be those of the court acting in panels. When the court is making a decision that will bind the Department's actions across the United States and with respect to the millions of claims filed each year, the considered deliberation of a panel of judges seems the best approach. Thus, when one combines my first point with this one, after independently assessing each variable, my current position is that the court should hear many more cases in panels in order to provide for an increased number of precedential decisions.
  - A comparative note may be helpful in terms of explaining why the court's decisions on these matters are so difficult. In the context of Social Security, a denied claimant also has the right to judicial review. However, judicial review in the Social Security context is quite different than in the context of veterans' benefits. A Social Security claimant files his or her appeal initially in a United States District Court. Thereafter, the parties can appeal the District Court's decision to the regional United States Circuit Court of Appeals. The result of this approach is that one body—the District Courts—act merely on one case at a

[3] I have limited this analysis to appeals. It does not include other matters such a petitions for extraordinary relief.

[4] A majority of appeals filed at the court do not reach a judge for decision. For example, in FY 2016 while judges resolved 1,561 appeals, an additional 2,651 were resolved by the Clerk of Court. The overwhelming reason for these Clerk-driven resolutions was settlement by the parties after use of the court's mediation program.

time. They can be error correctors. There is a separate body—the regional Circuit Court of Appeals—that can act more broadly on appeals that reach it in order to establish binding precedential rules in its geographic region. In some senses, the structure of judicial review in the veterans' benefits context combines the functions of the District Courts and regional Circuit Courts of Appeals in the Social Security arena. The Court of Appeals for Veterans Claims essentially needs to find a balance between being an error corrector (what it does now in the single judge decisions) and the provider of binding, broader legal precedent.[5]

• Finally, there is the question of oral argument. As described above, the court currently generally holds oral argument only in panel (or en banc) matters and because the court hears so few cases in panels there are correspondingly few oral arguments. Regardless of how the other matters are addressed, I believe the court should hold more oral arguments. In my view, oral argument has two principal positive attributes. First, it is important as a means to reach better decisions. Briefs are incredibly important, but they are snapshots of the parties' positions. Oral argument allows a judge to explore and probe the matters at issue in real time in a way that merely relying on the briefs does not. Second, I believe oral argument has an important public purpose. The general public should have the opportunity to see how justice is being delivered. Oral argument provides that opportunity.

Question 4. How would you evaluate statute? How would you evaluate Congressional intent?

Response. The starting point, and potentially the ending point, for statutory interpretation is the language of the statute at issue. As the Supreme Court of the United States has held, a court begins with the words in a statute and "when the words of a statute are unambiguous, then this first canon [of statutory interpretation] is also the last: judicial inquiry is complete." *Connecticut Nat'l Bank* v. *Germaine*, 503 U.S. 249, 254 (1992). Thus, if the language used in a statute is not ambiguous, a judge's role is to apply that statute as written.

If the language of a statute is ambiguous, that is the statute's words are susceptible of more than one plausible meaning, a judge must then utilize other tools of statutory interpretation to determine what the statute means. One such tool is legislative history used to attempt to determine the intent of the legislature that enacted the statute. Sources for such legislative history include committee reports, hearings before committees, and debates in the legislature.

A related but distinct means of assessing legislative intent involves determining the general purpose behind a particular statutory provision. If the statutory language is ambiguous and there is no direct legislative history, a judge should determine the general goal of the legislature from the history that is available. At that point, the judge should interpret the statute in a way that is most consistent with that purpose.

There are two other principles of statutory construction that have special importance in the context of the interpretation of veterans' benefits statutes contained in Title 38 of the United States Code. First, the Supreme Court has held that ambiguities in statutes providing benefits to veterans are to be construed in favor of the veteran. See *Brown* v. *Gardner*, 513 U.S. 115 (1994). This pro-veteran standard of construction does not mean that a veteran in a particular case will always win. Rather, *Brown* v. *Gardner* instructs judges to resolve statutory ambiguities in a way that over the course of all veterans' cases would be most favorable to the veteran. At its core, *Brown* v. *Gardner* operates on the presumption that Congress would intend to be the most favorable to a veteran when the language of a statute is not clear.

The second principle is one that relates to administrative law more generally. Administrative agencies and other government departments have the ability to enact regulations that have the force of law. If a court determines that a statute is ambiguous and there are validly promulgated regulations that purport to interpret the statute, a court is required to defer to the agency's interpretation of the ambiguity

[5] It is possible for a party to appeal a decision of the Court of Appeals for Veterans Claims to the United States Court of Appeals for the Federal Circuit. However, such an appeal is limited by statute to pure questions of law. Outside of an appeal presenting a constitutional question, the Federal Circuit's jurisdiction does not extend to appeals focused on factual matters or to the application of law to fact. See 38 U.S.C. § 7292(d)(2). The result of this jurisdictional limitation is that the Court of Appeals for Veterans Claims is the final decisionmaker in the great majority of situations. For example, in Fiscal Year 2016 there were 4,140 appeals filed at the Court of Appeals for Veterans Claims. In that same period, there were 104 appeals filed at the Federal Circuit from decisions rendered by the Court of Appeals for Veterans Claims. And even that relatively small number is deceptive because a large portion of these appeals to the Federal Circuit were dismissed for lack of jurisdiction under 38 U.S.C. § 7292(d)(2).

so long as that interpretation is a "permissible construction" of the statute. See *Chevron U.S.A., Inc.* v. *Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984). The Department of Veterans Affairs issues numerous regulations interpreting and implementing veterans' benefits statutes. These regulations are generally found in Title 38 of the Code of Federal Regulations. Accordingly, in many situations the Court of Appeals for Veterans Claims will defer to a regulation promulgated by the Department because it is a permissible reading of the statute at issue. This is so even if the court would reach a different result in resolving the ambiguity in the absence of the regulation.[6]

Question 5. Would you reverse a VA position that is consistent with long-standing VA practice but you believe is an incorrect interpretation of statute?

Response. Yes. If relevant legal principles led me to the conclusion that a practice of the Department of Veterans Affairs was unlawful I would reverse such a practice regardless of the length of time it had been employed. An important caveat is that the Chevron doctrine of administrative deference I discussed in response to Question #4 above (as well as other doctrines of administrative deference) could affect the ability of a judge to engage in statutory interpretation as an independent matter.

Question 6. Would the potential cost of overturning an established rule factor into your decision on how to adjudicate a case?

Response. No, with a potential caveat I discuss in a moment. As a general matter, a judge should utilize the tools of statutory construction I've described above to determine what the law is. Questions related to the cost of complying with the law are questions of policy properly consigned to the legislative and executive branches of government. The caveat concerns the doctrines of administrative deference I have discussed. For example, if a statute were ambiguous and the Department had promulgated a regulation addressing the ambiguity, it is conceivable that the Department's reliance on the cost of various means of resolving the statutory ambiguity *could* play a role in the judiciary's determination of whether the Department's interpretation was "permissible" under the *Chevron* doctrine. Absent such a situation, however, cost would not play a role in judicial interpretation of the law.

Question 7. 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. However, in 2016, 28 percent of the appeals filed with the Court were pro se at the time of filing while 33 percent of petitions were pro se at the time of filing. What are your views of attorney or advocate representation versus pro se representation?

Response. I believe that representation by attorneys and non-attorney advocates is critical to providing the best outcome of petitions and, in particular, appeals before the Court of Appeals for Veterans Claims. Proceedings at the court are often complex both as a matter of substance and procedure. Lawyers and other advocates are better suited to recognize and navigate these complexities as well as to provide the best arguments for the court to rule in a case than are pro se appellants.

The court has aggressively sought to provide avenues for claimants proceeding pro se to obtain representation in appeals. For example, while the percentage of claimants remaining unrepresented on petitions at the time of resolution is about the same as at the time of filing (32% versus 33%), the situation is dramatically different with respect to appeals. As you correctly noted, 28% of appeals began with appellants proceeding pro se in Fiscal Year 2016. By the time of resolution of those appeals, that number dropped to 12%. If I am confirmed, I intend to support and, if possible, further expand the court's efforts to reduce the pro se status of appellants (and petitioners).

Chairman ISAKSON. Ms. Meredith.

STATEMENT OF AMANDA L. MEREDITH, NOMINATED TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS AFFAIRS

Ms. MEREDITH. Thank you, Mr. Chairman, and Ranking Member Tester. I also want to thank Ken Kramer, the former Chief Judge of the Veterans Court, for being here today.

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[6] *Chevron* deference is a controversial doctrine. The House of Representatives has passed the Separation of Powers Restoration Act that would, in part, direct courts not to apply doctrines of administrative deference. Adoption of this or a similar statute would have significant implications for the Court of Appeals for Veterans Claims.

It is an honor to have been nominated by the President to serve as a judge on the U.S. Court of Appeals for Veterans Claims. I have spent my entire 20-year legal career working in the field of veterans' law, and it would be a great privilege to continue serving veterans in this meaningful new role.

During my career, I have seen the impact on veterans and their families, when they face delays receiving decisions on their claims for benefits. So, it would be important to me personally to quickly begin helping the court provide justice to the veterans who are already waiting and to keep up with the incoming case load. I believe my experience, skills, and dedication to this area of law would allow me to do just that.

After law school, I served on the staff of the Veterans Court for more than 7 years and, since then, I have spent more than 12 years working for this Committee. These experiences not only have increased my gratitude for veterans, their families, and their survivors, but have provided me with a strong foundation of knowledge and skills that I believe would translate well into serving on the court.

If confirmed, I would continue to build on that foundation and work with the highest level of dedication and diligence to ensure that veterans will receive justice in a fair, timely manner with the respect they deserve.

Thank you.

[The prepared statement of Ms. Meredith follows:]

PREPARED STATEMENT OF AMANDA L. MEREDITH, NOMINEE TO BE JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

GOOD AFTERNOON, CHAIRMAN ISAKSON, RANKING MEMBER TESTER, AND MEMBERS OF THE COMMITTEE. Thank you for the opportunity to testify before you today.

It is an honor to have been nominated by the President to serve as a judge on the United States Court of Appeals for Veterans Claims. I have spent my entire 20-year legal career working in the field of veterans' law and it would be a great privilege to continue serving veterans in this meaningful new role.

During my career, I have seen the impact on veterans and their families when they face delays receiving decisions on their claims for veterans' benefits. So, it would be important to me personally to quickly begin helping the court provide justice to the veterans who are already waiting for decisions and keep up with the challenging incoming caseload. I believe my experience, skills, and dedication to the area of veterans' law would allow me to do just that.

After law school, I began my legal career by serving on the staff of the Court of Appeals for Veterans Claims for more than 7 years. As a law clerk, I learned the canons of veterans' law and gained valuable experience with researching, editing, and writing judicial decisions. Later, as the Executive Attorney to the Chief Judge, I supervised an entire chambers' staff; managed the chambers' caseload, including helping to ensure that cases were acted on in a timely manner; and assisted the chief judge with issues concerning administration of the court. I also supervised a task force of attorneys helping the judges provide answers to veterans and their families who had already waited too long for justice.

Since then, I have spent more than 12 years working for the U.S. Senate Committee on Veterans' Affairs, where I currently serve as the General Counsel and Deputy Staff Director. This work has included conducting oversight and analyzing legislation regarding veterans' benefits, the claims and appeals process at the Department of Veterans Affairs, and the Court of Appeals for Veterans Claims. During this time, I have had an opportunity to work collaboratively with veterans' organizations and to assist Members of Congress in enacting a broad range of laws to help improve the benefits and services for our Nation's veterans.

These collective experiences not only have increased my gratitude for veterans, their families, and their survivors but have provided me with a strong foundation of knowledge and skills that I believe would translate well into serving on the court. If confirmed, I would continue to build on that foundation and work with the high-

est level of dedication and diligence to ensure that veterans will receive justice in a fair, timely manner with the respect they deserve.

Thank you again for the opportunity to appear before you today. I would be glad 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.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Judge, United States Court of Appeals for Veterans Claims	June 7, 2017

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Amanda	Lee	Meredith	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			Street: 412 Russell Senate Office Building, Constitution Ave.		
City: Alexandria	State: VA	Zip: 22314	City: Washington	State: DC	Zip: 20510

Other Names Used						
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)
N/A					Est ☐	Est ☐
					Est ☐	Est ☐

Birth Year and Place	
Year of Birth (Do not include month and day)	**Place of Birth**
1972	Binghamton, NY

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
x	☐	☐	☐	☐	☐

Spouse's Name *(current spouse only)*			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
N/A			

Spouse's Other Names Used *(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)
					Est ☐	Est ☐
					Est ☐	Est ☐

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**
N/A			

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**
State University of New York at Buffalo	University	Est Aug. 1990 x	Est Present June 1994 ☐ ☐	B.S.	1994
State University of New York at Buffalo School of Law	Law school	Est Aug. 1994 x	Est Present June 1997 ☐ ☐	J.D.	1997
		Est ☐	Est 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.

Type of Employment (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	**Name of Your Employer/ Assigned Duty Station**	**Most Recent Position Title/Rank**	**Location** (City and State only)	**Date Employment Began** (month/year) (check box if estimate)	**Date Employment Ended** (month/year) (check box if estimate) (check "present" box if still employed)
Federal government	United States Senate Committee on Veterans' Affairs	Deputy Staff Director/General Counsel	Washington, DC	April 2005 Est ☐	Est ☐ Present xx
Federal government	United States Court of Appeals for Veterans Claims	Director, Task Force for Backlog Reduction	Washington, DC	August 1997 Est	April 2005 Est ☐
State government	New York State Department of Law	Legal Aide/Head Law Clerk	Buffalo, NY	June 1995 Est x	July 1997 Est x
Non-government employment	Lechter's Housewares	Cashier	Amherst, NY	June 1995 Est x	August 1995 Est x
Local government	Town of Union	Park Director	Endicott, NY	June 1992 Est x	August 1994 Est x
Non-government employment	The Manors nursing home	Kitchen staff	Vestal, NY	June 1991 Est x	August 1991 Est x
Non-government employment	Arby's	Cashier/cook	Endwell, NY	Jan. 1990 Est x	August 1994 Est x

(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** (month/year)	**Date Service Ended** (month/year) (check box if estimate) (check

		(check box if estimate)	"present" box if still serving)
		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ 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.

Disabled American Veterans Special Recognition Award (2016); New York State Society of Certified Public Accountants' Superior Scholarship in Accounting Studies Award (1994); New York State Society of Certified Public Accountants' John T. Kennedy Memorial Award (1993); Grace Capen Memorial Award (1992); Helen Barben Scholarship (1990-1994); Janet H. Griswold Scholarship (1990-1991); New York State Regents Scholarship (1990).

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).

Name of Organization	Dates of Your Membership (You may approximate)	Position(s) Held
New York State Bar Association	1998 to 2014	Member
University at Buffalo Alumni Association	Various dates between 1997 and present	Member
Republicans Associated for Mutual Support	Approximately 2010 to 2014	Member

6. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?
No.

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

(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.

Name of Party/Election Committee	Office/Services Rendered	Responsibilities	Dates of Service
McCain Presidential campaign	Volunteer	Provided policy advice, drafted/edited documents regarding veterans' issues	2008
Republican Platform Committee	Volunteer	Provided policy advice regarding veterans' issues	2008
Romney Presidential campaign	Volunteer	Provided policy advice, drafted/edited documents regarding veterans' issues	2012
Romney Readiness Project – Veterans Affairs Review Team	Volunteer	Assisted in formulating legislative and policy options and identified qualified individuals to fill key posts at the Department of Veterans Affairs in the event of Governor Romney's successful election	2012

(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 of $200 or more.

Name of Recipient	Amount	Year of Contribution

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

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, other than numerous speeches written for Members of Congress regarding their policy positions.

(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.

As part of my work for the Senate Committee on Veterans' Affairs, I have participated in numerous panel discussions, question-and-answer sessions, roundtables, and conferences. Attachment A includes my best effort to identify those events and provide copies of public statements that were based on prepared remarks. The policy positions discussed generally reflected the positions of the Member of Congress I worked for at the time.

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

As part of my duties on the staff of the Senate Committee on Veterans' Affairs, I periodically have been asked to speak on background to reporters but not on the record.

In the fall of 2001, my teammates and I were interviewed by the local Fox News television channel for the Washington, DC, area after our rowing team won gold at a national rowing competition.

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. None, other than this currently pending nomination.

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.

Status and Terms of Any Agreement or Arrangement	Parties	Date (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.

[Committee non-confidential supplemental questionnaire follows:]

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.

   New York State Bar Association – 1998-2014
   U.S. Court of Appeals for Veterans Claims Bar Association – approximately 2003-2005
   American Bar Association – approximately 1998-2005

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? 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.

      New York State – admitted since 1998 with no lapses.

   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.

      U.S. Court of Appeals for Veterans Claims – admitted since 2005 with no lapses.

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.

      Alexandria Community Rowing - 2000-2014
      Thompson's Boat Center – 1998-2000
      US Rowing – various dates between 1998 and 2014

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.

Not to my knowledge.

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.

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.

Please see attachment A.

(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:

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;

From 1997 to 2000, I served as a law clerk for Judge Kenneth Kramer at the United States Court of Appeals for Veterans Claims. In that capacity, I reviewed Board of Veterans' Appeals decisions, records on appeal, briefs, motions, and petitions; conducted research regarding veterans' law; drafted, edited, and reviewed panel opinions and single-judge dispositions; and prepared bench memoranda for oral arguments and panel conferences.

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

No.

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;

United States Court of Appeals for Veterans Claims
625 Indiana Avenue, NW, Suite 900
Washington, DC 20004

From 2000 to 2004, I served as the Executive Attorney to Chief Judge Kramer at the United States Court of Appeals for Veterans Claims. In that capacity, I served as the principal legal advisor to the Chief Judge regarding all of his judicial functions, supervised the Chief Judge's law clerks and interns, and managed his chambers caseload. I also assisted any judges on the court who were handling complaints of judicial misconduct and attorney discipline cases.

From 2004 to 2005, I served as the Director of the Task Force for Backlog Reduction at the United States Court of Appeals for Veterans Claims. I supervised a team of very experienced attorneys trying to help the court address its inventory of long-pending cases.

United States Senate Committee on Veterans' Affairs
412 Russell Senate Office Building
Washington, DC 20510

From 2005 to present, I have worked for the United States Senate Committee on Veterans' Affairs for three different Senators. In this capacity, I have handled legislative and oversight activities regarding a range of veterans' issues, including veterans' disability compensation, pension, claims processing and appeals, and servicemembers civil relief. In addition to handling a portfolio of issues, I currently serve as the Deputy Staff Director and General Counsel, which includes assisting the staff director with the management and administration of the committee and serving as legal counsel.

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.

No.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years;

I have worked for the federal government in the field of veterans' law for my entire legal career since graduating from law school.

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized;

I have worked for the federal government in the field of veterans' law for my entire legal career since graduating from law school.

iii. any law practice or legal experience that involved veterans' law.

I have worked for the federal government in the field of veterans' law for my entire legal career since graduating from law school.

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.

   Not applicable.

ii. Indicate the percentage of your practice in:
   1. civil proceedings;
   2. criminal proceedings.

   Not applicable.

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.

Not applicable.

e. 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.

Not applicable.

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.

Not applicable.

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.)

Not applicable.

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.

Not applicable.

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.

While working at the United States Court of Appeals for Veterans Claims, I supervised a task force of experienced attorneys with the mission of helping the court reduce its

inventory of long-pending appeals. While working for the Senate Committee on Veterans' Affairs, I have assisted Members of Congress in enacting numerous laws affecting veterans, including legislation that enhanced disability compensation for veterans with severe traumatic brain injuries (Public Law 111-275); legislation that created an incentive for veterans and other claimants to submit fully-developed disability claims to the Department of Veterans Affairs (Public Law 112-154); and legislation allowing individuals seeking veterans' benefits from the Department of Veterans Affairs to hire attorneys (Public Law 109-461).

(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).

   None, other than in my role as a Senate staffer.

   (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.

    None.

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.

    No.

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?

    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.

I have spent a substantial amount of time providing volunteer assistance and advice on veterans' issues for two presidential campaigns; the Republican Platform Committee; and a presidential transition team. Other volunteer activities have included volunteering numerous times to work in various capacities at the Mid-Atlantic Erg Sprints, which raises funds for Alexandria Crew Boosters, and serving as a volunteer scorer for the DC Street Law Project and District of Columbia Public High School Mock Trial Competition.

Attachment A

List of Public Statements

September 2016 – Tele-townhall with Senator Rounds regarding veterans issues (Washington, DC)

July 2016 – Senate Committee on Veterans' Affairs -- appeals roundtable (Washington, DC)

March 2016 – Department of Veterans Affairs -- appeals workshop (Washington, DC)

November 2015 – National Archives -- panel discussion entitled "In Honor of our Veterans: Caring for Our Heroes" (Washington, DC) – found at https://www.youtube.com/watch?v=gtX4rfNQpMc

March 2015 – House Committee on Veterans' Affairs -- roundtable regarding appeals (Washington, DC)

February 2015 -- National Association of State Approving Agencies – panel discussion (Washington, DC)

September 2014 – Appeals roundtable at Veterans of Foreign Wars (Washington, DC)

February 2014 -- National Association of State Approving Agencies – panel discussion (Washington, DC)

February 2013 -- National Association of State Approving Agencies – panel discussion (Washington, DC)

November 2012 – Pepperdine Law School – question-and-answer session with law school class regarding working on Capitol Hill (Washington, DC)

February 2012 -- National Association of State Approving Agencies – panel discussion (Washington, DC)

March 2011 – The American Legion Education Symposium – panel discussion (Washington, DC)

February 2011 – National Association of State Approving Agencies – panel discussion (Washington, DC)

August 2010 – National Association of State Approving Agencies -- panel discussion (Denver, CO)

March 2010 – The American Legion's National Economic Commission – panel discussion (Washington, DC)

February 2010 – National Association of State Approving Agencies – panel discussion (Washington, DC)

October 2009 – National Association of Veterans Program Administrators – panel discussion (St. Louis, MO)

February 2009 – National Association of State Approving Agencies – panel discussion (Washington, DC)

August 2008 – Department of Veterans Affairs Vocational Rehabilitation and Employment Conference – panel discussion (San Diego, CA)

August 2008 – Disabled American Veterans National Convention – panel discussion (Las Vegas, NV)

October 2007 – Speech to North Carolina Association of County Veterans Service Officers (North Carolina) – copy attached

October 2007 – Speech to National Organization of Veterans' Advocates (Virginia) – copy attached

August 2007 – Disabled American Veterans National Convention - panel discussion (New Orleans, LA)

May 2007 – Speech at Idaho Disabled American Veterans (Idaho) – copy attached

April 2007 – Disabled American Veterans -- roundtable on claims processing (Washington, DC)

March 2007 – Speech to Colorado Springs Chamber of Commerce on employing veterans (Washington, DC) – copy attached

February 2007 – National Association of State Approving Agencies – panel discussion (Washington, DC)

February 2007 – National Association of State Workforce Agencies conference – panel discussion (Washington, DC)

December 2006 – National Association of State Approving Agencies -- roundtable (Washington, DC)

August 2005 – Disabled American Veterans National Convention – panel discussion (Las Vegas, NV)

July 2005 – National Association of State Approving Agencies – panel discussion (Washington, DC)

April 2004 -- U.S. Court of Appeals for Veterans Claims Eighth Judicial Conference -- presentation on practitioner discipline cases and complaints of judicial misconduct (Washington, DC) - transcript is published at 19 Vet. App. XXVII, CXLIX-CLIV (2004)

Contact Information for Listed Organizations
Disabled American Veterans
807 Maine Avenue, SW
Washington, DC 20024

The American Legion
1608 K Street, NW
Washington, DC 20006

Veterans of Foreign Wars
200 Maryland Avenue, NE
Washington, DC 20002

National Association of State Approving Agencies
120 Penmarc Drive, Suite 103
Raleigh, NC 27603

National Association of Veterans Program Administrators
info@navpa.org

National Association of State Workforce Agencies
444 North Capitol Street, NW
Washington, DC 20001

Copies of Prepared Remarks

October 2007 -- National Organization of Veterans' Advocates Conference

Introductory Remarks

- Good morning, and thank you for inviting me to be here today.

- As most of you probably know, I have been working in the area of veterans' law for over 10 years now. But the last two have definitely been the most challenging and ...interesting, as I'm sure you can imagine.

- I understand that you are interested in hearing about what Congress may do in the coming year with regard to veterans' issues, so I will try to give you a general idea of what we're working on.

[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 Gary A. Fenner, Chair

Judge Roger T. Benitez
Judge Elaine E. Bucklo
Judge David L. Bunning
Judge Mary L. Cooper
Judge Michael James Davis
Judge Mary Grace Diehl
Judge Holly B. Fitzsimmons
Judge S. Maurice Hicks
Judge Joseph M. Hood
Judge Carlos F. Lucero
Judge Diana Gribbon Motz
Judge Milan D. Smith, Jr.
Judge Theresa Lazar Springmann
Judge Anthony John Trenga
Judge Rya W. Zobel

One Columbus Circle, N.E.
Washington, D.C. 20544
Telephone: (202) 502-1850

June 29, 2017

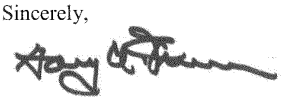
The Honorable Johnny Isakson
Chairman
The United States Senate
Committee on Veterans' Affairs
448 Russell Senate Office Building
Washington, DC 20510

Re: Nomination Financial Disclosure Report of Amanda L. Meredith

Dear Chairman Isakson:

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

Sincerely,



Gary A. Fenner
Chair

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO AMANDA L. MEREDITH, NOMINEE TO BE JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

Question 1. The United States Court of Appeals for Veterans Claims generally hears appeals from claimants seeking benefits from VA. How has your background equipped you to serve as an appellate judge?

Response. I have spent my entire 20-year legal career working in the field of veterans' law, including more than 7 years serving on the staff of the United States Court of Appeals for Veterans Claims and more than 12 years on the staff of the Senate Committee on Veterans' Affairs. Through these experiences, I have learned the canons of veterans' law; gained valuable experience with researching, editing, and writing judicial decisions; supervised an entire chambers' staff at that court, including helping to ensure that veterans were receiving timely decisions; and assisted the court with addressing its backlog of cases. Also, I have conducted oversight of the disability claims and appeals process and have assisted Members of Congress in advancing legislation to improve the benefits and services for veterans and their families. Based on these experiences, I believe I would be well-prepared to step into the role of a judge on the United States Court of Appeals for Veterans Claims.

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

Response. The American Bar Association and other organizations that have studied the desirable traits and temperament for judges have identified a list of appropriate qualities, including the individual's integrity, judgment, analytical skills, ability to be open-minded, competence, ability to be courteous and professional, and decisiveness. Based on my experience working with judges at the United States Court of Appeals for Veterans Claims and on the staff of the Senate Committee on Veterans' Affairs, I believe those all are important qualities for a judge.

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. In my role on the staff of the Senate Committee on Veterans' Affairs, I have worked in a bipartisan manner with a broad range of colleagues and stakeholders to assist Members of Congress in enacting numerous laws affecting veterans and their families. This requires the ability to listen to and understand different points of view, to work professionally and diligently to find solutions, and to thoroughly review and analyze proposed legislative solutions.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO AMANDA L. MEREDITH, NOMINEE TO BE JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

Question 1. Your experience with Congressional intent might be different than that of your colleagues on the court. Please explain what your process would be for interpreting Congressional intent.

Response. The first step in interpreting statutory language would be to look at the text of the law itself to determine if it is clear and unambiguous. If there is a need in a particular case to look to additional sources to determine Congressional intent, that could include a broad range of sources of legislative history, such as conference reports, joint explanatory statements, committee reports, floor statements, and hearing transcripts. The amount of weight afforded to each source could vary depending on the specific circumstances, such as whether the language being discussed in one of those sources was changed prior to enactment.

Question 2. Would you reverse a VA position that is consistent with long-standing VA practice but you believe is an incorrect interpretation of statute?

Response. Yes, if appropriate based on the facts and law in a particular case.

Question 3. Would the potential cost of overturning an established rule factor into your decision on how to adjudicate a case?

Response. No, I do not believe that would be a relevant consideration.

Question 4. What do you believe is a reasonable timeframe for the court to make a decision?

Response. According to the fiscal year 2016 annual report for the United States Court of Appeals for Veterans Claims, it took on average 14 months for an appellant to receive a decision on an appeal from a single judge and nearly 22 months to receive a decision from a panel of judges. For veterans and their families who have already navigated the lengthy appeal process at the Department of Veterans Affairs before reaching the court, I believe the court must continue to examine options for decreasing these timelines. That should include examining both the procedural activities that occur before a case is assigned to a judge and the time a case awaits a judge's decision.

Question 5. Given your role in helping to move legislation through the legislative process, do you believe there could be instances where you would recuse yourself from consideration of certain matters? What would be your guide in determining whether to abstain from participation in matters before the court?

Response. According to the Code of Conduct for United States Judges, "[a] judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned." My understanding is that a determination of this type would be dependent on the specific circumstances of a particular case. In making such a determination, I would be very mindful that the role of a judge on the court is to provide justice to the litigants, which includes not only acting fairly and impartially but also avoiding the appearance of not being impartial.

Question 6. 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. However, in 2016, 28 percent of the appeals filed with the Court were pro se at the time of filing while 33 percent of petitions were pro

se at the time of filing. What are your views of attorney or advocate representation versus pro se representation?

Response. A particular case before the court may involve an assessment of statutes, regulations, policies of the Department of Veterans Affairs, judicial opinions, medical evidence, military records, and other sources of information. Given the potentially complicated nature of this work, I believe having the assistance of a representative, particularly someone familiar with the area of veterans' law, can be very valuable to an appellant and the court in preparing pleadings in connection with proceedings before the court.

Chairman ISAKSON. Mr. Toth.

STATEMENT OF JOSEPH L. TOTH, NOMINATED TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Mr. TOTH. [Off microphone.]

Chairman ISAKSON. Use your microphone please.

Mr. TOTH. Oh. It is an honor to have been nominated by the President to serve as a judge for the U.S. Court of Appeals for Veterans Claims.

I would not be here today without the support of so many people, and I would be remiss not to mention them briefly. I think of my grandparents, each of whom set off as a teenager from a different country in search of a better life in the United States. They worked in sheet metal factories and restaurants, as housecleaners and secretaries so that their children might have a better life. I am here today because of them.

My late father urged me into the better part of my formative years to become a lawyer. As always, I waited far too long to heed his wisdom. I took my oath of office as a naval officer a week after his passing and I know he was there with me in spirit. I am only now beginning to appreciate the sacrifices that he and my mom made in raising me and my siblings.

Likewise, I extend a begrudging gratitude to my older sisters who taught me, at an early age, the value of zealous advocacy; to my brothers, two of whom served as Marine offices and they have been models of self-sacrifice and service to others. Most importantly, I thank my fiancé for her love and constant good cheer. Again, I am here today because of them.

Finally, I have had the good fortune to learn my craft from some of the finest judges and lawyers in the United States. In Daniel Manion and Robert Conrad I came to know two judges whose wisdom, humility, and respect for the law made a lasting impression on me. They are outstanding judges because they are outstanding human beings. Likewise, I will never forget the courage demonstrated by General Mark Martins, my boss in Afghanistan, who modeled the ideal of servant leadership in the most challenging of environments. Finally, Tom Campion, the first partner I worked for out of law school, showed me that one can get to the top of the legal profession while always treating people the right way. These are but a few of the many people to whom I am indebted.

Like most veterans, my experience serving our country was among the most formative of my life. I learned the rules of evidence in military courtrooms; tried cases on aircraft carriers and in airplane hangars; drafted wills on submarines; and pretended not to be scared as I donned body armor and carried an M4

through mule paths in Afghanistan. None of it was easy, but every second was worth it.

Most of all, I am grateful to the men and women whom I served with and who embodied hard work and integrity. Whatever service I gave to our country pales in comparison to countless veterans, and their families, who made infinitely greater sacrifices.

After leaving active duty, I spent my career as a lawyer in Federal trial and appellate courts, working for principled judges and litigating alongside talented lawyers spanning the political spectrum. I have been exposed to many of the most complex issues of civil, criminal, and administrative law, and have wrestled with difficult questions of statutory interpretation. Most significantly, I approached every case with the same intensity whether it involved a major corporation, elite law firm, or an indigent prisoner writing a petition by hand. Every party deserves to have their case heard fairly and decided by the operative law.

I am aware of the awesome responsibility that comes along with serving as a judge and will work zealously to interpret the law fairly and in the manner consistent with the will of the Congress. I thank this Committee for its consideration of my nomination.

I would be pleased to answer any questions that the Chairman or Members of this Committee might have.

[The prepared statement of Mr. Toth follows:]

PREPARED STATEMENT OF JOSEPH TOTH, NOMINEE FOR JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

CHAIRMAN ISAKSON, RANKING MEMBER TESTER, DISTINGUISHED MEMBERS OF THIS COMMITTEE: Thank you for the opportunity to appear before you today. I am honored to have been nominated by the President to serve as a judge on the United States Court of Appeals for Veterans Claims.

I would not be here today without the support of so many people and I would be remiss not to mention them briefly. I think of my grandparents, each of whom set off as a teenager from a different country in search of a better life in the United States. They worked in sheet metal factories and restaurants, as house-cleaners and secretaries so that their children might have a better life. I am here today because of them.

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I would be pleased to answer any questions that the Chairman or Members of this Committee might 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.

Position to Which You Have Been Nominated	
Name of Position	Date of Nomination
Judge on the United States Court of Appeals for Veterans Claims	**June 7, 2017**

Current Legal Name			
First Name	Middle Name	Last Name	Suffix
Joseph	**Leo**	**Toth**	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			**Street: 517 Wisconsin Avenue**		
Milwaukee	WI	53210	**Milwaukee**	**WI**	**53202**

Other Names Used						
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 ☐	Est ☐
					Est ☐	Est ☐

Birth Year and Place	
Year of Birth (Do not include month and day)	**Place of Birth**
1973	**New York, NY**

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	☐	☐	☐	X	☐

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**

Spouse's Other Names Used (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)
					Est ☐	Est ☐
					Est ☐	Est ☐

Children's Names (if over 18)			
First Name	Middle Name	Last Name	Suffix

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
The University of Chicago	College	Sep 1992	June 1996	B.A.	June 1996
The Ave Maria School of Law	Law School	Sep 2004	May 2007	J.D.	May 2007
Naval Justice School	Military Law	Aug 2008	Oct 2008	Certificate of completion	Oct 2008
		Est ☐	Est 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.

Type of Employment (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	Name of Your Employer/ Assigned Duty Station	Most Recent Position Title/Rank	Location (City and State only)	Date Employment Began (month/year) (check box if estimate)	Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed)
Attorney	Federal Defender Services of Wisconsin	Associate Federal Defender	Milwaukee, WI	Dec 2015	May 2017
Attorney	Unemployed	N/A		Oct 2015	November 2015
Attorney	Chambers of Judge Daniel Manion, United States Court of Appeals for the Seventh Circuit	Law Clerk	South Bend, IN	Aug 2014	Sep 2015
Attorney	Chambers of Judge Robert Conrad, United States District Court for the Western District of Wisconsin	Law Clerk	Charlotte, NC	Sep 2012	Aug 2014
Attorney	United States Navy – Judge Advocate General Corps (JAGC)	Senior Defense Counsel/Rule of Law Attorney	Pearl Harbor, HI/Zhari, Afghanistan	May 2008	Aug 2012
Attorney	Drinker, Biddle & Reath, LLP	Associate Attorney	Florham Park, NJ	Aug 2007	May 2008
Intern	United States Department of Justice – Criminal Tax Division	Intern	Washington, DC	June 2006	August 2006
Law Student (Unemployed)	The Ave Maria School of Law	Student	Ann Arbor, MI	Sep 2004	May 2007
Finance/Equity Trader	Schonfeld Securities	Proprietary Equity Trader	New York, NY	Nov 1996	Sep 2004

(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 (month/year) (check box if estimate)	Date Service Ended (month/year) (check box if estimate) (check "present" box if still serving)
		Est ☐	Est ☐ 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.

1. *Joint Service Commendation Medal for Service in Afghanistan (Awarded November 2011)*
2. *Navy Achievement Medal (Awarded January 2012)*
3. *Full Tuition Academic Scholarship to The Ave Maria School of Law*
4. *Graduated Cum Laude from The Ave Maria School of Law*
5. *Ave Maria Law Review, Managing Editor 2006-07*
6. *Blackstone Legal Fellow, 2006*
7. *Dean's List, University of Chicago 1995-96.*

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).

Name of Organization	Dates of Your Membership (You may approximate)	Position(s) Held
New York Bar Association	**2008 – present**	
United States Court of Appeals for the Fourth Circuit	**2014- present**	
United States Court of Appeals for the Seventh Circuit	**2015-present**	
United States District Court for the Eastern District of Wisconsin	**2015-present**	

United States District Court for the Western District of Wisconsin	**2015-present**	
Ave Maria Law Review	**2005-07**	**Managing Editor**
Federalist Society	**2012-present**	
Sts. Peter and Paul Parish (Milwaukee, WI)	**2016-present**	

6. Political Activity

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

(NO)

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

(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.

(NONE)

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

(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)

Name of Recipient	Amount	Year of Contribution

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
Failure to Report: The Right Against Self-Incrimination and the Navy's Treatment of Civilian Arrests After United States v. Serianne **213 Mil. L. Rev. 1 (2012)**	**Military Law Review**	**Fall 2012**

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)

(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.

(NONE)

(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)

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.

(NONE)

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?

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

(A) *YES*
(B) *YES*

[Committee non-confidential supplemental questionnaire follows:]

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.

    1. New York State Bar Association 2008-present
    2. Eastern District of Wisconsin, 2016-present

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?

    (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.

    (2008) (NO LAPSES)

    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.

        1. *New York State (2008)*
        2. *United States Navy and Marine Corps Trial Court (2008)*
        3. *United States District Court for the Western District of North Carolina (2012).*
        4. *United States Court of Appeals for the Fourth Circuit (2014)*
        5. *United States Court of Appeals for the Seventh Circuit (2015)*
        6. *United States District Court for the Eastern District of Wisconsin (2016)*
        7. *United States District Court for the Western District of Wisconsin (2016)*

Lapses: (1) I believe that my admission to practice before the Navy and Marine Corps trial court has lapsed following my departure from active duty military service in 2012. To appear, I would have to re-apply for admission to that court.

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.

   (NONE)

   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.

   (NONE)

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.

   (NONE)

   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.

   (NONE)

   (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:

      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;

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

      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;

      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.

After law school, I worked as an associate attorney at Drinker Biddle & Reath, LLP in Florham Park, New Jersey. I worked in the litigation department, where I assisted partners in a mass tort. My work duties included research and case management. I worked for Drinker Biddle from August 2007 until May 2008.

In May 2008, I entered Officer Development School for the Judge Advocate General Corps (JAGC) of the United States Navy in Newport, Rhode Island. In August, I entered Naval Justice School – also in Newport—where I received training in the basics of military law, including the Uniform Code of Military Justice (UCMJ) and Manual for Courts-Martial (MCM). Upon completion of NJS, I was assigned to serve at the Naval Legal Service Office (NLSO) in Pearl Harbor Hawaii.

I reported for duty in Pearl Harbor in October 2008. My first few months, I worked in legal assistance where I provided legal advice to veterans, military members, and their spouses. In this capacity, I assisted military personnel from each branch of service. After a few months, I was assigned to work as defense counsel, defending service members charged at courts-martial and administrative boards. For the next two years, I served as defense counsel, during which period I served as counsel in approximately forty (40) courts-martial and one hundred (100) administrative boards. Further, I served as lead counsel at approximately ten (10) contested trials, defending Sailors, Marines, and Coast guard personnel.

In 2011, after a month of training with the US Army at Fort Dix, NJ, I deployed to Afghanistan where I worked as part of the Rule of Law Field Force Afghanistan (ROLFF-A) a joint command that dispatched military attorneys to areas where the rule of law had been compromised due to the insurgency. I was sent to the Zhari district,

southwest of Kandahar city. This was the area in Afghanistan where the Taliban had been formed during the 1990s; in 2011, the area was still predominantly Taliban and was the site of very heavy fighting. I was stationed alongside the US Army 10th Mountain Division and 4th Calvary Division. In Zhari, I worked with Afghan prosecutors to ensure that insurgents captured on the battlefield by Afghan forces were tried properly under Afghan law and were not subject to torture or coercion. Additionally, I assisted Afghan prosecutors investigating corruption cases (one example: the theft of food and supplies from the UN Food Program in the Maiwand district of Afghanistan). Finally, I travelled extensively with Afghan prosecutors into traditionally Taliban villages to assist the prosecutors in instructing local leaders about the Afghan legal system.

Upon finishing active duty in August 2012, I clerked for Judge Robert J. Conrad of the United States District Court for the Western District of North Carolina. During this clerkship, I assisted Judge Conrad in both criminal and civil cases, covering a sweeping range of subject matters including, bankruptcy, patent, banking, ERISA, Social Security, intellectual property, and prisoner litigation. I served as lead law clerk on approximately a dozen federal criminal jury trials and one civil trial. In the second year of my clerkship, I managed the civil docket for Judge Conrad.

In August 2014, I clerked for Judge Daniel A. Manion of the United States Court of Appeals for the Seventh Circuit. During this clerkship, I assisted Judge Manion in researching and drafting opinions on appeals heard by the Seventh Circuit. Once again, this involved working on a wide-range of civil, criminal, and administrative matters and implicated complex questions of constitutional and statutory interpretation. In whole, I assisted Judge Manion on approximately fifty (50) appeals heard before the Seventh Circuit.

After my clerkship, I accepted a position as an associate federal defender in Wisconsin, defending persons charged with federal crimes in the Eastern and Western Districts of Wisconsin, respectively. My duties were broad in nature and included defending clients at pre-trial detention (bond) hearings, drafting pre-trial motions to dismiss, defending clients at trial, sentencing, and on appeal. I also represented clients in post-conviction matters. As counsel, I had charges dismissed against two (2) separate clients, drafted an en banc petition granted by the Seventh Circuit, and drafted and argued appeals before the Seventh Circuit.

Veteran's Law: When I was an attorney in the Navy, I assisted veterans in reviewing their medical and personnel files to advise them about issues related to their claim for benefits. Additionally, I advised numerous veterans on the procedures and governing law as related to their claim for benefits. I have advised veterans following an adverse ruling from the regional VA office on how to proceed with their appeal going forward.

b. 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: 50 percent.*
2. *state courts of record: 0 percent*
3. *other courts; 50 percent (military courts and administrative boards).*
4. *administrative agencies 0 percent.*

ii. Indicate the percentage of your practice in:

1. *civil proceedings: 25 percent*
2. *criminal proceedings: 75 percent*

c. 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.

2 cases dismissed before trial: United States District Court for the Eastern District of Wisconsin (co-counsel)
9 trials: Navy-Marine Corps Court (lead and co-counsel)
1 trial: United States Coast Guard Court. (lead counsel)

d. 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.

(NONE)

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.

- *United States v. Krumdick*, Eastern District of Wisconsin, No. 2-15-cr-115 (E.D. Wis. 2016), Judge JP Stadtmueller, case dismissed against defendant Dec. 2016. Prosecutor AUSA Joseph Wall, (414) 831-3620. Co-counsel: Craig Albee: (414) 221-9900.

Summary: Mr. Krumdick was charged along with three (3) other defendants with participating in a fraudulent scheme to sell shares of an investment trust that purportedly invested in farmland. The scheme raised several millions dollars but failed to acquire any farmland and charges were soon brought against the principles. Discovery was extensive: over 150,000 documents, mostly financial statements and communications. A review of this discovery strongly suggested that Mr. Krumdick's association with the scheme was as an investor rather than as a principal and that he had been defrauded along with the

other investors. The discovery period in this case lasted over one year due to the extensive investigation and discovery materials.

In the months before trial, I – along with my co-counsel Craig Albee, met with the prosecutors (AUSA Joe Wall) and FBI agents to provide our insights about the case, namely that, rather than being a principal in the scheme, Mr. Krumdick had been defrauded by the leaders of the scheme. Three days before trial (and after several meetings) we met with the prosecutor and FBI agent and laid out our entire defense, demonstrating that Mr. Krumdick had been defrauded and was an innocent party. The government agreed and dismissed charges against Mr. Krumdick shortly before trial. Additionally, the prosecutor filed a memo with the court outlining his doubts about the charges against Mr. Krumdick and the grounds for dismissing him from the case. This entry is available on the Eastern District of Wisconsin's ECF system: 2:15-cv-115.

- *United States v. Lowman*, 2:16-cr-28 (E.D. Wis. 2016). Judge Pamela Pepper. Prosecutor: AUSA Matthew Jacobs (414) 831-3620. Co-counsel: Craig Albee (414) 221-9900.

  Summary: Lowman was a veteran of the United States Army who had served in Iraq. While serving a term of probation, he was charged with possessing a firearm. This case presented several legal issues including whether probation officers had authority to conduct, absent reasonable suspicion, a search of a probationer's smartphone. Ultimately, the court concluded that it the officers had such authority. This case was meaningful because the client was a veteran with a wife and young children who had recently contracted leukemia. Along with my co-counsel, Craig Albee, I was able to negotiate a favorable sentence for the client.

- *United States v. Randy Johnson*, No. 15-1366, United States Court of Appeals for the Seventh Circuit, *en banc* petition granted May 2016. Co-counsel: Anderson Gansner (414) 221-9900. This case was heard by the entire Seventh Circuit, sitting *en banc*.

  Summary: This case was a high-profile Seventh Circuit case that was significant for the issues involved. Randy Johnson was among several persons in a parked car that police aggressively stopped, recovering illegal evidence. In short, five police officers in two patrol cars rushed to detain four passengers from a parked car. The justification for this was the car was parked within fifteen (15) feet of a crosswalk, a violation of Wisconsin's parking laws.

  After Johnson's conviction was affirmed by the Seventh Circuit, my co-counsel asked if I would draft an *en banc* petition seeking rehearing by the entire Seventh Circuit. This is a relatively rare occurrence, as the Seventh Circuit grants only an extremely small percentage of such petitions. I drafted the *en banc* petition, arguing that aggressive, pre-textual stops for violations of any law, however minor, are not justified under existing Fourth Amendment jurisprudence. The Seventh Circuit granted the petition and heard the case *en banc* in November 2016. It has not issued an opinion as of this writing.

The case was high profile (it was covered by the Washington Post, Bloomberg, Chicago Tribune and other media outlets) and involved fundamental constitutional issues. I worked only on the *en banc* petition and argument; I did not represent the defendant during the initial trial or appeal.

- *United States v. Weber*, Navy and Marine Corps Courts, Marine Corps Base Hawaii, Kaneohe, HI. 2009. Judge: Lt. Col. Daniel Mori, USMC. I served as sole counsel. I do not have the contact info for the prosecutor, Captain Justin McGuire, USMC.

  Summary: Weber, a Navy Corpsman who served in a Marine battalion, was charged with violating a specific order of his Gunnery Sergeant. The case went to a Special Court-Martial, where the defendant was acquitted after extensive evidence demonstrated that the defendant had performed his duties appropriately despite having a strained relationship with one NCO in his command. This case was gratifying because the defendant remained in the military, deployed with the Marines to Afghanistan where he served with distinction.

- *United States v. Ferguson*, No. 15-3753, United States Court of Appeals for the Seventh Circuit; Prosecutor: Keith Alexander (414) 831-3620; co-counsel: Joseph Bugni (414) 221-9900; Judges David Hamilton, Diane P. Wood, and Daniel A. Manion.

  I was brought on this case after the defendant, an intellectually disabled seventeen year old, received a fifty (50) year sentence for a particularly heinous crime (carjacking) that resulted in an injury to a woman. The issue in this case was not whether the defendant deserved a high sentence (he did), but whether a fifty year sentence was appropriate in light of the defendant's age and intellectual shortcomings. The appeal argued that neither the record nor the explanation provided by the sentencing judge justified such a sentence. The Seventh Circuit agreed and remanded the case for re-sentencing. The Seventh Circuit's opinion was issued on August 3, 2016 and is available on the court's website.

- *United States v. Jacobson*, Navy and Marine Corps Court, Pearl Harbor, HI; June 2010; Lt. Col. Daniel Mori, USMC, Military Judge. Co-Counsel Noel Tipon (800) 996-9747.

  A former girlfriend alleged that Jacobson, a Navy pilot, had assaulted her on two occasions when the defendant was stationed in Pensacola, Florida. I was assigned as lead counsel. I spoke with two Pensacola, Florida police officers who responded to the call at the defendant's residence on the night of the alleged incident. Both officers signed affidavits attesting that the accuser appeared to be the aggressor between the parties and that they almost charged her with disorderly conduct. By contrast, the defendant was docile and fully cooperative with their investigation. This was one of several factors that contributed to the judge dismissing the charges against the defendant prior to trial.

- *United States v. Bagnaro*, Navy and Marine Court Court, Pearl Harbor, HI; February 2009; Lt. Col. Daniel Mori, USMC, Military Judge; Co-counsel LT Robert E. Long (850) 321-5664.

Summary: This case involved having charges dismissed against a member of the Navy band brought by a former spouse. The Navy brought charges against the defendant notwithstanding the fact that the Article 32 hearing officer recommended dismissing charges. After numerous motions to dismiss the case, the military judge dismissed the case with prejudice in 2009.

- *Schmidt v. Pollard*, 2:13-cv-1150 (E.D. Wis. 2017), Judge Charles A. Clevert, US District Court for the Eastern District of Wisconsin; Opposing Counsel: Sarah Burgandy, Wisconsin Department of Justice (608) 266-1221.

  Summary: This case was a federal post-conviction petition brought under 28 U.S.C. 2254 by a Wisconsin inmate who had been found guilty after the trial judge (a Wisconsin state judge) ordered the defendant to present an affirmative defense personally – and without the assistance of counsel – in the judge's chambers prior to trial in order to meet the evidentiary burden to raise the defense. The judge heard the defendant's *in camera* testimony, which was provided without the assistance of counsel and ruled that the defendant had not met his burden to raise the defense. The defendant was convicted. The case is currently pending before the United States Court of Appeals for the Seventh Circuit.

- *United States v. Griffin*, No. 2:16-cr-26 (E.D. Wis. 2016). Judge JP Stadtmuller. Prosecutor: Brigid Domenasic (414) 831-3620. Co-counsel Ronnie Murray (414) 221-9900.

  Summary: I was the co-counsel on this case that resulted in the dismissal of charges against the defendant following a seizure that was found to violate the Fourth Amendment. The order dismissing the case is available at: https://casetext.com/case/united-states-v-griffin-200

- *United States v. Joshua Ferrell*, 2:09-cr-249-LA (E.D. Wis. 2016). Judge Lynn Adelman. Prosecutor: Jonathan Koenig (414) 831-3620. I served as lead counsel.

  Summary: This was a supervised release case; on its surface it was not an enormously important case. The defendant was charged with relatively minor supervised release violations such as failing to contact his probation officer and traveling out of district to visit a relative without permission. To me, the case was meaningful because I was able to establish a relationship with the client, help him get a job and an apartment, and impress upon him the need to work with his probation officer. I was able to postpone the hearing to give my client the opportunity to show the court (and the probation office) that he was taking steps to get his life in order. To his credit, the client took this opportunity seriously and made the best of it. At the hearing, the judge recognized the efforts made by the client and declined to revoke his supervised release.

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.)

   (N/A)

   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.

   (N/A)

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.

   During my time in the Navy, I had the good fortune of advising over a thousand service members, spouses, and veterans in matters covering the spectrum of law, including landlord-tenant, family law, wills and trusts, and consumer law. On one occasion, I was able to assist an elderly client who had been a survivor of Pearl Harbor to obtain housing. Assisting such a large number of service members and veterans across such a wide range of issues provided a rich insight into the lives of veterans and military personnel. I am grateful for this experience.

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).

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

   (NONE)

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.

    (NONE)

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.

    If allowed, I may seek to teach individual classes at a law school as an adjunct.

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?

    (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.

I have travelled several times to Haiti to work at an orphanage run by the Missionary Sisters of Charity in Port-au-Prince, Haiti. My most recent trip was in August 2015. In January 2016, I travelled to Kingston, Jamaica to work in an orphanage run by the Missionaries of the Poor. I had the good fortune of providing tuition assistance to two students in Kingston, Jamaica to attend a school run by the Missionaries of the Poor.

[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 Gary A. Fenner, Chair

Judge Roger T. Benitez
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Judge Rya W. Zobel

One Columbus Circle, N.E.
Washington, D.C. 20544
Telephone: (202) 502-1850

June 29, 2017

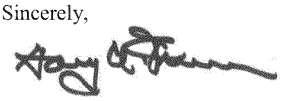
The Honorable Johnny Isakson
Chairman
The United States Senate
Committee on Veterans' Affairs
448 Russell Senate Office Building
Washington, DC 20510

Re: Nomination Financial Disclosure Report of Joseph L. Toth

Dear Chairman Isakson:

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

Sincerely,



Gary A. Fenner
Chair

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO JOSEPH L. TOTH, NOMINEE FOR JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

Question 1. The United States Court of Appeals for Veterans Claims generally hears appeals from claimants seeking benefits from VA. How has your background equipped you to serve as an appellate judge?

Response. Two aspects of my experience as a lawyer have prepared me to serve as a judge. First, I had the good fortune to clerk for two outstanding Federal judges (Robert J. Conrad of the Western District of North Carolina and Daniel A. Manion of the US Court of Appeals for the Seventh Circuit) whose work ethic, humility, and respect for the law made a profound impact on me. My work in Federal courts at the trial and appellate level exposed me to the spectrum of Federal constitutional, civil, criminal, and administrative law. This experience has been invaluable.

Second, as a Navy Judge Advocate, I was able to work with veterans and service-members from each of the branches of our armed services. As a result, I have a good understanding of veterans' issues generally—and specifically issues related to petitions for benefits.

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

Response. As noted in the last question, I had the good fortune to clerk for two Federal judges who exemplified the best traits of a judge. Having reflected on this over the years, two things strike me. First, a judge must be absolutely impartial and follow the law whether the judge agrees with it or not. The oath of office requires this and the parties to the case deserve that their case be determined by the operative law and not the personal preference of a judge.

Second, a judge must have a consistent work ethic to ensure that each case receives full and prompt consideration. A judge must read the briefs and record of every case and address each issue presented. This is the standard to which Federal courts are held.

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

Response. At the risk of redundancy, I had the good fortune to work closely with two judges who modeled the ideal traits of a judge: impartiality, humility, hard work, and respect for the law. No matter the area of law, cases present difficult questions and decisions. A judge must be absolutely fair to both parties, give full and fair treatment to every issue raised, and issue a decision that accords with the law. My years clerking and litigating in Federal courts have impressed upon me these qualities.

Question 4. According to the questionnaire you submitted to the Committee, you provided legal advice to veterans during your assignment to the Naval Legal Service Office in Pearl Harbor, Hawaii.

A. During that time, did you ever provide legal advice regarding claims for benefits at the Department of Veterans Affairs?

Response. Yes. On numerous occasions, I advised (but did not formally represent) veterans on their claim as they were preparing it for the regional VA offices. Often, I advised veterans following an adverse ruling from a VA office. For the most part, this advice involved interpreting the administrative language (i.e. legalese) so that the servicemember understood the substantive factors that the VA would use to evaluate the claim and the procedures involved. In short, I tried to simplify the process for veterans so that they understood the legal showing that they had to make as well as the various procedures and timeframes going forward. My object was less to achieve a specific result than to enable the veteran to understand the process and the governing law. This allowed the veterans to understand and take a more active role in their own case.

B. Would you please describe any training you have completed in the area of veterans' law?

Response. At Naval Justice School, I received training to provide legal assistance to servicemembers, their spouses, and veterans. This training involved issues related to veterans benefits. For the most part, however, I learned this area of law on the job: assisting veterans, reading the applicable laws, and learning the overall statutory and regulatory framework. Reading opinions from the US Court of Appeals for Veterans Claims (as well as the Federal Circuit and Supreme Court) formed a significant part of this.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO JOSEPH L. TOTH, NOMINEE FOR JUDGE, U.S. COURT OF APPEALS FOR VETERANS CLAIMS

Question 1. During your time as an Associate Federal Defender and your two periods as a law clerk, did you have the opportunity to observe judges with both good and bad judicial temperament? In particular, what qualities would you take with you to the bench?

Response. The essential qualities of a judge are impartiality, humility, respect for the law, and a consistent work ethic. I've had the good fortune to clerk for two judges who exemplified these traits. Likewise, my experience with Federal judges, both as a litigator and law clerk, has been overwhelmingly positive. I've appeared before (or come to know) a wide range of judges and am consistently impressed with their professionalism and respect for the law.

As a judge I would treat all parties with respect, evaluate each case (and issue presented) fairly, and resolve it according to the law. Second, I would ensure that cases are resolved swiftly and that each issue is addressed in full. Stated more simply, I would work hard.

Question 2. How would you evaluate statute? How would you evaluate Congressional intent?

Response. Statutory interpretation always begins with the actual language of the statue, as the Supreme Court has directed (*Caminetti* v. *United States*, 240 U.S. 470 (1917)). Congressional intent, therefore, is first evaluated as inherent in the language of the statute it drafted. Where it is clear, then the language must be applied to the facts of the case.

Things get tricky where the language is less than clear as it relates to a particular issue in a case. In such cases, there are various canons of construction available depending on the circumstances. Further, judge must consult with superior courts to evaluate how the actual or similar language has been interpreted in cases. In certain instances, legislative history may be helpful where such history evinces a clear intent on the part of Congress and coheres with the language of the provision and guiding precedent.

Finally, it should be noted that closer cases involving novel substantive or procedural issues may benefit from being heard by a panel rather than adjudicated by a single judge. Consideration by additional judges mitigates the risk of an erroneous reading of a statute.

Question 3. Would you reverse a VA position that is consistent with long-standing VA practice but you believe is an incorrect interpretation of statute?

Response. Yes. Where, a judge believes, after sufficient consideration and research, that the position of a party does not cohere with the governing law, the judge must apply the law accordingly—longstanding practice or otherwise. That said, this situation would appear to be somewhat rare insofar as it need involve a long-standing practice that had never been addressed by the Supreme Court, Federal Circuit, or in a precedential fashion by the US Court of Appeals for Veterans Claims in such a way as covered the facts of the case at hand.

As noted earlier, cases of first impression that call into question long-standing practices may benefit from resolution through a panel of judges rather than through a single judge.

Question 4. Would the potential cost of overturning an established rule factor into your decision on how to adjudicate a case?

Response. I'm not aware of any provision in law that dictates a certain result based on the amount of money that may hinge on a ruling. Unless such provision exists, it should not be a consideration of the judge.

Question 5. What do you believe is a reasonable timeframe for the court to make a decision?

Response. When I clerked on the United States Court of Appeals for the Seventh Circuit, the policy was for judges to issue an opinion within four (4) months of oral arguments and six (6) months if extenuating circumstances presented. The Seventh Circuit is a famously efficient court, but my experience was that this allowed sufficient time for the judges to read and consider all relevant sources while allowing for a swift adjudication of the case.

Insofar as is possible, I would hold to the practice of resolving cases in the shortest period of time that allowed for full consideration of all issues. The parties deserve as much.

Question 6. 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. However, in 2016, 28 percent of the appeals filed with the Court were pro se at the time of filing while 33 percent of petitions were pro se at the time of filing. What are your views of attorney or advocate representation versus pro se representation?

Response. It is clearly preferable to have each party represented by counsel capable of addressing the relevant facts and applicable law in the clearest fashion. The Supreme Court has offered clear guidelines for courts dealing with pro se cases. A court has a duty to make sure that every petitioner—pro se or otherwise—gets a fair hearing. For pro se petitioners, this may involve a more lenient reading of formal, procedural rules but does not affect a judge's reading of the substantive law. In my experience, courts do a good job of taking seriously pro se petitions, giving appropriate leeway for formal shortcomings while addressing the substantive merits of the petition in a manner consistent with the law.

Question 7. How has your membership in The Federalist Society informed your view of the role of government? The role of the courts?

Response. I've enjoyed attending Federalist Society events over the years and have benefited from the exposure to disparate ideas covering various areas of the law. For me, the biggest benefit of groups like the Federalist Society is to provide lawyers exposure to areas of law beyond those that one might specialize in. The most memorable presentations I attended involved areas of law in which I had little familiarity such as antitrust or intellectual property. That said, I'm not sure that

it has had an enormous impact on my view of the government and the role of courts as I arrived at most of my views as a result of years of experience and study.

More than anything, my experience as a rule of law attorney in Afghanistan informed my views about the role of the government and courts. That experience impressed upon me the reality that our government is one of laws to which all—even the government itself—are subject. Like most Americans, I took for granted what it means to live in a society governed by law and where various powers (i.e. writing, executing, and interpreting laws) are divided among different branches of government. The role of the courts is to interpret the law faithfully and to provide a clear and public account of the reasoning.

Chairman ISAKSON. Well, thank you very much. I will start out and I will probably show my ignorance in the first question, but I would like to ask each of you to answer it. Tell me what you see in your role as a judge of the Court of Veterans Appeals that you could do to be a catalyst to expedite the appeals process in its entirety throughout the Veterans Administration. Anything you, as a judge, can do to—we have a huge problem with a stodgy, slow system right now—what you could do in your influence to make that faster.

Mr. ALLEN. Well, Senator, first of all, I think the most important thing is to have that in mind as a conscious, up-front goal as part of your judicial responsibility. The court really has two different things that it is trying to do. The one hand is to resolve an individual case of an individual veteran in their appeal, and the other is to do exactly what Mr. Chairman's question suggests, which is make rules that broadly can affect the system as a whole. And I think the court can do a lot better at starting to think about those cases and means of handling appeals that will provide broader guidance to the Department.

For example, I think the court should issue more precedential decisions, and I think the court can use devices such as aggregate issue resolution, which was just recently approved by the Federal Circuit for use at the Court of Appeals for Veterans Claims, to essentially have your cake and eat it too, to resolve the individual veteran's appeal, but at the same time consciously think about whether that case can make rules that would speed the process at the agency, at least in the confines of the law as provided by Congress.

Chairman ISAKSON. Well, I was so impressed with your responses when we were at the Old Executive Office Building when we met the first time, and you are a professor, I think, at Stetson. Is that correct?

Mr. ALLEN. I am.

Chairman ISAKSON. I think that background gives you a tremendous opportunity to take your instructional talents that you have used in your lifetime to this point to help the VA be instructive in being more responsive to the appeals process for the veterans.

Mr. ALLEN. Thank you.

Chairman ISAKSON. I think you will be an excellent appointee.

Amanda, do you have anything to add to that?

Ms. MEREDITH. I think this goes back to the conversation we have been having about the use of single-judge decisions at the court versus having precedential decisions, and what Mike is suggesting is that the court has maybe overused their authority to issue single-judge decisions that are not precedential. There has been a lot of commentary out there, law review articles, other

scholarly studies suggesting that in cases where it may be beneficial for the court to resolve a factual or legal question that they are instead using single-judge authority, probably because it is more expeditious to get the case out.

We had long discussions with Senator Tester yesterday about whether there is a need to re-examine the circumstances under which the court will voluntarily send a case to panel to make precedential decisions. I agree with Mike, too, that the *Monk* case has provided the court with an opportunity, making explicit that the court does have authority for class action or aggregate action authority, and there may be an opportunity to help aggregate some of these claims and have them decided more quickly.

Chairman ISAKSON. Mr. Toth?

Mr. TOTH. Yeah. Just a few quick things, Mr. Chairman. I agree with Mike and Amanda that the use of panel opinions, going from five to eight judges, will allow the court to do that more frequently, and that will provide more precedent, which I think will make things quicker down below.

Also, I think there are ways that you can structure chambers and be more efficient in terms of how quickly cases can come out. Finally, just good old-fashioned hard work, I mean, really taking the oath seriously as a claims court for the case of the veterans. I mean, justice delayed, in a sense, is justice denied. So, just to every day sort of put the shoulder to the plow and get on with it.

Chairman ISAKSON. Well, as one who has been in a courtroom on a few occasions—as few as possible, I might add—I am not a lawyer, so if I was there it was because I had done something wrong or somebody thought I had done something wrong. But, I think everybody has always thought that judges—always wanted to know what judges did under those robes, because they all come in with robes and you never know whether they are goofing off or whether they are actually doing something important, whether they have got a book under there and they are going to read while you are speaking, making your case.

I think your answer is right in that you can be a real catalyst, seeing to it that the court is responsive, and is responsive on a quick basis, because that is what the veterans are looking for and that is what we certainly are looking for as well. I think you all will do a great job, all three of you.

Senator Tester.

Senator TESTER. Thank you, Mr. Chairman, and I want to thank all three of you for your willingness to serve in this very, very important job. I very much appreciate your commitment to our vets.

I am going to start with Ms. Meredith and Mr. Allen, and I will have another question for Mr. Toth, when I get done with those two.

We spoke yesterday about your long history with the court and veterans' law. How would your experience influence your decisions as a judge on the court?

Mr. ALLEN. Well, I will give you my answer now, Senator, but in the old saying, you know, where you stand depends a lot upon where you sit, which right now I am not yet a judge.

Senator TESTER. Yeah.

Mr. ALLEN. But, what I would I would like to think is two things. One, I have spent, you know, the last 12 years being the sort of pointy-headed academic. You get to think about how things should be when you do not have to do what Joe says, which is sort of put your shoulder to the wheel. I would like to think that my experience can be translated from things that I have said "this is what you should try"——

Senator TESTER. Yeah.

Mr. ALLEN [continuing]. To bringing that to the court to try.

Senator TESTER. Yeah.

Mr. ALLEN. Because, you know, one of the greatest catalysts of success in the world is failure, because you try something and if it does not work you try something else. So, I would like to think that having thought deeply about this for 12 years I might have maybe skipped over some of those failures to try to get to the success a little sooner.

Senator TESTER. Right. Ms. Meredith?

Ms. MEREDITH. Thank you, Senator Tester. I would say part of my background, as you know, is I spent 7 years working at the Court of Appeals for Veterans Claims, so I have some experience with doing the research, writing, and editing judicial decisions already. I had an opportunity when I was there to manage a chamber's caseload and supervise the law clerks and interns.

So, I hope it would be a background that would allow me to quickly become productive and effective at the court. I think in terms of how I would approach decisionmaking, I do not think my experience changes that. It would still just be based on the facts and the law in the particular case. I hope it would let me, from the outset, be a productive member of the court.

Senator TESTER. Yeah, for both of you—and I will get to you in a minute, Joseph—what would you say to those that would say that it is more difficult for you to be impartial?

Ms. MEREDITH. I can take that one. I have spent 7 years at the court, more than 7 years, making recommendations to a variety of different judges based on the facts and the law in a particular case, so I think I have had a very long track record of doing just that, of being impartial, and my work here will not impact that.

Senator TESTER. All right.

Mr. ALLEN. I think that, if anything in my time in veterans' law, the one sort of bad rep I have gotten is that I am too close to the court. So, often times I have discussions with people who represent veterans who claim that I think like the VA, and then people who represent the VA that claim that I think too much like the veterans' lawyers. So, I sort of figure I have done that about right, if I am getting criticism from everybody. And I think, in a way, the transition to being a judge as opposed to an advocate is going to be easy because I have not really been an advocate, other than for different positions, if you will.

Senator TESTER. Gotcha. All right. Mr. Toth, a different question for you. You bring with you experience with the Federal public defender's office, your clerkships with the appeals court and district court judges, your time as a Judge Advocate General in helping to establish the rule of law in Afghanistan. Talk to me about the perspective that you would bring to the court.

Mr. TOTH. Senator, you are right. My career has been spent, in a sense, half as a military lawyer dealing with servicemembers and veterans and the other half working and litigating in Federal courts. The combination, for me, sort of provides an insight into how I would approach it at the court, which is, first and foremost, the oath of office requires that the Constitution—that I faithfully uphold the Constitution, and in order to do that is to hear every case fairly, and that is a due process right of every person, and to apply the law. I mean, I have worked for outstanding judges, litigating in courts, and have seen—you know, have always followed the law to where it leads.

I think my experience as a veteran, and working with the servicemembers and veterans, I think provides insight into the life and to the types of people who are applying to the court. If anything, it sort of goes back to the previous question, which is the overall animating principle is to work hard to adjudicate these cases on behalf of these people. It does not mean rule for them or against them or anything. It is to hear every case fairly and to, day in and day out, work hard to do that.

Senator TESTER. You have a little bit different background, very exemplary but a little different. Do you anticipate needing to get up to speed on veterans' law?

Mr. TOTH. A bit.

Senator TESTER. How would you do that?

Mr. TOTH. The same way I have done it every single time. You know, when I was in the military, you know, I showed up and they basically handed me the Rules of Evidence and tossed me in a courtroom. When I left the military and showed up in a Federal Court, they handed me the Federal Rules of Civil Procedure and briefs from elite law firms, and I put the shoulder to the plow and got on with it. So, there will be a learning curve that is daunting but I plan to do what I always did, Senator.

Senator TESTER. Thank you. Thank you, Mr. Chairman.

Chairman ISAKSON. Senator Blumenthal.

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

Senator BLUMENTHAL. Thanks, Mr. Chairman, and thanks for your kind words earlier today about working together on the Denver facility and on the bipartisanship that characterizes everything we do on this Committee.

I would like to ask a question about the expansion from seven to nine judges on the U.S. Court of Appeals for Veterans Claims. That was done as a result of the so-called Miller-Blumenthal Veterans Health and Benefits Act. It is a temporary increase in the number of judges. Would you favor permanent expansion of the court?

Mr. TOTH. I will take this one first, out of fairness. I would. Yes. It allows the court to hear more cases, to hear more quickly, and issue more panel decisions, which really sets better precedent, clear precedent for the regional offices.

Ms. MEREDITH. Senator, I think expanding from seven to nine is very well-timed because I think there is probably going to be a huge influx of cases coming to the court as VA tries to work down

its backlog of 470,000 appeals, and the Board tries to increase productivity maybe by 30,000 or 40,000 cases a year.

I think if you look back at the caseload of the court over the years it has varied greatly, from a few thousand cases a year to now more than 4,000. I think the size of the court is something that the court and this Committee should follow closely, especially if they see a sustained increase, as to whether or not nine is the appropriate number. Maybe more or less. If you look back at the history of the court at one point it actually asked to downsize. So, I think it is something that we have to constantly look at, as to what is the appropriate size of the court to deal with its caseload but also be responsible to the taxpayers.

Senator BLUMENTHAL. Is that a yes or a no?

Ms. MEREDITH. I think it depends on what the future of the caseload holds for the court.

Senator BLUMENTHAL. Well, you predicted it is going to expand. If it does, yes or no?

Ms. MEREDITH. If the caseload continues to go up, absolutely they should stay at nine judges.

Mr. ALLEN. I definitely think it should be at nine judges. I think that the first reason that Joe gives is correct. I think that gives more flexibility to make more law by doing panels. Yet, I think the biggest reason is, you know, this Committee and this Congress has provided tremendous resources to the Board to increase its size, not just with VLJs, the administrative law judges who decide the cases, but the staff behind them.

The appeal rate to the court has remained relatively the same, 10, 12 percent, but if the Board does what it says it is going to do, which is instead of issuing about 55,000 to 60,000 decisions a year, issue 115,000 to 120,000 a year, that is going to dramatically increase the workload at the court.

If I were giving advice to the Committee, which I do not suggest that I would do, I would make this a permanent fix so that every 4 years we do not have that same issue about do we have to have a contingency plan to go to seven versus nine. So, that is a definite yes.

Senator BLUMENTHAL. I am not going to ask you the next question, which is do you think it should be increased even more. Everything that you have said, all of you, indicate that likely is a yes answer. I am not going to put you on the spot because you are not yet there. But, I would like you to commit to come back and give us your views, once you are there.

By the way, I am going to support you. I appreciate your service. I should have said that at the beginning. Thank you for your willingness to serve in this very, very important job. But, I think it is also your responsibility to give us your best opinion, because as much as we would like to think we are well informed, and we are probably better informed than a lot of our colleagues on these issues, we have nothing like the experience, the real-world experience that you will have in these jobs.

If you have met—and I hope you have—veterans who have waited for years for their claims to be resolved, and you hear and feel their justifiable anger, I would like you to feel that anger yourselves. Each of you have real-world life experience with this proc-

ess, and I know where your sympathies are. So, I would like your commitment that you are going to give us your best view, and say whether you think we need to increase that number of judges.

Mr. ALLEN. Absolutely.

Ms. MEREDITH. Definitely.

Mr. TOTH. Absolutely.

Senator BLUMENTHAL. Thank you. Thanks, Mr. Chairman.

Chairman ISAKSON. Any further questions?

Senator TESTER. No.

Chairman ISAKSON. Richard, do you have any further questions?

Senator BLUMENTHAL. No.

Chairman ISAKSON. Let me just make a statement, not really a question. Probably one of the greatest innovations over the last 10 years, in terms of services for our veterans, because of the nature of service today and the type of warfare that they are more often engaged in, have been the development of veterans courts. We have six in Georgia now, where we have courts in six of our largest counties that provide services, legal services or legal courtrooms for veterans who have brushes with the law or difficulties making the transition from active service to regular civilian life.

As judges on the Court of Appeals, anything you can do to promote that type of thing around the country would be of tremendous help to our veterans and would help a lot of people who otherwise are going to fall through the cracks. Keep them from doing so. I just wanted to put that bug in your ear.

We thank you for accepting the nomination and to be considered. Tomorrow, if Jon and I can get a quorum on the floor, sometime around 11, we are going to have the vote, the markup tomorrow, which I am sure will be successful. We wish you the very best and we stand here to help you any time you need us, any place, any time, anywhere.

If there is no further comment, this meeting stands adjourned.

[Whereupon, at 2:52 p.m., the Committee was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF HON. THOM TILLIS, U.S. SENATOR FROM NORTH CAROLINA

Good afternoon. I'm here today to introduce two public servants with true North Carolina ties to the Committee: Mr. James Byrne, the nominee to be General Counsel of the VA and Mr. Brooks Tucker to be Assistant Secretary for Congressional and Legislative Affairs. Both of these men are eminently qualified and have a proven track record of service to this Nation, in both a uniformed and civilian capacity.

MR. JAMES BYRNE

Mr. Byrne most recently served as Associate General Counsel and Chief Privacy Officer at Lockheed Martin Corporation. Prior to joining Lockheed Martin, Mr. Byrne served as the career Senior Executive Service Deputy Special Counsel with the Office of the United States Special Counsel, and both General Counsel and Assistant Inspector General for Investigations with the Office of the Special Inspector General for Iraq Reconstruction.

Mr. Byrne has over 20 years of experience in the public sector, including serving as a deployed Marine Infantry Officer overseas and at Camp Lejeune and a U.S. Department of Justice (DOJ) international narcotics prosecutor. He volunteered for the past ten years on the Executive Board of Give an Hour, a non-profit organization that has developed national networks of volunteer professionals capable of providing complimentary and confidential mental health services in response to both acute and chronic conditions that arise within our society, beginning with the mental health needs of post-9/11 veterans, servicemembers, and their families.

Mr. Byrne is a Distinguished Graduate of the U.S. Naval Academy, where he received an engineering degree and ultimately held the top leadership position of Brigade Commander. After earning his law degree in 1995 from Stetson University, he served simultaneously as an Adjunct Professor at East Carolina University and as a Law Clerk to the Honorable Malcolm J. Howard of the U.S. District Court, Eastern District of North Carolina.

Mr. Byrne brings a wealth of relevant knowledge and experience to the table and I look forward to supporting his confirmation.

MR. BROOKS TUCKER

Mr. Tucker currently serves as a Senior Adviser to the Secretary of Veterans Affairs after previously serving as a policy adviser on the Presidential Transition Team.

Prior to his work with the current administration, Mr. Tucker served as a Senior Policy Adviser for National Security and Veterans' Affairs for Senator Richard Burr. My staff and I worked very closely with Brooks in this capacity and he proved to be a great advocate for veterans in North Carolina and throughout the country. Before turning to government service, Mr. Tucker was an investment adviser with Deutsche Bank and Merrill Lynch.

He is a retired Lieutenant Colonel and infantry officer in the United States Marine Corps and was stationed at Camp Lejeune while on active duty from 1988–1992, including deployments to Western Pacific and Southwest Asia.

Brooks Tucker is a dedicated public servant who has given me his commitment to bring a new focus to VA OCLA to engage with member offices on a proactive basis, serve as an educational resource, and work closely with this Committee and members to bring about meaningful and lasting reforms to VA that will better serve our veterans for generations to come. I look forward to supporting his confirmation.

PREPARED STATEMENT OF HON. RICHARD BURR,
U.S. SENATOR FROM NORTH CAROLINA

CHAIRMAN ISAKSON, RANKING MEMBER TESTER, AND MEMBERS OF THE COMMITTEE, Thank you for the opportunity to present my views on pending nominations under consideration by the Committee.

Today you will be considering a slate of nominees to serve on behalf of veterans. I support that entire slate of nominees and I wanted to specifically comment on four of the nominees who I have had the pleasure of working with across the years as either my staffers or as persons involved in service to veterans in my state.

Thomas Bowman has been nominated to be the Deputy Secretary of Veterans Affairs. When I was Ranking Member of the Veterans' Affairs Committee, Tom ably served on my staff and I found him to be a highly competent and able manager of policy and staff. His background as a veteran was a tremendous asset. I know he will continue to serve our country and veterans well in this new position.

Brooks Tucker has been nominated to be Assistant Secretary of Veterans Affairs. Brooks served in my personal office and on my Veterans' Affairs Committee staff. Brooks was on the frontline of many challenging constituent cases and difficulties with the Federal Government impacting my home state. His background as a retired Marine and as a Congressional staffer will give him keen insights into the needs of both Members of Congress and their constituents in order to navigate the labyrinth of the Federal Government and care for our veterans.

Amanda Meredith has been nominated to serve as a Judge of the United States Court of Appeals for Veterans Claims. Amanda worked for me when I was the Ranking Member of the Veterans' Affairs Committee. Her knowledge of veterans issues was encyclopedic and I confess I still have not released her from service. My office continues to call on her for her expert analysis of a broad range of veterans issues. She will be an outstanding judge. She knows the law, she knows the agency, and she knows the importance of making sure veterans receive the benefits they qualify for under the law.

Finally, James Byrne has been nominated to be General Counsel for the Department of Veterans Affairs. James is listed as a Virginian in his paperwork—but I'm pleased to claim him as a home-grown North Carolinian. He comes highly recommended from those who know him well and he has worked on charitable endeavors important to North Carolina. In addition to his military and legal background, he volunteered for the past ten years on the Executive Board of Give an Hour, a non-profit organization providing complimentary and confidential mental health services to veterans, servicemembers and their families.

I look forward to the confirmation of these fine nominees. Our veterans need them in place and the sooner we have them in place the better we can fulfill our promises to our Nation's veterans.

I thank the Committee for taking up these nominations and for their commitment to filling important positions. Finally, I thank our nominees for their willingness to serve. Veterans have honored us with their service and we honor them with the nomination of these dedicated public servants.

LETTER FROM LAW PROFESSORS, INSTRUCTORS, AND CLINICIANS FOR MICHAEL P. ALLEN

July 17, 2017

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

The Honorable Jon Tester, Ranking Member
Committee on Veterans' Affairs
United States Senate
Washington, DC 20510

Re: Nomination of Michael P. Allen to the United States Court of Appeals for Veterans Claims

Dear Chairman Isakson and Ranking Member Tester,

We write to express our strong support for the nomination of Professor Michael Allen to the U.S. Court of Appeals for Veterans Claims. All of the signatories to this letter teach courses or direct clinical experiences regarding veterans' law in law schools across the nation. Many of us train law students who represent disabled veterans through our law school veterans clinics. During our *pro bono* representation, we often practice before the U.S. Court of Appeals for Veterans Claims. While we are a diverse group of law professors, instructors, and clinicians who represent a broad range of perspectives, we are united in our belief that Professor Allen is immensely qualified to serve as a federal appellate judge. We support his nomination and his Senate confirmation.

Professor Allen's credentials for this position are impeccable. He was educated at Columbia University where he was a Harlan Fiske Stone Scholar during his last two years. After working at the law firm of Ropes & Gray litigating complex civil cases for nine years, he began teaching at Stetson University's College of Law. He has distinguished himself as a professor, winning numerous awards for teaching and scholarship and serving as Associate Dean of the Law School for two years.

Professor Allen's most significant contribution relating to his nomination is his work in the area of veterans' law. Professor Allen was one of the first legal scholars to study and devote his career to veterans' law. Since the early 2000s, Professor Allen has examined, written, and spoken nationally regarding both the development of law at the U.S. Court of Appeals for Veterans Claims as well as other topics relating to veterans' law. He is regularly invited as a key speaker at conferences ranging from the National Organization of Veterans' Advocates to the court's own bi-annual conference where Professor Allen comments on the impact of the newest case law coming from the U. S. Court of Appeals for Veterans Claims and the Federal Circuit. Professor Allen's prolific writing on the area of veterans' law has served as a foundation for the subsequent scholars following in his footsteps in this emerging area of law. Professor Allen has directed the Veterans Law Institute at Stetson University College of Law for several years, and regularly meets with veteran related groups presenting on the area of veterans law. He is

recognized as an expert in this field, particularly regarding the U.S. Court of Appeals for Veterans Claims.

Professor Allen is well-respected by both private practitioners and Department of Veterans Affairs attorneys, and his command of the issues under review by the Court is undeniable. Additionally, his conscientiousness and impartiality are incontestable. We have no doubt that his judicial temperament will reflect both his demonstrated respect for our nation's veterans and his understanding of the important issues facing those veterans before the U.S. Court of Appeals for Veterans Claims. Therefore, we support his nomination and we strongly urge his confirmation.

Sincerely,

David E. Boelzner
Clinical Assistant Prof. of Law
Co-Director, Lewis B. Puller, Jr. Veterans Benefits Clinic
William & Mary Law School
Williamsburg, VA

Angela K. Drake
Director of the Veterans Clinic
University of Missouri School of Law
Columbia, MO

Yelena Duterte
Associate Teaching Professor
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Counselor to the Dean
Yale Law School
New Haven, CT

* All institutional affiliations are for identification purposes only.

HEARING ON PENDING NOMINATIONS

WEDNESDAY, OCTOBER 4, 2017

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, Cassidy, Rounds, Sullivan, Tester, Brown, and Hirono.

HON. JOHNNY ISAKSON, CHAIRMAN,
U.S. SENATOR FROM GEORGIA

Chairman ISAKSON. Welcome to our nominees today. I am going to waive my opening statement. Senator Tester is at an Indian Affairs hearing. He will be joining us in a few minutes. But, in the interest of time, as well as the fact that we have a vote at 3:15, it would be wonderful for you and for us, if we were finished by then. So, I am not going to do anything that drags the time out. Congratulations and welcome.

We have three people on our witness list today to testify, all nominees for positions in the Veterans Administration, Melissa Sue Glynn, nominee to be Assistant Secretary for Enterprise Integration; Randy Reeves, nominee to be Under Secretary for Memorial Affairs; and Cheryl Mason, nominee to be Chairman of the Board of Veterans' Appeals.

As is required by law, if each of you will rise and raise your right hand, I will swear you before your testimony.

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

Ms. GLYNN. I do.

Mr. REEVES. I do.

Ms. MASON. I do.

Chairman ISAKSON. Thank you. Please be seated.

As I said, we are going to waive the opening statements and go to your testimony and then questions, and we will start with Ms. Glynn. You are recognized for up to 5 minutes. There is a penalty box. If you go longer than 5 minutes; we will put you in it.

STATEMENT OF MELISSA SUE GLYNN, NOMINEE TO BE ASSISTANT SECRETARY FOR ENTERPRISE INTEGRATION, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Ms. GLYNN. I will do my best to stay under 5 minutes then.

Good afternoon, everyone. Chairman Isakson and distinguished Committee Members, I am truly humbled by the opportunity to serve our veterans, their families, and work on behalf of the employees of the Department of Veterans Affairs. Meeting personally with some of the Committee Members and their staffs, I have been able to gain appreciation of the commitment all of you have to serving our veterans, and I am deeply honored to be nominated by President Trump for the role of Assistant Secretary for Enterprise Integration.

Today my mother, Jo-Ann Serrani, is here to provide support for me, as she has always done. She taught me to balance strength with empathy.

Chairman ISAKSON. Have your Mom stand. Where is your mom?

Ms. GLYNN. My mom is right there.

Chairman ISAKSON. We are glad to have you [off microphone].

Ms. GLYNN. I am also appreciative that many of my friends, my chosen family, are also here in support.

Although my father has passed away, his care in his final days were spent at the Carl Hayden VA Hospital in Phoenix, Arizona. His military career was very brief, due to an injury which shattered his knee, yet the care he received from the VA lasted all of his days.

Before his passing, my grandfather finally opened up and shared stories of World War II that he had kept private for over 50 years, painful memories of concentration camps and the suffering inflicted across Europe, even more painful for him, from a Jewish background, whose family had fled the pogroms of Eastern Europe. He held on to his memories tightly because he could not reconcile those memories with his day-to-day life.

Those experiences, as well as my prior service as a board member for the USO, influenced my desire to commit myself, professionally and personally, to serve, if confirmed, as Assistant Secretary for Enterprise Integration.

The Department is undertaking multiple, significant initiatives simultaneously, and now more than ever requires broad perspective, critical analyses, and independent assessment to evaluate the efficacy of these efforts. Modernization efforts are planned or already underway in VBA, VHA, NCA, and BVA, as well as across VA's management functions. Therefore, the Office of Enterprise Integration's (OEI) greatest opportunity is to lead the Department's strategic planning and performance model, serve as the driver for modernization activities with a responsibility to track and verify initiative progress, and provide analytical support. These efforts all must align with the Secretary's priorities and focus our resources on VA's mission—serving our veterans.

OEI also provides critical cross-departmental support through its Center for Innovation (VACI) and the leadership of the VA/DOD Joint Executive Committee. The VACI conducts ground-breaking research and applied work on identifying barriers—such as identi-

fying barriers veterans experience to accessing available mental health care. This critical work informs how we prevent suicides.

Earlier in my career, I had responsibility for over 60 consulting projects at the VA as a partner with PricewaterhouseCoopers (PwC). These ranged from defueling and decommissioning VA's only nuclear reactor at the Omaha VA medical center, the rollout of National Provider Identifiers for VHA, to standing up the National Acquisition Academy in Frederick, Maryland. I was afforded an opportunity to travel to over 60 medical centers, benefit regional offices, and cemeteries while I worked with PwC. I also had the opportunity to lead a large implementation effort for the VA's business partner, the Defense Finance and Accounting Service, to significantly reduce fraud, waste, and abuse.

The last 9 years of my career have been devoted to effecting change as a partner in the world's largest turnaround consulting firm. As the managing director of Alvarez & Marsal's public sector practice, I drew from my experience in the private and public sector to address long-standing failings of government programs. The majority of my work focused on fixing broken Medicaid systems at the State level, where many States were not agile enough to implement new delivery models, meet changing needs of their clients, nor harness new advances in health care and technology.

For the VA, Secretary Shulkin has identified five priorities, and my prior experience directly aligns with two of these—modernizing systems and focusing resources. Modernizing and improving resource management enables the realization of the remaining three priorities—greater choice, improving timeliness, and suicide prevention. It is critical at this juncture that progress is made to change how the Department operates, to foster agility, and ensure appropriated resources deliver value to veterans.

The Department has incredible opportunities to improve today and for the future in leveraging leading practices, as well as improving business operations will help us get there. If confirmed, I will assertively drive the organization to realize potential to improve and uplift its service to today's and tomorrow's veterans and their families.

With appreciation to the Committee for the opportunity to appear today, I look forward to answering your questions. Thank you.

[The prepared statement of Ms. Glynn follows:]

PREPARED STATEMENT OF MELISSA SUE GLYNN, NOMINEE TO BE ASSISTANT SECRETARY FOR ENTERPRISE INTEGRATION, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

CHAIRMAN ISAKSON, RANKING MEMBER TESTER AND DISTINGUISHED COMMITTEE MEMBERS, I am truly humbled by the opportunity to serve our Veterans, their families and work on behalf of the employees of the Department of Veterans Affairs. Meeting personally with many of you, I have been able to gain an appreciation of your commitment to serving our Veterans. I am deeply honored to be nominated by President Trump for the role of Assistant Secretary for Enterprise Integration.

Today my mother, Jo-Ann Serrani, is here to provide support for me as she has always has done. She taught me to balance strength with empathy. I am also appreciative of my friends, my chosen family, who are also here in support.

Although my father has passed, his care and his final days were spent at the Carl Hayden VA Hospital in Phoenix, Arizona. His military career was brief due to an injury which shattered his knee. Yet, the care he received from the VA lasted all of his days. Before his passing, my grandfather finally opened up and shared stories of WWII that he kept private for over fifty years. Painful memories of liberating

Concentration Camps and the suffering inflicted across Europe—even more painful for a Jew whose family fled the pogroms of Eastern Europe. He held them tight because he could not reconcile those memories with his day-to-day life. Those experiences, as well as my prior service as a Board member for the USO Capital Region, influence my desire to commit myself professionally and personally to serve, if confirmed, as Assistant Secretary for Enterprise Integration.

The Department is undertaking multiple, significant initiatives simultaneously, and now more than ever requires broad perspective, critical analysis and independent assessment to evaluate the efficacy of these efforts. Modernization efforts are planned or already underway in VBA, VHA, NCA, and BVA and across the Department's management functions. Therefore, the Office of Enterprise Integration's greatest opportunity is to lead the Department's strategic planning and performance model, serve as the driver for modernization with responsibility to track and verify initiative progress and provide analytical support. These efforts all must align with Secretary's priorities and focus our resources on VA's mission—serving our Veterans. OEI also provides critical cross Departmental support through its Center for Innovation and leadership of the VA/DOD Joint Executive Committee. The VACI conducts ground breaking work including identifying barriers Veterans experience to accessing available mental healthcare. This work informs preventing suicides.

Earlier in my career, I had responsibility for over 60 consulting projects at the VA as a partner with PricewaterhouseCoopers. These ranged from defueling and decommissioning VA's only nuclear reactor at the Omaha VAMC to the rollout of National Provider Identifers for VHA, to standing up the National Acquisition Academy in Frederick, Maryland. I was afforded an opportunity to travel to over 60 medical centers, benefits regional offices and cemeteries during my role as Engagement Partner with the VA. I additionally led a large implementations effort for the VA's business partner, the Defense Finance and Accounting Service to significantly reduce fraud, waste and abuse.

The last nine years of my career have been devoted to affecting change as a partner in the world's largest turnaround consulting firm. As the managing partner of Alvarez & Marsal's public sector practice, I drew from expertise in the private sector to address long standing failings of government programs. The majority of my work focused on fixing broken Medicaid systems at the State level. Many States were not agile enough to implement new delivery models, meet changing needs of their clients nor harness new advances in healthcare and technology. My consulting teams focused on identifying the root causes of performance and communication failure as well as significant cost overruns. Working as interim management, we sought to build capacity of the State employees while implementing changes aligning financial management with programs, righting technology implementations, improving stakeholder engagement, and increasing the value of service to their clients—often the most vulnerable populations.

For the VA, Secretary Shulkin has identified five priorities and my prior experience directly aligns with two of these priorities—modernizing systems and focusing resources. And achieving success with systems and resource management enables the realization of the remaining three priorities: greater choice, improve timeliness and suicide prevention. It is critical at this juncture that progress is made to change how the Department operates to foster agility and ensure appropriated resources deliver value to Veterans.

The Department has incredible opportunities to improve today and for the future through leveraging leading practices in healthcare, benefits delivery, customer service, as well as improving business operations including integration of technology, human capital management, facilities management and organizational governance.

If confirmed, I will assertively drive the organization to realize potential to improve and uplift its service to today's and tomorrow's Veterans.

With appreciation to the Committee for the opportunity to appear today, 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.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Assistant Secretary for Enterprise Integration	August 2, 2017

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Melissa	Sue	Glynn	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			**Street:** 810 Vermont Avenue, NW		
City: Washington	**State:** DC	**Zip:** 20007	**City:** Washington	**State:** DC	**Zip:** 20571

Other Names Used						
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)
Melissa	Sue	Brockman		X	2/1969 **Est** ☐	7/1992 **Est** ☐
					Est ☐	**Est** ☐

	Birth Year and Place
Year of Birth (Do not include month and day)	**Place of Birth**
1969	Brookline, MA

	Marital Status				
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	☐	☐	☐	X	☐

	Spouse's Name (current spouse only)		
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**

	Spouse's Other Names Used (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)
					Est ☐	Est ☐
					Est ☐	Est ☐

	Children's Names (if over 18)		
First Name	**Middle Name**	**Last Name**	**Suffix**

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**
University of Arizona	University	8/1987 Est ☐	5/1988 Est ☐ Present ☐		
Rutgers University	University	8/1988 Est ☐	8/1991 Est ☐ Present ☐	BA	1991
University of Arizona	University	8/1992 Est ☐	5/1994 Est ☐ Present ☐	MA	1994
University of Arizona	University	8/1992 Est ☐	12/1998 Est ☐ Present ☐	Ph.D.	1998

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.

Type of Employment (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	**Name of Your Employer/ Assigned Duty Station**	**Most Recent Position Title/Rank**	**Location** (City and State only)	**Date Employment Began** (month/year) (check box if estimate)	**Date Employment Ended** (month/year) (check box if estimate) (check "present" box if still employed)
State Government	University of Arizona	Graduate Assistant and Teaching Assistant	Tucson, AZ	8/1992 Est ☐	Est Present 8/1995* ☐
State Government	University of California System/ Los Alamos National Laboratory	Graduate Assistant	Los Alamos, NM	5/1993	8/1993
State Government	University of Arizona, Center for the Management of Information	Co-Director and Principal Invesigator	Tucson, AZ	8/1995 Est ☐	6/1998 Est ☐
Federal Contractor	PricewaterhouseCoopers, LLP	Principal	McLean, VA	6/1998 Est ☐	12/2008 Est ☐
Non Government Employer	Alvarez & Marsal	Managing Director & Practice Leader	Washington DC	3/2009 Est ☐	6/2017 Est ☐
Other Federal Employment	Department of Veterans Affairs	Senior Advisor	Washington DC	7/2017	Present

*Leave of absence to pursue opportunity at Los Alamos National Laboratory

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

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

		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ 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.

- Veterans Health Administration Meritous Service Award
- Eller School of Management, University of Arizona Service Award

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).

Name of Organization	Dates of Your Membership (You may approximate)	Position(s) Held
The Aspen Institute	July 2013 - Present	Society of Fellows Member Socrates Program Participant
Quorum Foundation	March 2015 - Present	Member
Now + Next Dance Mentoring	February 2014 - Present	Board Member
International Women's Insolvency & Restructuring Confederation	January 2017 – June 2017	Member
American College of Healthcare Executives	2013 - 2016	Member
DC Family and Youth Intiaitive	2016- Present	Volunteer

Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?
No

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

(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. None

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

(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.

Name of Recipient	Amount	Year of Contribution
Romney Victory Fund	$240	2012
Dan Roberti for Congress	$250	2012
Mark Murphy for Congress	$200	2012
Dan Roberti for Congress	$2,500	2011
Alvarez & Marsal Holdings Political Action Committee	$3,000	2011

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.

Title	Publisher	Date(s) of Publication
Learning with Group Support Systems	Hawaii International Conference of Systems Sciences	1996
Layers of Learning: Facilitation in the Distributed Classroom	Hawaii International Conference of Systems Sciences	1997
A Vision for a New Discipline	Hawaii International Conference of Systems Sciences	1997
Issues in Technology Supported Learning	Proceedings of the International Conference on Supporting Group Work	1997
Group Support Systems for Jury Deliberations: Applying Technology in the School Courtroom	Hawaii International Conference of Systems Sciences	1998

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.

- Testimony to the Maryland State General Assembly 2014
- Testimony to the North Carolina General Assembly 2014
- Multiple Presentations to the Kansas State Legislature from October 2015- February 2016

(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.

- McDonough School of Business, Georgetown University February 2014 and Feburary 2017
- Smith School of Business, University of Maryland 2011
- National Academy of Sciences, Convening on Enterprise Risk Management, Washington DC January 2004
- Educause, Achieving and Sustaining HIPAA Compliance, January 2002

(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

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.

Status and Terms of Any Agreement or Arrangement	Parties	Date (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, I agree to appear and testify before any duly constituted committee of the Congress

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

Yes, subject to any applicable legal restrictions, I agree to provide such information as is requested by such a committee.

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

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 Melissa Sue Glynn, who has been nominated by President Trump for the position of Assistant Secretary for Enterprise Integration, 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
DN: c=US, o=U.S. Government, ou=Office of Government Ethics, cn=DAVID APOL, 0.9.2342.19200300.100.1.1=9549100298187O
Date: 2017.08.10 18:44:39 -04'00'

David J. Apol
Acting Director and General Counsel

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

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 Assistant Secretary of Veterans Affairs for Enterprise Integration, 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.

On May 26, 2017, I resigned from my position as Managing Director of Alvarez & Marsal Public Sector Services, LLC, which is wholly owned by Alvarez & Marsal Holdings, Inc. 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 Alvarez & Marsal Public Sector Services, LLC or Alvarez & Marsal Holdings, Inc. 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).

Pursuant to a separation agreement dated May 26, 2017, I am owed a fixed amount of deferred compensation from Alvarez & Marsal Public Sector Services, LLC. Pursuant to that same separation agreement, Alvarez & Marsal Holdings, Inc. agreed to pay me a fixed amount for my equity investment in the company. As required by 18 U.S.C. § 208(a) 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 Alvarez & Marsal Public Sector Services, LLC or Alvarez & Marsal Holdings, Inc. to pay

these amounts to me unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

Upon confirmation I will resign from position as a Board Member-Treasurer for Now + Next Dance Mentoring Project. 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 Now + Next Dance Mentoring Project 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), 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 Assistant Secretary of Veterans Affairs (Enterprise Integration) 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,

Melissa Glynn

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO MELISSA SUE GLYNN, NOMINEE TO BE ASSISTANT SECRETARY FOR ENTERPRISE INTEGRATION, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. Given your experience in information management, what would you say is the largest problem facing the Office of Enterprise Integration (OEI)? How do you plan to address it?

Response. OEI's mission is to work across the Department to align all functions across a single strategic management operating model. This model extends from strategic planning through performance monitoring and is supported by risk management, data governance, analytics and innovative strategies in support of modernization. In order to effectively execution this mission, it is incumbent upon OEI to interact across all of VA's offices and Administrations.

Through providing value added support to all of VA's offices and Administrations, the required level of engagement will be achieved. In my experience, providing quality service supported by a practice governance framework fosters collaboration and coordination. Postively, OEI has a talented staff and is delivering value across many of its activities in risk management, data, policy, modernization support and through the VA Center for Innovations which can be built upon.

Question 2. What priorities would you like to accomplish should you be confirmed as Assistant Secretary for OEI?

Response. The Department is undertaking multiple, significant initiatives simultaneously and more than ever requires broader perspective, critical analysis and

independent assessment to evaluate the efficacy of these efforts. These efforts are underway in VBA, VHA, NCA, and BVA and across the Department's management functions. Therefore, the Office of Enterprise Integration's greatest opportunity is to drive the Department's strategic planning and performance model, serve as the driver for modernization with responsibility to track and verify initiative progress and provide analytical support.

Question 3. What role do you see for OEI regarding the upcoming VA/DOD electronic health records synchronization? How will your experience help with the VA/DOD EHR synchronization?

OEI and its Assistant Secretary manage the Joint Executive Committee (JEC) for VA/DOD coordination onbehalf of VA. The EHR implementation and synchronization is a significant effort for the JEC currently and will be through the implementation period.

OEI's role in data governance for the VA also is relevant to the implementation activity as new data standards and ontologies are established and maintained by the Department.

Additionally, OEI's current remit is to provide support to the Deputy Secretary and Secretary for oversight of all modernization iniaitives. The EHR implementation is categorized as a modernization initiative. Therefore OEI will monitor project objectives, risk management and progress.

My experience in implementing large scale systems including Medicaid systems, dealing with privacy and protected health information and data management will all be relevant to this critical effort.

Question 4. While at Alvarez & Marsal, you worked with state governments facing administrative challenges. How will your experience be applicable to the the work at VA OEI?

Response. My prior experience working with state governments focused on developing fact based assessments from which we could quickly devise execution strategies inclusive of dedicated change management efforts. Examples of this prior work included work with state legislatures to identify how to address budget gaps while maintaining or improving citizen services, identifying low performing school districts and how to create improvement plans, providing interim management support to Medicaid offices to reorganize, address budget gaps, address fraud, waste and abuse and improve financial forecasting. Much of the work I was involved with included working with stakeholders and clients.

There are multiple similarities with these experiences and the pace of reform VA is undertaking currently in modernizing its processes, organizational structures and systems. Critical is to undertake these efforts while simultaneously improving services to Veterans and their families.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO MELISSA SUE GLYNN, NOMINEE TO BE ASSISTANT SECRETARY FOR ENTERPRISE INTEGRATION, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 5. 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. I have been nominated to serve as Assistant Secretary for Enterprise Integration (OEI, formerly the Office of Policy and Planning). OEI supports the VA's mission through driving cross departmental initiatives, external coordination, continuous improvement, and strategic planning. Within OEI are multiple functions: Office of Planning and Performance Management, the Office of Data Governance and Analytics, the Office of Policy and Interagency Collaborations, the VA Center for Innovations, and the Modernization Office.

My background as an academic researcher, management consultant and interim manager of state Medicaid agencies will benefit OEI and VA by improving internal management operations, streamline decisionmaking, and improve stewardship of resources to focusing on direct impacts to Veterans and their families.

Question 6. Have you discussed with Secretary Shulkin the duties and the role you would assume as Assistant Secretary of Enterprise Integration if confirmed?

Response. I have discussed the role and associated duties with Secretary Shulkin. The Secretary highlighted that the role will have primary responsibility for modernization of the VA to improve internal management and enable modernization of healthcare and benefits programs. The Office of Enterprise Integration leads cross-

department modernization leveraging its capabilities in planning and performance management, risk management, data and analysis, and innovation.

Question 7. Have you formulated thoughts on what your new job responsibilities would be and how you would approach those responsibilities if confirmed?

Response. If confirmed as the Assistant Secretary for Enterprise Integration, I see my role as the lead executive and senior advisor to the Secretary, Deputy Secretary, and VA principal leaders in strategic planning; policy management and analysis; business integration; transformation and innovation; performance management; data analytics, and data governance. I would ensure the work carried out under these areas will be aligned and integrated across the Department to help achieve the Secretary's priorities of providing Veterans with Greater Choice; Improving Timeliness of services and benefits delivery; Modernize VA Systems; Focus VA Resources on the care and services that Veterans need the most, and Suicide Prevention.

Question 8. Please describe your management style and decisionmaking process.

Response. I believe in a servant leader management model that emphasizes developing individual team members. I enjoy working in collaborative environments. Yet, I am comfortable with individual work and rolling up my sleeves. I value thoroughness and reliability of my team and seek the same of myself.

In order to feel confident with a decision, my preference is to have facts and feedback available either through analysis, investigation of regulations, trends, and through pointed discussion.

Question 9. How would your prior subordinates describe your management style?

Response. Based on feedback from former employees, I am an approachable manager who enjoys hands-on work as well as mentoring staff. In my prior role, 360 degree performance reviews provided invaluable feedback on my leadership style, ethical behavior, management interactions, etc. The reviews have consistently been positive.

Question 10. Please describe your previous role with PricewaterhouseCoopers as it relates to VA.

Response. I served as the global relationship partner for the firm's work with the Department from 2005—2008 and served as a project leader on consulting projects with the VA beginning in 2001. As the relationship partner, I was ultimately responsible for the quality of the firm's services and management of engagement personnel. Projects were sponsored by VHA, VBA, Acquisitions, Office of Information and Technology and the Office of Management. I had the opportunity to visit over 50 facilities including medical centers, regional benefits offices, and cemeteries and work with numerous programs and staff. Thus, I have grounding in VA's operations, systems, data, and financial management.

Question 11. What was your impression of the Agency during the time you worked for PWC and experienced ongoing engagement with VA?

Response. During my tenure at PwC, I was fortunate to be involved in many consulting project which were on the cutting edge of healthcare management and those which delivered direct value to the organization. Yet, there were many efforts which stalled due to internal bureaucracy and a risk adverse culture. In order to deliver valuable consulting projects, it was often critical to work across internal stakeholders and VA offices.

I have not had ongoing engagement with the VA since 2009.

Question 12. You have been with VA for several months now. What do you see as the biggest challenges facing VA at this time—as to the Department as a whole, and specifically in VBA, VHA, and NCA? On which of these challenges will you focus and how would you intend to address them through your role as Assistant Secretary of Enterprise Integration? How would you measure your success?

Response. The Department is undertaking multiple, significant initiatives simultaneously and more than ever requires broad perspective, critical analysis and independent assessment to evaluate the efficacy of these efforts. These efforts are underway in VBA, VHA, NCA, and BVA and across the Department's management functions. Therefore, the Office of Enterprise Integration's greatest opportunity is to drive the VA's strategic planning and performance model, serve as the driver for modernization with responsibility to track and verify initiative progress and provide analytical support.

Success will directly align with the achievement of modernization initiatives.

Question 13. If confirmed, how would you oversee certain management activities and processes that require coordination across the Department?

Response. The Office of Enterprise Integration serves to align the functional organizations—VHA, VBA, NCA and BVA through driving strategic planning, perform-

ance management, organizational governance, and data analysis. Additionally, OEI has responsibility for leading the Department's modernization activities. Through these activities, OEI and the Assistant Secretary specifically have a unique vantage point to proactively assess, coordinate and support functional and cross agency processes.

Question 14. What do think your role will be in VA budget formulation?

Response. I anticipate that OEI will play a role in budget formulation through connecting the Department's strategic plan, performance management and modernization efforts with resource requirements impacting financial requirements.

Question 15. There has been significant effort to improve the level of collaboration and cooperation between VA and DOD. What do you believe would be your role in dealing with areas of concern involving the two Departments? What recommendations do you have for improving the level of collaboration and cooperation between the Agencies? Do you have specific examples of improvements that could be made to the Integrated Disability Evaluations System specifically?

Response:

(a) OEI's scope includes the Office of Interagency Collaboration and Integration facilitates the development of joint policies and programs between VA and DOD and other agencies as required, working with DOD and other agencies to produce better outcomes in health care and benefit delivery for Veterans, servicemembers, and eligible dependents through enhanced collaboration and coordination. The office is specifically responsible for preparing senior VA leadership for joint VA/DOD Secretarial, Joint Executive Council (JEC) meetings. The office drafts the

JEC Joint Strategic Plan and Annual Report to Congress. It also provides policy oversight for the Transition Assistance Program with the Department of Defense and Department of Labor.

Beyond planning functions, the two Departments are working on execution planning toward an interoperable EHR which is very significant and will support new opportunities for collaboration and coordination. Additionally through the Veterans Experience Office, there is greater specificity around the handoffs between Departmental functions across the Veterans life journey. Focusing on specific points of coordination to improve these handoffs and developing improved navigation is a great opportunity to elevate serving our customers—Veterans and their families.

(b) The Integrated Disability Evaluation System (IDES) is inter agency work at the highest level, requiring constant collaboration at the senior Departmental level and exceptional teamwork between Army, Navy, Marine Corps, Air Force, and VA personnel. VA is responsible for four of the eight core IDES process steps—Claim Development, Medical Examination, Proposed Rating and Benefits Notification—with a total time goal of 100 days for four steps. The IDES Program continues to meet its program goals with an overall average time of 264 days (295 days is the goal) and the VA core process time is 85 days (100 days is the goal).

During the six-month period from October 2016 through March 2017, 93% of IDES participant survey respondents expressed overall satisfaction with the IDES process; Active and Reserve component Servicemembers overall satisfaction rates were 94% and 87%, respectively.

As with any program there is room for improvement and the joint DOD/VA team constantly monitors the processes, customer satisfaction surveys, and performance metrics to look for ways to improve the process. Some specific improvements are:

- Ensuring the Physical Evaluation Board for the Department of the Navy and Department of the Air Force have access to the Veterans Benefits Management System (VBMS) to enhance communication and processing speed between VA and the Services. The Army PEB has this access and has shown it to be an improvement in the IDES process.
- DOD and VA are developing a joint IT solution to electronically transfer IDES case file and transactional data to provide comprehensive end-to-end case management and eliminate the need for manual updates to the current IT case management system.
- Secretary Shulkin's recent decision to adopt the DOD electronic health record may also provide opportunities to further streamline the IDES process.

Question 16. How involved do you anticipate being with the decisions being made within the VA administrations on policy matters? For example, how do you understand the role of your office, if confirmed, as it relates to the process involved in the granting of presumptive service connection for veteran claims?

Response:

(a) I anticipate that the Office and the role of the Assistant Secretary advises the Secretary, the Deputy Secretary and other key agency officials on matters relating

to agency policy, regulations development, legislative issues (in coordination with the Office of Congressional and Legislative Affairs), risk communication, and planning and evaluation activities. In support of policy development, I anticipate OEI supports significant and cross-cutting policy through conducting risk and economic analysis and program evaluations. Additionally, OEI serves as a focal point for the development, coordination, oversight, and management of policy documents.

(b) OEI and the Assistant Secretary specifically oversees the efforts of the Health and Medicine Division of the National Academy of Sciences, Engineering and Medicine to review the long term health effects of Agent Orange exposure. This analysis directly relates to determination regarding presumptive claims.

Question 17. VA has been working to develop itself into a high-performing 21st century organization. What do you see as the greatest challenges in this transformation and how can the Office of Enterprise Integration and Center for Innovations assist VA in completing this transformation?

Response. VA's transformation requires working beyond siloes, encouraging personnel to seize opportunities to improve outcomes and be empowered to make decisions. OEI and VACI strive to improve the performance capabilities of the Department through promoting leading practices, coordination of resources, developing fact based analysis to inform changing practices and promote continuous improvement. The challenge is harnessing all of the good information, the assessment work and analysis and put it into practice.

Question 18. How can the Center for Innovations better increase veterans' access to VA services? For example, Montana has the highest rate of veteran suicide in the Nation. Please describe how as could help address access to care issues in Montana given provider shortages and geographical challenges.

Response. The VACI has engaged in multiple applied research programs to identify barriers that inhibit Veterans from seeking treatment for post-traumatic stress. Specifically, the 2016 study on Veteran Access to Mental Health Services interviewed 42 Veterans, 24 Veteran supporters and 8 healthcare experts across 9 states and the District of Columbia. 8 of the Veterans were interviewed in their home state of Montana. Identifying the needs of Veterans in rural areas has been the focus of numerous research efforts. Understanding their perspectives, access requirements and needs is critical to delivering customer service that underlies a commitment to Veteran-centric system.

Question 19. VA has made progress in addressing the stove pipe-like organization of its Administrations and business lines. How do you foresee the Center for Innovations working collaboratively with other components of the Agency to address pressing challenges?

Response. VACI is engaged in applied research and improvement programs across VA's Administrations and offices. Collaborative engagement is key to advancing VACI's efforts, partnerships and implementation activities.

Question 20. If confirmed, how do you envision working with the policy and planning staff employed in the Agency's administrations and staff offices? During your current employment with VA, have you had any discussions with VA staff or Trump Administration staff regarding any reorganization of Department employees or roles?

Response. OEI interacts with the Administration's policy and planning offices (in VHA and VBA) through the driving the strategic operating model. In concert with these offices, OEI develops the Department's strategic plan reflecting annual performance goals and objectives. VBA's and VHA's policy and planning offices develop operating plans which align with the strategic plan and develop how they will execute their missions and achieve their performance objectives. OEI provides independent assessment of risk and achievement of goals.

Question 21. What role do you see VHA playing in veterans' health care in 5, 10, and 20 years?

Response. Aligned with Dr. Shulkin's views, I envision a system that evolves to be market based and relies on community and governmental partners in the future. A twenty year planning horizon is far out, yet I anticipate the common EHR between the VA and DOD will have very significant impacts on the ability to support interoperability. In the near term, if legislation is enacted, a multi-tiered network of providers will become available to our Veterans receiving healthcare services. As Dr. Shulkin outlined partnerships with the private sector is key to realizing this model which will also focus on the whole health of our Veterans. This approach strives to attain both mental and physical wellness through a multidisciplinary, coordinated patient-centric care delivery model.

The network would consist of three groupings of providers. The core network would include all VA-run hospitals, clinics, and centers, as well as appropriate facilities run by other Federal agencies, tribal health partners, and academic teaching institutions that have already established relationships with the VA. Many of these facilities have expertise in military service—related conditions, and all have the core competencies required for providing comprehensive, coordinated care. These facilities would increase access to highly specialized care and address the needs of some veterans living in remote areas.

The second network would include organized private-sector delivery systems that meet performance criteria for clinical outcomes, appropriateness criteria, access standards, and service levels. The process for acceptance into this second network would be highly competitive and based on documented results. Integrated systems of care would be ideally suited for inclusion, since their providers have been investing in coordinated care for some time.

A third network would allow veterans to obtain care from additional participating private-sector providers, ensuring access for veterans who don't live within a reasonable distance of providers in the other networks.

Question 22. A recent example of a flaw in VA's funding forecasting is when the Agency requested that it be given more time to exhaust Choice Fund dollars just a few months before it requested transfer authority to plug a funding hole in the Choice Program. In this instance VA's inability to forecast demand and spending nearly led to veterans going without access to timely care. How do you foresee using the Office of Data Governance and Analytics to inform decisionmaking at the Department?

Response. The Office of Data Governance and Analytics (DGA) will continue to coordinate and collaborate with the three VA administrations (VHA, VBA, NCA) and other VA staff offices to ensure appropriate demographic and operational data are collected for analysis and modeling to support VA budget formulation, strategic planning, financial reporting, and policymaking.

Question 23. In your view what steps can a large department take in order to be prepared to respond to unforeseen developments during a large-scale transformation?

Response:

There are many facets to leading complex transformation efforts. Some of the most critical elements I believe achieve success are highlighted below:

(a) The department should institute a governance structure inclusive of a risk management capability. Thorough risk management will not alleviate challenges associated with transformation. Yet, it does mitigate surprises and can increase coordination across various offices and individuals.

(b) In my experience, other critical components to successful transformations include leadership and transparency. Leadership must balance a focus on driving outcomes while being open to the perspectives of stakeholders and partners. A successful leader seeks transparency and is unafraid to share their objectives. A free flow of ideas and perspectives enriches the effort, strengthens the organization's resolve, and builds community and support from stakeholders.

(c) Finally, change management is necessary to support transformation through engaging employees and guiding them to transition to new ways of working. Leveraging strategies and techniques to manage the people aspect of change is key to achieving business outcomes.

Question 24. Please provide copies of testimony you delivered as referenced in Question 7A of the Committee's questionnaire.

Response. Unfortunately, the testimony was not submitted in advance. However, the study which was sponsored by the Kansas State Legislature and was the basis of hearings is available online. It may be found through the following link: http://www.kslegresearch.org/KLRD-web/Publications/AppropriationsRevenue/KansasStatewideEfficiencyInterimRpt2016Jan12.pdf

Question 25. In response to question 11(B) of the Committee's questionnaire, you noted that you would provide the Committee information subject to any applicable legal restrictions. Please describe which legal restrictions you foresee keeping you from providing information to Congress. While drafting your response to that question, did you discuss it with any individual, and if so, whom?

Response. I worked with the Office of Congressional and Legislative Affairs (OCLA) in accordance with normal procedure for completing the Committee's questionnaire. My response was intended to account for any instance in which PII or other sensitive information was requested by the Committee to which may require oversight letters as described in the Congressional Oversight Manual.

Question 26. 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, I agree. Congress has a vital role in the checks and balances of our government, and as such, government employees have the right to petition or communicate with Members of Congress and their staff.

Question 27. Please provide the citation on the VHA Award cited in question 4 of the Committee's questionnaire.

Response. The award was issued for meritorious service in association with my efforts to defuel VA's only nuclear reactor in 2002.

Question 28. 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 am not aware of any discussions or communications directing agency personnel not to address information requests. I do not anticipate receiving such an order, yet if were to, I would respond to the request issued regardless of the party affiliation of the requesting office.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO MELISSA SUE GLYNN, NOMINEE TO BE ASSISTANT SECRETARY FOR ENTERPRISE INTEGRATION, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. If confirmed, would you commit to reviewing the data and modeling associated with the Choice Fund for accuracy and provide the Committee with the findings of your review within one month of taking office?

Response. If confirmed and as directed by the Secretary, I will undertake a review of the data and modeling associated with the Choice Fund and would provide Committee with the review's findings.

Question 2. When we met in my office we talked a bit about VA health care and concerns about privatization. If confirmed you would be providing data and advice to the Secretary and Under Secretary for Health so they could make informed decisions about veterans' care. So I'd like to better understand your views on this topic. In our meeting you mentioned that good care-coordination would be a necessary precursor to privatization.

- Can you further explain what you meant by that?
- Do you believe veterans' health care should be privatized or will you commit, as the Secretary did, to not move the Agency toward privatization?

Response. If confirmed as Assistant Secretary for Enterprise Integration, I will provide strategic planning, governance, risk management, independent analysis, oversight of DOD/VA interaction and will have responsibility for tracking enterprise level Modernization activities. In the capacity of Assistant Secretary, it is not in purview of this role to advise Department leadership on strategy associated with delivering veterans' healthcare. Yet, I fully support Secretary Shulkin's commitment that VA will not be privatized.

Chairman ISAKSON. Thank you, Ms. Glynn.

Mr. Reeves.

STATEMENT OF RANDY REEVES, NOMINEE TO BE UNDER SECRETARY FOR MEMORIAL AFFAIRS, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. REEVES. Chairman Isakson, Ranking Member Tester, and distinguished Members of the Committee on Veterans' Affairs, thank you for this opportunity and privilege to come before you and to seek your endorsement to serve as Under Secretary of Memorial Affairs in the U.S. Department of Veterans Affairs. I have had the privilege to meet individually with many of you after I was nominated by President Trump, and I am also very thankful and deeply

fortunate to have had the opportunity to interact and work with your staffs over the last few years on important issues to our veterans while serving in various capacities with the National Association of State Directors of Veterans Affairs (NASDVA). I sincerely appreciate and continue to be deeply impressed by your Committee's profound commitment to the men and women who have served in uniform.

I am extremely honored to have been nominated by President Trump and will, if confirmed, work tirelessly to ensure our veterans and their families receive the honor, service, and compassion they deserve and that they have earned. Secretary Shulkin's trust, confidence, and support is deeply humbling to me, and I believe the great working relationship he and I have developed over many years will continue to benefit America's veterans in whatever capacity I am privileged to serve in. I am acutely aware that, if confirmed, I will ultimately be responsible for the care and service provided to veterans and families during what is, arguably, the most difficult time in their lives, a responsibility I take very seriously.

For over 35 years, I have been committed to serving and taking care of military members and veterans, most recently as the Executive Director of the Mississippi Veterans Affairs Board and as President of NASDVA. My life's mission is straightforward, serving those who have served our Nation and serving their families.

Most importantly, I must take time to thank my wife of 33 years, Aida, who has always stood by me and has supported me through countless deployments and assignments and who has served alongside me every step of the way.

Most amazing is that she did so while serving in the military herself. She is a retired Air Force veteran with 20 years of service and she is my hero for all she has done for our Nation. Because I was at sea for most of the years our youngest child, Christen's, growing up, I have Aida to thank for the successful woman and mother that Christen has become.

We are a military family. Our three sons have served during war time, just like Aida and I. Jim is an Army veteran, having served in Panama, Iraq, Afghanistan, and in many other places around the world. Jarod is Navy veteran. He was a submariner and he served all over the world also. Jon is currently in the Air Force and is a captain stationed in Korea. I never fully realized what my family, and families like them, actually go through until I was the one at home while they were deployed.

As a retired military veteran, a former State Cemetery Director, and as a State Director of Veterans Affairs responsible for the full spectrum of care provided to our veterans "on the ground," I believe, if confirmed, I have the unique insight and the acumen to effectively lead the men and women at the National Cemetery Administration who so capably serve our veterans and their families every day. I also strongly believe my years of experience give me the knowledge and the insight to understand the needs of our veterans and their families and they enable me to translate those needs into action on their behalf. I serve and work diligently every day for our veterans and their families. That will always remain at the center of my decisionmaking and the focus of my work, re-

gardless of where I am serving. If confirmed, that will never change.

Again, I am deeply humbled and honored to be considered to serve as Under Secretary for Memorial Affairs, for our veterans and for their families. Thank you for this opportunity to appear before you and I look forward to answering any questions you may have.

[The prepared statement of Mr. Reeves follows:]

PREPARED STATEMENT OF RANDY C. REEVES, NOMINEE TO BE UNDER SECRETARY FOR MEMORIAL AFFAIRS, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

CHAIRMAN ISAKSON, RANKING MEMBER TESTER, AND DISTINGUISHED MEMBERS OF THE COMMITTEE ON VETERANS AFFAIRS, Thank you for this opportunity and privilege to come before you and seek your endorsement to serve as the Under Secretary of Memorial Affairs in the Department of Veterans Affairs. I have had the privilege to meet individually with many of you after I was nominated by President Trump. I am also very thankful and feel deeply fortunate to have had the opportunity to interact and work with your staffs over the last few years on issues important to our Nation's Veterans while serving in various capacities with the National Association of State Directors of Veterans Affairs (NASDVA). I sincerely appreciate and continue to be deeply impressed by your Committee's profound commitment to the men and women who have served our Nation in uniform.

I am extremely honored to have been nominated by President Trump and will, if confirmed, work tirelessly to ensure our Veterans and their families receive the honor, service and compassion they deserve and have earned. Secretary Shulkin's trust, confidence and support is deeply humbling to me and the great working relationship we have developed, I believe, will continue to benefit America's Veterans in whatever capacity I am privileged to serve in. I am acutely aware that, if confirmed, I will be ultimately responsible for the care and service provided to Veterans and families during what is, arguably, the most difficult time in their lives; a responsibility I take very seriously.

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Most importantly, I must thank my wife of 33 years, Aida, who has always stood by me and supported me through countless deployments and assignments and who has served alongside me every step of the way. Most amazing is that she did so while serving herself. She is a retired Air Force Veteran with 20 years of service and she is my hero for all she has done for our Nation. Because I was at sea during most of the years our youngest child, Christen, was growing up, I have Aida to thank for the successful woman and mother she has become. We are a military family. Our three sons have served during war time, just as Aida and I have. Jim is an Army Veteran, having served in Panama, Iraq, Afghanistan and many other places around the world. Jarod is Navy Veteran, having served as a submariner all over the world. And, Jon is currently serving as a Captain in the Air Force, stationed in Korea. I never fully realized what my family, and families like them, went through until I retired from the Navy and I was the one at home while they were deployed.

As a retired military Veteran, a former State Cemetery Director and as a State Director of Veterans Affairs responsible for the full spectrum of care provided to our Veterans "on the ground," I believe, if confirmed, I have the unique insight and acumen to effectively lead the men and women at the National Cemetery Administration who so capably serve our Veterans and their families every day. I also strongly believe my years of experience give me the knowledge and insight to understand the needs of our Veterans and their families and enable me to translate those needs into action on their behalf. I serve and work diligently every day for our Veterans and their families. That will always remain at the center of my decisionmaking and the focus of my work, regardless of where I am serving. If confirmed, that will not change.

Again, I am deeply humbled and honored to be considered to serve as Under Secretary for Memorial Affairs; for our Veterans and their families. Thank you for this opportunity to appear before you and I look forward to answering 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.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Under Secretary for Memorial Affairs, Department of Veterans Affairs	

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Randy	Clay	Reeves	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			Street: 3466 Highway 80 East		
City: Madison	State: MS	Zip: 39110	City: Pearl	State: MS	Zip: 39208

Other Names Used						
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 ☐	Est ☐
					Est ☐	Est ☐

Birth Year and Place	
Year of Birth (Do not include month and day)	**Place of Birth**
1962	Union, Mississippi

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	X	☐	☐	☐	☐

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
Aida	Yolanda	Reeves	

Spouse's Other Names Used (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)
Aida	Yolanda	Sosa		X	**10/1949** Est ☐	**01/1969** Est x
Aida	Yolanda	Davidson			**01/1969** Est x	01/1975 Est x
Aida	Yolanda	Wood			**01/1975** Est x	**06/1984** Est x

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**
Renee	**Christen**	**Mingione**	
James	**Scott**	**Davidson (step-son)**	**Jr.**
Jarod	**Seth**	**Davidson (step-son)**	
Jonathan	**Wesley**	**Wood (step-son)**	

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
MS State University - Stennis Institute of Gov – Executive Develop mentInstitute	Executive	05/2012 Est ☐	05/2012 Est ☐ Present ☐	Certificate	05/2012
MS CPM/National Consortium of Certified Public Managers	Professional	01/2010 Est x	12/2011 Est ☐ Present ☐	Certified Public Manager	12/2011
Harvard University – Kennedy School of Government	Executive	07/2008 Est ☐	07/2008 Est ☐ Present ☐	Certificate	07/2008
Touro University International	University	06/2006 Est x	06/2008 Est ☐ Present ☐	Masters – Health Science	06/2008
Air University – Air Command and Staff College	University/Military College	08/2004 Est	12/2005	Diploma	12/2005
Institute for Educational Leadership	Professional/Fellowship	05/2004	05/2005	Certificate – Education Policy	05/2005

				Fellowship	
Peru State College	College	01/1985 Est x	07/1987	Bachelors-Management	07/1987
Community College of the Air Force	College/Military College	01/1984 Est x	02/1986	Associates	02/1986
National Cemetery Administration Training Center	Technical/ National Cemetery Administration Cemetery Operations Boot Camp Training	2009	2009	Certificate of Completion	2009
National Cemetery Administration Training Center	Technical/ National Cemetery Administration Cemetery Representative Training	2009	2009	Certificate of Completion	2009
Caterpillar Training Center	Technical/National Cemetery Administration Equipment Operator Training	2009	2009	Certificate of Completion	2009

Note 1: Education/Training listed is germane to postion. Resume attached as supplemental information.
Note 2: Universities/Colleges listed include degrees/certificates, etc. Individual classes oustide prgrams not listed.

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.

Type of Employment (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	**Name of Your Employer/ Assigned Duty Station**	**Most Recent Position Title/Rank**	**Location** (City and State only)	**Date Employment Began** (month/year) (check box if estimate)	**Date Employment Ended** (month/year) (check box if estimate) (check "present" box if still employed)
State Government	Mississippi Veterans Affairs Board	**Executive Director** Previous positions: Deputy Director, Cemetery	Pearl, MS	Est 01/2009	Est Present Present

		Director			
Not employed	N/A	Retired Military/ Transitioning	Meridian ,MS	08/2008 Est	12/2008 Est
Active Duty/USN	Navy Personnel Command/Millington, TN	Commander/ Officer Promostion Board Sponsor	Millington, TN	06/2007 Est	07/2008 Est
Active Duty/USN	CDR, Naval Forces Central Command	Commander/ Operational Support Officer	Manama, Bahrain	04/2006 Est	06/2007 Est
Active Duty/USN	Navy Operational Support Center/Meridian, MS	Commander/ Commanding Officer	Meridian ,MS	11/2003 Est	04/2006 Est
Active Duty/USN	USS YORKTOWN (CG 48)	LCDR/ Executive Officer	Pascagoula, MS	09/2001	11/2003
Active Duty/USN	Naval Reserve Ctr/Jackson, Meridian	LCDR/Commanding Officer	Jackson/ Meridian , MS	12/1999	09/2001
Active Duty/USN	USS MCFAUL (DDG 74)	LCDR/Combat Systems Officer	Norfolk, VA	04/1997	12/1999
Active Duty/USN	USS RG BRADLEY (FFG 49)	LT/Combat Systems Officer	Norfolk, VA	10/1995	04/1997
Active Duty/USN	SWOSCOLCOM/Newport, RI	LT/DH Student	Newport, RI	03/1995	10/1995
Active Duty/USN	Naval/Marine Corps Reserve Center, Norfolk, VA	LT/Special Project/Admin Officer	Norfolk, VA	10/1994	03/1995
Active Duty/USN	USS NASSAU (LHA 4)	LT/Materiel Officer/Repair Officer/Aux Officer	Norfolk, VA	04/1993	10/1994
Active Duty/USN	SWOSCOLCOM/Newport, RI	LT/Engineering Student	Newport, RI	01/1993	04/1993
Active Duty/USN	USS PHILIPPINE SEA (CG 58)	LT/Damage Control Asst/Repair Officer/Gunnery/Missiles Off	Mayport, FL	07/1990	01/1993
Active Duty/USN	SWOSCOLPAC, San Diego, CA	ENS/ Div Off Student	San Diego, CA	03/1990	07/1990

Active Duty/USN	USS COPELAND (FFG 25)	ENS/Engineering Asst	San Diego, CA	01/1990	03/1990
Active Duty/USN	Navy/Marine Corps Reserve Center, Nofolk, VA	ENS/Temp Duty/Processing	Norfolk, VA	01/1990	01/1990
Reserve/USNR	NR Naval Overseas Air Cargo Terminal Unit	ENS/Training Officer	Offutt AFB, NE	11/1988	01/1990
Non-Government Employment	Bingo King Corp.	Quality Assurance Director	Council Bluffs, IA	01/1989 Est X	01/1990 Est X
Not employed/full time student	N/A	N/A	Omaha, NE	04/1988	11/1988 Est X
Active Duty/USAF	Lackland AFB, TX/Lowry AFB, CO/Eglin AFB, FL/Kunsan AB, ROK/Barksdale AFB, LA/Offutt AFB, NE	Enlisted/Staff Sergeant/Munitions Specialist	*See column 2	12/1980	04/1988
Reserve/USAFR	Delayed entry/Ready Reserve	N/A	Meridian, MS	08/1980	12/1980
Non-Government Employment	Midland Shirt Co.	Bundle Boy/Piece Goods	Collinsville, MS	05/1980 Est X	12/1980 Est X
Non Government Advisory Board/Non-Paid	PRE-K NOW (Pew Charitable Trust)	Advisory Board Member	Washington, DC	01/2005 Est X	01/2009 Est X

(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** (month/year) (check box if estimate)	**Date Service Ended** (month/year) (check box if estimate) (check "present" box if still serving)
U.S. Department of Veterans Affairs	Member, Veterans Rural Health Advisory Committee	10/2015 Est ☐	Present
		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ 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.

- National Association of State Directors of Veterans Affairs "Iron Mike" Award (2017)
- Recognized by Concurrent Resolution of Mississippi Legislature for service to Veterans (2017)
- 2013 Mississippi Excellence in Government Award
- President's Commendation Award (2013 and 2015), National Association of State Directors of Veterans Affairs
- G.V. "Sonny" Montgomery Medal of Merit
- Commendation, Mississippi Veterans Affairs Board
- Over 60 military personal, unit and campaign awards
- Assistant Secretary of Defense "Seven Seals" Award
- Dr. Ned B. Lovell Education Leadership Award
- Rotary International Paul Harris Fellow
- Masters of Health Science "Summa Cum Laude", Touro University
- U.S. Navy Steam Engineer Course – Distinguished Graduate
- U.S. Air Force Non-Commissioned Officer Leadership School – Distinguished Graduate

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).

Name of Organization	Dates of Your Membership (You may approximate)	Position(s) Held
National Association of State Directors Of Veterans Affairs	2009-Present	President, Sr Vice President, Jr Vice President, Secretary, Heatlhcare Committee Chair, Legislative Committee Chair
American Legion	2005 -Present	Member
Disabled American Veterans	2005-Present	Member

Veterans of Foreign Wars	1992-Present	Member
Military Officers Association of America	2005-Present	Member
Air Force Association	1985-Present	Member
Rotary International	2000-2007	Member/Paul Harris Fellow
Mississippi Rural Health Association	2015-Present	Member
Iraq and Afghanistan Veterans of America	2015-Present	Member

6. Political Activity

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

NO

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

(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.

NONE

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

(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

Name of Recipient	Amount	Year of Contribution

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.

NONE

Title	Publisher	Date(s) of Publication

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.

-Testimony before Joint U.S. Senate and House Committees on Veterans Affairs (March 2017 as NASDVA President).
-Principal author and contributor of NASDVA testimony to Joint U.S. Senate and House Committees on Veterans Affairs in 2013, 2014, 2015, 2016.
-Letters of support/request to Senate and House Veterans Affairs Committees (most notably concerning Appeals Modernization, VA Accountability and CHOICE) on various bills to support America's Veterans while serving as President/Officer of NASDVA.
-Martin Caraway testified, on my behalf (in my capacity as NASDVA President), before House Veterans Affairs Committee (DAMA) concerning VA handling of PTSD Claims in July 2017.
-Routinely provide testimony, in my capacity as Exectutive Director, MS Veterans Affairs Board, to Mississippi House and Senate Appropriations and Military/Veterans Affairs Commitees. Also advise Govenernor and staff and Members of Legislture on Veterans Affairs issues/policies.

(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.

-Speak routinely at semiannual conferences (usually May/October) for Mississippi Departments of American Legion, Veterans of Foreign Wars and Disabled American Veterans.
-Participated in panel discussion (Veterans' perspective) for White House Rural Forum at Penn State University, October 5, 2016.
-Paricipated as panelist during VA Senior Leaders Annual Training/Meeting in September 2016.
-Participated in numerous panel/working group discussions with VA, VSO's and congressional staff during 2016/2017 on Appeals Modernization.
-I speak occasionally to Rotary and other civic groups concerning Veterans benefits, etc in Mississippi. As these are routine we don't keep a record of specific dates.
-I speak during Veterans ceremonies (Memorial Day, Veterans Day) in Mississippi. These are routine and normally done at our Agency locations (cemeteries, nursing homes). Any other speeches/talks are specifically related to my current duties.

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

-Interviewed February 5, 2016 by Clarion-Ledger, MS Public Broadcasting, Local Jackson TV stations during visit of former VA Secretary Robert McDonald to Jackson VAMC.
-Interviewed by July 11, 2014 by Clarion Ledger, Local Jackson TV Stations during visit of former Acting VA Secretary Sloan Gibson to Jackson VAMC.
-Interviewed on several occasions during 2016/2017 by local news (Winona Times), radio (Clear Channel MS) and TV (Tupelo MS WTVA) concerning the construction and dedication of the North Mississippi Veterans Memorial Cemetery in Kilmichael, MS.
-Interviewed on several occasions during 2016/2017 by Clarion Ledger, Clear Channel Radio MS, local Jackson, MS TV concerning the rollout and presentation of Mississippi Vietnam 50th Commemoration book to honor Mississippi's Vietnam Veterans.
-Interviewed on several occasions during 2011 by local news (Meridian Star newspaper and WTOK-TV) concerning the construction and dedication of the Mississippi Veterans Memorial Cemetery in Newton, MS.
-Any interviews are related specifically to my current duties and have, thus far, been positive. This being the case, we don't keep a record of routine questions.

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.

Status and Terms of Any Agreement or Arrangement	Parties	Date (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:]

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 Randy Reeves, who has been nominated by President Trump for the position of Under Secretary for Memorial Affairs, 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
DN: c=U.S. o=U.S. Government, ou=Office of Government Ethics, cn=DAVID APOL, 0.9.2342.19200300.100.1.1=95491002981870
Date: 2017.09.08 17:59:23 -04'00'

David J. Apol
Acting Director and General Counsel

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

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 Memorial Affairs 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 positions with the Mississippi Veterans Affairs Board and the National Association of State Directors of Veterans Affairs. For a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know either entity 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 with the Veterans Rural Health Advisory Committee.

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, or your designee, during the first 15 days of my service in the position of Under Secretary for Memorial Affairs 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,

Randy Reeves

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO RANDY C. REEVES, NOMINEE TO BE UNDER SECRETARY FOR MEMORIAL AFFAIRS, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. Given your experience serving veterans at the State level, what are some of the most important insights or perspectives that you will bring to the position for which you are nominated?

Response. As a State Director, I have been "on the ground" with Veterans and their families and have the unique perspective of having assisted them in times of need, whether it be at the time of death of a loved one, gaining access to health care, navigating the system(s) of claims and appeals or any of the myriad of needs they may have. Each "case" has a face and a name and the individual situation each of them faces is real for me, every day. Specifically, in the area of Memorial Affairs, I first started my service in State government as the Director of Mississippi's first Veterans cemetery and oversaw the design and construction of that facility. I recently oversaw the design, construction and opening of Mississippi's second Veterans Cemetery. I received much of the same training and experience cemetery staff who work in National Cemeteries do (Cemetery Foreman, Cemetery Representative, Equipment Operator, etc). This experience and knowledge will greatly aid me in understanding and translating into action the ideas (and efficiencies) that can only come from employees who work in the field every day. In addition to my technical knowledge of cemetery and memorial operations, my past military experience required me to perform duties such as a Casualty Assistance Officer, not to mention experience in Command and in other instances dealing with and assisting families whose loved one(s) died in service to our Nation. Looking into the eyes of a wife, mother, child or other family member and explaining that their loved one is dead, has left me with a mission, seared forever into my soul, that I will do everything I can to help them by serving on their behalf and by honoring the service and sacrifice of both our Veterans and their families.

Question 2. Have you discussed with Secretary Shulkin the long-term strategy for improving the Department of Veterans Affairs? How do you see the National Cemetery Administration (NCA) fitting into that strategy?

Response. I have been very fortunate to be able to, in my capacity(s) as a State Director and with the National Association of State Directors of Veterans Affairs (NASDVA), work with and advise Secretary Shulkin on the needs of our Veterans. He has articulated, both publicly and privately, his vision and priorities for VA but most important have been his actions toward the future: transparency, accountability, real modernization and priority of action. By focusing on future needs of Veterans, VA will be better able to find and institute efficiency and to balance how service and care are delivered in the future.

NCA has consistently achieved the highest customer satisfaction rating of any organization, public or private, in the country. VA must continue to invest in NCA's infrastructure, as a foundational service to our Veterans, to meet future (increased)

need and demand. By nurturing the success and reputation of NCA and the service it provides, VA will be helping restore and foster confidence in the full spectrum of Veterans' care and service into the future.

Question 3. The NCA has an excellent reputation for high levels of customer satisfaction. What do you believe is the most significant factor contributing to this excellent reputation and what areas could be improved to further strengthen the Administration's overall success?

Response. NCA has developed a culture of honor that embraces the fact that you only get one chance to get it right when a Veteran or family member is laid to rest.

NCA must remain focused on ensuring, through internal infrastructure and partnerships with others, the highest number of Veterans have a Veteran burial option within a reasonable distance of where they live. NCA must also continue to upgrade and enhance information systems (scheduling, registry, geographical information systems, etc) that can help increase efficiency of operation and accountability.

Question 4. How are the demands for burials and funerals changing from past demand and what will that mean for NCA operations and planning going forward?

Response. The demand for Veterans' burial options are expected to continue to increase in the future. To meet that demand, NCA must continue to build capacity (based on need) and look for and develop more efficient and innovative ways to meet that increased demand. NCA must also continue to monitor and adjust to the shifts in demand/preference for different types of burials. For instance, over the past few years, there has been a general increase in preference for cremations over casketed burials and NCA has, as I have observed, taken steps to adjust to that shift.

Question 5. In your opinion, what role do funeral directors play in helping NCA accomplish its mission and how should their input be factored into policy and planning for NCA?

Response. Funeral Directors are very important in helping create and manage appropriate expectations of the Veterans and families NCA serves. They are the first persons (in the interment/burial process) families interact with during the loss of their loved one. The relationships Cemetery Directors and staff have with them, locally, is important to ensuring a seamless process for families. Providing current information (from NCA/local staff) to Funeral Directors (and doing so often) is crucial.

Funeral Directors are important partners in serving Veterns/families during the time of need. They work with and know the needs of the people in their locale and their input can be very useful in planning for future needs.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO RANDY C. REEVES, NOMINEE TO BE UNDER SECRETARY FOR MEMORIAL AFFAIRS, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 6. 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 statement, "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," accurately captures (in my opinion) the sacred obligation each of us who serves Veterans and their families has. It means, simply, to me that we shall put the needs of our Veterans first and we will take every effort to care for them and honor their service, (1) because they have earned it and (2) to tangibly demonstrate to the Nation that service sacrifice is valued and always will be. If confirmed as Under Secretary of Memorial Affairs, my mission will be to foster and nurture the culture of honor for our Veterans and their families that exists at NCA and to continue to extend greater access to dignified burial options for our Veterans and their families.

Question 7. Have you and Secretary Shulkin discussed the duties and the role you would assume as Under Secretary of Memorial Affairs if confirmed? If so, what specific areas of the job were discussed?

Response. I have been very fortunate to be able to, in my capacity(s) as a State Director and with the National Association of State Directors of Veterans Affairs (NASDVA) and given the close working relationship he and I have developed, work with and advise Secretary Shulkin on the needs of our Veterans. He has articulated, both publicly and privately, his vision and priorities for VA, in general, but most important have been his actions toward the future: transparency, accountability, real modernization and priority of action. By focusing on future needs of Veterans,

VA will be better able to find and institute efficiency and to balance how service and care are delivered in the future.

NCA has consistently achieved the highest customer satisfaction rating of any organization, public or private, in the Country. VA must continue to invest in NCA's infrastructure, as a foundational service to our Veterans, to meet future (increased) need and demand. If confirmed, my role will be to nurture and further develop the future success and reputation of NCA and the service it provides. To that end I will, in concert with VA's leadership, be a part of helping restore and foster confidence in the full spectrum of Veterans' care and service provided by VA.

Question 8. Have you formulated thoughts on what your new job responsibilities would be and how you would approach those responsibilities if confirmed?

Response. If confirmed, my responsibilities in overseeing our Nation's National Cemeteries and Memorial Programs and helping create opportunities for establishment of State and Tribal cemeteries and other burial options, where appropriate, will always focus on the needs of the Veteran. To fulfill this mission and related functions, I will work with Congress, the Administration and VA's leadership team to ensure resources are in place to carry out that mission and ensure those resources are employed in the most efficient and cost effective way possible.

Question 9. How would you describe your management style and how is it suited to this particular position in the executive branch?

Response. I am a leader and have been throughout my career, both during my military service and in public service to our Nation's Veterans. My leadership style depends on the needs of each situation. My "tool bag" is big and I have the ability, through many years of experience, to recognize the dynamics in large organizations or units and adjust style and action to fit what may be needed to get the best result and performance from that organization and its members. My past experience, particularly in Cemetery Operations and "on the ground" experience, will greatly aid me in understanding and translating into action the ideas (and efficiencies) that can only come from employees who work in the field every day.

Question 10. Are there any specific problems or challenges that you have already identified that you would like to tackle in this position?

Response. If confirmed, my greatest challenge will be to capitalize, for our Veterans, on the success of NCA and to find ways to take an already well functioning organization "to the next level." Ultimately, if confirmed, my mission will be to find more ways to extend and enhance the options available to our Veterans and their families.

Question 11. Oftentimes, the only contact that a veteran and his/her family will have with VA is through the National Cemetery Administration. What will you do to make certain that this contact remains positive?

Response. If confirmed, I will focus on NCA's culture of honor that embraces the fact that you only get one chance to get it right when a Veteran or family member is laid to rest. That mindset must be first and foremost and the employees who care for our Veterans must see that from me as the leader of the organization. I will be "on the ground" often, both to see our employees and to see the Veterans and the families they serve.

Question 12. How can NCA better support tribal veteran cemeteries?

Response. If confirmed, I will ensure an NCA focus on communication with and understanding of tribal governments. Appropriately taking into account Native American culture(s) and belief(s) can go a long way toward honoring these Veterans. As a State Director, I have observed an increased emphasis by NCA in educating tribal governments about the Veterans Cemetery Grant Program and promoting the program to them. That must continue, taking into account the above considerations.

It is my understanding that NCA has two legislative proposals for the FY 2018 budget that would benefit tribal cemeteries: (1) Expand VA's Authority to Provide an Allowance to Transport Certain Deceased Veterans to a State or Tribal Veterans Cemetery; and (2) Expand Authority to Provide Headstones and Markers to Eligible Spouses and Dependents at Tribal Veterans Cemeteries. Both of these should be given serious consideration. Another item that could be considered (that I have heard in the field) would be the use of grant funding to pay for travel for State and Tribal Cemetery staff to attend NCA training in St. Louis, dependent upon availability of funding. With constrained local budgets, any small offsets can be very helpful.

Question 13. How will you address increasing demand for ecologically-friendly burial options by veterans?

Response. If confirmed, I will look at and ask for ways to further pursue alternative (natural and environmentally sensitive) burial options for our Veterans and

their families that, as may be appropriate, reflect "Green Burial Council" recommendations.

Question 14. Do you plan to continue using the NCA's FY 2016–2021 Long Range Plan as a guiding strategy for the coming years? Are there successes or shortfalls that can be gleaned from this strategy?

Response. NCA's Long Range Plan is a sound document that is an effective roadmap for future delivery of NCA's services to Veterans and their families. If confirmed, it will be incumbent upon me to critically review the plan to determine what, if any, course adjustments may be needed to further (positively) affect enhanced efficiency and increased access to burial options, particularly in rural areas.

Question 15. One of the goals of NCA's Long Range Plan is to increase the use of burial and memorialization benefits. Two items mentioned are to explore the possibility of establishing weekend burials and to provide alternative burial options. What are your thoughts on these items?

Response. I believe we need to explore these options, taking into account available resources and with consideration of equity of service (with our State and Tribal partners RE: weekend burials). Exploring ways to provide alternative burial options should focus on the needs/preferences of the population being served. If confirmed, these are areas I will want to gain more information and insight on.

Question 16. Do you believe some post-service actions render a person unfit to be buried alongside America's honored dead?

Response. Current policy and law, appropriately, excludes those convicted of capital crimes, certain sex crimes and subversive activity.

Question 17. The Rural Veterans Burial Initiative is intended to provide increased burial access in rural areas where the veteran population is less than 25,000. However, there are cities in largely rural states have no veteran burial access for 100s of miles. What are your plans to increase burial access for all veterans living in rural states?

Response. If confirmed, it will be one of my first priorities to explore, within law and available resources, how NCA may best address the "gaps" in access described in this question.

Question 18. Do you believe there should be any limitations on families being present at the graveside during the burial of their loved ones in national and state veteran cemeteries?

Response. Graveside services are not normally conducted due to safety concerns. Committal services are conducted at the cemetery's committal shelter. Understandably, there are sometimes unique situations for religious and other circumstances. As a former Cemetery Director, I am cognizant of the desire for graveside services. I am also cognizant of the safety issues and additional cemetery personnel required should graveside services be allowed. If confirmed, I will review current policy and feel exceptions should be determined locally on a case-by-case basis, taking into account all mentioned (and any other) factors.

Question 19. Do you support expanding NCA burial eligibility for Hmong veterans who served in support of U.S. Forces during the Vietnam War, or any other foreign nationals that supported and fought alongside our American veterans?

Response. I believe, statutorily, the Department of Defense is responsible for determining whether service in support of the U.S. Armed Forces during a period of armed conflict is equivalent to active military service. If confirmed, I will work with all diligence to ensure burial and memorial benefits are provided for individuals deemed eligible by the Secretary of Defense.

Question 20. What do you believe will be your most daunting challenge and how will you confront it?

Response. Given the current (and growing) number of State and Tribal cemeteries and burial options, working with States and Tribal governments to ensure "equity of service" regardless of where a Veteran or family member is interred, given the constrained budgets of governments across the Nation. If confirmed, I will seek to be fully inclusive of all our partners' challenges to ensure the "equity of service" our Veterans and their families deserve.

Question 21. 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. My observation is that VA's longstanding practice has been to respond to information requests from Congress. I am not aware of any such orders not to

respond to minority party members and it is my intent to respond to all requests from Congress independent of the party of the requester. In my previous capacity(s) I have, over the past few years, worked with many Members of Congress and staffs on numerous issues facing our Nation's Veterans. I have always focused on the needs of the Veteran and have worked with and responded to all persons equally. If confirmed, I will not change in that regard.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO RANDY C. REEVES, NOMINEE TO BE UNDER SECRETARY FOR MEMORIAL AFFAIRS, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. If confirmed, how would you improve VA's current programs to address the needs of rural veterans?

Response. To improve existing programs, we must first review and assess what possible statutory, financial and policy limitations exist with current programs. This is particularly important because I am committed to looking for solutions to address remote areas/"pockets" where Veterans/families are required to drive long distances for burial options.

If confirmed, I will also assess the status of plans in progress in current programs (example: status of completion of the Rural Veterans Burial Initiative planned sites).

Three areas I will focus on first, if confirmed:

1. Pursue completion of currently planned Rural Veterans Burial Initiative sites (if projects still outstanding) and determine feasibility of expanding the program to additional sites.
2. Determine funding requirements to increase number of state/tribal cemetery grants.
3. Review current process for state/tribal governments submitting cemetery grant applications and develop and publish a simple/transparent and easy to follow "road map" toward grant award.

Question 2. If confirmed, how would you address the religious and cultural burial needs of tribal veterans?

Response. If confirmed, I will focus on:

1. Increasing outreach and inclusion. It is my understanding the Cemetery Grants Service is conducting outreach with tribal governments. However, I believe it is important to increase coordination with Office of Tribal Government Relations (within VA, in states and with other Departments, if appropriate) to better understand individual areas and tribes and their needs.
2. Increasing inclusion of tribal leaders/members with significant knowledge of traditions, customs, burial rites, etc of individual nations/tribes early in the design process for proposed tribal cemetery projects.
3. Most importantly, I will make it a priority to visit as many tribal areas as possible that have unserved Veterans to see and learn, first-hand, about their needs. Just as important, it will be a priority for me to visit states and visit with state leaders.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO RANDY C. REEVES, NOMINEE TO BE UNDER SECRETARY FOR MEMORIAL AFFAIRS, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 3. ARLINGTON CEMETERY AND STATE VETERANS CEMETERIES

According to the Association of the United States Army, Arlington National Cemetery will reach its burial capacity in approximately 30 years, and unless changes are made, will be unable to accommodate veterans who are currently fighting in Iraq and Afghanistan. Although the Army is responsible for Arlington National Cemetery, the VA's National Cemetery Administration can assist in efforts to help alleviate the pressure on Arlington National Cemetery by ensuring honorable and desirable burial options at VA national cemeteries.

a. Mr. Reeves: As Under Secretary for Memorial Affairs, you will be responsible for maintaining 135 national cemeteries and providing burial services for veterans and eligible family members. If you are confirmed, what changes to VA national cemeteries will you make to ensure they are a desirable option for veteran's seeking an honorable burial?

Response. The National Cemetery Administration (NCA) has a tradition of honoring our Veterans and a record of providing the highest level of service to our Nations Veterans and their families. Many National Cemeteries, too, are seeing increased burial rates and the need for additional burial space. If confirmed, I will focus on increased burial options and access and pursue additional burial methods to allow more efficient land use in existing cemeteries. As we look to the future, we will critically review NCA's strategic plan and work with Congress, the Administration, other Departments and stakeholders to adjust, as needed, to serve our Veterans in future years. There will be increasing demand for the service NCA provides that will require increased resources and, if confirmed, I believe it will be a key part of my job to transparently and accurately inform Congress, the Administration and the Secretary well ahead the need.

b. Mr. Reeves: Will you commit to working with the Army and Congress to enhance the level of service at VA funerals in order to pursue burial alternatives outside of Arlington National Cemetery?

Response. If confirmed, I commit to working with Congress and DOD. Additionally, I will seek out and work with any and all stakeholders who can help us ensure our Veterans are honored appropriately.

Question 4. EQUITY OF SERVICE FOR VETERAN FUNERAL HONORS

Mr. Reeves, in your response to the Committee's pre-hearing questions, you identified working with State and Tribal governments to ensure "equity of service" as one of your anticipated challenges. I agree with your assessment that the variation among states and tribal areas—which is largely attributed to budget constraints—is a major barrier to ensuring veterans receive equitable services. Recently, Connecticut was forced to limit military funeral honors due to budget cuts. I firmly believe that even during times of economic adversity, veterans and their families must receive the benefits and honor they deserve.

a. Mr. Reeves: What resources are necessary to standardize the level of services afforded to all veterans?

Response. This is not a "one size fits all" answer. The level of resources needed depends on a number of factors that include (but are not limited to), the size and complexity of a cemetery property, the types of burials conducted and the number of burials conducted at the cemetery. If confirmed, my focus will be on maintaining National Shrine Standards for all burials and then working with all parties to find ways to ensure proper resourcing based on the individual cemetery/location whether the cemetery is National, State, Tribal or other. I am always cognizant of the fact that when a Veteran or family seeks the service provided in Veterans cemeteries, they generally see it as a VA cemetery, regardless of National, State, Tribal, etc. When we consider policies or services provided, we must take into account the resources our partners have available, include them in the discussion and help create expectations for our Veterans and their families that provides the honor and service they deserve while, at the same time, considering the burden (fiscally and otherwise) that may be created for our partners (state, tribal, etc.).

b. If confirmed, how will you work with State and Tribal governments to ensure "equity of service" for all veterans nationwide?

Response. If confirmed, I will focus on (1) ensuring state and tribal governments fully understand the requirements to maintain the level of service our Veterans and families deserve (2) ensuring we provide (within budget requirements) the resources needed for "granted' cemeteries to go into proper operation and (3) work with state and tribal governments to help them accurately articulate (to state and tribal governments) resource needs for operation and maintenance of their cemeteries. **Having done this at the state level gives me unique insight and ability in this regard.

c. Do you believe that there should be a national standard of honor guard that would include a gun salute?

Response. I strongly believe we should provide the highest level of honor possible to our Veterans when they are laid to rest. I must also, in deference to DOD, recognize that if they (DOD) are to provide gun salutes at every funeral, it will require additional personnel and budgetary resources.

Chairman ISAKSON. Thank you, Mr. Reeves.

Ms. Mason.

STATEMENT OF CHERYL L. MASON, NOMINEE TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Ms. MASON. Chairman Isakson, Ranking Member Tester, and distinguished Members of this Committee, thank you for the opportunity and privilege to appear before you to seek your endorsement to serve as the Chairman of the Board of Veterans' Appeals. It was a privilege to have had the opportunity to meet with many of you following my nomination by the President.

I am extremely honored to have been nominated by President Trump to be Chairman of the Board of Veterans' Appeals and, if confirmed, I will work relentlessly to ensure that the Board provides the fair and timely adjudication of appeals that our Nation's veterans and their families deserve. I am equally honored by Secretary Shulkin's support of my nomination and belief in my ability to lead the Board. Additionally, I am deeply grateful to have had the opportunity to serve veterans as a veterans law judge for 14 years, having had countless hours of direct interactions with veterans, their families, and caregivers. I am humbled by our veterans and I am honored to have assisted thousands of our veterans' families and our veterans.

I am joined today by my husband of 31 years, Lieutenant Colonel Brett Mason, U.S. Air Force Retired, who is also my college sweetheart. We share small-town Ohio values and commitment to service as he is the son of a Navy Korean War veteran. We have two wonderful sons. Bryan is a senior mechanical engineering student at Ohio Northern University. Trevor, who is here with me today, is a high school senior, preparing to attend college next year.

My commitment to those who served this country is deep and personal. My father served in the Navy as a Petty Officer during World War II, and my mother is a retired high school government teacher. As a young woman, like many of her generation, she worked to support the war effort, installing oxygen lines in B–17s at Wright Field.

After losing my father to suicide in 1969, my mother raised me by herself in Portsmouth, Ohio. I also lost my brother, an Army reservist who served during the Vietnam era, to suicide. I commend Secretary Shulkin for elevating suicide prevention as one of VA's priorities.

As a result of my father's World War II service and sudden death, I was the recipient of VA benefits. Those benefits provided crucial support to me, and as a result I understand the importance and need for timely resolution of appeals.

My experiences as a military spouse enhanced my recognition of the tremendous sacrifice made by the men and women who have committed themselves to the defense of this Nation. Additionally, my perspective as a VA leader is impacted by my view as a veteran's spouse, daughter, and daughter-in-law.

I view service to this Nation as an obligation and an honor. My experiences as a Department of the Air Force civilian, Federal Labor Relations Authority attorney, and in VA leadership positions, as well as my life as a military spouse and veteran's spouse, have positioned me well to continue serving veterans. If confirmed,

I will ensure that in the execution of my responsibilities as Chairman of Board of Veterans' Appeals, I will always assess my actions and decisions through the lenses as a veteran's dependent.

Since 1636, when the Pilgrims of the Plymouth Colony decided to provide care for disabled soldiers, our country has made care for our veterans a tenet. It is woven into our Nation's very foundation and it is the core mission of the VA. To meet this mission, VA must transform and modernize to adjust to the changing needs of our veterans and their families. The American people expect it and the veterans deserve it.

If confirmed, I will work daily to support VA transformation and achieving the vision of President Trump and Secretary Shulkin in providing the best care and service to our nations veterans and their families.

Thank you for your hard work and insight in passing the Veteran Appeals Improvement and Modernization Act of 2017. In implementing this historic act, if confirmed, I will build the veterans' trust by working with the dedicated Board staff to ensure that the Board is focused on effective, efficient, and expedient service to our Nation's veterans.

If confirmed as Chairman, I will bring my experience and commitment to work diligently to promote a culture of service to veterans. I will expand my existing cooperative relationships with all those involved in the adjudication process within the department, as well as the Veterans Service Organizations and representatives, the Court of Appeals for Veterans Claims, this Committee, and Members of Congress.

This is a great responsibility, and I can assure you that if confirmed I will uphold this trust on behalf of our men and women in uniform and on behalf of all those who have served. Again, I want to thank the Committee for the opportunity to appear before you and I look forward to answering your questions. Thank you.

[The prepared statement of Ms. Mason follows:]

PREPARED STATEMENT OF CHERYL L. MASON, NOMINEE TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, 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 Chairman of the Board of Veterans' Appeals. I am thankful for the opportunity and privilege to meet individually with many of you following my nomination by the President. Your support of and commitment to the wellbeing of our Nation's veterans and their families is praiseworthy and encouraging.

I am extremely honored to have been nominated by President Trump to be the Chairman of the Board of Veterans' Appeals and, if confirmed, I will work tirelessly to ensure that the Board provides the fair and timely adjudication of appeals that our Nation's veterans and their families deserve. I am equally honored by Secretary Shulkin's support of my nomination and ability to lead the Board. Additionally, I am deeply grateful to have served Veterans as a Veterans Law Judge for the last 14 years, having had countless hours of direct interaction with Veterans, their dependents and caregivers. I am humbled every time I meet with a Veteran and am grateful to have assisted thousands of Veterans and families.

I am joined today by my husband of 31 years, Lieutenant Colonel Brett S. Mason, USAF (ret), my college sweetheart and my rock. We share small town Ohio perspectives and commitment to service as he is the son of Navy Veteran who served in the Korean War. We have 2 wonderful sons. Bryan is a senior Mechanical Engineering student at Ohio Northern University in Ada, Ohio. Trevor is a high school senior, preparing to attend college next year.

My commitment to those who served this country is deep and personal. My father served in the Navy as a Petty Officer, 2nd class during World War II. My mother is a retired high school government teacher, who through much of the 2000's served as a United States Capitol Guide. As a young woman, like many of her generation, she worked to support the war effort. She installed oxygen lines in B–17s at Wright Field, Ohio while my father served. After losing my father to suicide in 1969, my mother raised me by herself in Portsmouth, Ohio. I also lost my brother, an Army reservist during the Vietnam era, to suicide in 1982. I commend Secretary Shulkin for elevating suicide prevention as one of VA's priorities.

As a result of my father's WWII service and sudden death, I was the recipient of VA benefits. Those benefits were critical and provided support for me through college. My husband currently receives VA service-connected disability compensation and has been repeatedly impacted by the backlog of claims and delays. As a result, I understand the importance and need for timely resolved appeals of benefits.

My experiences as a military spouse enhanced my recognition of the tremendous sacrifice made by the superb men and women who have committed themselves to the defense of this Nation. Additionally, my perspective as a VA leader is impacted by my view as a veteran's spouse, a veteran's daughter, and a veteran's daughter-in-law. We must do better.

I view service to this Nation, in whatever form, as an obligation and honor to be shared by all Americans. Serving in positions as a USAF civilian in Europe, Federal Labor Relations Authority attorney, and in VA leadership positions from Veterans Law Judge to Deputy Vice Chairman, I developed an excellent background including personnel/HR oversight, accountability, mission focus, labor issues, budget and policy development. I believe my combined work experience and life as a veteran's spouse has positioned me well to continue serving Veterans, to whom we as a nation owe a great debt. If confirmed, I will ensure that in the execution of my responsibilities as Chairman, I will always assess my actions and decisions through the lenses of a Veteran's dependent.

Since 1636, when the Pilgrims of the Plymouth Colony decided to provide care for disabled soldiers, our country has made care for our Veterans a tenent. It is woven into our Nation's very foundation and it is the core mission of the VA. To meet this mission, VA must transform and modernize to continuously adjust to the needs of Veterans and their families. The American people expect it and the Veterans deserve it.

If confirmed, I will work daily to support VA transformation and achieving the vision of President Trump and Secretary Shulkin in providing the best service to our nations Veterans and their families. I commit that I will work with the dedicated Board staff of Veterans Law Judges, attorneys, and administrative professionals, to ensure that the Board meets its responsibility to provide correct decisions in a timely manner.

Thank you for your hard work and insight in passing the Veteran Appeals and Modernization Act of 2017. Modernizing the VA as discussed by Secretary Shulkin in recent testimony, working with Congress, VSO's and other stake holders to boldly and aggressively address needs highlighted by each of them, will buildupon what President Trump, Secretary Shulkin and the Congress have already started to hopefully regain the Veteran's trust. In implementing the Veteran Appeals and Modernization Act of 2017, I will act to build the Veteran's trust by ensuring that the Board meets its obligations to deliver accurate and timely decisions in all matters before the Board and to continuously find ways to improve and speed the appeals process within the Department.

If confirmed as Chairman, I will bring my experience and commitment to work diligently to promote a culture of service to Veterans. Integrity and accountability will be core principles of the Board. I will expand my existing cooperative relationships with all those involved in the adjudication process—the Veterans Service Organizations, Veterans Benefits Administration, Veterans Health Administration, National Cemetery Administration, State Veterans Organizations, Office of the General Counsel, the Court of Appeals for Veterans Claims, this Committee and Members of Congress—so the Board is focused on effective, efficient, and expedient service to America's Veterans.

This is indeed a great responsibility. I can assure you, Mr. Chairman, that if confirmed, I will uphold this trust on behalf of all our men and women in uniform and on behalf of all those who have served. 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.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Chairman, Board of Veterans' Appeals	**September 5, 2017**

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Cheryl	**Lee**	**Mason**	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			**Street:** **425 I Street NW**		
City: **Fairfax**	**State:** **VA**	**Zip:** **22031**	**City:** **Washington**	**State:** **DC**	**Zip:** **20001**

Other Names Used						
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)
Cheryl	Lee	McCain		X	**11/1964** **Est** ☐	**06/1986** **Est** ☐
Cheri		McCain			**01/1970** **Est** ☐	**06/1986** **Est** ☐
Cheri		Mason			**06/1986**	**Present**

Birth Year and Place	
Year of Birth (Do not include month and day)	**Place of Birth**
1964	Portsmouth, Ohio

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	**X**	☐	☐	☐	☐

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
Brett	Stuart	Mason	

Spouse's Other Names Used (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)
Brett	S	Mason			**Jan/1979** **Est** ☐	**Present** **Est** ☐

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**
Bryan	**William**	**Mason**	

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**
Ohio Northern University	University	Est **Aug/1982** ☐	Est Present **February/1986** ☐ ☐	BA	2/28/1986
University of Dayton Law School	University	Est **Aug/1986** ☐	Est Present **May/1987** ☐ ☐	NA	
Creighton University School of Law	University	Est **Aug/1987** ☐	Est Present **May/1989** ☐ ☐	JD	5/13/1989

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.

Type of Employment (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	**Name of Your Employer/ Assigned Duty Station**	**Most Recent Position Title/Rank**	**Location** (City and State only)	**Date Employment Began** (month/year) (check box if estimate)	**Date Employment Ended** (month/year) (check box if estimate) (check "present" box if still employed)
Federal Employment	Department of Veterans Affairs, Board of Veterans' Appeals	Deputy Vice Chairman	Washington, DC	**Est 11/1998** ☐	Present ☐ ☐
Federal Employment	Federal Labor Relations Authority	Attorney	Washington, DC	**Est 12/1997** ☐	**Est 11/1998** ☐
Federal Contractor	CACI/DOJ Civil Rights Division	Attorney Investigator	Washington, DC	**Est 9/1997** ☐	**Est 11/1997** ☐
Non federal Contractor	Legal Personnel Placement recruiting company/Hogan & Hartson	Attorney/recruiter	Washington, DC	**Est 7/1997** ☐	**Est 9/1997**
unemployed	Unemployed	mom	Lakeridge, VA	**Est 6/1997** ☐	**Est 7/1997** ☐
Federal employee	HQ/USAFE/SCP	Secretary/executive assistant	Ramstein AB, Germany	**10/1995**	**5/1997**
Federal contractor	Central Texas College	instructor	Kapaun Air Station, Germany	**8/1995**	**4/1997**
Unemployed	Unemployed	military spouse/mom	Ramstein AB, Germany	**01/1995**	**9/1995**
Federal contractor	Central Texas College	Paralegal coordinator	Kapaun Air Station, Germany	**9/1994**	**01/1995**
unemployed	unemployed	Military spouse	Ramstein AB, Germany	**7/1994**	**9/1994**

Federal employment	Department of Veterans Affairs/ Board of Veterans' Appeals	attorney	Washington, DC	**9/1990**	**7/1994**
Unemployed	Unemployed	Military spouse	Washington, DC	**8/1990**	**9/1990**
Non Federal employment	Mitchell & Demerath Law Office	attorney	Omaha, Nebraska	**9/1989**	**8/1990**
unemployed	unemployed	spouse	Bellevue, Nebraska	**5/1989**	**9/1989**
Other	Offutt Air Force Base JAG Office	intern	Bellevue, Nebraska	**8/1988**	**5/1989**
Other	US Attorneys Office	Summer intern	Omaha, Nebraska	**6/1988**	**8/1988**
Other	Offutt Air Force Base JAG Office	intern	Bellevue, Nebraska	**01/1988**	**5/1988**
unemployed	unemployed	student	Bellevue, Nebraska	**8/1987**	**12/1987**
Non Federal employment	JCPenney	Sales associate	Bellevue, Nebraska	**7/1987**	**9/1987**
Unemployed	Unemployed	Military spouse/Law student	Dayton, Ohio	**8/1986**	**6/1987**
Non Federal employment	McDonalds'	Food service	Dayton, Ohio	**7/1986**	**8/1986**
Non Federal employment	Oasis carry out	Cashier	Portsmouth, Ohio	**3/1986**	**7/1986**
Non Federal employment	Ohio Northern University	Work study program	Ada, Ohio	**8/1985**	**2/1986**
Non Federal employement	Cedar Point, Inc	Cashier	Sandusky, Ohio	**5/1985**	**8/1985**
Non Federal employment	Ohio Northern University	Work study program	Ada, Ohio	**8/1984**	**5/1985**
unemployed	Unemployed	Student	Portsmouth, Ohio	**7/1984**	**8/1984**
Federal employement	Congressman Bob McEwen	LBJ intern	Washington, DC	**6/1984**	**7/1984**

Non Federal employment	Ohio Northern University	Work study program	Ada, Ohio	**8/1983**	**5/1984**
State/county government	Scioto County Jobs program	Classroom assistant	Portsmouth, Ohio	**6/1983**	**8/1983**
Non Federal employment	Ohio Northern University	Work study program	Ada, Ohio	**8/1982**	**5/1983**

(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** (month/year) (check box if estimate)	**Date Service Ended** (month/year) (check box if estimate) (check "present" box if still serving)
N/A		Est ☐	Est ☐ 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.

Distinguished Alumni Award, Ohio Northern University, 2010

Board of Veterans' Appeals Leadership Initiative, Leader in Excellence Award, 2011

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).

Name of Organization	Dates of Your Membership (You may approximate)	Position(s) Held
Ohio Northern University, Alumni Advisory Board	Approximate 2008 - 6/2017	Chair and board member
Disabled American Veterans Auxiliary	Approximately 2014 to present	none
Nebraska Bar Association	1989 to present	none
National Rifle Association	2006 to present	none
Ohio Northern University DC Alumni club	2003 to present	Founding member, now just a member
Court of Appeals For Veterans Claims Bar Association	2002 to present	none
Executive Women in Government	2010-2015	none
Young Life- Central Fairfax	2008-2011	Board member 2009-2010
Army Navy Country Club	1998- present	Spouse member
Fellowship of Christian Athletes	2013 to present	none
American Bar Association	1989 - 2010	none

6. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?
No

Name of Office	Elected/Appointed/ Candidate Only	Year(s) Election Held or Appointment Made	Term of Service (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.

Name of Party/Election Committee	Office/Services Rendered	Responsibilities	Dates of Service
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.

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
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*

(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 and question and answer session on Board of Veterans' Appeals to the National Association of County Veterans Service Officers – Myrtle Beach, SC - May 2016

Presentation and question and answer session on Board of Veterans' Appeals to the National Association of County Veterans Service Officers –Appleton, Wisconsin, May 2015

Presentation and question and answer session on Board of Veterans' Appeals to the National Association of County Veterans Service Officers –Grand Rapids, Michigan, June 2014

Presentation and question and answer session on Board of Veterans' Appeals to the Arizona Department of Veterans Services – Phoenix, Arizona – April 2014

Presentation and question and answer session on Board of Veterans' Appeals to the Ohio Department of Veterans Services – Columbus, Ohio – Fall 2013

Presentation and question and answer session on Board of Veterans' Appeals to the Tennessee Department of Veterans Services – Fall 2013 –

Presentation and question and answer session on Board of Veterans' Appeals to the Ohio Department of Veterans Services – Columbus, Ohio – Fall 2012

Clay High School graduation speaker – May 2007?- Portsmouth, Ohio -

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

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.) .) **I completed OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report for my nomination.**

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.

Status and Terms of Any Agreement or Arrangement	Parties	Date (month/year)
N/A		

10. Lobbying

In the past ten years, have you registered as a lobbyist? *N/A.*
If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).
N/A

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:]

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 Cheryl Lee Mason, who has been nominated by President Trump for the position of Chairman, Board of Veterans Appeals, 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,

DEBORAH BORTOT

Digitally signed by DEBORAH BORTOT
DN: c=US, o=U.S. Government, ou=Office of Government Ethics, cn=DEBORAH BORTOT, 0.9.2342.19200300.100.1.1=95491000365862
Date: 2017.09.15 14:28:12 -04'00'

Deborah Bortot
Chief, Presidential Nominations Branch

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

September 5, 2017

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 Chairman, Board of Veterans Appeals 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 am the sole proprietor of Amway Global independent business. Upon confirmation, I will cease engaging in any business through Amway Global. During my appointment to the position of Chairman, my business. will remain dormant and will not advertise. I will not perform any services for my Amway Global business, except that I will comply with any requirements involving legal filings, taxes and fees that are necessary to maintain this company while it is in an inactive status. As Chairman, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of Amway Global.

I resigned from my uncompensated position with the Getty Council, Getty College of Arts & Sciences, Ohio Northern University in June 2017. 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 Ohio Northern University is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

My spouse is a member of RW Sterling Investments Ltd (RWSI), an 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 RW Sterling

Investments Ltd (RWSI), unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

My spouse is employed by Scientific Applications International Corporation (SAIC) in a position for which he receives a fixed annual salary. For so long as my spouse continues to works for SAIC I will not participate personally and substantially in any particular matter involving specific parties in which I know SAIC 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), 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 Chairman 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,

Cheryl Lee Mason

Cheryl Lee Mason

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO CHERYL L. MASON, NOMINEE TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. How do you assess the tenure of your predecessor as Executive in Charge of the Board? If confirmed, how would your tenure differ and what will your priorities be?

Response. The last Chairman retired in February 2011. Since then, four Executives in Charge have led the Board. Each of these individuals applied his or her own leadership style and ideas to advancing our mission of serving Veterans, dependents, and survivors by timely adjudicating their appeals. If confirmed, my tenure would differ from my predecessors' in both style and substance. I have always led by listening. Communication is very important to me. People are important to me. I always make time to walk around and speak with staff about issues facing the Board. Substantively, my tenure would be defined by the recently enacted Veterans Appeals Improvement and Modernization Act of 2017. My primary focus will be to implement this law for maximum effect. I am committed to the Secretary's priorities and will also focus resources on our core mission, modernize systems so we can efficiently provide accurate appeals decisions to Veterans, and improve timeliness of appeals decisions. A Chairman sets the direction for the Board, and during my tenure, the Board's priorities would be to deliver accurate decisions to Veterans as rapidly

as possible, and prepare our Judges, attorneys, and administrative professionals to deliver those results.

Question 2. If confirmed, do you plan to make any changes to the makeup and organization of BVA?

Response. On October 1, 2017, the Board restructured its organization to focus on our core mission—to hold hearings and issue decisions to Veterans. We realigned our focus using our direct, Veteran-facing mission as the guiding principle. The realignment was also in line with Presidential Executive Order 13781, and Office of Management and Budget (OMB) Memorandum M–17–22. The Board realigned from five divisions to three—Appellate Operations, Policy, and Resources. If confirmed, I would continue to assess our organizational structure and manpower levels, to include in the attorney and Judge ranks. I would make adjustments wherever possible to improve our ability to deliver results to Veterans, whether they have legacy or new process appeals.

Question 3. If confirmed, what measures would you take to ensure that the culture at BVA fosters pro-veteran policies?

Response. Putting Veterans first is my mission. If confirmed, I will assess the Board's work from a Veteran's perspective—working backward to ensure the Board delivers results that the Veterans expect and deserve. I will work with our Veterans Service Organizations and external stakeholders to establish quarterly Veteran panels so that the Board hears directly from Veterans and dependents about the issues they face. I will be visible at local Veterans events to personally engage with Veterans and encourage my staff to do the same as VA Ambassadors. The Veterans Appeals Improvement and Modernization Act of 2017 affords Veterans more choice in deciding what path to take if they disagree with a VA decision. If confirmed as Chairman, I will ensure that Board policies are pro-Veteran, to include policies associated with implementing this historic legislation.

Question 4. The Committee has heard from a number of BVA employees regarding a toxic work environment at BVA. What do you attribute this dissatisfaction to? What steps would you take to resolve these problems and restore confidence?

Response. The last six years at the Board have been marked by frequent changes in executive leadership, lack of transparency or clear direction, and an unprecedented period of growth and organizational realignment. As a result, our employees have experienced a great deal of stress and uncertainty. If confirmed, I will bring strength, vision, and consistency to the Board. Throughout my career, I have listened to and supported those who work with me and for me. I believe that effective communication through personal interaction is key.

Question 5. In order to address the growing number of appeals received by BVA, Congress provided increased funding in Fiscal Year 2017 for BVA to hire additional full-time employees. As noted in the VA's budget request for FY 2018, BVA fell short of its original hiring goals.

a. If confirmed, what is your goal for hiring new employees?

Response. If confirmed, I would continue the Board's plan to increase its FTE to 1,050.

b. What is your plan for ensuring new employees are hired?

Response. The Department is modernizing its Human Resources (HR) function, in part, by moving to a shared services model. As part of this initiative, the Veterans Health Administration will begin providing H.R. services to the Board on October 1, 2017. Although this transition may initially result in some hiring delays, we still expect to meet our hiring goal during the second quarter of FY 2018. If confirmed, I would continue to work with the Veterans Health Administration, while closely monitoring our progress toward our goal.

c. What is your plan for ensuring adequate office space for new employees and current employees?

Response. If confirmed, I would continue to work closely with VA's Office of Acquisition, Logistics, and Construction (OALC) and other organizations with office space in our building to identify potential additional space at 425 I Street NW. I would continue the Board's robust programs for telework and remote work, and would expand these programs where possible.

d. What is your plan for training new employees?

Response. The best way to improve the accuracy of appeals decisions is to enhance the skills and knowledge base of those who produce the decisions. The Board's training program for new attorneys combines classroom training with assignment of a team of designated mentors to work with the new attorney staff. At the three-month point, our Judges take over with practical, hands-on training. Our judges are committed to mentoring their attorneys, and on the job training continues to be an essential part of a new attorney's education. New attorneys are also expected to at-

tend refresher training sessions as they near the end of their first year. If confirmed, I would continue the Board's existing training program for new attorneys, and would continue to assess and adjust our training programs based on feedback received from our new employees and their Judges, as well as from our Veterans Benefits Administration, VA Office of General Counsel, and U.S. Court of Appeals for Veterans Claims stakeholders.

e. Do you believe the employees hired during FY 2017 have been trained properly?

Response. Yes.

Question 6. In BVA's FY 2016 Annual Report, it estimated that BVA would issue 63,200 decisions in FY 2017.

a. How many decisions have been issued in FY 2017?

Response. As of September 24, 2017, the Board had issued 50, 064 decisions in FY 2017.

b. If confirmed, what productivity goals and standards would you establish? Do you have confidence that the goals would place realistic expectations on employees while ensuring quality and timely decisions for veterans?

Response. If confirmed, I would assess the productivity standards in place at the time to determine whether the Board's productivity goals to produce timely accurate decisions for Veterans and their families allow for a realistic work-life balance for our employees. I would work with our labor partners to find the right balance to preserve work life balance for our people while serving as many Veterans as possible. Finding this balance requires continual assessment and adjustment, and I am committed to doing so.

Question 7. The Appeals Improvement and Modernization Act of 2017 (Public Law 115–55) requires a major overhaul of the current appeals system in an effort to ensure Veterans receive quality and timely decisions on their appeals.

a. Do you agree to supply the Committee with all information, materials and documents as may be requested by the Committee regarding the implementation and operation of the new appeals system?

Response. Yes.

b. Under the new system BVA is required to maintain at least two dockets, what is your plan for the current appeals that are pending a hearing at BVA and the implementation of the new dockets required under the new law?

Response. Current appeals would maintain their place on the Board's legacy docket. The Board would continue to maximize the use of video teleconferencing (VTC) to conduct Board hearings. The Board is still in the process of designing its dockets for the new system; however, the current proposal under consideration is to establish three dockets to handle appeals adjudicated under the new framework. Additional details on the Board's dockets in the new system will be provided to Congress in the implementation plan required within 90 days of enactment of the legislation.

Question 8. If confirmed, how do you envision collaborating with the Office of General Counsel?

Response. If confirmed, I will continue the Board's established relationship with the Office of General Counsel (OGC) wherein the Board and OGC collaborate and conduct joint training on topics to include ethics, financial disclosure, and appeals modernization.

Question 9. There have been situations in which a significant issue has been under review by the Court of Appeals for Veterans Claims or, after appeal from that court, by the Court of Appeals for the Federal Circuit. Meanwhile, claims involving the same issue continue to come to VA. Do you have any recommendations on how to manage claims that are pending a court decision?

Response. I defer to Veterans Benefits Administration for any recommendations as to how to manage claims that are pending a court decision. If confirmed, I would maintain the practice in which the Board's Litigation Support team is responsible for ensuring all appeals returning to the Board from the Court of Appeals for Veterans Claims are tracked and handled expeditiously and in compliance with the Court's orders.

RESPONSE TO PREHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO CHERYL L. MASON, NOMINEE TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 10. 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. Our mission, as the Department of Veterans Affairs, is to care for those "who shall have borne the battle" and for their families and survivors. Since 1636, when the Pilgrims of the Plymouth Colony decided to provide care for disabled soldiers, our country has made care for our Veterans a fundamental tenant of who we are. It is woven into the very foundation of our Nation and it is the core mission of the VA. To meet this mission, VA must transform and modernize to continuously adjust to the needs of Veterans and their families. The American people expect it and the Veterans deserve it. If confirmed, I would work to support VA transformation and achieving the vision shared by the President and Secretary of Veterans Affairs to provide the best care and serve to our Nation's Veterans and their families. I commit that I would work with our dedicated staff of Veterans Law Judges, attorneys, and administrative professionals, to ensure that the Board meets its responsibility to provide decisions in a timely manner.

Question 11. Have you discussed with Secretary Shulkin duties and the role you would assume as Chairman of the Board of Veterans' Appeals if confirmed? If so, what specific areas of the job were discussed?

Response. The Secretary and I have discussed his expectations of me, were I to be confirmed. We discussed the Chairman's duties and roles, and the need for strong leadership, accountability, compassion, and consistency at the Board. We also discussed the need for modernization and innovation in managing our legacy appeals, as well as the implementation of the Veterans Appeals Improvement and Modernization Act of 2017.

Question 12. Why do you seek this position?

Response. I seek this position to further my commitment of service to our Nation and its Veterans by ensuring an effective appeals process that provides expedient and correct decisions on Veterans' appeals from all three VA Administrations and the VA Office of General Counsel. My commitment comes from three different perspectives: First, as a recipient of VA benefits due to my father's WWII service and early death by suicide and my mother's determination to teach me to honor his memory; second, as a military spouse supporting my husband's 20 years of military service; and third, from my experience serving as an attorney, a judge and a leader at the Board of Veterans' Appeals. Living through the impact of suicide on a family taught me to look behind what a Veteran presents to the real impact of their service. Living on an Air Force base and hearing the roar of the planes taking off, watching friends deploy and sometimes not return, and experiencing the relocations far from family taught me to quickly assess situations, understand the passion of service to this country, and impact when and wherever you can. Hearing our Veterans tell of their service, their courage, their pain and their needs renews my compassion and commitment to making an impact through service. These experiences drive me to lean forward into the challenge of meeting those needs and honoring that service. I bring deep technical understanding of the issues and seasoned leadership skills to this position. My experience with the dedicated staff at the Board and the complex systems at work in the Veterans appeals context will allow me to effectively lead the Board to deliver the results that our Veterans deserve and expect.

Question 13. Please describe your management style and decisionmaking process.

Response. I seek to build a strong and effective team committed to serving Veterans by delivering results through quality and output. I believe in leading by example, being approachable, compassionate, and advocating for my staff. Open communication, visibility, staff engagement, and setting clear expectations are hallmarks of my leadership. I value innovation and unique perspectives. I believe in professional growth and development of each employee.

Sometimes a decision requires quick resolution and if so, I will act and be accountable for my decision. When there is time before reaching a decision, I solicit input both internally and, to the extent practicable, from external stakeholders and encourage the voicing of dissenting views. I continually assess operations, request feedback and will change my approach based on new information, data, and discussions. I seek new approaches and opportunities that deliver results. I believe in admitting to mistakes and resetting the bar.

Question 14. If we were to ask current and prior subordinates about your management style, what would they say?

Response. Those who have worked with me describe me as caring, fair, communicative, decisive, and open to creative solutions to longstanding problems. They would say that I listen, advocate for them, and look for opportunities to assist them to develop and grown in their profession. They would say I believe in accountability, for myself and those around me, and treat everyone with respect.

Question 15. What do you believe are the most significant challenges facing the Board of Veterans' Appeals? Which of these challenges will you focus on and how do you intend to address them?

Response. The most significant challenge for the Board is to improve timeliness of appeals. Due to the large inventory of appeals, Veterans wait too long for decisions. Thanks to Congress' insight and understanding, the Veterans Appeals Improvement and Modernization Act of 2017 became law in August 2017. If I am confirmed, implementing this law to maximum benefit for the Veteran will be my primary focus. To deliver results, the Board must also modernize systems to enable staff to provide legally correct decisions to Veterans in an expedient manner. The Board is working closely with Digital Service VA to implement improvements in technology.

Question 16. Last year, VA convened an "Appeals Summit" with Veterans Service Organizations (VSOs) to discuss reforming VA's appeals process. The Veterans Appeals Improvement and Modernization Act of 2017 (P.L. 115—55), which was signed into law recently, is the product of collaboration among VSOs, experts in the appeals process, VA, and Congress. Given the significant role that VSOs played in crafting the framework that's embodied in Public Law 115—55, how do you plan to work with VSOs in implementing this law?

Response. If confirmed, I would continue to work closely and collaboratively with the Veterans Service Organizations and other Veteran representatives. VA should continue to collaborate with the stakeholders who participated in the March 2016 Appeals Summit, specifically, the American Legion, American Veterans, Disabled American Veterans, the Military Officers Association of America, the National Association of County Veterans Service Officers, the National Association of State Directors of Veterans Affairs, Paralyzed Veterans of America, Veterans of Foreign Wars, Vietnam Veterans of America, the National Organization of Veterans' Advocates, and the National Veterans Legal Services Program. If confirmed, I would continue to work with Veterans' advocates and stakeholders throughout the implementation phase of appeals reform, and am committed to ongoing engagement during the implementation phase of appeals reform, to the extent allowed by law. I look forward to continuing the strong relationships with the Veterans Service Organizations to serve Veterans, their families and survivors.

Question 17. VA recently proposed a pilot, the Rapid Appeals Modernization Program (RAMP), to implement Public Law 115—55. Under the proposed RAMP initiative, a veteran with an appeal before the Board would be allowed to have their claim decided at a VA Regional Office (RO), either under the supplemental claim lane or the higher-level review lane. To what extent were you involved in the creation of the RAMP initiative?

Response. I was not involved in the creation of the RAMP initiative.

Question 18. A portion of the Board of Veterans' Appeals workforce is part of a bargaining unit. What experience do you have working with labor partners and how would you approach this relationship with the Board of Veterans' Appeals labor partners should you be confirmed?

Response. As a Board leader, I have extensive experience working with the Board's labor partners. In fact, I supervised both the past bargaining unit president and the national second vice president. My interactions with VA labor partners have always been professional and respectful. As a former attorney at the Federal Labor Relations Authority, I have seen the impact of poor relationships between management and labor on an organization and ultimately on their mission. These experiences have taught me the importance of listening and understanding all perspectives. If confirmed, I would work to rebuild trust and an open, communicative relationship with our labor partners to ensure the Board delivers outstanding service to Veterans while preserving a good work-life balance for our employees.

Question 19. On September 18, 2017, the President of the Board's bargaining unit sent a letter (attached) to Secretary Shulkin and the Senate Veterans' Affairs Committee expressing a loss of confidence in the Board's current leadership and alleging gross mismanagement and waste of government resources at the Board. About a hundred of the Board attorneys signed the letter. Please discuss the three major allegations raised in the letter.

Response. The Board's 963 employees include 95 Veterans Law Judges, approximately 700 attorneys, and approximately 120 administrative professional staff. AFGE Local 17 represents the attorneys and administrative professionals. It is my understanding that around 100 employees signed this letter.

The September 18, 2017, letter alleges that Board management: plans to eliminate de novo review; failed to adequately train hundreds of new attorneys; and refused to provide necessary systems and equipment. I will address each allegation in turn.

On the first allegation regarding de novo review, the Board conducts a de novo review of each case, meaning it considers all of the evidence independently, without deference to the rationale of the decision being challenged. This is not going to change. The letter states that higher productivity standards will result in an inability to perform de novo review. This is not the case.

By way of context, approximately 155,000 Veterans are already waiting for a Board decision, and the Board receives around 90,000 new appeals every year. If the Board continues on its current path, the Board will not be able to keep up with demand. The Board will finish FY 2017 with approximately 52,800 decisions for Veterans, which is 10,200 fewer than our organizational goal and less than the Board produced in FY 2014 and FY 2015, when the Board attorney staff was smaller.

For more than a decade, each attorney at the Board was required to produce 156 credits per year. Credits did not equal decisions. A credit is not a decision, but rather a set amount of points that an attorney must accrue to be fully successful. The points are based, in part, on raft decisions prepared by Board attorneys. Each draft decision equals a number of points, which are based on the complexity of the decision and the evidence file.

In the fall of 2016, the Board worked with our union partners and implemented a system with no productivity requirement for our attorneys. In the first quarter of FY 2017, we lost 4,000 decisions compared to the year before—and that was not acceptable. Board attorneys and management both asked to bring back productivity, and the Board went back to the bargaining table with the union. In January 2017, the Board implemented different productivity standards, which among other things, adjusted for time off. Under this standard, after holidays and leave were deducted, each attorney was asked for an average of two cases per week. We saw improvement in the number of Veterans served, but we are still not where we need to be.

The Board began working with the union in August 2017 to again adjust the standard. In FY 2018, the Board will ask attorneys to prepare one additional case per week: a total of three cases, instead of two per week. This standard is attainable, as evidenced by the fact that 98–99% of Board attorneys met or exceeded a similar standard from FY 2012–2015 and because the average case takes 8 to 10 hours to perform de novo review and prepare a draft decision.

If confirmed, I commit to working with our union partners to make adjustments to preserve work-life balance for our people while serving as many Veterans as we can. . People are very important to me, and I care about the almost 1,000 people who work with me at the Board. But I also care about the almost 155,000 Veterans and their families who are waiting for a decision, many of whom will wait for years.

On the second allegation regarding new attorney training, the Board has always had a robust training program. Veterans' benefits law is extremely complex, and we expect that our attorneys will not be fully up to speed and productive for 12 to 18 months. Over the past 20 years, the Board has re-engineered our training programs based on the need and size of our hiring. During the periods when the Board hired to fill direct vacancies, the Board used a single mentor per new attorney. In the early 1990's when the Board hired a large number of attorneys, the Board had classroom training program with mentors assigned at the end of the training. Thereafter, the Board returned to variations of the single mentor program until 2016 and the onboarding of more than 300 attorneys.

The Board's training program for new attorneys combines classroom training with assignment of a team of designated mentors to work with the new attorney staff. At the three-month point, our judges take over with practical, hands-on training. Our judges are committed to mentoring their attorneys, and on the job training continues to be an essential part of a new attorney's education. New attorneys are also expected to attend refresher training sessions as they near the end of their first year. If confirmed, I would continue the Board's existing training program for new attorneys, and would continue to assess and adjust our training programs based on feedback received from our new employees and their judges, as well as from our Veterans Benefits Administration (VBA), VA Office of General Counsel, and U.S. Court of Appeals for Veterans Claims stakeholders.

The third allegation was on providing attorneys the space and equipment they need. The Board cannot accomplish its mission without its employees, and has and continues to provide them the things they need to do their jobs.

The Board is grateful for the additional resources Congress provided in FY 2017, which allowed the Board to increase its attorney staff. To accommodate the resulting increase in personnel, the Board immediately began converting areas previously used for case storage for use as hoteling spaces for teleworkers. To keep up with the rapid pace of onboarding in the fall of 2016, the Board temporarily utilized all available conference space as a short term remedy, and worked with our VA partners to identify short-term space in the building. To further address space challenges, the Board expanded its highly successful telework program and offered remote work to all the eligible attorney staff. The Board also worked with our VBA partners to temporarily open a satellite office space at 1722 I Street to be used as a touchdown space for a small number of experienced attorneys who already teleworked. The Board continually communicated with the union during this process. The facility at 1722 I Street is a secure office building which houses many components of VBA, and the Board personnel were directed to follow VBA policy for handling personally identifiable information (PII) and protected health information (PHI) at that location. As 95% percent of the Board's casework is now digital, few documents containing PII or PHI should be generated. At 1722 I Street, VBA has a specific location where all PII and PHI is destroyed.

If confirmed, I would continue to work closely with VA Office of Acquisition, Logistics, and Construction (OALC) and other organizations to identify potential additional space for the Board and its employees. I would continue the Board's robust programs for telework and remote work, and would expand these programs where possible.

Question 20. What role do you envision for the Board of Veterans' Appeals in using technology to aid in the timeliness and accuracy of appeals?

Response. If confirmed, I am committed to modernizing appeals processing technology to optimize efficiency to best serve Veterans and their families. I would continue to leverage industry best practices and Human Centered Design principles to aid Board staff to meet the mission of provide timely accurate decisions to Veterans and their families. I anticipate continuing to collaborate with Digital Service at VA leading the technical approach to modernize appeals systems. Current applications, applications under development, and applications being designed have great potential to improve the Board's ability to deliver timely and accurate decisions to Veteran to include improving the Board's interface with VBMS, provide automated processes to include hearing scheduling. If confirmed, I pledge to continue to enhance the technology at the Board to assist the Board employees to deliver accurate decisions in an expedient manner.

Question 21. How long do you think a veteran should have to wait for an accurate decision on an appeal? What ideas do you have to improve the timeliness of appeals decisions?

Response. I believe that every Veteran should receive an accurate decision on appeal as quickly as possible. It currently takes too long for Veterans to receive a decision on appeal. The current system of laws and regulations contain requirements that impact that timeframe. With the enactment and implementation of the Veterans Appeals Improvement and Modernization Act of 2017, I am confident that the time a Veteran waits for an accurate decision on appeal will be significantly reduced.

If confirmed, I plan to focus all resources to decide as many of the legacy appeals as possible while maintaining good work-life balance for the employees. I intend to assess the Board's current decades old workflow processes from a Veteran's perspective and look for re-engineering opportunities for delivering decisions on appeal on a real-time basis. If confirmed, I also plan to implement a revised decision format to update the 2 decades old current decision format to provide a Veteran focused decision.

Question 22. Provide an estimate on how long it will take the Board to resolve the legacy appeals pending before the Board. Please include all the data and assumptions you use to answer this question.

Response. If confirmed, I pledge to address the legacy appeals inventory as quickly and efficiently as possible. Currently, there are approximately 470,000 appeals in the VA system and due to the nature of the complex, inefficient and outdated legacy process, VA projects that there could be an inventory of legacy appeals for several years. If confirmed, I intend to assess decision output and devote resources required to maintain timely processing of the legacy appeals. The goal is to eliminate the inventory of legacy appeals in a timely manner following enactment of the appeals

modernization legislation, while also maintaining timely processing in the new process.

Question 23. In your opinion, is the Department's Fiscal Year 2018 budget request, which anticipates supporting 1050 FTE, sufficient to support workload requirements at the Board of Veterans' Appeals?

Response. Congress has been generous in providing the Board with funding to support the Board's mission, and Board is grateful for the support. If confirmed, I am committed to utilizing the current resources to impact and deliver timely decisions to Veterans and their families. As the Board moves to implement Veterans Appeals Improvement and Modernization Act of 2017, we will continue to assess our funding for workload requirements. Whether the Board will need additional resources for appeals after implementation of the Veterans Appeals Improvement and Modernization Act of 2017 is contingent upon resource allocation decisions made by the Department and the Administration during the annual budget process.

Question 24. What is your vision for employee training at the Board of Veterans' Appeals? What ideas do you have to improve the accuracy of appeals decisions?

Response. If confirmed, I would ensure that the robust Board training program continues to offer training activities appropriate to employees' diverse needs at every level. I would continue to develop a trainee corps with the advice and participation of the judges and senior attorneys to quickly and effectively develop a consistent level of subject matter expertise and excellent case management skills. Next, I would develop systematic in-service training programs for existing attorneys to upgrade skills, encourage career development, and develop our next generation of leaders and judges. To enhance judicial management and cultivate outstanding decision-making, I would partner with the National Judicial College to bring the judges all the tools they need. Finally, those who perform administrative and technical functions who need opportunities to develop skills and learn about the fast-changing technological environment and master new ways of doing business.

If confirmed, I will continue to evaluate ways to improve the accuracy of appeals decisions utilizing available data. In FY 2017, the Board's Quality Assurance team developed a data-centric approach to improving quality of appellate decisions which allows the Judges to obtain data related to their decisions. If confirmed, I anticipate monthly briefings from QA to the Board Judges regarding this data. Additionally, to assess and improve accuracy of Board appeals decisions, Quality Assurance team will also be implementing a modernized QA Case Review Process at the start of FY 2018, which will begin reviewing a statistically significant percentage of Board decisions for specific types of errors.

Question 25. 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. VA's longstanding practice has been to respond to information requests from Congress. I am not aware of any such orders not to respond to minority party members and it is my intent to respond to all requests from Congress independent of the party of the requester.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. JON TESTER TO CHERYL L. MASON, NOMINEE TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 1. If confirmed, will you commit to providing this Committee with a detailed plan on how the Board intends to keep up with demand and resolve the pending inventory within 60 days of confirmation?

Response. Yes.

Question 2. I believe you have a very real morale problem at the Board.

a. In your view, what are some of the factors driving poor morale?

Response. Without a Chairman, the last 6.5 years at the Board have been marked by frequent changes in executive leadership, lack of transparency and communication, and an unprecedented period of growth and organizational realignment. As a result, Board employees have experienced a great deal of stress, uncertainty, and lack of clear direction resulting in poor morale.

If confirmed, I would bring leadership, vision, and consistency to the Board. The Board staff and I share a strong commitment to the mission of serving Veterans and, if confirmed, I would place even greater emphasis on the importance of our shared commitment to meeting that mission. I would work to improve morale by creating an environment that fosters having pride in one's work and understanding the positive impact our work has on those we serve.

b. What specific actions will you take, if confirmed, that will address concerns of employees?

Response. If confirmed, I would work to rebuild trust and an open, communicative relationship with Board staff and our Union partners to address these issues. I am committed to listening and understanding all perspectives. Open communication, visibility, and staff engagement are hallmarks of my leadership style. I believe that, through open channels of communication and personal interaction, I am best able to understand and address the concerns of employees through regular small focus group meetings to encourage participation by all.

If confirmed, I would continue to evaluate the attorneys' performance standard and would work with our Union partners to preserve work life balance for our staff while serving as many Veterans as we can. I would continue to work closely with VA Offices responsible for such space designs to identify potential additional space at 425 I Street NW. I would continue the Board's robust programs for telework and remote work, and would expand these programs where possible.

To ensure our employees are equipped to serve Veterans, I would continue the Board's existing training program for both current staff and new attorneys. I would continue to assess and adjust our attorney training programs based on feedback received from our new employees and the Judges, as well as from our Veterans Benefits Administration, VA Office of General Counsel, and U.S. Court of Appeals for Veterans Claims stakeholders.

c. Will you commit to providing this Committee a timeline, within 60 days of confirmation, for when you will undertake those specific actions and then let the Committee know when they've been completed?

Response. Yes.

RESPONSE TO POSTHEARING QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO CHERYL L. MASON, NOMINEE TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS, OFFICE OF PUBLIC AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Question 3. On September 18th, the President of the Board's bargaining unit sent a letter (letter included behind questions) to Secretary Shulkin and the Senate Veterans' Affairs Committee expressing a loss of confidence in the Board's current leadership and alleging gross mismanagement and waste of government resources at the Board. About a hundred of the Board's attorneys signed the letter. The letter lists three major complaints against the leadership—one of which is failure to properly train 300 new attorneys hired by the Department.

a. The attorneys who work on these cases must be equipped to handle complex and complicated cases and veterans rely on the counsel they receive. Do you agree that hiring 300 new attorneys is an incomplete solution if these new hires receive inadequate training?

Response. Our Veterans Law Judges play a key part in training our new attorneys, and their decisional output is a key indicator that our training is effective. A judge's decisional output decreases as he or she spends time ensuring our newest attorneys learn to prepare legally correct draft decisions for signature. If our attorneys are better prepared during formal training, they require less mentorship from our judges, who are then able to sign more decisions.

The Board's decisional output increased significantly in July, August, and September as our new attorneys began producing draft decisions for review and signature by the Veterans Law Judges. This strongly indicates that our attorneys are being trained effectively.

Attorney retention is also a key indicator as to whether our training is effective. As of October 3, 2017, only 16 of the more than 320 new attorneys hired in FY 2017 had left the Board, which, at around 5 percent, is well below the Department's average attrition rate of around 9 percent.

If confirmed, I will continue to assess and adjust our training program to ensure our attorneys receive correct and adequate training to ensure they can prepare legally correct draft decisions for Veterans Law Judges to ensure that the Board will meet its mission of issuing timely, quality decisions to Veterans.

b. As you are aware, 100 attorneys signed a letter expressing concern that new attorneys are unable to draft legally sufficient decisions and are receiving virtually no training. Do you believe the new training program for the recently hired attorneys is effective in comparison to the single mentor program that it replaced? How do you plan to address the concerns raised in this letter given that so many of those involved with the Board signed it?

Response. The fact that 10 percent of the Board's employees signed this letter shows that the Board faces serious issues which must be resolved. If confirmed, I would work to rebuild trust and an open, communicative relationship with Board staff and our Union partners to address these issues.

Specifically, if confirmed, I would continue to evaluate the attorneys' performance standard and would work with our Union partners to preserve work life balance for our staff while serving as many Veterans as we can. I would continue to work closely with VA Office of Acquisition, Logistics, and Construction and other VA offices with office space in our building to identify potential additional space at 425 I Street NW. I would continue the Board's robust programs for telework and remote work, and would expand these programs where possible.

The current training program for new attorneys combines classroom training with assignment of a team of designated mentors assigned to work with the new attorney staff. At the three-month point, our judges take over with practical, hands-on training. Our judges are committed to mentoring their attorneys, and on the job training continues to be an essential part of a new attorney's education.

The Board has re-designed its training programs several times in the last 20 years, and did so again in FY 2017. The Board was doubling its attorney corps by onboarding over 300 attorneys, and single mentoring would have had a significant impact on the Board's ability to issue decisions to Veterans.

In early FY 2017, the Board tested several training approaches and determined that establishing a dedicated corps of experienced attorney mentors was more effective than assigning individual mentors. This was true because it maximized utilization of each mentor's time, e.g. by allowing group discussions where appropriate, as well as the Board's ability to standardize the substance and approach of mentor training to promote best practices across the organization. Shifting to a shared mentor approach also minimized the impact of time spent on mentorship activities on decisional output, by permitting hundreds of counsel who would have been mentoring new attorneys to continue their work as decision writers.

If confirmed, I would continue the Board's existing training program for new attorneys, which has proven effective, as discussed above. I would continue to assess and adjust our training programs based on feedback received from our new employees and the Judges, as well as from our Veterans Benefits Administration, VA Office of General Counsel, and U.S. Court of Appeals for Veterans Claims stakeholders.

c. Furthermore, this letter states that the Board has yet to release information on the number of new attorneys who have left the Board—either voluntarily or involuntarily. If you are confirmed, do you commit to providing this Committee with this information expeditiously along with a plan for how you intend to address retention issues?

Response. Yes. As reported to Committee staff on October 3, 2017, of the 320 attorneys hired by the Board since September 2016, 16 attorneys have voluntarily left the Board.

Question 4. VETERANS APPEALS IMPROVEMENT AND MODERNIZATION ACT OF 2017

The appeals volume at the Board of Veterans' Appeals has increased with the recent increase in claims decisions. In my office alone, there are 52 veterans that have pending appeals cases. I am proud to have worked with Chairman Isakson and my democratic and republican colleagues on the Veterans Appeals Improvement and Modernization Act of 2017, which as you know, was signed into law on August 23rd. This bipartisan reform will usher in a new era of transparency and communication for veterans and their families—ensuring veterans are no longer bogged down by a cumbersome process that denies fair and just consideration of their appeal.

a. This legislation will take approximately 18 months to implement. What will you do to streamline the processing of appeals currently pending within the Board of Veterans Appeals to allow this new legislation to be implemented smoothly?

Response. Thank you for working to pass this historic act. If confirmed, I am committed to implementing the recently enacted legislation for maximum effect. The Board has been preparing to implement this new legislation since before enactment. An important part of implementing the new law is addressing as many legacy appeals as possible during the 18-month implementation period, and the Board is committed to doing that.

If confirmed, I would continue to work with the Veterans Benefits Administration (VBA) and our Veterans Service Organization (VSO) partners as we work to resolve

legacy appeals, to include via opt-ins in the legislation and VBA's Rapid Appeals Modernization Program (RAMP) initiative, which I believe will directly impact legacy appeals and provide early resolution to Veterans.

If confirmed, I would work closely with Digital Service VA to drive earlier implementation of improvements in technology to provide tools to the staff, such as Caseflow reader. I intend to issue a new decision template, which will provide streamlined and understandable decisions to Veterans and will allow for more efficient drafting of decisions. I would also explore opportunities to streamline decisions to Veterans through specialization of the attorney staff, triaging within the regulations guidelines, and case review process improvements. I would also continue the Board's ongoing work to focus more of the Board's resources on our direct Veteran-facing mission of issuing decisions to Veterans.

b. What will you do, should you be made Chairman, to make board hearings more readily available?

Response. The Board is committed to its mission of holding hearings and deciding appeals. If confirmed, I would continue to encourage more widespread use of video teleconference hearings, and pledge to explore technological enhancements that could add efficiency to our hearing processes. Additionally, in FY 2018, the Board plans to provide over 25,000 hearing opportunities to Veterans waiting for a Board hearing and will continue to assess whether additional hearings can be added throughout the year. If confirmed, I plan to work with VBA and VHA leadership and Digital Service VA as well as our VSO and Veteran representative communities to explore expanding video hearing opportunities to Veterans.

Chairman ISAKSON. Well, thank you very much, Ms. Mason, and thank you very much on your openness on the suicide experience with your father and your brother. As you know, part of what we focused on in our last meeting here was the Secretary's desire for us to all become more open about that subject and do everything we can to prevent suicide. It seems the only way we can do that is when all of us are willing to be forthcoming with our experiences. Thank you very much for doing that.

Veterans' appeals. You acknowledged the legislation that we just passed. Do you believe you have the tools with that legislation to expedite and clean up the legacy appeals that exist before them today?

Ms. MASON. Yes. Thank you for that question, Mr. Chairman. Yes, I do. The Board is preparing—has been preparing, since before your passage of the Act, to implement the new framework, and in that, part of that preparation is working with our partners at Veterans Benefits Administration to implement the opt-ins that are created in the law. We believe that those will directly impact the legacy cases and provide early resolution for those veterans.

Additionally, the Rapid Appeals Modernization Program (RAMP) initiative that Veterans Benefits Administration is planning to roll out in joint preparation with the Board later this month will also impact those. We believe that the resources at the Board are currently strong enough to support both frameworks, both working the legacy appeals and the new framework appeals.

Chairman ISAKSON. I am glad to hear that answer and I think Senator Tester would agree with me. The most important thing we can hear in this Committee is that we improve our appeals process and get that problem straightened out, and I think you are the type of person that can do that.

Ms. Glynn, you were at PricewaterhouseCoopers. Is that right?

Ms. GLYNN. Yes, I was.

Chairman ISAKSON. Enterprise integration is a PwC term. You know, they come and evaluate your company and say you need

more of this and you are trying to figure out what it means. What does it mean at the VA?

Ms. GLYNN. Well, that is a good question. Thank you very much for asking, because I think it is not transparent. I appreciate that.

I have a standard answer and I will tell you what I think the answer is, effectively. It is the many years—it is a very large and complex agency, as you all know, and the Office of Enterprise Integration was really designed to provide a mechanism to bring together all of those management functions across the agency. In that function, there are many, many capabilities to deal with performance management, risk management, setting the agency strategic plan, measuring that strategic plan.

Also included is the Joint Executive Committee for the VA/DOD interaction policy office, data governance and analytics, as well as the modernization function that is charged with oversight for enterprise initiatives, including the initiative you just asked Ms. Mason about, to verify, validate, and make sure that those are delivered per their proposed specifications, the outcomes that are achieved, and they are delivered on time and on budget.

Chairman ISAKSON. Well, I hope—I think the VA is the second-largest employer in the Federal Government, if I am not mistaken. You have got a huge, monolithic organization that needs all the integration and cooperation and implementation it can possibly get. I hope you are able to make that happen, because it would be an important function for them to do. We appreciate you taking on that responsibility.

Senator Tester.

HON. JON TESTER, RANKING MEMBER,
U.S. SENATOR FROM MONTANA

Senator TESTER. I will kick it over to Senator Hirono. I may submit my statement for the record and wait until last for questions.

Chairman ISAKSON. Senator Hirono.

HON. MAZIE K. HIRONO, U.S. SENATOR FROM HAWAII

Senator HIRONO. Thank you very much, Senator Tester.

This is for Ms. Mason. How many attorneys are there at the Veterans' Appeals Board?

Ms. MASON. Currently we have approximately 700 attorneys.

Senator HIRONO. And you have a backlog of about 150,000 cases. I know that you are aware that there is a move to increase the number of cases that each attorney is supposed to complete, from 125 cases annually to 169 cases. If my math is correct you have 700 lawyers. That gets you to 118,000 cases that would be completed once this new standard is implemented. Is that how you all came up with a number of cases that each lawyer should complete?

Ms. MASON. The evaluation for determining the attorney productivity has been in progress for the past—for all of fiscal year 2017, and we started off fiscal year 2018, you are correct, with a response—a request to our attorneys to do an extra case per week.

The productivity standard we currently have in place that asks our attorneys for 169 a year also allows for deduction of leave and holiday time factored in. Based on the data that we have from pre-

vious years, we expect that, actually, the attorneys will be producing approximately 144 decisions per person this year.

Senator HIRONO. Do you use paralegals?

Ms. MASON. We do not at this time.

Senator HIRONO. Since not all the appeals are as complex, they are not all equal, would you consider using paralegals to address some of the backlog and get rid of some of the so-called easier cases?

Ms. MASON. Thank you for that question. That is actually one of the areas that I am looking at as re-engineering the Board's processes, and figuring out where we can get some impact to those less-complex cases. So, yes, that is something that I, if confirmed, would look at.

Senator HIRONO. I think it makes a lot of sense, with a 150,000-case backlog, to basically triage the kind of cases that you have and move things along. It is the workload for your lawyers, because they are unionized, is that a subject of negotiations with the union?

Ms. MASON. It is. This past year we have sat down at the table with our union partners several times. At the beginning of fiscal year 2017, we sat down and agreed to a non-productivity standard, at their request. We tried that for one quarter and we lost approximately 4,000 cases, so we implemented a lesser standard than we had before. We routinely sit down and speak with them and assess how that is doing, get feedback from our union partners on how that is going.

If confirmed, I would continue to do that going forward. I think it is very important to have a strong, open, communicative relationship with our labor partners.

Senator HIRONO. As far as the performance standard and the number of cases each attorney is supposed to handle every year, that would be something that you would work out with your union representatives.

Ms. MASON. Absolutely. Thank you for the question. That is an area that we always must assess continually, to gain the appropriate work-life balance while we are ensuring that we are serving veterans to the best of our ability.

Senator HIRONO. The Congress passed a benefits package for the Filipino World War II veterans and we are losing them by the day. There were some 18,000 claims have been approved and 24,000 were denied. Can you just briefly say why these claims from the Filipino World War II veterans were denied?

Ms. MASON. Thank you for that question, ma'am. I would have to look very closely at those cases, and I am happy to do that and get a response to you. We do have an excellent Office of Quality Assurance who can assess that very quickly for us and I can get a response to you.

Senator HIRONO. Thank you. I am running out of time. For Ms. Glynn, Senators and I have been working with the VA and stakeholders on a bill called the VETS Act, which allows for basically telemedicine. Can you share your assessment of the VA's use of telemedicine, because we were told that you did not need the legislation; you have the authority to go ahead and do this, which is really great. Can you tell me how things are going? Or once you get confirmed.

Ms. GLYNN. If confirmed, I would be able to assess the progress on that, but at this point I would have to look into it more.

Senator HIRONO. Put that in your——

Ms. GLYNN. Thank you.

Senator HIRONO. Thank you very much, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Hirono.

Senator Rounds.

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

Senator ROUNDS. Thank you, Mr. Chairman. I would like to follow up a little bit more with the direction that Senator Hirono was going with regard to the claims backlog. With 150,000 claims in the backlog, 700 attorneys working on it, I am just curious, do you know right now what the average number of new claims coming through is that we are processing?

Ms. MASON. I would have to—thank you for that question, sir. I would have to check with our—my partners at Veterans' Benefits Administration, but I believe that we receive approximately 1.4 million claims per year. Of that amount, approximately 13 percent are appealed to the Board of Veterans' Appeals.

Senator ROUNDS. Right now, if that runs, it means that if you were looking at it on a chronologic—and I recognize that some of these are a lot older—but you have got basically a year's backlog of work, in terms of it would constantly be 1 year behind, based on the current plan. Fair—am I—I know that some of these are considerably older than that and some of them are newer than that. Basically, that is one way to analyze it, is you have got a year's worth of work in the backlog.

Ms. MASON. Yes, that is one way to analyze it, sir. That is correct.

Senator ROUNDS. OK. You have worked in this for some time. I mean, your background is there. If there was one thing that this Committee could do to help you, in terms of the backlog, and in terms of a more appropriate and reasonable expectation of veterans to have their claims heard, and if there are misunderstandings, their claims to be expedited in terms of a response, what would it be? Is there something more that we should be looking at besides what we have already been able to do with our legislation that we passed this year?

Ms. MASON. Thank you. Thank you for the opportunity to address that, Senator. You know, the Veterans Appeals Act, the historic legislation that you passed this year, I think will have a great impact. We are in the process of implementation for that, and so we do not yet have the numbers of how that is going to impact our legacy appeals.

One area that the Board is working on preparing for the future that could possibly be of some assistance is our docket legislation for the current legacy appeals. The Board must work those cases in docket order, and that does restrain us somewhat to get to the triaging aspect that Senator Hirono was asking about previously.

Senator ROUNDS. I would just like to follow up with that, because that is kind of where I was going. The issue of triage seems to me to be an important one and a factor that needs to be brought into this discussion. Do you feel that there may very well need to be

more work done with regard to allowing the triage process to, more appropriately at an earlier stage, separate out those which are easier to assess versus those that are not? Is there something more that you are seeing that we might have to do?

Ms. MASON. Thank you, sir. If confirmed, I am going to assess that very closely and will determine whether there is something there further. I have been in the system for a while, as you noted, and I do think that there is possibly more room there for action. At this point, until I assess it more closely, I really cannot directly respond, but I am happy to follow up with you, sir.

Senator ROUNDS. Thank you. Mr. Reeves, you have a background which includes a lot of work at the State level. I appreciated the opportunity to visit with you and to learn about your interest in providing services, in particular.

I just want to go back in and talk a little bit about, like in South Dakota right now, we have got a group that is very interested, in the eastern part of our State—we are 400 miles wide and 200 miles north to south. We have got the Black Hills National Cemetery, located near Sturgis, SD, in the very far western part of the State. But there are some local stakeholders in the eastern part of South Dakota who are interested in partnering with the VA in order to establish a cemetery in the eastern part of South Dakota.

What are some of the VA's resources or programs that could be available for them? I know that you have got a background on it and so forth, so let me just give you an opportunity to share a little bit of that knowledge with the Committee, in a case like this.

Mr. REEVES. In a case like what you described, Senator, the Veterans Cemetery Grants Program is a possible avenue to—you know, for local communities and States to be able to pursue. Also, I have a little bit of knowledge in terms of the rural health—I am sorry, Rural Burial Initiative, and I call it that. I think NCA calls it something a little bit different. It allows the establishment of burial grounds in remote locations or locations where we have what I would call pockets of veterans that have to travel long distances.

One of the things, if confirmed, that I would like to really look at is our methodology as to how we determine where those veterans are and how we reach out to them.

Senator ROUNDS. Thank you. Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Rounds.

Senator Brown, we have someone from Ohio on the panel.

HON. SHERROD BROWN, U.S. SENATOR FROM OHIO

Senator BROWN. I appreciate that. We have already met and had good conservation, so thank you. Senator Tester, thank you.

Ms. Mason, thank you. I enjoyed the conversation with you in my office last week or so. Talk about the Board's decision to switch from credits to cases, what that means.

Ms. MASON. The approximately—about a year and a half ago, the Board switched from tracking cases by credits, which was a formation of decisions and decision remands to decisions, because that is what our output is measured, on our oversight, and that is really what the veterans are waiting for is those decisions. The credits did not accurately reflect the amount of decisions that were presented by the attorneys.

Senator BROWN. OK. I want to explore a little bit more, from Senator Hirono and Senators Rounds question, too, on the backlog. In your pre-hearing questionnaire you said it takes 8 to 10 hours to do a de novo review of a case and then draft a decision. Is that the average for simple appeals or complex appeals, or sort of all of them?

Ms. MASON. That is an average. Thank you for the question, Senator Brown. That is an average based on the experience level of the attorney as well as the case. A more senior attorney might work a simple case quicker than that, but for the regular type of case that they would receive, at their grade level that is an approximate average.

Senator BROWN. Do you have lawyers in place that you sort all—would they always—are they always assigned complex cases to? Do some lawyers specialize in just complex cases or it is more random than that?

Ms. MASON. Thank you for the opportunity to respond to that question, Senator Brown. Currently we assign the cases across our attorney core, depending on the grade of the attorney. The judges do direct assignments to their attorneys. If confirmed, one of the areas I do intend to look at is exploring the opportunity for specialization with our attorney core. I think that is something that we can work some efficiencies on.

Senator BROWN. Do you have enough—does the Board currently have a staff it needs to—basically to remove this backlog, to catch up?

Ms. MASON. Thank you for the question, Senator Brown. Congress has been very gracious in providing funding for the Board. In fiscal year 2017 they allowed us to hire approximately a third more personnel, which was primarily attorneys for our direct facing, as well as some judges. At this time, I believe that we do have enough. Again, I am assessing—if confirmed, I will be assessing the implementation of the veterans—the historic legislation with the Improvement Modernization Act, compared to the legacy cases, and I will work with this Committee and assess our workload, and if I find that we need additional resources I will work with the Administration and the Department and this Committee in seeking those.

Senator BROWN. Thank you, and thank you, all three of you, for wanting to serve. Ms. Glynn, thank you. Mr. Reeves, I appreciated how you talked about how, when you were the one at home, you understood service better, and I think we all thank those who serve. We do not often enough thank those who are home while those who serve and the sacrifice they make, so thank you for pointing it out in such a personal way.

Let me ask you one question, Mr. Reeves. Under the administration's long-range plan, veterans eligible for burial at Arlington National Cemetery, will they be able to be buried there? Talk, if you would, give us a couple of minutes on additional expansion necessary, with capacity, all that.

Mr. REEVES. Now, Senator, of course, Arlington, you know, is under the management of the Army, not the National Cemetery Administration, and, if confirmed, I will do everything possible to

work with the Army and any other individuals that I may need to, to assist in any matters they may need.

Senator BROWN. OK. Thank you. Thanks, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Brown.

Senator Cassidy.

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

Senator CASSIDY. Thank you all for volunteering to serve. Ms. Glynn, I really enjoyed our conversation, and it was such a pleasant conversation I did not ask any of the questions that I should have asked.

As I mentioned then, I am very interested in kind of a granular understanding of what happens at a particular VA. Not the VA in total, which has a spectrum of results, which average out to a mean, but this VA, for this program. I gather that under your office, analytics and statistics are part of your responsibility.

What could be done for individual members, for him to know the VA in Atlanta—and I am sure there is one in Atlanta—what are the specific outcomes of their opioid addiction treatment program versus the one in Montana, the one in New Orleans, Freeport, or Alexandria? Can we get that granular data to know the performance of a particular VA facility in a particular program?

Ms. GLYNN. Thank you, Senator, for the question. I will answer that I am aware of the work that is being undertaken by the Veterans Health Administration currently, to be more transparent, per the Secretary's priorities related to performance. They are currently working through publishing ratings per hospital location that will allow a lens into performance at each hospital, by specific service area. There will be a comparative factor, which will be by hospital, and that will be against the market, so against other performing medical centers in that market area.

Senator CASSIDY. I have seen those analyses, and I have a guy who does systems for DOD looking at them with me, and, you know, I am kind of used to looking at hospital data, and I struggled to kind of figure it out. As opposed to a straightforward, if somebody goes into an opioid addiction treatment program in one of four States, what is the likelihood that they are truly not going to come back. You know, kind of plain English, if you will. This many go in, this many successfully complete, this many never again have to be seen for the addiction problem, these are followed chronically, and these are readmitted.

Just—that would be helpful to us who do not have backgrounds in perhaps hospital administration, because it seems like you almost have to to understand that which is coming out. Your thoughts on that? Is that possible?

Ms. GLYNN. Senator, thank you. I think there is great opportunity to improve the outcome statements related to some of the delivery of services, and that is something that I know is a VHA-related program. Part of what, if confirmed, the role that I would have would be to assess their ability to deliver on those promises of how they have designed those programs and meet with the Secretary's priorities about publishing results.

Based on specific requirements and based on guidance that you may provide, you know, we can work on validating that that infor-

mation is available and that it can be published and it can be published in a way that is in layman's terms and easy to navigate.

Senator CASSIDY. Now there are a lot of qualifiers in what you just said, and obviously you have not yet been confirmed and you are going to have a boss who is going to give some certain instruction. I totally get that. Let me just put on record—and I know you agree with this so I am not trying to be unpleasant—let me put on record, we would like that. I think Tester—when I read about the VA in Montana, it seems like it works pretty well, but when you look at some VAs across the country, not so. And it seems like we should be able to look at the VA in our community without having to kind of "what does that mean?" sort of thing, particularly on those which are the most prominent right now, opioid addiction being so prominent. We could think of others but that immediately comes to mind.

Well, again, thank you all for volunteering for your service—service to our country. Thank you, Ms. Glynn, and I yield back.

Chairman ISAKSON. Senator Sullivan.

HON. DAN SULLIVAN, U.S. SENATOR FROM ALASKA

Senator SULLIVAN. Thank you, Mr. Chair, and I want to congratulate all the nominees, and thank you for your willingness to serve. They are really, really important positions, really important agencies, so thank you.

Mr. Reeves, you and I had the opportunity to have a good conversation last week, and I had the opportunity, in that discussion, to kind of get a broad overview of the mission and what you are going to be focused on, and then raised a couple of Alaska-specific issues that related to our two veterans' cemeteries and some of the other kind of cultural dynamics that deal with burial issues in rural and tribal communities.

If confirmed, can I make sure you—that I get your commitment for you to come up to Alaska, like Secretary Shulkin has, and he is going to be back up there and work with me on some of these issues that are a little bit more distinct but also, I think, very important. As I mentioned, you know, the Alaska native community, veterans community, we have a very strong ethic of service and very, very proud veterans, and would love to get you up there to help us with some of these challenges.

Mr. REEVES. Well, Senator, first of all, if confirmed, can I get your commitment to invite me to come to Alaska?

Senator SULLIVAN. I think that is what I just did.

Mr. REEVES. I think so, sir. Sir, if confirmed——

Senator SULLIVAN. And I think you said yes, right?

Mr. REEVES. If confirmed, sir——

Senator SULLIVAN. Correct?

Mr. REEVES [continuing]. I will want to go to as many of our cemeteries as I possibly can because I am a person who works on the ground, and that is where I come from. If I am able to, that would be a pleasure for me to do that, if confirmed.

Senator SULLIVAN. Great. Well, we will just make sure that you are able to, when you are confirmed, and then you can do that.

Let me ask Ms. Mason, you know, the issue of the veterans' appeals is something that we have been working on for quite some

time, and I think, again, you are very qualified. You have been seeing these issues for, you know, a good part of your career. As you can imagine, just the length of time that some of these appeals takes is exhausting, for everybody, but in particular the veteran who is waiting.

Give me your sense, given your experience and how you have worked on this for a while and for a long time, what do you see the key issues that need to be addressed in your new position, if you are confirmed, and are you in agreement with some of the legislation that we have been working on, very bipartisan, that helps with the backlog, which is a very big issue for the VA?

Ms. MASON. Senator, thank you for the opportunity to address that issue. Yes, I am very much supportive and thankful of the legislation you have worked very hard on to pass this year to help us out. I agree with you, sir. Our veterans wait much too long for their decision.

If confirmed, I intend to look very closely and look for opportunities to re-engineer our process as a board, from the veteran's perspective. One of the first things I intend to do is issue a new decision template. We have not upgraded our decision template in 20 years.

Senator SULLIVAN. What does that mean, exactly, a decision template?

Ms. MASON. Our current decision template, where we—that is what we use to decide the cases—is very long and involved, and it does not serve the veterans. It does not get the clear answer to the veteran right up front. That is one of the things I want to address with our staff, if confirmed.

The other area where I intend to work, if confirmed, is with our VBA partners and our VSO partners. Our VSO partners have been extremely important in this appeals modernization initiative, and I think that we can continue to work with them in other areas as we move forward. Our VBA partners, with the opt-in initiatives in the legislation, as well as the new initiative RAMP, will be able to give the veteran the choice to opt out of the legacy into the new framework, to get earlier resolution, allowing the Board to take the next year and a half to really—or, actually, it is about 15 months now—to focus on those appeals that the veteran has been waiting the longest for, and if confirmed I am committed to doing that, sir.

Senator SULLIVAN. Great. Good. Well, we look forward to working with you on that very important issue.

Finally, Ms. Glynn, I am not sure this would be in your kind of area of responsibility, but one of the things that I think Dr. Shulkin has shown a lot of initiative on, and in some ways even courage on, is the idea of the focus on trying to integrate more appropriately DOD and VA electronic health records. That is a big, big undertaking. Can you give me a sense of that, and is that in your kind of purview with regard to the assistant secretary position, and how can we help on that, and what should we be, in our oversight capacity, looking for with regard to how that process—which is not going to be easy—how that process goes?

Ms. GLYNN. Thank you, Senator, for the question. Well, if confirmed, the role I would have would have two points of intersection with the electronic health record implementation and its inter-

action with Department of Defense, the first part being oversight for the Joint Executive Committee for the VA/DOD working group, which is more on the policy side, to make sure there is appropriate policy interaction, and just the framework in place for sharing of resources and moving that part forward.

The second piece is a little bit more on the execution of the program itself——

Senator SULLIVAN. Good.

Ms. GLYNN [continuing]. Related to the responsibility for the modernization activities of the agency. The electronic health record is one of the key initiatives that would be under modernization, so that responsibility for an independent review and assessment for the Veterans Health Administration's implementation of the electronic health record system, so we would be able to provide kind of an independent validation.

In terms of your question about what can the Committee do, you know, I think as that VHA team, that program office that they have now stood up, develops their project plan and their concept of operations for implementation, that is something that I would anticipate the Committee would want to see and to be briefed on that.

Senator SULLIVAN. Good. Will you commit to making sure this Committee is aware when it is going well, and when it is not going well, and just make sure we hear the good news with the bad news on that? It is a big, big undertaking. I think it is incredibly important. I applaud Secretary Shulkin for doing it, but again, it is not going to be easy and he is going to need all of our support. Will you let us know the good news and the bad news on that?

Ms. GLYNN. Yes. If confirmed, I will, yes.

Senator SULLIVAN. Good. Thank you. Thank you, Mr. Chairman.

Chairman ISAKSON. Thank you, Senator Sullivan.

Senator Tester.

Senator TESTER. Thank you, Mr. Chairman. I want to thank all of you for being here. I appreciate your opening statements, although I did not hear yours, Ms. Glynn, but that is my fault, not yours. I appreciate your opening statements. They were very good.

I am going to start with you, Mr. Reeves. The good news is by 2018, 92 percent of the veterans will have access to burial options within 75 miles of their home. That is good news. Unfortunately, "most veterans" does not necessarily include veterans in my State and other rural States.

In 2014, we opened the Yellowstone National Cemetery, which was a good move to help us address burial needs for veterans in Montana. The real question is, though, is we cannot do that everywhere, especially in rural States—Alaska, South Dakota, Montana, and others. What can we do? If confirmed, what could you do to address the burial needs of veterans in rural States around this country, including Montana?

Mr. REEVES. Well, currently, as I understand, in the strategic plan for NCA, there is a focus on—and you have accurately articulated a lot of that—initiatives to extend the burial options to rural areas. The Rural Cemetery Initiative, with rural burial grounds, is one of the items that is in that, along with the State Cemetery Grants Program.

If confirmed, one of the areas that I think we need to do, that I will want to focus on, as I had mentioned to one of the other members earlier, is a methodology of how we determine where those veterans are. I think that is so important to being able to adjust our programs to be able to serve our rural veterans.

Senator TESTER. Once you find out where they are at, then what do you do for burial, if they are further than 75 miles away from a veteran cemetery?

Mr. REEVES. If confirmed, I will have to take a look at exactly how they are reaching those veterans now, Veterans Cemetery Grants Program and/or the Rural Veterans Initiative and how that is being implemented, and look at ways to expand, first of all, those programs and any additional programs that may be able to support those local communities.

Senator TESTER. All right. I know you have got some experience working with tribal governments. We have got seven reservations in the State. Can you tell me how you would do outreach to those folks——

Mr. REEVES. Well——

Senator TESTER [continuing]. And if it would be any different than anybody else?

Mr. REEVES. Well, first of all, Senator, it would be different, based upon cultural needs and preferences, and, you know, religious considerations, and where those tribes and/or communities are. We have to be sensitive to what those communities both believe and what those communities need, based upon those beliefs.

I know that you are concerned with tribal governments.

Senator TESTER. Yes.

Mr. REEVES. I, too, am, you know, just because I am not out West does not mean that I do not have tribal issues, with Choctaw Nation and that.

Senator TESTER. Yeah. Well, we will certainly help you in that regard, if you need help.

Dr. Glynn, you know, we talked a bit about the Choice program. We talked a bit about we are getting figures. One day it is going to last for 3 months, 1 day it is going to last for 7 months, and the next day it is going to last for 6 weeks. It is really tough for the Chairman, myself, and Members on this Committee to be able to plan and predict when we do not get good, solid numbers.

I think this is in your bailiwick, and I would like to know what you can do to increase projection integrity, if you are confirmed for this position.

Ms. GLYNN. Thank you, Senator Tester. As I mentioned before, part of—you know, I have mentioned a few times in some other responses I have given, we have this modernization program that is underway, and there are multiple initiatives. One of those key initiatives is Community Care. Therefore, it would fall under the role, if I am confirmed, to have oversight into how that program and that project is being delivered, what is the concept for that, from a project standpoint, including forecasting, and we can pay specific attention to the forecasting, the budgeting, and the design of those processes, as well as with the role that I would have over data governance and analysis, from an enterprise perspective, to validate the data that is being used by the program.

Senator TESTER. It is your belief that the modernization efforts that are in play right now will fix this problem of bad forecasting—and it is bad.

Ms. GLYNN. I think it is something for modernization, that there is a new program design underway. It does not exist as of yet so I would not commit that the plan has been delivered and fully vetted at this point. I think that is something that is under our purview, to be the vetting agent for.

Senator TESTER. Sounds good. Can you give me one more question, Mr. Chairman.

Chairman ISAKSON. Sure.

Senator TESTER. All right. It goes to Ms. Mason. You talked about, you know, 155,000 veterans that are waiting for appeals. You talked about the fact that you have got 700 attorneys and you have not used paralegals yet but you might, if you are confirmed. It depends on how things work.

It does not look to me like it is going to be possible to get those 155,000 down to zero. Tell me why I am wrong.

Ms. MASON. Thank you for the opportunity to address that question, Senator Tester.

I am a little bit of an optimist. Actually, I am a pretty big optimist when it comes to those things, and I think that with the historic Act that you all helped pass and we got signed, those opt-ins that are already in the Act, the early act says opt-ins that are a part of the Act, as well as the RAMP program that we are rolling out this month, will offer those choices to the veterans, to move their cases from the legacy into the new framework.

We are working closely with our VSO partners on this, and I think through that dialog and through making veterans aware of that, we can move some of those cases into early resolution. Therefore, I think that the Board can reduce our legacy backlog to—I do not know to zero, but close. Thank you.

Senator TESTER. OK. Well I will tell you, I look forward to that day. We will do a backflip together. I think that we passed a good piece of legislation. I know you are familiar with it. You addressed it just now. I would just say that if we get this one done, in your position, you need to get big kudos for it, because we have been talking about it on this Committee for almost 11 years. Johnny has probably been on it longer than that; it has been an issue we have dealt with every Congress since we have been on here. Thank you for that.

One last thing. I did not hear your opening statement, Ms. Glynn, but you talked about your families yet you did not introduce them. I would love to see their faces if I might. We can just go right down the line.

Ms. GLYNN. Certainly. Senator Isakson was kind enough to ask for my mother to stand earlier.

Senator TESTER. Sorry about that.

Ms. GLYNN. This is my mother, Jo-Ann Serrani.

Senator TESTER. That is what happens when I come late. Good to have you here.

Mr. REEVES. I mentioned my wife and my family but my wife did not travel with me on this trip. I would otherwise like to introduce Les Beavers, the Executive Director of the State Directors of Vet-

erans Affairs, a very close friend of mine, who is here to support me.

Senator TESTER. I think I have seen him a time or two.

Mr. REEVES. I think you have, sir.

Ms. MASON. Senator Tester, my husband, Lieutenant Colonel Brett Mason, U.S. Air Force Retired, and my youngest son, Trevor Mason, a high school senior.

Senator TESTER. Great. Thank you all very much for being here. I appreciate you putting yourself up for these positions. Thank you, and thank you, Mr. Chairman.

Chairman ISAKSON. We appreciate all of you being here, and we congratulate you. Ms. Mason, when you get that backflip scheduled for Senator Tester will you please give us a lot of notice. [Laughter.]

Ms. MASON. I will, sir. Thank you.

Chairman ISAKSON. That is one backflip I want to be there to see.

Ms. MASON. Thank you, Mr. Chairman. Clearly I am going to have to start working on some limber moves there.

Chairman ISAKSON. We will be working closely to get to a mark-up as soon as we can. As soon as that is posted you will be notified of that. We appreciate very much your being here today, and thank you for your testimony.

We stand adjourned.

[Whereupon, at 3:25 p.m., the Committee was adjourned.]

A P P E N D I X

The National Association of State Directors of Veterans Affairs, Inc.

September 11, 2017

The Honorable Johnny Isakson, Chairman
The Honorable Jon Tester, Ranking Member
Attn: Heather Vachon, Chief Clerk
Senate Committee on Veterans' Affairs
412 Russell Senate Office Building
Washington, DC 20501

Re: Letter of Recommendation for Executive Director Randy Reeves, Mississippi Veterans Affairs Board

Dear Senator Isakson and Senator Tester,

The purpose of my letter is to express strong support for the nomination of Executive Director Randy Reeves for the position of VA Under Secretary for Memorial Affairs. Randy has just completed a highly successful year as NASDVA President with accolades from the State Directors of Veterans Affairs from all 50 States, District of Columbia, and five Territories. Based on his extensive background of service to Veterans at the state and national level, he is eminently qualified to perform this important duty.

Randy has proven to be a special civil servant who puts the concern for others above his own. He understands the needs of Veterans. His U.S. Navy career both enlisted and as an officer form the basis of his empathy for those who have served. As a former Mississippi State Cemetery Director and later as the State Executive Director for Veterans Affairs, he witnessed first hand the impact of honoring Veterans and family members during their time of need for memorial affairs support. He was directly involved with committal services and perpetual care of gravesites. Randy has the passion and experience to execute this mission nationally and is prepared for this undertaking.

In leading the National Cemetery Administration, Randy will be responsive to Congress, VA Secretary David Shulkin and America's Veterans. He will make a difference as national policies and priorities are undertaken particularly when constrained budgets are involved.

NASDVA is proud that one of its leaders will assume a position of national prominence and we look forward to his continued contributions.

Very respectfully

Leslie E. Beavers

Leslie E. Beavers
NASDVA Executive Director
Brigadier General, USA Retired

NASDVA, Inc., 700 Summer St. NE, Salem, OR 97301

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