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HEARING TO CONSIDER PENDING NOMINATIONS

HEARING
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE
ONE HUNDRED NINETEENTH CONGRESS
FIRST SESSION

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HEARING TO CONSIDER PENDING NOMINATIONS

TUESDAY, APRIL 1, 2025

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

The Committee met, pursuant to notice, at 10:33 a.m., in Room SR-418, Russell Senate Office Building, Hon. Jerry Moran, Chairman of the Committee, presiding.

Present: Senators Moran, Boozman, Cassidy, Tillis, Sullivan, Blackburn, Tuberville, Banks, Sheehy, Blumenthal, Murray, Hirono, Hassan, King, Gallego, and Slotkin.

OPENING STATEMENT OF HON. JERRY MORAN, CHAIRMAN, U.S. SENATOR FROM KANSAS

Chairman MORAN. Thank you all very much for making me feel important by the use of the gavel. It did get quiet and it was kind of a good feeling. Mostly, when I saw my colleagues get quiet. I felt powerful. So thank you all [laughter].

The hearing will come to order and I thank all of you for being here. This morning, we will consider three pending nominations. Samuel Brown, nominee to be the VA Under Secretary for Memorial Affairs; James Baehr, nominee to be the VA General Counsel; and Richard Topping, nominee to be the VA Chief Financial Officer.

Each of these roles are critically important to fulfilling the VA's mission of improving the care, benefits, and services of millions of veterans, caregivers, survivors, and beneficiaries across the country. The Under Secretary of Memorial Affairs is responsible for making certain veterans and their loved ones have a dignified final resting place and are appropriately memorialized for future generations.

The VA's General Counsel is responsible for making certain the department and its employees, faithfully follow the laws that Congress writes in providing legal counsel and expertise on a range of issues that impact services veterans and beneficiaries receive.

And finally, the VA's Chief Financial Officer is responsible for making certain that the VA is a good steward of taxpayer dollars and well-funded for carrying out the department's sacred mission.

Captain Brown, Lieutenant Colonel Baehr, Captain Topping have all served in the military themselves, and as they will explain in their testimony today, each of them have personal experience with the VA in their civilian lives. I look forward to hearing this morn-

ing their goals if confirmed, and working alongside Secretary Collins and Deputy Secretary Lawrence in their respective roles to raise the bar across the VA to better serve fellow veterans. I thank you all for being here and with that I yield to the Ranking Member.

**OPENING STATEMENT OF HON. RICHARD BLUMENTHAL,
RANKING MEMBER, U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thank you, Mr. Chairman. Thank you to each of the nominees for your willingness to serve and to your families for their support. As we say about our veterans, families serve as much as our men and women in uniform and the same is true of all who serve in our Veterans Affairs Department.

Right at the outset, let me just say that I will join in insisting that there be no unanimous consent to any of these nominations. My colleague, Senator Gallego of Arizona, has stated that he will “block the nominations”, which means he will object to unanimous consent. I certainly intended to do the same, and I think the Senate is entitled to a full debate on each of these nominations.

This Committee will delve into your background, but let me just say about this process, I voted for the Secretary, Doug Collins, after his assurances about being transparent, about preserving the workforce of the VA, about putting veterans first. I have been disappointed. I think that is a vast understatement, because he has failed to respond to our inquiries and questions. He has targeted 80,000 in addition to the 2,400 already fired among the VA workforce.

The impacts of the roll back and the heartless, heartbreaking cuts in veteran services, are already evident to many of us who were home just this past weekend. Tomorrow at a shadow hearing, as we have called it, beginning at three o’clock, we are going to explore some of the real-life impact of the cuts, freezes, and firings that have occurred already. Cuts and funding, freezes in hiring, and firing of thousands of VA employees.

The fact that the nominee for Secretary could in this way, in my view, so mislead us, indicates to me that we need an especially exacting and demanding process, and I am intent that we will explore as fully and completely as possible the backgrounds of every nominee, for every position.

Each of you will have an extraordinarily important role in the VA. Mr. Brown, if confirmed as Under Secretary for Memorial Affairs, you will lead a department with one of VA’s most sacred missions, honoring our veteran service members and their families with a dignified burial and lasting memorial. I hope that you will continue the excellent leadership of your predecessor, our last Under Secretary General Matt Quinn, particularly to ensure that the National Cemetery Administration is adequately staffed and able to accomplish its mission.

We have heard about the Musk/Trump assault on the VA workforce that has already apparently discouraged and driven off a number of our senior NCA officials in the field, and as a result, there may be delays in multiple months in burial and interments. You need to be fully transparent with us, with families, and others in pushing back on Secretary Collins, Elon Musk and Donald

Trump if they continue to fire or fail to hire, sufficient numbers to provide the kind of service that our veterans need and deserve.

Mr. Baehr, if confirmed as VA's General Counsel, you will be the top lawyer in the department. You are going to be advising VA leadership on litigation policy and ethics. You are going to be working for the President who said he doesn't need to obey court orders. You have expressed to me that you believe that court orders need to be obeyed. The executive branch overreach cannot be permitted to stand if there is a disobedience of court orders. And I will be asking you very direct questions about your adherence to the rule of law.

Mr. Topping, if confirmed as Chief Financial Officer, you are going to oversee a budget that is approaching 400 billion and it directly impacts the care and services provided for all of our Nation's veterans. As we have seen, Elon Musk is pushing indiscriminate cost cutting across all Federal agencies, regardless of the consequences. This effort is not only upending lives and harming veterans, but it is incredibly shortsighted and will cost taxpayers more in the long run.

The failure to prevent illness, just as an example, cost a lot more than providing the kind of care veterans need to avoid the additional expense of treatment if they become sicker. Today, we need to know whether each of you will put veterans first.

I have offered legislation called Putting Veterans First, that would require all of the fired veterans, in all of the agencies of the Federal Government to be hired back, and all of the fired employees in the VA to be hired back. And to prevent anything like the blanket across-the-board firings that have occurred by requiring individual, personalized assessment of the performance of any individual who is considered for termination and giving them appeal rights—due process, essentially.

Also, this legislation would prevent the mining and collecting of data from veterans by anyone including the Musk operation, which has been going forward.

Let me just conclude by saying, we are going to have this shadow hearing tomorrow, with veterans who are our eyes and ears by what is actually happening. We are doing this shadow hearing because Secretary Collins has so far refused to appear before this Committee. I know he has agreed at some point in the future to do so, perhaps in connection to the budget hearing. I am looking forward to that appearance, but we need answers right away to the questions we have been asking in letters that we have written, and we need them in public so veterans can see and have some transparency and visibility into what is actually happening.

The anger among our veteran's community is mounting and to quote the commander of the VFW when he appeared in the hearing before us, "we need to stop the bleeding".

Thank you, Mr. Chairman.

Chairman MORAN. Thank you, Ranking Member. I now recognize Senator Sullivan to introduce Captain Brown.

**INTRODUCTION BY HON. DAN SULLIVAN,
U.S. SENATOR FROM ALASKA**

Senator SULLIVAN. Thank you, Mr. Chairman and Ranking Member, Blumenthal. It is my honor this morning to introduce Captain Samuel Brown for the position of Under Secretary of the VA for Memorial Affairs.

In this Committee, we often hear from American veterans who have served the United States honorably, that make countless sacrifices to protect our great Nation. We hear stories of great success that make us proud. We also hear stories of heartbreak and sacrifice and tragedies, patriotic Americans sacrificing their lives for our freedoms.

The Under Secretary for Memorial Affairs has the important, I would say, critical responsibility of overseeing the Department of Veterans Affairs National Cemetery Administration.

The National Cemetery Administration plays a central role in honoring the contributions of our service members, ensuring they receive a dignified burial, with recognition of their service, providing gravesites alongside their fellow veterans. Headstones and markers that tell the story of these American heroes, and the continued maintenance of these very important sites, is important for all Americans.

The honor we pay to our veterans in the United States is a source of great pride and an important part of our national heritage. The memorial of a veteran is a symbol of our enduring gratitude for their service and a commitment to their sacrifices that it will not be forgotten.

I am very honored today to be introducing a friend, a loving husband, and father of three and proud American Army veteran who understands in the most severe way the honor and service, and yes, sacrifice of serving in our Armed Forces. Mr. Sam Brown is a perfect example of the selfless service and sacrifice that we admire so much in those who have served in our military.

Colleagues, we have all been to the funerals of fallen service members. These are somber and moving affairs that are seared in the collective memory we have as Americans, for life. Many of these places in which these moving and important ceremonies take place will be under Sam Brown's leadership, if he is confirmed.

I can think of no one more capable and qualified to carry out the solemn responsibilities of supporting our veterans and their families, at the end of their lives, with compassion and dignity than Mr. Brown. Captain Brown will make an excellent Under Secretary for Memorial Affairs, managing and caring for over 4 million Americans interned at our 156 national cemeteries across the country.

Captain Brown is a decorated soldier who comes from a family with a strong ethic of military service, including his very accomplished and brilliant wife, also a United States Army veteran. Like so many veterans, Mr. Brown answered the call to service after our country was attacked by terrorists—after 9/11. After graduating from the United States Military Academy of West Point in 2006, Captain Brown was commissioned as an infantry officer in the United States Army in 2008, and was deployed to Afghanistan.

On this deployment, Captain Brown was severely injured in an IED attack, leaving severe burns over much of his body. His pain-

ful recovery involved over 30 surgeries. His wife Amy, heroically nourished him back to health. In recognition of Mr. Brown's bravery and sacrifice, he was awarded the Purple Heart and Bronze Star.

After being medically retired from the United States Army, Mr. Brown went on to start an innovative healthcare company, which works with the VA to support the delivery of critical medications to our Nation's veterans, serving a network of over 68,000 pharmacies across the country.

Captain Brown's work on this venture is a great testament to his impressive leadership abilities, solutions-oriented mindset that will be of great benefit to the National Cemetery Administration, and the veterans we all honor and serve.

Mr. Brown's confirmation will send a clear message to our veterans and their families, that their sacrifices will be respected, remembered, and honored. Captain Brown has the experience in understanding to care for our service members, to get them the dignified burial that they have earned through their service, and ensure that friends and families can continue to visit their loved ones who lie in dignified and beautiful national cemeteries across our Nation.

I urge all of my colleagues to support the confirmation of this patriotic American, who has sacrificed enormously for our Nation, to be the Under Secretary of Memorial Affairs. Thank you, Mr. Chairman.

Chairman MORAN. Senator Sullivan. Thank you very much.

I now recognize Senator Cassidy to introduce Lieutenant Colonel Baehr.

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

Senator CASSIDY. Thank you, Chairman Moran and Ranking Member Blumenthal. I have the privilege to introduce Lieutenant Colonel James Baehr for his nomination as General Counsel of the Department of Veterans Affairs. I also welcome his wife Jasmine, his father Ted, and his son, whose 4-month birthday is today. So, if he gives a real shout-out in a second, we won't be surprised.

Currently, James serves as a military judge in the U.S. Marine Corps Reserve and on the Louisiana Veterans Affairs Commission, where he has been a great advocate for Louisiana veterans. But this just scratches the surface of an impressive career.

James has served in the Marine Corps for nearly 20 years as a defense counsel, a civil affairs officer. He was deployed during Operation Inherent Resolve in Iraq as a staff officer for Lieutenant General Paul Funk. It was during his time under General Funk that James earned the Defense Meritorious Service Medal and Joint Service Achievement Medal. These accolades can speak for themselves, but having a statement of support from a General does not hurt.

In the statement submitted to this Committee, General Funk states that "James' personal leadership contributed to the superb success of our mission. This great Marine officer did what Marines do. He added clarity to chaos and confidence where calamity once prevailed. In a complex operational environment, Lieutenant Colo-

nel Baehr played a key role in shaping how our mission was seen by the outside world. His work reflected not just logistical excellence, that sound judgment and strategic insight".

Off the battlefield, James prosecuted violent crime and civil corruption as a Federal prosecutor in the Eastern District of Louisiana. He also clerked on the Fifth Circuit, and advised President Trump on veteran's issues, as a special assistant to the President during the President's first term. While advising the White House, he worked to expand access to healthcare, improve suicide prevention measures, and better the lives of our veterans.

And these are issues James knows firsthand as a veteran. He has received care at the New Orleans VA Medical Center. He is a husband who used a VA home loan to buy his home, and he is a father who transferred his GI Bill benefits to his son. We all know that our VA can do more for our veterans, that starts with having strong leadership.

I am confident that James will bring legal excellence, integrity, and a mission first mindset to the role of General Counsel. Most of all, I know that he will put our veterans at the forefront of every decision he makes. He has my full support. Thank you Lieutenant Colonel for offering yourself for service. With that I yield.

Chairman MORAN. Senator Cassidy, thank you. And Senator Tillis, I now recognize you to introduce Captain Topping.

**INTRODUCTION BY HON. THOM TILLIS,
U.S. SENATOR FROM NORTH CAROLINA**

Senator TILLIS. Thank you, Chairman, Ranking Member Blumenthal, and colleagues on the Committee. It is my privilege to introduce Richard Topping, an outstanding nominee, uniquely qualified for Chief Financial Officer of the VA.

The VA is a lifeline for 9 million veterans, operating the largest integrated health system in the country. With a \$370 billion budget, a budget that must be managed with precision and accountability. Yet last year, the multi-billion-dollar budget shortfall exposed serious failures in financial oversight. The department's inability to properly forecast its needs created uncertainty for veterans, policymakers and taxpayers alike. These kinds of missteps are inexcusable when veterans are at stake.

With 25 years in healthcare, law and finance, Richard has worked across TRICARE, Medicare, Medicaid, and the VA's Community Care system. As an Army JAG officer, he was a pioneer in military healthcare financing. In North Carolina, he restructured the state's failing Medicaid program, turning it into a model of fiscal responsibility and improved care for 2.7 million people in North Carolina.

But beyond his résumé, Richard understands this system firsthand. As a VA enrolled veteran himself, from the early days of the Choice program, he has fought to ensure veterans can access high quality care, whether in VA facility or in our community. I know Richard Topping and I know he is the right man for the job.

I met him 17 years ago; I had more hair and he had black hair. Fresh out of the Department of Justice, Richard had moved to Charlotte. He was the same then as he is now, eager to serve the public and qualified to make a difference. We need a decisive finan-

cial leader who will bring transparency, discipline, and reform to the VA.

Richard Topping is ready to take on this challenge and I am proud to endorse him for the CFO role, and I urge my colleagues to support him in his nomination. Thank you, Mr. Chair.

Chairman MORAN. Thank you, Senator Tillis. I now would ask all three witnesses to stand and take the oath. Would you please raise your right hand. Thank you. Do you solemnly swear or affirm that the testimony you are about to give before the United States Senate Committee on Veterans' Affairs will be the truth, the whole truth, and nothing but the truth, so help you God?

Captain BROWN. I do.

Mr. BAEHR. I do.

Mr. TOPPING. I do.

Let the record show all three witnesses answered in the affirmative. Please be seated.

Captain Brown, we begin with you. Thank you for your presence here today and your interest in service. And feel free to introduce your family as part of your testimony and you are recognized now for 5 minutes.

STATEMENT OF CAPTAIN SAMUEL BROWN, U.S. ARMY (RET.), NOMINEE TO BE UNDER SECRETARY FOR MEMORIAL AFFAIRS, U.S. DEPARTMENT OF VETERANS AFFAIRS

Captain BROWN. Thank you, Chairman Moran, Ranking Member Blumenthal. And thank you for inviting me to testify before this Committee today. Senator Sullivan, thank you for your service in uniform and for your gracious introduction.

I also want to acknowledge and thank my wife Amy Brown, who is not here this morning because she actually has a VA appointment and told me she won't be able to watch the hearing as she is having labs drawn. She is a combat veteran, the mother of our three children, and the woman who loved me when I didn't believe it was possible for anyone to see beyond my horrific scars in the months after being wounded.

She is more than a spouse. Amy is my best friend and is a hero to me.

I must also thank President Trump for nominating me to lead the National Cemetery Administration. As I hope you will hear and understand to my testimony today, this is a sacred duty and a commitment our Nation must uphold to our service members and veterans who gave a portion or in some cases, all of their life in service to the rest of us.

It is humbling to be before you, a Committee that leads the United States Senate and bipartisan work, that delivers life changing legislation like the VA Accountability and Whistleblower Protection Act, the MISSION Act, and the PACT Act. It is equally humbling to be considered as someone who will lead the National Cemetery Administration, which has a legacy of honoring our veterans and the families it serves with distinction, and boasts an impeccable record of customer service.

I am the son and grandson of veterans. I was raised in a family where we were expected to join the military after high school. My journey down that path began just months after our Nation was at-

tacked on September 11, 2001. I was accepted to the United States Military Academy at West Point and reported for training and my education in less than a year after those attacks.

My family members walked that path alongside me. My father, two younger brothers and my wife all deployed to Afghanistan or Iraq. I lost a soldier as a result of the roadside bomb; at the same time, I received my wounds that still scar me to this day. I lost friends in Afghanistan and Iraq and I even lost my closest brother to suicide as a result of the unseen wounds from traumatic brain injuries sustained in combat operations over the course of his three deployments to Helmand, Afghanistan.

I have devoted my life to this country and its veterans, both in uniform and after I was medically retired. I have worked for and with veterans service organizations. I have run a company that provides the Department of Veterans Affairs with emergency or urgent care pharmaceutical services for our veterans. And the VA has been my primary healthcare provider for 13 years since I retired from the Army. As a result, I commit to you that if confirmed, I will always put veterans and their families at the center of everything I lead.

The greatest lesson I learned in uniform came to me on that fateful day in the desert of Afghanistan on September 2008. As I lay face down in the dirt and dust, covered in flames from the top of my head to midway down my legs, I reached a significant point in my life. I finally faced my own humanity and realized that I could not save my own life.

Isolated and alone in my own living nightmare, I cried out to my Creator, Jesus Christ and my mother. I had three thoughts in this moment. I wondered how long it will take to burn to death. I pondered the transition from this life to the next and what it was going to be like. And then I made the conscious decision to give up the will to live. A version of me died in that moment.

I was reborn when I heard the voice of my gunner scream out "Sir, I've got you". After smothering the flames that burned my body, his words gave me the miracle of hope. That hope rescued me and it was the start of a journey that brings me here before you today.

The message of hope that I received on the battlefield, is one that the National Cemetery Administration delivers every day to the families and loved ones who are left wondering if they can go on with their lives after losing a cherished person who served this country. When that day arrives, the National Cemetery Administration is there to tell those family members and loved ones "We've got you".

I understand this responsibility and sacred duty to fulfill President Lincoln's promise, "Take care of those who have served in our Nation's military and for their families, caregivers and survivors". That is why I sit before you today to ask you to support my nomination to become the next Under Secretary for Memorial Affairs.

Thank you and I look forward to your questions.

[The prepared statement of Captain Brown appears on page 43 of the Appendix.]

Chairman MORAN. Mr. Brown, thank you for your very meaningful testimony. Lieutenant Colonel Baehr.

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

Mr. BAEHR. Chairman Moran, Ranking Member Blumenthal, honorable Members of this Committee.

It is the honor of my life to appear before you today as the nominee for General Counsel of the Department of Veterans Affairs and to tell you about my commitment to my fellow veterans.

I am profoundly grateful to President Trump for this nomination and to Secretary Collins for his confidence in my ability to fulfill this role. If confirmed, I pledge to continue to uphold my lifelong commitment to the Constitution and devote myself fully to the department's sacred mission, to care for our veterans, their families, caregivers, and survivors.

I am blessed to have some of my family in attendance. My father is here, who has always taught me to pursue service over self. My mother is here too in spirit, though she passed away several years ago, she taught me to never give up on your impossible dreams. My brother is here with his family. He has taught me what it means to be loyal to a comrade and to a brother, and many friends are here as well.

And most importantly, my wife Jasmine is here and our newborn son James, who is 4 months old today. I cannot thank my wife enough for the sacrifices she has made to support my many endeavors and that she will continue to make, should I be confirmed. And it is my hope that my son would want to choose the path of military service, that has been the most important and noble decision I have made in my life. And someday that he would be blessed to call himself an American veteran.

I was an incoming freshman when terrorists attacked the World Trade Center. I was 19 years old when I ran into an Officer Selection Officer in the dining hall of Dartmouth College, who changed my life. He asked me if I wanted to go to Officer Candidate School that summer. I had no business going to Quantico. I had no family service tradition. I was a nerd, but I could not shake the conviction that I should go, I should serve. And I said yes to that Officer Selection Officer. I went to Quantico and when I graduated, I was blessed to become a Marine.

After law school at UVA, I was blessed to serve as a judge advocate, defending my fellow Marines at Camp Pendleton, California. After active duty, I took a clerkship in New Orleans on the Fifth Circuit Court of Appeals. I was then hired as Federal prosecutor and served in the Department of Justice for years under presidents of different parties. I remained in the Marine Corps Reserve, serving as a civil affairs team leader and then deploying to Iraq in 2018 during the fight against ISIS.

When I returned from Iraq, I experienced firsthand that sense of dislocation that so many veterans feel after coming home from the intensity of deployment to the civilian world. And that is an experience I will take with me to the role of General Counsel, if confirmed.

It was around this time that the opportunity arose to enter a different mission: to become a key policy advisor to President Trump on veterans' issues in his first administration. I have worked closely with VA, and many of the dedicated staffers in this room to improve veteran access to healthcare, increase accountability at VA, and address veteran mental health and suicide.

I am proud of the bipartisan accomplishments that we achieved with the support and help of this Committee and President Trump. After the administration, I returned to litigation to fight public-impact constitutional cases—representing litigants challenging government overreach and service member families impacted by government negligence. I continue to serve in the military reserve, upholding the law, as a military trial judge.

I would take all of these experiences with me in my service to veterans at the Department of Veterans Affairs. I am not just a nominee, my life is entwined with the VA. As Senator Cassidy said, I received care at our beautiful New Orleans VA Medical Center. My family purchased our home from a VA home loan guarantee, and I transferred my GI Bill, that the VA administers, to my son. I serve as an appointed commissioner at our state's Veterans Affairs Commission.

I have a deep appreciation for the challenges that department faces, and the urgent need to ensure that veterans receive the highest level of service that they have earned. And you have my wholehearted commitment to uphold the oath to the Constitution that I swore as a Marine and as a prosecutor, and to place the veteran at the center of all that I do.

The decisions that General Counsel makes are not just books in the law. They are decisions that impact the lives of the veterans every day, and I will never forget that. If confirmed, I will work tirelessly to advance principles of accountability, integrity, and mission accomplishment in the Office of General Counsel.

First, the accountability. The first lesson of Marine Corps leadership is that “You are responsible for everything that happens or fails to happen under your command”. I will take responsibility for my actions and those of my office. Second, integrity. I will fully commit to faithfully interpret the law, and provide the Secretary the best legal counsel so that the office operates with trust and credibility.

And third, mission accomplishment—making certain that my office is never the obstacle to impede the VA from delivering the care, benefits, and services that veterans have earned in a timely fashion.

I am humbled by this opportunity to continue serving my fellow veterans. If confirmed, I will work tirelessly to support the Secretary and this Committee in delivering on the promise made to every veteran, and to secure that promise for the veterans who will come after us.

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

[The prepared statement of Mr. Baehr appears on page 73 of the Appendix.]

Chairman MORAN. Thank you for your testimony. I recognize Captain Topping.

STATEMENT OF RICHARD TOPPING, NOMINEE TO BE CHIEF FINANCIAL OFFICER, U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. TOPPING. Thank you, Mr. Chairman, Ranking Member Blumenthal. Thank you, Senator Tillis and distinguished Members of the Committee. Thank you for the opportunity to appear before you today.

It is a profound honor to be nominated for this role. I am deeply committed to the mission of the VA and if confirmed, I will work to ensure that our veterans, families, caregivers, and survivors receive the care and benefits they have earned.

I am deeply grateful to President Trump and Secretary Collins for their confidence in me. I am grateful to the Members of this Committee for considering me to serve our great Nation alongside the men and women who are dedicated to delivering on one of America's most sacred promises.

Over the last few weeks, I have had the opportunity to meet with several Members of the Committee and your staffs. I have appreciated the direct candid input and guidance about your priorities and opportunities for how we can fulfill our shared commitment to veterans. Our meetings were an affirmation of the singular importance of the mission, and the critical role to which I will be entrusted, if confirmed.

I am an Army veteran. And for the past 20 years, which is all of my adult life after completing my military service, I have been a beneficiary of VA. I have grown up with the VA as a constant support and resource. VA has provided for me and my family in ways both small and large. From simple primary care checkups, to the VA loan that allowed me to purchase my family home, to the programs that will be there for me as I age and my needs become more complex. Just about the only thing in my life that has not changed over the past 20 years has been the VA.

But it is not just me. My grandfathers, the first in their families who received college educations, did so through the GI Bill. Both World War II Veterans, one Navy, the other Army. So just about the only thing they agreed on was the importance of the VA and giving them their first chance to succeed.

My younger sister, who became life threateningly ill in Iraq, received almost all of her post-military care support from VA. And while she ultimately passed from her illness, my family and I personally experienced the life sustaining care VA provided her. Finally, the newest VA enrollment in my family is not my son. He is too young and with his early aptitude for engineering, I am quite worried that he is headed to the Navy.

No, my family's newest VA enrollee is my father. A Vietnam-era veteran, he has both Medicare and private coverage through my mother's retirement as a public school teacher. But even with that coverage, he still struggled to find specialized hearing care related to his military service with jet engines. So we turned to the VA. He applied, was rated, enrolled and received incredible specialty care in a matter of months. It was care that only the VA could pro-

vide. A commitment that our Nation made to my father decades ago was there when he needed it.

While VA has cared for me and my family, I have been lucky in my career to be able to care for others. More than two decades, I have had the opportunity to work in government and private sector, with the Nation's largest healthcare programs, TRICARE, Medicare, Medicaid, Marketplace, and VA's own Community Care.

All of these programs are complex, funding can be difficult, capabilities often lag requirements and programs must constantly evolve to meet the needs of individuals they are intended to serve. That work can often be financially, operationally, and politically challenging. But through these experiences, I have developed a strong understanding of the complexities and responsibilities involved in leading large organizations and managing complex financial systems.

The more critical an organization's mission, the more critical its accountability. As CFO, I will use my experience, skills and leadership to coordinate and enhance VA's financial systems, ensure taxpayer dollars are used effectively and transparently, and maximize financial operations across the agency. My focus will be on enhanced financial reporting, improved budget forecasting and management, and ensuring the continued modernization of VA's financial infrastructure and technology. If confirmed, I will work with the Secretary, this Committee, VA's incredible career staff, my fellow appointees, and the many other stakeholders who embrace the responsibility to care for veterans.

I am honored to be nominated to serve an organization that has done so much for me and for my family. May God bless all those who have fought and sacrificed for this great Nation. I am forever grateful.

Thank you, Mr. Chairman. I am prepared to respond to any questions you and the Committee may have.

[The prepared statement of Mr. Topping appears on page 123 of the Appendix.]

Chairman MORAN. Mr. Topping, I thank you and the other two witnesses. I thank you for your service. And we will now begin an opportunity for Members of this Committee to ask you questions.

Mr. Baehr, I would like to start with you. First of all, I ask you to give General Funk my regards. He served at Fort Riley and First Infantry Division and at Fort Leavenworth in Training and Doctrine Command, and I hold him in the highest regard.

First of all, we often—this Committee—often find our request for information waiting for the Office of the OGC to provide us with that answer. Can you commit to me that you will do everything you can to see that this Committee gets the information that we request in a timely fashion?

Mr. BAEHR. Yes Sir. I think the oversight function of this Committee is absolutely essential in our constitutional structure. I never want the Office of General Counsel to be the impediment to you receiving information that you require to do that job.

Chairman MORAN. Thank you. You have mentioned the Constitution in your statement several times and just now, and my question to you is, are there any circumstances you would recommend to the

Secretary to disobey an order of the court or disregard any court decision or ruling?

Mr. BAEHR. Absolutely, absolutely not, sir. As a military judge myself, I understand the importance of our courts in our constitutional system, and the importance of following the Constitution and the court's orders.

Chairman MORAN. I thank you for that answer. And now let me turn to you, Mr. Topping. In 2017, a North Carolina state auditor found that while you served as the Chief Executive Officer of Cardinal Innovations, a mental healthcare organization, you overspent on administration and contracting to include your salary as well as excessive expenditures on cars, credit cards, social gatherings, travel bonuses for employees, and explored business opportunities outside the company's core mission.

The audit was followed by your departure. Would you please explain these circumstances, from your point of view, where the ongoing litigation currently stands and why the Senate and the American people should put their faith in you with financial management at the Department of Veterans Affairs in light of these allegations?

Mr. TOPPING. Sir, thank you so much for the question. In my 25 years in this business, every single independent financial audit that I have ever been a participant in or accountable for has resulted in a clean audit opinion attesting to the accuracy of the financial statements of my company. What you are referring to is the North Carolina program audit. That was a political audit by an elected Democrat who was opposed to the work that my company and I were doing to implement Governor McCrory's Medicaid reform.

The allegations she made were false, they were misleading. I said so at the time. I corrected the record. You can read my response in the report. And the allegations that then led to frivolous litigation, has since been dismissed. The litigation that I filed to defend myself resulted in a \$500,000 defamation judgment in my favor. And after the audit, our auditor made these false misleading, and according to the court, defamatory statements. She was indicted for misuse of public funds, pled guilty and was removed from office. I am confident that my business record and her criminal record speak for themselves.

Chairman MORAN. I thank you for that answer. I recognize Senator Blumenthal.

Senator BLUMENTHAL. Thank you, Mr. Chairman. Mr. Brown, as you know, the NCA consistently ranks high, in fact, perhaps highest among all government agencies in terms of customer satisfaction. It is a sacred mission that the NCA performs. I am deeply concerned about the projected firing of 80,000 members of the VA workforce, including potentially NCA employees. Will you commit to this Committee that you will stand up against firing any of the NCA employees who are important to fulfilling its mission?

Captain BROWN. Thank you Senator. What I can commit to you is that the mission will always be first. When I was in the Army, we had a motto that "No mission too difficult, no sacrifice too great, Duty First!" In this case, the veteran is the mission, and every-

thing that the Secretary has spoken about publicly, he has stated as much.

So, to the extent that the mission of NCA, which is to honor the lives of our veterans, their family members, to ensure that they are properly memorialized, that is my focus, and I will do everything I can to make sure that that mission is never impeded.

Senator BLUMENTHAL. So, you will stand up to any cuts that are made, for hiring freezes?

Captain BROWN. Senator, I don't yet know exactly how the field operations are conducted. And so, what I can tell you is the mission will never suffer, if confirmed, under my leadership.

Senator BLUMENTHAL. Mr. Baehr, let me ask you, currently there is a policy we have heard that requires VBA employees to first contact their superiors for permission, that is political leadership before they talk to the Office of General Counsel. In other words, they have to get permission from the political leadership before talking to the Office of General Counsel. Would you oppose that kind of policy?

Mr. BAEHR. Thank you, Senator. My goals would be accountability and communication, making sure that the Office of General Counsel provides consistent advice. I am not there now and I don't know all the details of the policy, but my goal would be to efficiently provide responses across the enterprise, across the entire client base, which is the Department of Medical Affairs and the veterans that we serve.

Senator BLUMENTHAL. Wouldn't you agree that VA employees should be free to talk to the Office of General Counsel without first seeking permission from the political leadership?

Mr. BAEHR. Sir, in general, I think communication is vital. I do think it is important that it occurs in an organized fashion so that employees are not providing one piece of advice to one person and one piece of advice to another that is distinct or different.

So, my goal would be to achieve communication in an organized fashion. In terms of other concerns such as, for example, whistleblower issues or retaliation, you know, we have a special structure at the VA that permits those folks to go to the Office of Accountability and Whistleblower Protection and other places to pursue those.

Senator BLUMENTHAL. Well, I think that is a complicated answer to a question that could be answered very simply, that employees should be free to seek legal advice on issues before they take action that might violate the law. Wouldn't you agree with that as a very simple proposition?

Mr. BAEHR. Yes, sir. It is a general proposition. I would agree with that.

Senator BLUMENTHAL. I know that I and a number of my colleagues on both sides of the aisle have been frustrated in the past with how long the VA takes to promulgate rules and implement policy. Will you commit to try to speed the timelines for that purpose?

Mr. BAEHR. Absolutely, sir. I think that is one of the most important missions that the office does in terms of its role in regulatory guidance, in rulemaking. I will set rigorous metrics to increase our efficiencies and ensure that our team rapidly accomplishes the mis-

sion for the service of our veterans. I know there are a lot of important rules that you and others have proposed, and I would look forward to the opportunity to help the office increase efficiency in that role.

Senator BLUMENTHAL. Mr. Topping, you said that, in connection with the audit that the Chairman mentioned, that it was done by a—I am not going to use your words exactly—by political appointee or was politically motivated. What is the basis for that statement?

Mr. TOPPING. She is an elected Democratic official.

Senator BLUMENTHAL. But I am a Democratic elected official and I am asking you questions. That is not necessarily a political exercise.

Mr. TOPPING. Yes, sorry about that.

Senator BLUMENTHAL. The mere fact that she was an elected Democratic official does not make it a political inquiry or witch hunt. What is the basis for your statement that it was politically motivated?

Mr. TOPPING. Thanks for the question. And again, as elected Democrat, she was opposed to the work that we were doing to implement the Republican Governor's Medicaid reform. And all this was related to the same issue in North Carolina, which was the fight over Medicaid managed care. And there were two sides to that. There were those of us that felt the system was broken, that it was not serving patients and that it needed to be fixed. There were those that felt we didn't need to fix anything; we could simply flood the system with billions of dollars of new Medicaid expansion money and provide support to political supporters in the process.

The choice is very clear, patience or politics? I picked patience. And if confirmed in this position, and I find myself in a situation where I need to choose between veterans and politics, I will choose veterans.

Senator BLUMENTHAL. My time has expired. I have some additional questions, maybe my colleagues will cover them on this issue. Thanks for your response.

Chairman MORAN. Senator Cassidy.

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

Senator CASSIDY. Lieutenant Colonel Baehr, in your pre-hearing responses, you stated that you have prioritized timely access to benefits for veterans and updating electronic systems for a more efficient VA.

There was somebody sitting there at a previous hearing and I asked about using artificial intelligence, and he said, "well, we're getting there", and I said, how you getting there? He goes, "we're using optical character resolution to convert printed documents to something that could be a PDF and reviewed by people at home." And I remember doing that 20 years ago when I was way back, when before I was in politics. And so, I don't really consider that modernization, I consider that kind of almost stone age application of technology.

And I lead into that because one thing that would be modern, if you will, is to use artificial intelligence to significantly speed up the processing of veteran benefits claims. Backlogs would be gone very

quickly, if we had a large language model with a human in the loop, making sure the decision was right and just. And it would also lower cost. I mean, it's just like better for the veterans, lowers cost, I could go on.

So, I have been told that currently the VA does not have a road-map on how to incorporate AI into its modernization, and has not yet developed formal policy guidance to support the use of AI technologies in the Veterans Benefits Administration. So, a long introduction, asking you to commit to working with this Committee to make such a roadmap including appropriate timelines, to incorporate AI capabilities to modernize benefit application and claims review, and to speed up and improve how veterans are served.

And by the way, to also look to make sure that if there is any fraud or any inappropriate applications to also be rooted out. I am kind of begging the answer, but I am hoping to get the answer.

Mr. BAEHR. Thank you, Senator Cassidy. In terms of AI, I think I would turn to what the Deputy Secretary said in terms of its ability to assist with claims development. Senator King obviously asked about that and raised some concerns about the ultimate decision-maker being a human being.

So, I would certainly defer to the Deputy Secretary and the Secretary's vision. I do see a tremendous opportunity for technology and to the extent that my legal counsel can help us move more efficiently in any component of the department. I would certainly be eager to look into that.

Senator CASSIDY. There has to be a human in the loop, but when you look at months and years delay, and sometimes people dying before decision is made, there has got to be some improvement. And to put our head in the sand and say that this is not a technology which could serve the veterans better, is putting our head in the sand.

I accept that you will defer to your superior, but I would urge that once that superior decides to do this, boom, you just come back and talk to us. Mr. Topping, you have mentioned several ways that Veterans Administration is struggling to provide quality healthcare to veterans. Administrative complexities and insufficient capabilities leading to long wait times. My bipartisan VetPAC Act with Senator Hirono would create an Independent Policy Advisory Commission of Medical Experts and veterans to review critical areas of the VHA to improve patient care. And the VA has said that they support this legislation.

So again, I am begging the answer because I am giving my hand, but I guess, what is your attitude toward an expert driven third party review of the VHA, including budget management operations, and would that go to help improving the concerns you outlined?

Mr. TOPPING. Senator, as I think even Secretary said at his confirmation hearing, that part of putting veterans at the center of everything we do, is improving the opportunity that they have to receive care. One of the things that we can certainly do at VHA that has been done in the rest of healthcare is bring in the program, bring the process, bring the expertise that exists elsewhere, not just inside VHA.

There are tremendous opportunities to learn from these other healthcare programs, not the least which is TRICARE sitting over

at DOD, and bring some of those in and get the advice and implement those programs at VA. That is certainly something, pending the Secretary's engagement, I would be interested in following up on.

Senator CASSIDY. You know, utilization review and prior authorization has a little bit of a bad name, but when done appropriately, it keeps inappropriate care from being performed. And right now, at least last time I had asked, VA does not have that, meaning that if the patient goes to an outside setting, she or he may end up with inappropriate care. And I am a doctor, so if you do too many procedures, inevitably you get the complication. So, in our desire to make sure that the veteran has what she or he needs but not more than what he or she needs, I would ask you to also look at that.

Mr. TOPPING. Senator, I will and I am going to plus one you on that. It is the med management—utilization management, but also the care coordinator that really drives that as well too, as you know.

Senator CASSIDY. Amen, brother. Totally. I yield.

Chairman MORAN. Senator Murray.

**HON. PATTY MURRAY,
U.S. SENATOR FROM WASHINGTON**

Senator MURRAY. First of all, thank you Mr. Chairman. Thank you all for being here today. I think you all agree that we as a country make a sacred oath to our veterans to take care of them when they return home. And you are asking to be part of that system.

Mr. Baehr, I remember when we met a few weeks ago, you talked about you just transferred your VA education benefits to your son. I was really glad to hear that because you as a veteran earned that benefit through your service. And in fact, all our veterans deserve access to the benefits they earned through their service. So, you can imagine why I, and many of us are very concerned about Trump's plan now to fire over 80,000 VA employees and how that would seriously disrupt veterans being able to access, not just their obviously education benefits, but their disability benefits, healthcare, home loan benefits, all of that they have earned. So, Mr. Baehr, I wanted to ask you, do you support those widespread cuts across the VA?

Mr. BAEHR. Senator, and as you know, I am not at the VA and had no role in any of those choices or decisions. As an individual who uses VA myself, of course, I want to ensure that we have the best services and benefits. I also, as a veteran, want to see the VA improve, and I think this entire Committee does as well.

So, I would review the law and I would advise the Secretary on following a legal path and pursuing his vision for putting the veteran at the center of all we do, if confirmed.

Senator MURRAY. Do you think that firing 80,000 people will make it more or less difficult for veterans to get access?

Mr. BAEHR. I have not looked at the situation myself, Senator, and I don't know what the—I just read the public reporting on it. I understand there's some exempt positions. The Secretary said that he is focused on care for veterans and making sure veterans don't lose care or benefits. So, I don't know where those opportuni-

ties for efficiency or not exist in the system. My role, if confirmed, will be to ensure that everything we do is lawful and compliant with Title V, Title 38, and other rules and regulations and provide—

Senator MURRAY. This Committee over the years has often discussed wait times, people not getting access. That has really increased in the last month or so from our veteran community. And it takes people to process. It takes somebody there to talk to. So, I would just remind all of us that this is a people organization, and if we fire 80,000 people it's going to be really challenging and difficult, if not impossible for our veterans to get the care and benefits that they have earned.

I kind of just reference that this Committee has worked to pass a lot of really important pieces of legislation that require vital changes at the VA. That include the Caregivers Program that I passed when I was Chair of this Committee. The Deborah Sampson Act and of course the PACT Act, which just passed recently.

During Secretary Collin's nomination hearing, he testified that he agreed with providing vital health care and benefits to veterans, and we have to get it right. However, I just have to say, I have really serious concerns that this administration now is picking and choosing which laws to follow, which means not living up to the promises we have made to our veterans and really ignoring the intent of Congress.

For example, we know that VA is doing a review to determine whether it is fully compliant with the MISSION Act, but not reviewing the compliance with any other piece of legislation. Mr. Topping, let me just start with you. Is the PACT Act less important than the MISSION Act?

Mr. TOPPING. Senator, I think all the legislation passed by this Congress is important.

Senator MURRAY. Do you think VA should pick and choose which laws to follow?

Mr. TOPPING. Senator, I think like any organization with limited resources, time, capabilities, there is always a prioritization, none is more or less important but I think what the Secretary said he is doing is, he is focused on maximizing efficiency, redeploying those resources so they are front facing and mission-essential to veterans, and ensuring that the veterans remain at the center of everything we do.

I am not there, I am not exactly sure how the prioritization works, but I understand what the Secretary has articulated his goals to be.

Senator MURRAY. Mr. Baehr, do you think that the VA should pick and choose which laws to follow?

Mr. BAEHR. Senator, I believe that the VA should follow all the laws and if confirmed, I would advise the Secretary on how he can fulfill his role in the best course of action with all the laws and regulations that are passed by Congress.

Senator MURRAY. I just have a few seconds and I just wanted to ask you, Mr. Baehr, do you believe it is legal for DOGE to have access to veterans' personal information?

Mr. BAEHR. Senator, again, I am not at VA and I am not familiar with what is going on. I am just operating on what I have read in

the public news. And as the Deputy Secretary said in his hearing, there are significant protections for veterans' information. All three veterans before you, our information is at the VA. So, we are certainly sympathetic. I don't want anyone looking at my podiatry records or other embarrassing items—

Senator MURRAY. Personal, financial, health, all of that. So, if the department is given directives by DOGE or by the White House that you believe are illegal, will you follow those directives?

Mr. BAEHR. Senator, as I said before to Senator Moran, I will always pursue the Constitution and follow the law. I don't believe I will be given illegal directives, but I will always follow the law.

Senator MURRAY. Thank you.

Chairman MORAN. Senator Tillis.

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

Senator TILLIS. We have known each other for 10 years.

[Laughter.]

Senator TILLIS. Thank you, Mr. Chairman. Congratulations to all of you for your nomination. I intend to support your confirmation. Mr. Topping, about three years ago, we had VA administrators in this very room to talk about the PACT Act implementation. I voted against the PACT Act. I was one of about eight or nine people that did because I didn't think it was the "plumbing" for getting it right had been done by Congress.

The problem is we had a President who was pressing the Congress to move forward and we had a Democratic Chair who decided to move forward in spite of the promise to get the plumbing right. Now, and I said that at that time, I said, we are probably, I think my exact quote was "about 18 or 24 months from now, you could have a real crisis in terms of people, technology, infrastructure, to actually support the will of Congress". That is where we are now.

The shortfall that we had announced last year, the shortfall is ahead of us. The headwinds that you had to have ahead of us that are driven purely by the PACT Act implementation not being thought out. It's got to be a big task for you.

How are you going to go about making sure that we address the fiscal crisis that Congress imposed on you all, and assure we get the budget right, and we do not have a continued impact on VA care, which I do believe we are right now as a result of the PACT Act that, not against the policy, against the employer, but concerned with the implementation.

Mr. TOPPING. Senator, you have been remarkably consistent on this issue for as long as I have known, and I know as a consultant, I have known you long enough to know too that you are tough on this because you know what the right answer is. If confirmed, my priority as a CFO will be financial reporting analytics, budget forecasting and management, financial infrastructure and technology. And that is going to require getting the right teams and expertise, the organization structure that drives controls and accountability and having the right process and tools in place.

Having said that, I will follow the appropriation as they are made by Congress, but the idea would be to have maximum efficiency, maximum capability, and maximum flexibility, so that we

move the dollars accountable for every single one, but move them around to best meet the mission and ensure we are following the Secretary's guidance to put the veteran at the center of everything that we do.

Senator TILLIS. Now on its face, Mr. Topping, do you think an electronic health record—I get the size and the scope of the VA and I get the complexity of the VISNs and I get the complexity of an application portfolio that's exploded and everybody's using Excel spreadsheets, Access database, whatever they are to make ends meet, and there is a lot of variation out. There is a complex legacy environment that they were going into.

But can you imagine what we have done to spend over \$10 billion on electronic health record implementation in the VA, crossing Republican and Democrat administrations. What on earth could we possibly do to get that under control? And in your role, the fiscal implications of a multi-billion-dollar electronic health record system that hasn't yet been fully implemented over, what is it now, five or six years? That seems like it should be an indicator of your first day in office, one of the failures of implementation. Again, I am not criticizing the Biden administration any more than I am when it started in the Trump administration. In some way this project went sideways.

When you are confirmed, can you commit to me that you will look at this through the lens, through your responsibilities as CFO and come up with a start, stop, continue, on a program that should have been finished by now?

Mr. TOPPING. Senator, I absolutely can commit to that. And I understand that enterprise IT implementations are difficult everywhere. It is tough in the private sector, it is tough in the public sector. VA is big, but this has been done before and everywhere else.

Senator TILLIS. My guess is it was a failed implementation where we said yes, too many times, and we did not document all the changes that were used to accommodate what was largely a customizable off-the-shelf system that should have had maximum compatibility with the Department of Defense. It is the same platform. We are whiffing on it, and that is preventing us from having that seamless transition of data across the whole of VA, to make sure that we have every piece of information we need on veterans to give them the best care possible.

So once you are confirmed, I would like you to get that on your radar, because it is bleeding and we have got to fix it. Mr. Baehr, I want to tell you, I noticed little baby James cried a minute ago and it reminds me of what I have told a lot of people, having two kids and these sort of formal settings, and having to take them out really quickly. There is nothing more beautiful than the sound of someone else's baby crying.

[Laughter.]

Senator TILLIS. Thank you, Mr. Chair.

Chairman MORAN. Thank you, Senator Tillis. Senator Hassan.

**HON. MARGARET WOOD HASSAN,
U.S. SENATOR FROM NEW HAMPSHIRE**

Senator HASSAN. Thank you, Mr. Chair and Senator Tillis. That is what my mother used to say to me at five o'clock in the morning when it was my baby who was crying and she could roll over and go back to sleep.

[Laughter.]

Senator HASSAN. Good morning and thank you all for your service. Congratulations on your nominations, and congratulations to your family as well, because this is a family affair, both your service to your country, and these nominations in your future service.

Lieutenant Colonel Baehr has already answered this question but to you Mr. Brown and to you Mr. Topping, I just want to get a straightforward, simple question answered. If directed by the President to take action that would break the law, would you follow the law or follow the President's directives?

Captain BROWN. Senator, thanks for the question. I cannot imagine a scenario where the President would ask me to do anything unlawful, but my oath is to the Constitution.

Senator HASSAN. Captain Topping.

Mr. TOPPING. Similar answer. I can't imagine the President would ask me to break the law, but I will follow the law.

Senator HASSAN. Both of you, I will just say the fact that you say you can't imagine it, is disappointing. It is a lack of imagination given the President's record and what he has done in his first three months in office. But let me go on now. Captain Topping, I wanted to follow up on a question. Let me also—Captain Brown and Captain Topping—if the court issues an order requiring the Department of Veteran Affairs to take or refrain from taking specific actions, will you follow the court's order? Captain?

Captain BROWN. Senator, I will always follow the law, including court orders.

Senator HASSAN. Captain Topping.

Mr. TOPPING. Absolutely the same.

Senator HASSAN. Now, I want to follow up on a question Senator Blumenthal was talking to you about Captain Topping. You talked about what you referred to as a politically motivated audit. And that you were exonerated and the person who charged you with misconduct or wrongdoing was found guilty of defamation. And those are compelling facts.

But in Senator Blumenthal's, follow up to you, you talked about what constituted political motivation, and the way you talked about it really concerned me. So, I am about to ask all three of you a question about the VA's plan to fire 80,000 employees, even as we are enrolling more and more veterans.

And just for context, I am a former Governor. I have overseen re-organizations and layoffs. I understand what it is to balance a budget. I understand difficult decisions sometimes have to be made. But do you think my concern about the firing of 80,000 employees at the VA, as we are expanding services, is a good faith policy concern? Or is my growing concern about these firings going to be just dismissed by you as political because I am in a different political party?

Mr. TOPPING. Senator, I will go first on that. Again, I am not at VA and have not been part of the conversations—

Senator HASSAN. No, this is about whether people of different political parties in the United States can have legitimate good faith differences of opinion, and whether we are going to engage each other in believing in our good faith, or whether you are going to dismiss anybody who is a Democrat as just being politically motivated?

So what is it? Are you going to be able to engage with us in good faith policy questions, or are you just going to dismiss everybody on the side of the dais or any other Democrat, because we are Democrats?

Mr. TOPPING. Senator, I absolutely welcome the political debate, the discourse, the difference of opinion.

Senator HASSAN. These can be policy debates, not even political ones. This is the VA. This is a bipartisan Committee.

Mr. TOPPING. Yes, ma'am. And let me give you what my approach to this issue would be. Again, bringing a corporate perspective on this, it is what I know publicly. What I know publicly is what the Secretary has done is to say, we are on a GAO high-risk list since 2015, the VA needs reform, and that is a bipartisan—

Senator HASSAN. I am going to stop you here because my time is limited, and I want to get to the question of these layoffs. But I would like you to reflect on the fact that, when people have good faith policy debates in the United States of America, it does not mean that all we care about is politics, especially when we are talking about veterans. We have veterans on both sides of the aisle here. I am the daughter of a World War II Veteran, and the last thing on my mind right now is politics. And I hope you can take that to heart.

Now, I do want to ask you about the plans to layoff or fire 80,000 folks at the VA. The administration has recklessly fired VA employees, pausing hiring of the VA, and undermined established contracts—all actions that I believe will harm veterans care and benefits. Going forward, the Trump administration plans to fire 80,000 employees, something that the Secretary has publicly acknowledged.

In 2022, more veterans became eligible for healthcare and benefits under the PACT Act, and I am going to differ a little bit with Senator Tillis, we didn't do it because the President wanted it, we did it because veterans in this country rightly demanded it. It was well past due.

So, the VA subsequently hired more employees to support these veterans, now President Trump and Elon Musk want to fire those employees. So just in a recent hearing, I asked VA Assistant Secretary, Engelbaum, if he could guarantee that veterans would not be negatively affected by President Trump's plan to fire these VA employees. He could not provide me a satisfactory answer.

So now I will ask the three of you, and I am running a little bit over time, so just yes or no answers. Do you support the administration's plan to fire nearly one fifth of VA's workforce, including many employees who are themselves veterans? Captain Brown.

Captain BROWN. Senator, thank you for that question. And I just would like to say that in the spirit of good faith policy concerns,

that I think that we owe it to the Secretary in good faith to hear his full plan, which none of us have heard yet and he is putting veterans first, so—

Senator HASSAN. So, I will take that as you can't guarantee it. Lieutenant Colonel.

Mr. BAEHR. Senator, I think some of these issues are under active litigation and going to the Supreme Court now, so it would be improper, I believe, for me to comment personally.

Senator HASSAN. Again, you can't guarantee that it is not going to impact veterans' care. Captain Topping.

Mr. TOPPING. Senator, I understand the policy concern and the debate and I would approach this by looking at what is the process, how is it being done, why, and then what is the outcome?

Senator HASSAN. And I thank you Chair for your indulgence, and I will submit the rest of this portion of my question for the record. I am just going to say this, that if you want buy-in from everybody on this, the Department needs to have transparency and needs to indicate how they are going to guarantee that veterans care will not be delayed, that appointments will not be delayed, and that the processing of claims will not be delayed. Thank you Mr. Chair.

Chairman MORAN. Senator Sullivan.

**HON. DAN SULLIVAN,
U.S. SENATOR FROM ALASKA**

Senator SULLIVAN. Thanks Mr. Chairman. Mr. Baehr—I want to congratulate all the nominees again. I appreciate your service both in the military and wanting to do this. Mr. Baehr, I need your commitment to work on this issue that I am sure will anger you as much as it has angered me. This is the Camp Lejeune Act, where we passed compensation for Marines who served—the Camp Lejeune, because of contaminated water for them and their families.

And I tried really hard and the Biden administration wanted us to—that was their advice—to put caps on contingency fees so most of the money would go to the Marines, not to trial lawyers. And we couldn't get that done. I am not going to accuse anybody here, but there is a lot of politics. We talk about politics. So, you saw these, all these ads, and we have all seen them, by the way, it is in the billions of dollars of ads, okay?

These law firms saying, hey, sick Marine, you need help, we will help you. My team investigates this. Some of these law firms, I won't name them, I have been naming a lot publicly. They charge these Marines and their families, 60 percent, 65 percent, 70 percent contingency fees. It is disgusting. Everybody knows about this; I raise this all the damn time.

I couldn't get my amendments through, people blocked them. I won't go into the politics, but let's just say there is a lot of politics here, okay? Disgusting. I have never seen an issue, 10 years in the United States Senate that called out for more justice. You are either enriching trial lawyers and screwing the Marines and their families, or you are helping the Marines and their families.

So, I went to the Attorney General of the United States, Merrick Garland. To his credit, he worked with me because I made a suggestion; hey, at least we can cap these fees at the Federal Torts

Claims Act limits—he said, came back to me two weeks later—I really appreciate the Attorney General—Senator, you are right, we agree with you, 25 percent, which is way too high for litigation, 20 percent for filing.

He made an announcement saying, law firms in America, if you charge more than that, you will be subject to civil or criminal penalties. This is Biden’s Attorney General. So, here is the commitment I need. These law firms are still doing these ads, they are still ripping off. I mean, think about it. It is like a zero-sum game. We are either getting these—a lot of these firms are really, really, really rich, enriching these guys more or sick Marines and their families. Which one do you think should be getting the money?

Mr. BAEHR. Thank you, sir. I think the issue of representation, making sure that folks have aggressive representation, helping them and helping them to get the money is important. And the VA has—

Senator SULLIVAN. You are getting ready to lose my vote here. That is the wrong answer. The Marines are the ones who need money.

Mr. BAEHR. Absolutely sir. I was going to say that.

Senator SULLIVAN. You and I need to talk because you just, boy oh boy, that is the wrong answer—

Mr. BAEHR. I am sorry sir.

Senator SULLIVAN. Here is what I need, a commitment from you on, Attorney General Bondi has already said she is going to do this. Secretary of the Navy already—all we want is an implementation of what Merrick Garland said he was going to do. Can I get your commitment to do that?

Mr. BAEHR. You have my commitment to look at any legislation you support—

Senator SULLIVAN. No, I am talking about what the Attorney General of the United States already said is the law. Right? This comes under the Federal Tort Claims Act. Okay. Will you work with the Attorney General of the United States, the current one—not Merrick Garland—the U.S. Secretary of the Navy, to make sure that the limits that Merrick Garland put on these awards, 25 percent and 20 percent for filing, is going to happen?

Mr. BAEHR. I am happy—

Senator SULLIVAN. The answer to my question is yes.

Mr. BAEHR. I am happy to look at it, sir. Yes, sir.

Senator SULLIVAN. Well, I just might be a no on that. You and I need to meet, seriously Lieutenant Colonel.

Mr. BAEHR. I will be eager to meet, sir.

Senator SULLIVAN. Mr. Brown. Captain Brown, I have an innovative idea I want to work with you on. The VA recently did a grant program for Veterans Cemetery Program in Alaska. We have more veterans per capita in each state of the country, and this was one of the first that we have gotten ever. So, it was in the Fairbanks and the interior part of our state, which is great. So, I really appreciate that happening.

We have a whole bunch of small Alaska Native communities throughout the state. Over 230 villages in Alaska are not even connected by roads. So, these are small little villages, hundreds and

hundreds of them in Alaska. Alaska Natives serve at higher rates in the military than any other ethnic group in the country.

So you go to these villages, there is so many veterans, they are so patriotic. Can you work with me in this Committee on, maybe, I am sure it matters in other rural communities like Maine or you know, Arizona, to work with this Committee on maybe an idea of like, they don't have to be giant VA cemeteries, but maybe just smaller plots of land that can honor the service of these native Americans, who serve at very high rates in the military, in small villages that usually don't have any kind of cemetery at all, honoring the veterans.

Captain BROWN. Senator, I would love to follow up with you to learn more about Alaska's Native needs specifically and happy to have that discussion.

Senator SULLIVAN. Great, thank you. Thank you Mr. Chairman.

Chairman MORAN. You are welcome Senator Sullivan, Senator King.

**HON. ANGUS S. KING, JR.,
U.S. SENATOR FROM MAINE**

Senator KING. Thank you, Mr. Chairman. This is not a normal confirmation hearing. We are talking about these three nominees, but the context is that the VA is going through a tremendous amount of what I consider damage. While we are playing "Nearer My God to Thee" on the deck of the *Titanic*, we have had firings, we have had 2,400 firings so far. One of the most offensive things about these firings Mr. Chairman, is that apparently most of the letters that the folks got cited performance issues, with no basis whatsoever. That is not good management. It is not fair to those individuals. And I know it has been enormously problematic for those individuals.

And then we received the idea that we are going to fire 83,000 people over the next six or eight months. But this Committee has had no plan whatsoever. Your testimony, Mr. Baehr, I don't know about the plan. Neither do we, and we should. We have had no communication that I know of, defining what the plan is going to be, how those people are going to be chosen, what the impacts will be. And by the way, it is an arbitrary number. They said we are going to return the VA to the staff that it had in 2019.

That is just out of the blue. Why not 2020? Why not 2015? It is an arbitrary number. It is not based upon performance or need or analysis whatsoever. And in fact, seven laws have been passed since 2019. One of which is the PACT Act, which requires enormous additional staff in order to administer it properly, as Senator Tillis indicated.

And then we have the Secretary telling us that this is going to produce better service. I don't think that passes the straight face test. So, my problem with these nominees is nothing to do with their qualifications or their history. In fact, Mr. Baehr has impeccable educational qualifications—went to same college and law school that I did. But a call not answered, is denial of benefits. A veteran who has to wait months for an appointment, is a denial of benefits and it can be a death sentence.

And then there is the issue of the canceled contracts. We have had—the Secretary issued a little video proudly saying, we have canceled 600 contracts and saved so much money. That was about a month ago and we still don't know what the contracts are. The Committee doesn't know what the contracts are. What are they for? Are they for toilet paper or are they for counseling? Are they for the kinds of services that veterans need? We don't know that.

And so, my belief here is today, and again, it doesn't have to do with the qualifications of these three nominees, but we ought to stop talking about nominees at this Department until the Department start telling us what they are going to do and justify its terms of service to the veterans.

It is easy to say, we won't disturb the service to the veterans. I was at a—we were all at a large hearing with the DAV a couple of two or three weeks ago. We had 2 or 300 people in the audience, and I read the quote from the Secretary saying this won't affect veterans or service to veterans whatsoever. And there was a groan throughout the room, they know damn well it is going to affect. You cannot fire a fifth of a workforce of a major Agency and expect to not have some effect on the delivery of services. It just, as I said, it doesn't pass the straight face.

I understand Mr. Chairman, that our role is to talk about our nominees and all those kinds of things, but I think we are doing a disservice to the VA to be even talking about nominees.

And my final problem, these poor two fellows came to my office and I told them when they walked in that I was not going to vote for them. And the reason is, I voted for Secretary Collins and he made a lot of representations about the VA and he was going to be open to the Committee and responsive and everything else. And I feel burned by that vote, because the first thing I got was 2,400 firings, ostensibly for performance, which everybody knows was not true.

And then 83,000—by the way, it is 83,000, not 80,000 if you go back to 2019—and the lack of communication with this Committee about these plans. I am sorry Mr. Chairman; I just can't support these nominees. Thank you for your time and I do appreciate the service each of you has rendered to the country. I completely understand that. And I want to reiterate that my comments are not directed at you, but directed at what I think is a diminution of service to our veterans they absolutely do not deserve. I guess I should mention that, of those 83,000, undoubtedly 30,000 would be veterans themselves. Thank you for your service. You are fired. That is no way to run the Veterans Administration. Thank you, Mr. Chairman.

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

Senator HIRONO. Thank you, Chairman. Welcome to each of you. And yes, these are not normal times. You all are being dropped into a situation that has to do with not only the Veterans Administration, but just about every other administration agency in government. So what is happening to every department is mass firings not based on performance or anything else for that matter.

Let me just start with the two questions I ask of every nominee for any of the committees on which I sit in, and these questions have to do with some level of ascertaining the fitness of all of you to serve. And I will start with Captain Brown and we will go right down the line. Since you became a legal adult, have you ever made unwanted requests for sexual favors or committed any verbal or physical harassment or assault of a sexual nature?

Captain BROWN. No, Senator.

Mr. BAEHR. No, Senator.

Mr. TOPPING. No, Senator.

Senator HIRONO. Have you ever faced discipline or entered into a settlement relating to this kind of conduct?

Captain BROWN. No, Senator.

Mr. BAEHR. No, Senator.

Captain TOPPING [No response.]

Senator HIRONO. You have been asked a lot about the impact of these staffing cuts and it is astounding to know that not only have 2,400 employees of VA, including how many veterans, but another 80,000 to come. Do any of you know what the plans are on firing 83,000 more people at the VA? Have any of you been apprised on any plans? And I would say probably Mr. Topping, you should know about what you are going to be facing. Would you like to make a comment? Do you know anything about how the VA is going to fire 83,000 more people?

Mr. TOPPING. Senator, again, I am not at VA and I have not been part of these conversations.

Senator HIRONO. Is your mic on?

Mr. TOPPING. Yes, ma'am. I will come closer. I have not been at VA, I have not been part of these conversations. What I know is from what I know that is publicly available, is that the Secretary has started with a baseline and it is the 2015 398,000 employees is a baseline. He wants to pull the data, he wants to look at what the requirements are, he wants leadership input, and then he is going to make determinations about how to most efficiently and effectively structure VA, such that it does not negatively impact and perhaps enhances the care and benefits available to veterans.

Senator HIRONO. First of all, there is a way that you are supposed to go about riffing and firing and I suppose this is a question for Mr. Baehr?

Mr. BAEHR. Yes, ma'am. Yes.

Senator HIRONO. So, you are going to be the General Counsel for the VA. And would you think that firing 1400 people to start—2,400 without any legal basis just to say, oh, they are being let go because of performance, which is not, there is no evidence of that, and then another 80,000. As the person that would be the general counsel, how would you advise the VA to go about firing 83,000 people?

Mr. BAEHR. If I am confirmed, I would advise the Secretary under the requirements of Title V and Title 38, advise them of the best legal counsel I can. Those particular issues are before the courts presently and headed to the Supreme Court. And I can't personally—

Senator HIRONO. Well, you are supposed to have a plan, write a riff plan before you just start firing people wholesale. Is that what

you would—in fact, that is what the courts are demanding. Not only have the courts told all of the administration agencies, you have to rehire everybody, many of them are being rehired and placed on administrative leave. So, it's a mess. It's chaos.

And what is happening is tremendous fear, not just in VA. And I don't know how you could fire close to 90,000 or so people and at a time when there are even more veterans needing VA services. How all of that is even supposed to measure, make sense? It does not. So, for Mr. Topping, you are going to be the CFO, Chief Financial Officer. Does it make a lot of sense that, first of all, you fire all these people and then you are told by the courts you have to rehire them. And then they are rehired and put on admin leave. Does it make sense that we are having to pay people to not be doing their jobs?

Mr. TOPPING. Senator, I am not at the VA. We will comply with the law and always—

Senator HIRONO. You know what, all of you say that—comply with the law, which is the law as interpreted by President Trump, because he thought it was okay to fire thousands of Federal employees leading to court lawsuits, leading to restraining orders, leading to courts telling you all you have to rehire everybody.

One more question for you, Mr. Topping, think about it. There was a letter that went to a lot of people, the "fork in the road" letter, and I am told that that letter led to a number of people from the VA who are taking that early retirement, whatever you want to call it. And then the council at the VA said in following up on the people who took this offer, which I question the legality of, now the council has sent a letter to all people on the VA who signed onto this, that the VA is going to be responsible for paying them to not work until September. Does that make a lot of sense to you? Like who told the council to obligate the VA to pay people for not doing anything until September? Does that make sense to you?

Mr. TOPPING. If confirmed to CFO, I will ensure that VA meets its financial commitments, including other court orders and you have got my commitment to that.

Senator HIRONO. So, you think it is okay that the VA has obligated itself to pay all these people, who I don't even know how many people in the VA took the "fork in the road" so called offer—it is okay to pay them to sit there doing nothing until September? That is what you are saying meaning VA's obligation?

Mr. TOPPING. As the CFO, I will ensure that the VA is adequately funded and financed to meet its mission and if that is a requirement, we will meet it.

Senator HIRONO. Mr. Baehr. Just if I can—do you think that that was okay for the legal counsel at VA to send all these letters to the people who took the fork in the road offer that obligates the VA to pay up?

Mr. BAEHR. I can't comment on anything that is in active litigation Senator.

Senator HIRONO. Makes little sense to me. Thank you, Mr. Chairman.

Chairman MORAN. Before we move on, Mr. Topping, do you want to answer verbally the questions that Senator Hirono asked you,

that I think the other two witnesses answered but you did not because you didn't have the moment to do it?

Mr. TOPPING. And Senator, no.

Chairman MORAN. The answer to your question about any proceedings in regard to sexual assault, et cetera. He was ready to answer you but it didn't come out of his mouth.

Mr. TOPPING. Thank you, Senator.

Chairman MORAN. I want Senator Hirono and the rest of us to know that, but I also wouldn't want a record in your file that left that question unanswered.

Mr. TOPPING. I appreciate that. Thank you, sir.

Chairman MORAN. Senator Gallego.

**HON. RUBEN GALLEGZO,
U.S. SENATOR FROM ARIZONA**

Senator GALLEGZO. Mr. Chairman, it bears repeating we are not dealing in normal times. And you know, to the chagrin of many of my people in my party, I have been very supportive of a lot of the President's nominees. I think only one other Senator has actually voted for more Republican nominees. And I did it because in the spirit of bipartisanship, with the idea that, you know, we have to make sure that we are working together, trying to send a message to the American public.

And I even thought the same thing when I voted for Administrator Collins and we served together in the House of Representatives. And I still even held out hope when I first heard the rumors of the cuts of 83,000. Even talking to some of the guys that I served with, you know, when they were talking to me about this, I told them, well, that is just insane, no one would ever do that.

Because, I have been here in Congress and even using the VA starting when I got back from Iraq 2006. And the only thing I remember is that we always needed more people. And the Phoenix VA in particular where I belong has always needed more people. We have had horrible stories at that VA of people dying without treatment, of house administrators, you know, faking lists to make sure it looks like they are actually moving through and you know, on and on, stories and stories.

And then, this weekend I was told, and it was proven to be true, that the Phoenix VA has to get rid of 15 percent of its staff by June. And I am not asking you guys any questions. It is not fair to put this on you. I am not going to ask you questions and I don't think it is fair for me to make you comment on something you are not responsible for. This is not at all directed at you, it is more to the general public here.

But the idea that you are going to be able to cut 15 percent from the Phoenix VA by June, and it is not going to affect services, it is, not just laughable, its sinful. We have so many men and women right now that are returning to this country and are now seeking services. Some of them, as soon as they get here, some of them later in life.

I finally got back in, you know, in 2016. We have men and women that we encouraged to go and sign up for the Burn Pit Registry, that, you know, to take advantage of the PACT Act, that we told them, come to the VA. And now they are going to come, they

are going to find that someone is not going to be answering their phone calls. They are going to have later meetings, are not going to be able to have some of the claims that they need disputed fast enough.

I have heard of veterans now that have to do their PTSD therapy in open air cubicles. For us that have PTSD, we know how sensitive it is to be talking about what you went through, what you are going through, and when you have to expose your vulnerabilities. And now we have to do this open air because again, we are having these cuts, these arbitrary cuts. And, you know, I am faced as a new Senator, you know, what can I do? Well, the first thing I try to do is, I try to vote for a guy that I thought was going to be logical and protect veterans, and he did not.

And so now, you know, the only thing I have power do is to hold all the nominations for any veterans moving forward. Any VA appointees moving forward, because 83,000 VA employees getting cut means 83,000 opportunities that we are going to miss probably helping some of these veterans.

And I can't live with that on my conscience, knowing that there are men and women that are probably not going to get their phone calls answered when they are at a Veteran Crisis Hotline. Or they are going to have to wait a little longer to get that surgery, or they are not going to be able to feel comfortable going to the VA.

And, you know, what is the message that we are sending to all the future employees? Before this year, we had been telling everybody we need to keep expanding and hiring more people to meet the demand. And now we are firing a lot of these men and women. And we are not even being gentle about it. We are saying, you are out, here is your last paycheck, good luck, here is your health insurance, you are off your health insurance, you are done.

And when we go to recruit new men and women to come and work for the VA, when they could have competitive salaries somewhere else, how are we going to get them back? How can we tell that therapist that could probably go into private practice and make a lot more money, come and work for us, but at any point, we could arbitrarily kick you out. And by the way, to get around our laws, our employment laws, we are going to say that you actually performed poorly and well, good luck with that and who knows if that is going to affect you financially in the future.

How are we going to recruit the doctors, you know, the specialists to come work for us if at any point they are not even going to have support staff to do this? So, I can't vote for any nominee, and not only can I not vote for any more nominees, I need to do everything I can to hold as many nominees as possible until we stop this. Until I can prove to the veterans that I served with, the veterans that I represent now in Arizona, all over the country, that this is not going to hurt them. This is not going to affect them because I can't prove that. And its whatever power I have to protect veterans; I am going to do that.

And I hope in the end we can all find ourselves in a better situation where we can firmly say that our veterans are being taken care of. We vote you all in to help them out. But at that point, that one doesn't exist.

So, Mr. Chairman, my Ranking Member and the nominees, I apologize, but I am still going to stick with my hold on all the nominees until I know for a fact that our veterans are going to be at least held harmless through these cuts. Thank you, Mr. Chair, I yield.

Chairman MORAN. We probably—my anticipation is the Committee will have a markup executive session in the next week before the end of the April recess to consider these three nominees. But knowing, assuming that they are a passed or if they are approved by the Committee, we understand there is a hold until that is lifted.

I am not intending to have a second round of questions. Senator Blumenthal has something he wants to ask or cleanup or clear up.

Senator BLUMENTHAL. Yes, first of all, as I mentioned earlier, I have joined Senator Gallego's hold and I appreciate the Chairman adopting the procedure that he has outlined. Let me ask just a couple more questions of the nominees.

First of all, Mr. Brown, as you may know, the VA Secretary has canceled apparently 875 VA contracts, many of them dealing with service-disabled veteran-owned small businesses. There are 243 that would be affected and an additional 254 veteran-owned small business vendors. You led a service-disabled veteran-owned small business yourself that worked with the VA. I wonder if you give us your views on these cancellations of contracts and how they will impact those small businesses?

Captain BROWN. Thank you. Senator, as a former owner of SDVOSB, I was proud to be able to provide those critical services to the VA. What I can tell you sitting here before you today is, I don't know what those companies and what those services or goods that they deliver are. And so without that knowledge, I can't tell you exactly what impact it would have on those businesses.

Senator BLUMENTHAL. Will you commit to reviewing them?

Captain BROWN. Senator, I am happy to review them.

Senator BLUMENTHAL. And will you report back to the Committee on what you find?

Captain BROWN. Yes, Senator.

Senator BLUMENTHAL. Let me ask you also, a number of veterans cemeteries across the country, including the State Veteran Cemetery in Middletown, Connecticut, essentially are running out of space in the coming years. I understand that the State of Connecticut has not been able to secure additional property that would be needed for a VA grant award.

I would like your commitment that you will work with me and my staff to ensure that the Connecticut State Veterans Cemetery in Middletown has options to expand.

Captain BROWN. Senator, I am happy to have those discussions with you. But I know that there will probably be some local jurisdiction issues that are outside of my control. But again, the mission of the NCA is to ensure that all veterans have access to these honors, and where we have a need for expansion, that is part of what, if I am confirmed, I will have oversight on, and I look forward to working with you on that.

Senator BLUMENTHAL. In Connecticut and elsewhere, local issues of land use, maybe beyond your direct control, but you could have

a substantial influence insofar as grants and other action by the VA are involved. So, I would like your commitment that in Connecticut and elsewhere, you will use your authority and influence to provide the necessary land for expansion.

Captain BROWN. Senator, look, again, the mission is very important to me as someone who lost soldiers, my own brother. And so, I will be committed to this mission. My first request of use of influence, if confirmed, is to ask this body to ensure that NCA is properly funded for expansion of these cemeteries.

From previous testimony from General Quinn, I understand that there is quite a backlog beyond Connecticut where there is a lot of necessity for expansion or at least request for expansion. And I hope that the Congress will recognize the importance of the sacred mission and will appropriate that accordingly.

Senator BLUMENTHAL. Mr. Baehr, as you know, last week, President Trump issued an Executive order ending collective bargaining at the VA, which would strip 80 percent of all VA employees, over 300,000 workers of important labor protection and due process rights. The Executive order appears likely to violate statutes and the Constitution. Have you an opinion on the legality of that Executive order?

Mr. BAEHR. Senator, as I understand that Executive order is before the court in Texas, as to whether that can occur or not. And just to clarify, you know, obviously I didn't get a chance to finish with Senator Sullivan. My focus is always on the veteran, it is always on the Marines, and certainly I focus on them first and then that was the answer I sought to give, which is that veterans will always be first. And so, our efforts at VA will always be toward that. I would never choose lawyers or any other group of people over our veterans.

Senator BLUMENTHAL. I would like you to give me a written response on that question of the legality of that Executive order. Will you do it?

Mr. BAEHR. Well, respectfully sir. I don't think it is proper for me to opine on the legality of an order that is before the court right now.

Senator BLUMENTHAL. Well, you could articulate a position either justifying or challenging the legality of that Executive order. You are going to be representing the VA. You should have a view on it.

Mr. BAEHR. It confirmed, if blessed to be confirmed, because I will be representing the Department, I think it would be improper for me to provide a personal opinion on active litigation matters.

Senator BLUMENTHAL. Mr. Topping, is there anything more that you would like to add to the responses that you have provided so far on your tenure as CEO of Cardinal Innovations Health Care Solutions?

Mr. TOPPING. Senator, I think my record speaks for itself and I am happy to answer any questions you may have.

Senator BLUMENTHAL. Did you mention that there is litigation?

Mr. TOPPING. There was substantial litigation.

Senator BLUMENTHAL. Has it been concluded?

Mr. TOPPING. All the litigation filed against my company and I has been dismissed.

Senator BLUMENTHAL. Is there any other litigation that is still pending?

Mr. TOPPING. I have a defense litigation that I filed that is still pending.

Senator BLUMENTHAL. And what is the status of that litigation?

Mr. TOPPING. I wanted the trial court. I wanted the Court of Appeals; it was remanded by the Supreme Court. I wanted the trial court last fall, and it is currently back in the Court of Appeals and I am confident I will prevail.

Senator BLUMENTHAL. Thank you. Thanks Mr. Chairman.

Chairman MORAN. No good deed goes unpunished. Senator Banks.

**HON. JIM BANKS,
U.S. SENATOR FROM INDIANA**

Senator BANKS. Thank you, Mr. Chairman. Mr. Brown, congratulations on your nomination to lead the National Cemetery Administration. You are an American hero and an inspiration to millions of veterans like myself and non-veterans alike. The NCA does great work, is a model of an efficient Federal agency.

The NCA staff also have an excellent relationship with the Indiana Department of Veterans Affairs and I look forward to carrying on that relationship with you at the helm. I wholeheartedly support your nomination. I know you will uphold NCA's exemplary reputation.

Mr. Brown, there are four national cemeteries in my State in Indiana. The Woodlawn Cemetery in Terre Haute has been full for years. The columbarium at the Crown Hill Cemetery in Indianapolis and the New Albany National Cemetery accept cremations, but only the Marion National Cemetery is still open for burials. If confirmed, will you work with me to explore another burial option in Indiana?

Captain BROWN. Yes, Senator.

Senator BANKS. That is a great answer. Thank you for that. Mr. Brown, the New Albany National Cemetery and the two national cemeteries in Louisville, Kentucky are all closed to new burials. Do you think it could make sense to develop a new location serving southern Indiana and the Louisville area?

Captain BROWN. Senator with respect, I don't know the exact geography of Indiana, but I can tell you that there are many requests as I can tell from public testimony in the past, for expansion, as I believe from approximately a year ago, testimony by Under Secretary of Memorial Affairs, Quinn, that there is a backlog of roughly 60 requests for expansion across the country.

And the role of NCA is to try and prioritize where there are the funds to do that. I would love to see a situation where all of that backlog can be worked through. That we don't have veterans or representatives concerned about whether or not they are going to have honorable and proper burials within a close radius of their home. But that is something I need to work with Congress on.

Senator BANKS. I look forward to working with you on that. I have said many times before that we inspire the next generation

to serve when we show respect for the previous generation. So, I look forward to working with you to clear that backlog.

Mr. Brown, I introduced the Ensuring Veterans' Final Resting Place Act to make sure that veterans retain the right to be buried in VA's National Cemeteries, even if they receive a memorial urn or a plaque. Veterans are losing this right as the unintended consequence of an earlier law. If confirmed, will you work with me on that legislation to solve this problem before more veterans are impacted?

Captain BROWN. Senator, I would love to learn more about that legislation and happy to have that discussion.

Senator BANKS. The VA testified already in support of Representative Rudy Yakym's—also from Indiana—House version of the bill last week, with the condition that if it passes, should be subject to the availability of appropriations. It would cost about \$20 million annually. That is a significant amount of money, but I think it is a worthy priority, again that we make sure that we honor our Nation's heroes.

Will you work with me to redirect some of the savings for eliminating waste and inefficiency through the VA to pay for that important priority?

Captain BROWN. Senator, I don't know the details of this legislation. On the top view of it, it sounds like it is a noble mission, but I would like to learn more about it.

Senator BANKS. Got it. And we look forward to educating you more on the bill and why that is an important priority. Mr. Brown, you have seen many of the inner workings of the VA as a contractor supporting emergency preparedness. What did you observe about the Department's operational problems? And how will you approach solving them?

Captain BROWN. That is a good question, Senator. You know, as someone who was on the contract side of that, I didn't have a view into the VA's decision-making. But I can tell you that I am excited for the leadership with Secretary Collins. His commitment to the veteran first, veteran care. And as a veteran who receives care and has for the last 13 years, my wife also receives care, in fact, this morning, she is at the VA for an appointment. We are very interested as recipients of VA care as well that the VA has this leadership that is focused on the mission.

Senator BANKS. Again, I have already praised the NCA, it is a well-run organization within the VA. From what you have learned so far, what have we learned from the best practices at the NCA that we can implement in other VA offices?

Captain BROWN. NCA does a fantastic job of customer service. So, a focus on the veteran customer, ensuring that last honor is received well. Again, this is something I hear from the Secretary that is a focus of his more broadly across the entire department. And I look forward to, if confirmed, working with NCA to continue that legacy and expect to see that legacy spread over to the rest of the VA.

Senator BANKS. Thank you. My time has expired.
Chairman MORAN. Senator Slotkin.

**HON. ELISSA SLOTKIN,
U.S. SENATOR FROM MICHIGAN**

Senator SLOTKIN. Apologies for being late, just got off a plane. Congratulations on all your respective nominations and for some of the conversations we have had in my office. Mr. Brown, as the Under Secretary of Memorial Affairs, you oversee really important places. In Michigan, in particular, we have a big and growing veteran cemetery.

In Holly, Michigan, where I live in my farm town, we just got an extension and it is just becoming quickly one of the biggest cemeteries in the entire country, which we are very proud of how we allow people to be buried with respect in the final phase of their life for them and their family. What I am concerned about is, there is the Veteran Cemetery Grants Program. So, a big way that our cemeteries get money to do the development and the work that they need.

And Michigan is one of the few states that doesn't have a VA grant funded state veteran cemetery. We are trying to change that. We basically—I just was hoping that we can work together on expanding that program to all of the states, is number one. But number two, I am concerned that these are the types of programs that are being looked at right now for cuts, right? They are kind of below the radar. It is not veteran care, hospital care, directly in a medical setting, and I am concerned that programs for cemeteries are going to be cut.

So how are you going to address this? Since it seems like DOGE is coming for every agency, every department, they are looking through every couch cushion, how do you respond to cuts to programs that you would oversee?

Captain BROWN. Thank you Senator for the question. And I agree. This is a duty that we owe to our veterans, and NCA fortunately, has a terrific history of fulfilling this duty with honor and distinction. And if confirmed, I look forward to joining such an illustrious organization.

With that being said, I think that, you know, the work that I would do within VA, but also with Congress, to ensure that there are the funds available for this. I have mentioned before that in looking at previous testimony, just over a year ago, General Quinn sat here and said that there is approximately 60 requests for expansions across the country at any given time, with many of those being five years old and waiting. And so, one of the ways that we can ensure that these sorts of expansion projects are able to be fulfilled, is that Congress appropriate for money.

Senator SLOTKIN. Well, first to be clear, just constitutionally the President has to ask for it. So, we will look forward to seeing those line items in your budget, in President Trump's budget that he is about to present. He will have every opportunity, as every President does, to present a budget, and I will be looking to see if he is actually fully funding the veterans' programs.

What we are seeing right now, while we just had Secretary Collins in my state this week, was, you know, kind of tap dancing on threats to cut 70 to 80,000 people from the VA. We have seen cuts already to the VA that are affecting things like answering phones and processing claims.

I had a veteran's roundtable two weeks ago when we were home, and these are not Democrats, just to be clear. Like this was a non-partisan event. And they are like, look I understand that we are not cutting the hospitals, but if you are cutting the person who does the approval of their claim and they have to wait two years before they can schedule an appointment for something, it is cutting access to care. It isn't just the hospitals.

So, I am looking forward to the President's budget. We are going to go into the details and so should every VSO and every veteran organization. The President has the opportunity to ask for that money. It can't be that Congress just decides. We have to see where the President lies on this. So, we will see.

Mr. Topping on general counsel matters, do you believe an impoundment; do you believe that if this body appropriates money, Congress appropriates money as Mr. Brown is saying, that lawyers and people at OMB can decide simply not to spend it on the things that this Committee and this Chairman chooses?

Mr. TOPPING. Senator, I am aware that that is both a political and legal issue. I am aware that there is litigation around that. If confirmed as the CFO, I will appropriate the funding as directed by the Congress to ensure the agency manages it efficiently.

Senator SLOTKIN. I hope so. I mean, I hope on veterans' issues that should be a no brainer, that if we appropriate it under this Chairman and it is his stamp of approval that it gets spent on the things that we appropriated it for. Otherwise, what are we doing here? I mean, in Congress, what are we doing? So, in any case, looking forward to seeing all of you guys in office and thank you for your work.

Chairman MORAN. Senator Slotkin, thank you. I want to ask one more question. Let me make sure—Senator Boozman.

**HON. JOHN BOOZMAN,
U.S. SENATOR FROM ARKANSAS**

Senator BOOZMAN. I also apologize for being late. I had to be in another hearing, helping with this. So, I don't have any questions. I had the opportunity to visit with the panel at length in my office and we had a great discussion.

And I just want to thank all of you for your willingness to serve, you are outstanding individuals. You are in a situation where you could do very well in the private sector, you have chosen to be willing to serve at the VA and I think it is an act of service. So, we appreciate that and look forward to helping in way we can to take care of our veterans, that is what it is all about, and that is what this Committee is all about. Thank you, Mr. Chairman, Ranking Member.

Chairman MORAN. Senator Boozman chairs the MILCON VA Appropriation Subcommittee. So, you need to pay special attention to him and develop a close working relationship.

Let me ask one final question and then we will conclude the hearing. Last week, the VA Inspector General issued a report detailing the circumstances surrounding a multiple billion-dollar shortfall at Veterans Health Administration's fiscal year 2025 budget.

The IG found that the VA knew well before the fiscal year of 2025 request was complete, that the VHA needed more money, yet the OMB and VA leaders chose not to seek a funding increase until after Congressional Appropriations Committee had done their work, and set the fiscal year 25 funding levels across the government. We expected that, turned out to be true, according to the Inspector General and its a poor way of doing business.

And I want you, Mr. Topping to make any comments that you will, about how that wouldn't happen under the administration. In other words, the VA determined they needed more money, failed to tell Congress, let us reach our agreement on funding levels across 12 appropriation bills, knowing that they had a shortfall.

And only after we completed our appropriations top line numbers, were we then informed of the problem. We responded, incidentally, provided more money, only to be told by the VA that they asked for too much money and they didn't need that much. Mr. Topping, how would you avoid that?

Mr. TOPPING. Senator, thank you for the easiest question of the day. I read the OIG reports. I spent the last six years in the private sector working for former VA Secretary Tony Principi, and I can only imagine if I had said to Secretary Principi that, you know, my numbers are 12-6-3-0. The Secretary would have told me the numbers need to be right; the numbers need to be right, and we will get them right.

There are different cost drivers between VBA and VHA, it is eligibility and claims volume. VBA, it is tougher on VHA. You have med management utilization, community care claims lag. Having said that, I think the priorities that I would bring as CFO, in financial reporting, forecasting capabilities and the right tools plus the right structure that drives accountability. Senator, if confirmed as CFO, we are going to get the numbers right.

Chairman MORAN. Thank you. That would be an improvement. I am going to conclude the hearing, although this gives me the opportunity to once again, suggest that having an Inspector General back at the Department of Veterans Affairs would be very valuable and useful.

It is the Inspector General who provided us with this information and other valuable information, and as we, as a Committee try to weed out any inefficiencies and fraud or waste, it is the Inspector General who is one of our greatest allies. So, it would be great for an Inspector General to be back in his or her position at the Department of Veteran Affairs.

Senator BLUMENTHAL. Mr. Chairman.

Chairman MORAN. Yes, Senator Blumenthal.

Senator BLUMENTHAL. Mr. Chairman, I just want to say that I strongly join in that view and my hope is that Inspector General Mike Missal, who was my guest, state of the union as a matter of fact, and is well known to Members of this Committee for his excellent work as Inspector General, would be an appropriate person to return to that role. Thank you.

Chairman MORAN. Senator Blumenthal, thank you. There are no other questions. I want to thank our Committee members for their presence and interest in visiting with our witnesses today. I thank our witnesses for their testimony, for their past service, and for

their willingness to serve other veterans in the capacity for which they have been nominated.

Any Member of this Committee would like to send questions for the record to one of the nominees should do so as soon as possible, and no later than noon tomorrow. We appreciate the timely response that you then can provide as we the Committee intends to take up these nominations in Committee before the beginning of the April recess. With that, the hearing is adjourned. Thank you very much.

[Whereupon, at 12:30 p.m., the hearing was adjourned.]

A P P E N D I X

**Nomination Material for
CAPTAIN SAMUEL BROWN**

Opening statement of Sam Brown
Nominee, Under Secretary for Memorial Affairs, Department of Veterans Affairs
before the
Senate Committee on Veterans' Affairs
April 1, 2025

Chairman Moran and Ranking Member Blumenthal, thank you for inviting me to testify before this committee today. Senator Sullivan, thank you for your service in uniform and for your gracious introduction.

I also want to acknowledge and thank my wife, Amy Brown. She is a combat veteran, the mother of our three children, who are also here, and the woman who loved me when I didn't believe it was possible for anyone to see beyond my horrific scars in the months after being wounded. She is more than a spouse. Amy is my best friend and is a hero to me.

I must also thank President Trump for nominating me to lead the National Cemetery Administration. As I hope you will hear and understand through my testimony today, this is a sacred duty and a commitment our nation must uphold to our service members and Veterans who gave a portion or, in some cases, all of their life in service to the rest of us.

It is humbling to be here before you, a committee that leads the United States Senate in bipartisan work that delivers life-changing legislation like the VA Accountability and Whistleblower Protection Act, the MISSION Act, and the PACT Act. It's equally humbling to be considered as someone who will lead the National Cemetery Administration, which has a legacy of honoring our Veterans and the families it serves with distinction and boasts an impeccable record of customer service.

I am the son and grandson of Veterans. I was raised in a family where we were expected to join the military after high school. My journey down that path began just months after our nation was attacked on September 11th, 2001. I was accepted to the United States Military Academy at West Point and reported for training and my education less than a year after those attacks.

My family members walked that path alongside me. My father, two younger brothers, and my wife all deployed to Afghanistan or Iraq. I lost a soldier as a result of a roadside bomb at the same time I received the wounds that still scar me to this day. I lost friends in Afghanistan and Iraq. I even lost my closest brother to suicide as a result of the unseen wounds from traumatic brain injuries sustained in combat operations over the course of his three deployments to Helmand, Afghanistan.

I've devoted my life to this country and its Veterans, both in uniform and after I was medically retired. I've worked for and with Veterans Service Organizations. I've run a company that provided the Department of Veterans Affairs with emergency or urgent care pharmaceuticals services for our Veterans. And VA has been my primary healthcare provider for the 13 years I've been retired from the Army. As a result, I commit to you that if confirmed, I will always put Veterans and their families at the center of everything I lead.

The greatest lesson I learned in uniform came to me on that fateful day in the desert of Kandahar, Afghanistan, in September 2008. As I lay face-down in the dirt and dust, covered in flames from the top of my head to midway down my legs, I reached a significant point in my life... I finally faced my own humanity and realized that I could not save my own life. Isolated and alone in my own living nightmare, I cried out to my Creator, Jesus Christ, and my mother. I had three thoughts in that moment: I wondered how long it takes to burn to death. I pondered what the transition from this life to the next is going to be

like. And, then I made the conscious decision to give up the will to live. A version of me died in that moment.

I was re-born when I heard the voice of my gunner scream out "Sir, I've got you." After smothering the flames that burned my body, his words gave me the miracle of hope. That hope rescued me and was the start of a journey that brings me here before you today.

That message of hope that I received on the battlefield is one that the National Cemetery Administration delivers every day to the family and loved ones who are left wondering if they can go on with their lives after losing a cherished person who served this country. When that day arrives, the National Cemetery Administration is there to tell these family members and loved ones, "We've got you."

I understand this responsibility and sacred duty, and that's why I sit before you today to ask you to support my nomination to become the next Under Secretary for Memorial Affairs. Thank you and I look forward to your questions.

#

**Pre-Hearing Questions for Sam Brown
Nominee for Under Secretary for Memorial Affairs
U.S. Department of Veterans Affairs
From Senator Jerry Moran
Chairman, Senate Committee on Veterans' Affairs**

February 13, 2025

- 1. 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.**

VA's mission is to provide Veterans and VA beneficiaries the benefits and services to which they are entitled under the law. If confirmed, my approach would be to accomplish that mission as efficiently and compassionately as possible while taking care to ensure Veterans, families, caregivers, and survivors are at the center of everything VA does.

- 2. How has your service in the United States Army and your experience in the private sector prepared you for this role and how are you personally suited to this particular position in the executive branch?**

I nearly gave my own life for this country. I had soldiers, classmates, and friends who gave their lives for this country. I believe my service in uniform, my relationship to those who've served and my experience as a leader have given me knowledge and motivation necessary to excel in this role. If confirmed, I will lead NCA with a focus on excellent customer service and responsible financial management. Under my leadership, the work environment will be a meritocracy rooted in accountability and customer service.

- 3. What do you see as the role of this Committee, specifically, and Congressional oversight, in general, and will you commit to providing timely and accurate responses to Congressional inquiries?**

I see this committee as a partner in ensuring that our Veterans, their families, caregivers, and survivors receive the care, support, and access to benefits they have earned. If confirmed, I commit to providing timely and accurate responses to congressional inquiries.

- 4. Have you and President Trump or Congressman Doug Collins, nominee for Secretary of Veterans Affairs, 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?**

Secretary Collins and I discussed the need to ensure that NCA continues to provide empathetic, courteous, and timely access to services and benefits while maintaining the trust of Veterans, families, caregivers, and survivors.

5. Are there any specific problems or challenges that you have already identified that you would like to tackle in this position?

One area I've identified is improving awareness about the NCA benefits and resources available to Veterans, families, and survivors. Veterans and VA beneficiaries – regardless of age – should be aware of the NCA resources available to them.

6. VA's National Cemetery Administration (NCA) is nearing its strategic goal of reaching 95% of American veterans with burial options within 75 miles of where they live. If confirmed, how will you balance maintaining that level of access by expanding existing cemeteries and opening new cemeteries when gaps in coverage exist or emerge?

If confirmed, I will listen to Veterans, members of Congress and other stakeholders and monitor Veteran population trends to ensure we are providing adequate burial options.

7. NCA's Rural and Urban Initiatives initially projected to open 13 new cemeteries by the end of 2017. Only one of these cemeteries has opened on time, two are still under construction, and two are either still in need of land or indefinitely delayed. If confirmed, how would you direct the Department to complete these projects as quickly as possible and avoid future schedule delays and cost overruns on cemetery construction and maintenance projects?

If confirmed, I will review these projects and any associated issues. I will report my findings and options for next steps to this committee.

8. As an enterprise, NCA's responsibility will never get smaller – its portfolio only grows as veterans pass. What is your guiding mindset on sustainably managing resources when it comes to ensuring veterans have access to open and safe veterans' cemeteries in a way that is fiscally responsible whilst maintaining national shrine standards and excellent customer service?

If confirmed, I will lead NCA with a focus on excellent customer service and responsible financial management drawing from my experience as a small business owner. I will always work to ensure NCA has the resources and infrastructure it needs to best serve Veterans.

9. The Veterans Cemetery Grants Program (VCGP) is an important way to reach veterans with burial options closer to where they live. These cemeteries, managed and run by State, tribal, and territorial partners and maintained to national shrine standards,

should present final resting places of equal quality and esteem to those in NCA cemeteries. If confirmed, can you speak to what you would see as the proper balance between NCA grantmaking to support recipients and the recipients themselves ensuring there are local systems and revenue streams in place to adequately manage and run these cemeteries?

If confirmed, I will review the current VCGP award process to fully understand the due-diligence VA provides before issuing these grants. My general philosophy in this area, however, would be to ensure that all grant recipients provide their long-term plans for spending grant money and upholding VA standards prior to any funds being awarded.

- 10. If confirmed, how would you go about addressing a backlog of construction and maintenance projects in NCA's 155 national cemeteries that pose safety risks to visitors and staff?**

If confirmed, the safety and security of all NCA visitors and staff will be my top priority. I will review all pending projects, rank each of them in terms of urgency, and work across the agency to complete them as soon as possible.

- 11. NCA's Veterans Legacy Grants Program (VLGP) and Veterans Legacy Memorial (VLM) are two memorialization projects dedicated to telling veterans' stories. These efforts seek to honor the memory of the deceased, and increase public awareness and connection with the service of those interred by NCA. If confirmed, how would you support these efforts in honoring the memory of those who rest in national cemeteries and telling their stories to the next generation of Americans?**

I think these two programs provide a unique platform to tell the stories of the heroes NCA exists to honor. If confirmed, I would leverage them to reach a new generation of Veterans and family members who may not be familiar with the many benefits and services VA and NCA provide.

- 12. Recognizing that VA-related casework requests from veterans and their representatives make up a significant amount of the constituent casework workload in each Congressional office, if confirmed, how will you – working with the Office of Congressional and Legislative Affairs – make NCA more responsive to casework related inquiries and leverage such inquiries to identify opportunities to improve services to, and outcomes for, veterans and other beneficiaries across the NCA enterprise?**

If confirmed, I will follow the lead of VA Secretary Collins, who has said that improving VA's performance in this area is a major priority for him.

Pre-Hearing Questions for the Record
Nomination Hearing of Sam Brown to be
Under Secretary for Memorial Affairs
Department of Veterans Affairs
From Ranking Member Richard Blumenthal

- 1. 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.**

VA's mission is to provide Veterans and VA beneficiaries the benefits and services to which they are entitled under the law. If confirmed, my approach would be to accomplish that mission as efficiently and compassionately as possible while taking care to ensure Veterans, families, caregivers, and survivors are at the center of everything VA does.

- 2. Have you and the nominee for Secretary, Doug Collins, 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?**

Secretary Collins and I discussed the need to ensure that NCA continues to provide empathetic, courteous, and timely access to services and benefits while maintaining the trust of Veterans, families, caregivers, and survivors.

- 3. How has your service in the military prepared you for this role and how are you personally suited to this particular position in the executive branch?**

I nearly gave my own life for this country. I had soldiers, classmates, and friends who gave their lives for this country. I believe my service in uniform, my relationship to those who've served and my experience as a leader have given me knowledge and motivation necessary to excel in this role.

- 4. How will your experience as a business executive help you manage the budget and workforce of the National Cemetery Administration?**

If confirmed, I will lead NCA with a focus on excellent customer service and responsible financial management. Under my leadership, the work environment will be a meritocracy rooted in accountability and customer service.

- 5. Are there any specific problems or challenges that you have already identified that you would like to tackle in this position?**

One area I've identified is improving awareness about the NCA benefits and resources available to Veterans, families, and survivors. Veterans and VA beneficiaries – regardless of age – should be aware of the NCA resources available to them.

- 6. Oftentimes, the only contact that a veteran and his/her family will have with VA is through NCA. What will you do to make certain that this contact remains positive?**

NCA has been a leader in customer satisfaction across multiple administrations, and if confirmed, it will be incumbent upon me to continue this trend. I think we can accomplish that by creating a work environment that's a meritocracy and rooted in accountability and customer service.

7. **If confirmed, will you commit to increasing burial access to ensure adequate burial options?**

Yes.

8. **If confirmed, will you commit to assessing the impacts of the hiring freeze – as directed by President Trump on January 20, 2025 – on the National Cemetery Administration and the veterans and families it serves, and submit a report with your findings to the Committee no later than 30 days after the date of your confirmation?**

If confirmed, I will look into this and communicate back to SVAC.

9. **The Office of Management and Budget issued a memorandum effective January 28, 2025, freezing grants across the federal government, which may include the Veterans Cemetery Grants program and the Veterans Legacy Grants program. If confirmed, will you commit to assessing the impacts of this freeze on the National Cemetery Administration and the veterans and families it serves, and submit a report with your findings to the Committee no later than 30 days after the date of your confirmation?**

If confirmed, I will look into this and communicate back to SVAC.

Sam Brown, USMA Nominee Additional Pre-Hearing Question

Additional Pre-Hearing Question for Presumptive Nominee Sam Brown to be Under Secretary of Memorial Affairs of the Department of Veterans Affairs from Ranking Member Richard Blumenthal.

1. On your Senate Veterans Affairs Committee Presidential Nominee Questionnaire submitted on February 6, 2024, there appears to be some employment activities missing in your responses.

a. Your employment activities with Nevada Faith and Freedom Coalition is not listed in any section of your Questionnaire responses. Can you please describe the nature of your role in this organization, and whether it was part of your employment history? Why was this not included in your Questionnaire responses?

Response: I was a volunteer member of the board of directors for Nevada Faith and Freedom Coalition. As a volunteer, this role did not meet the criteria to be included in my employment history.

**Senator Richard Blumenthal, Ranking Member
Questions for the Record
Senate Veterans' Affairs Committee
Nomination Hearing of Sam Brown
to be Under Secretary of Memorial Affairs
April 1, 2025**

1. There have been multiple reports the Trump administration and DOGE, under the guise of destroying diversity initiatives across the government, removed historical references documenting the service and contributions of women servicemembers and veterans, military members of color, and LGBTQ servicemembers. One such example, was the removal of a Jackie Robinson article from DOD's website, which has since been restored.
 - a. Education is a key component to NCA's mission. Do you commit to continuing to telling the stories of ALL veterans including black, LGBTQ, women, and minority veterans?

I believe in the power and inspiration of stories. While it is not feasible to commit to telling the story of literally every veteran, I can commit to highlighting the service and lives of veterans from diverse backgrounds. Ultimately, the friends, family, and fellow veterans of any of our servicemembers are empowered to honor their lives through the Veterans Legacy Memorial which NCA hosts online. If confirmed, bringing awareness to this platform of remembrance will be one of my focuses.

- b. Will you push back against any effort to remove such existing stories from NCAs websites, historical materials, education programs, and cemetery memorials?

Yes.

Sen. Cramer

Questions for the Record

Senate Veterans' Affairs Committee

Nomination of Sam Brown to be Under Secretary for Memorial Affairs, U.S. Department of Veterans

Affairs

April 1, 2025

Questions for Sam Brown, Nominee Under Secretary for Memorial Affairs

1. For the last several years, I've worked with members of the North Dakota delegation, dedicated community stakeholders and veterans' organizations, on improvements to the Fargo National Cemetery. It's a fairly new cemetery, established as one of the first locations under the rural cemetery initiative in 2019, and we've come a long way since it's opening. Currently, we're working on a new veteran's memorial center, to be built and funded by the community, and turned over to the VA for operation into the future. Without good-faith collaboration, the VA bureaucracy could stand in the way of completing this community driven project in a timely fashion. Should you be confirmed, do you commit to getting briefed on this project, working with the local community on its completion, and keeping my office informed throughout the process?

Yes.

**Senator Maggie Hassan
Questions for the Record
Senate Veterans' Affairs Committee
Hearing to Consider Pending Nominations
April 1, 2025**

Questions for Captain Samuel Brown

1. Can you guarantee that if the Department of Veterans Affairs fires thousands more employees, it will not take longer for veterans to get appointments and receive care?

Unfortunately, wait times increased over the past few years despite many more employees joining the VA. Clearly reform is necessary, and most people can agree that the status quo is unacceptable. Secretary Collins has called for reform that leads to better outcomes for veterans' healthcare, including wait times. He is committed to reform that only improves care.

2. Can you guarantee that if the Department of Veterans Affairs fires thousands more employees, benefits claims won't be delayed?

Again, the claims backlog increased over the past few years despite adding more employees. Secretary Collins is committed to ensuring the backlog decreases and efficiency is realized. The status quo is unacceptable and change, while scary, is necessary.

Senator Mazie K. Hirono
Questions for the Record
Senate Veterans' Affairs Committee
Hearing on Pending Nominations
April 1, 2025

Questions for Captain Samuel Brown, U.S. Army (ret.), Nominee to be Under Secretary for Memorial Affairs

1. In addition to the 155 national cemeteries, NCA provides grant funding to “establish, expand, improve, and maintain” 118 state veterans’ cemeteries across 48 states and several U.S. territories. While these grants provide for capital projects and equipment, they do not provide funding for the day-to-day maintenance and staffing that ensure the gravesites of the veterans and loved ones buried in state cemeteries are well-maintained.
 - a. Do you feel NCA not providing support for daily operations – including hiring and retaining maintenance staff – is adequately supportive of these cemeteries?

Senator, it is my understanding that each state veteran cemetery understands the nature and purpose of the funding and must present a plan for the maintenance and staffing of the cemetery in order to be compliant and a recipient of such funds. If confirmed, it is my responsibility to ensure the state cemeteries are meeting their commitments to NCA and to the veterans and family members who are trusting that they will fulfill their pledge to maintain the grounds and staff as necessary for this sacred mission. Should Congress deem it appropriate for NCA to increase the scope of funding to do these things, then I would be willing to meet with this committee and help estimate the additional funding requirements it would take to do that and provide testimony as needed during the legislative process to ensure the bill language meets the intent to empower NCA to take on a larger scope.

- b. As Under Secretary, what steps will you take to support the maintenance staff, often a low-wage job, of state veterans’ cemeteries?

If confirmed, I will continue the existing practice of encouraging the maintenance staff of state veterans’ cemeteries to join the training and education opportunities offered to the National Cemetery maintenance and operational teams.

UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS

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

**QUESTIONNAIRE
FOR PRESIDENTIAL NOMINEES**

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

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

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

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

Attention: Chief Clerk

Revised January 2021

PART I: ALL OF THE INFORMATION IN THIS PART WILL BE MADE PUBLIC**1. Basic Biographical Information**

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
<u>Under Secretary for Memorial Affairs</u>	<u>January 20, 2025</u>

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Samuel	Boaz	Brown	

<i>Addresses</i>						
<u>Residential Address</u> (do not include street address)				<u>Office Address</u> (include street address)		
				Street: None		
City: Reno	State: NV	Zip: 89509	City:	State:	Zip:	

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

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day)	Place of Birth
1983	Arkansas

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

<i>Spouse's Name</i> (current spouse only)			
Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix
Amy	Elizabeth	Brown	

<i>Spouse's Other Names Used</i> (current spouse only)						
First Name	Middle Name	Last Name	Suffix	<small>Check if Maiden Name</small>	Name Used From (Month/Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)
Amy	Elizabeth	Larsen	X		06/1984 Est <input type="checkbox"/>	05/2009 Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

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

2. Education

List all post-secondary schools attended.

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
United States Military Academy	Military Academy	07/2002 <input checked="" type="checkbox"/> Est <input type="checkbox"/>	05/2006 <input checked="" type="checkbox"/> Est <input type="checkbox"/> Present	BS	05/2006
Southern Methodist University	University	08/2015 <input checked="" type="checkbox"/> Est <input type="checkbox"/>	05/2017 <input checked="" type="checkbox"/> Est <input type="checkbox"/> Present	MBA	05/2017
		<input checked="" type="checkbox"/> Est	<input checked="" type="checkbox"/> Est <input type="checkbox"/> Present		
		<input checked="" type="checkbox"/> Est	<input checked="" type="checkbox"/> Est <input type="checkbox"/> Present		

3. Employment

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

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other federal employment, State Government (Non-federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	<u>Name of Your Employer/Assigned Duty Station</u>	<u>Most Recent Position/Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box if still employed)
Self-Employment	Self	N/A	Reno, NV	01/2021 Est <input type="checkbox"/>	Est Present <input type="checkbox"/> X
Self-Employment	Palisade Strategies	CEO	Reno, NV	11/2018 Est <input type="checkbox"/> 01/2021	Est <input type="checkbox"/>
Non-government Employment	Amazon	Area Manager	Reno, NV	07/2018 Est <input type="checkbox"/> 11/2018	Est <input type="checkbox"/>
Non-government Employment	MBL Title	Business Development Manager	Dallas, TX	08/2014 Est X 06/2018	Est <input type="checkbox"/>
Unemployed				04/2013 Est X 07/2014	Est X
Non-government Employment	CFIA	Business Development Associate	Dallas, TX	08/2012 Est X 03/2013	Est X
Unemployed				06/2012 Est <input type="checkbox"/> 07/2012	Est X
Non-government Employment	Allies in Service Non-Profit	Operations Manager	Dallas, TX	09/2011 Est <input type="checkbox"/> 05/2012	Est <input type="checkbox"/>
Active Military	US Army	Wounded Warrior Captain	Fort Sam Houston, TX	09/2008 Est <input type="checkbox"/> 09/2011	Est <input type="checkbox"/>
Active Military	US Army	Infantry Platoon Leader 2LT & 1LT	Fort Hood, TX OEF	06/2007 Est <input type="checkbox"/> 09/2008	Est <input type="checkbox"/>
Active Military	US Army	Infantry Officer Training	Fort Benning, GA	05/2006 Est <input type="checkbox"/> 06/2007	Est <input type="checkbox"/>

Active Military	US Army	Military Academy Student/Cadet	West Point, NY	07/2002	Est <input type="checkbox"/>	05/2006	Est <input type="checkbox"/>
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(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
None		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>

4. Honors and Awards

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

US Army: Bronze Star, Purple Heart, Army Commendation Medal with "V" Device for Valor, National Defense Service Medal, Afghanistan Campaign Medal, Global War on Terrorism Service Ribbon, Army Service Ribbon, Army Overseas Service Ribbon, NATO Medal, Combat Infantryman Badge, Ranger School Graduate (Tab), Airborne School Graduate (Badge), Air Assault School Graduate (Badge)

Northwood University: Honorary Doctorate

5. Memberships

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

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

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate)	<u>Position(s) Held</u>
Benevolent and Protective Order of Elks	2021-Current	Member

6. Political Activity**(A) Have you ever been a candidate for or been elected or appointed to a political office?**

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>
US Senate	Candidate Only	2022, 2024	
Texas State Representative	Candidate Only	2014	

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

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
Washeoe County Republican Party	Central Committee Member		2019 - 2022

(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.

7. Publications

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

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
I'm Sam Brown. Why I Want Nevada's Vote For Senate	Fox News	November 2024
Bringing Change to the Insiders Game	Reno Gazette Journal	October 2024
Alive Day	Houndstooth Press	September 2024
Conservatives Lead the Way on Western Water Conservation	Deseret News	September 2024
My Pledge: Vote Against a Federal Abortion Ban	Las Vegas Sun	June 2024
America Needs A Financial Alternative – Crypto Is It	Blockworks	March 2024
Let's Stop the Spending Spree and Bring Sanity Back to Washington	Daily Caller	September 2023
We Need New Leaders and a New Direction	Reno Gazette-Journal	June 2022
The Chaotic Afghanistan Withdrawal Dismisses Our Sacrifices	USA Today	July 2021

8. Public Statements

(A) List any testimony, official statements or other communications, including those made on the Internet including on social media or other digital content sites, relating to matters of public policy that you have issued or provided or that others presented on your behalf to public bodies or officials.

As a former candidate for US Senate between 2021-2024 I have made countless public statements about public policy through press releases, social media posts, website announcements. Social media accounts will have the most comprehensive list of these public statements. Below are some but not all of the statements I've made:

<https://x.com/CaptainSamBrown/status/1877521707810042141>
<https://x.com/CaptainSamBrown/status/1852495411996725278>
<https://x.com/CaptainSamBrown/status/1836493013926973590>
<https://x.com/CaptainSamBrown/status/1842233351585030655>
<https://x.com/CaptainSamBrown/status/1845860956934660106>
<https://x.com/CaptainSamBrown/status/1843799239480225895>
<https://x.com/CaptainSamBrown/status/1853501649194815654>
<https://x.com/CaptainSamBrown/status/1877521707810042141>
<https://x.com/CaptainSamBrown/status/1867284001591066669>
<https://x.com/FoxNews/status/1852765165822836776>
<https://x.com/CaptainSamBrown/status/1851021045802885603>
<https://x.com/CaptainSamBrown/status/1848733332739395886>
<https://x.com/CaptainSamBrown/status/1845590828141670595>
<https://x.com/CaptainSamBrown/status/1842233351585030655>
<https://x.com/CaptainSamBrown/status/1828505902158364953>
<https://x.com/ChrisBarnardDL/status/1832153890940170322>

(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 a former candidate for US Senate between 2021-2024 I have delivered countless political and public statements, speeches, remarks, and sat on panels and question-and-answer sessions. It would be impossible to catalogue all of my public remarks. Below are some but not all of the remarks I've made:

<https://x.com/CaptainSamBrown/status/1837675273103593588>

<https://x.com/TrumpWarRoom/status/1845206483816022124>
<https://x.com/nixonfoundation/status/1863781531602260159>
<https://x.com/CaptainSamBrown/status/1852495411996725278>
<https://x.com/CaptainSamBrown/status/1850630638669562032>
<https://x.com/CaptainSamBrown/status/1850004224509346258>
<https://x.com/VictorJoecks/status/1848370892595687617>
<https://x.com/CaptainSamBrown/status/1848207910892937516>
<https://x.com/CaptainSamBrown/status/1847115457922277727>
https://x.com/AlidaC_NV/status/1837539031426781244
<https://x.com/CaptainSamBrown/status/1837173251492938049>
<https://x.com/crismersch/status/1836806951386198287>
<https://x.com/TrumpWarRoom/status/1834801285393993799>
<https://x.com/GreatOppPolicy/status/1832076853122613743>
<https://x.com/CaptainSamBrown/status/1832141742650581462>
<https://x.com/CaptainSamBrown/status/1831806081519251592>
<https://x.com/CaptainSamBrown/status/1831442992768676121>

(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 a former candidate for US Senate between 2021-2024 I have responded to many interview requests with remarks on radio and television and in both digital and print publications. It would be impossible to catalogue every interview. Below are some but not all of the interviews I've done:

<https://x.com/LisaMarieBoothe/status/1836785927072403697>
<https://x.com/clayandbuck/status/1834662542662123569>

<https://x.com/CaptainSamBrown/status/1851688937645048200>
<https://x.com/CaptainSamBrown/status/1849246687644328428>
<https://x.com/CaptainSamBrown/status/1849244948950081644>
<https://x.com/CaptainSamBrown/status/1847679465452949633>
<https://x.com/FoxNews/status/1846896865989537943>
<https://x.com/rji/status/1846582168308371819>
<https://x.com/NRSC/status/1845181836353229289>
<https://x.com/MorganOrtagus/status/1842906061415575785>
<https://x.com/BottomLineFBN/status/1838712477246218518>
<https://x.com/HHSLinks/status/1836121986013302953>
<https://x.com/clayandbuck/status/1834662542662123569>
<https://x.com/GuyBensonShow/status/1834295332781654099>

9. Agreements or Arrangements

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

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

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

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

10. Lobbying

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

No.

11. Testifying Before the Congress

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

Yes.

(B) Do you agree to provide such information as is requested by such a committee in a timely and accurate manner?

Yes, to the best of my knowledge and ability.

**Nomination Material for
JAMES BAEHR**

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

Chairman Moran, Ranking Member Blumenthal, and Distinguished Members of the Committee,

It is the honor of my life to appear before you today as the nominee for the General Counsel of the Department of Veterans Affairs and to tell you about my commitment to my fellow Veterans. I am profoundly grateful to the President for this nomination and to Secretary Collins for his confidence in my ability to serve in this role. If confirmed, I pledge to continue to uphold my lifelong commitment to the Constitution and fully devote myself to the Department's sacred mission to care for our Veterans, their families, caregivers, and survivors.

I am blessed to have some of my family in attendance. My father is here and has always taught me to pursue service over self. My mother is here too in spirit, though she passed away of cancer three years ago—she taught me never to stop pursuing my dreams. My wife, Jasmine, and our newborn son, James, are here - whose presence in my life strengthens my resolve to ensure that the benefits and opportunities afforded to today's Veterans will be there for future generations of warfighters and their families. I cannot thank my wife enough for the sacrifices she has made to support my many endeavors in the military, government, and private sector and that she will continue to make should I be confirmed. I hope my son will want to choose the path of military service, which has been the most important and noble decision I have made in my life, and someday be blessed to call himself an American veteran.

I was an incoming freshman when terrorists attacked the World Trade Center. I was 19 years old then when I ran into a Marine Officer Selection Officer in the dining hall of Dartmouth College who changed my life. He asked me if I wanted to attend Officer Candidate School that summer. I had no business going to Quantico. I had no military background in my family. I was a nerd. But I couldn't shake the conviction that I should serve my country. I signed up. I went to OCS. And when I graduated, I became a Marine.

After law school at the University of Virginia, I was blessed to serve as a judge advocate, defending my fellow Marines at Camp Pendleton, California. After active duty, I took a clerkship in New Orleans on the Fifth Circuit Court of Appeals. I was then hired as a federal prosecutor and served in the Department of Justice. I remained in the Marine Corps Reserves, serving as a Civil Affairs Team Leader and then deploying to Iraq in 2018 during the fight against ISIS.

When I returned from Iraq, I experienced firsthand the dislocation that so many Veterans feel after coming home from the intensity of deployment to the civilian world. My life had changed profoundly, but I returned to an entirely unaware world. I felt disconnected, and it was only through the love and care of friends, family, and fellow Veterans that I returned to myself.

Around this time, the opportunity arose to enter a different mission: to become a key policy advisor to President Trump on Veteran issues in his first administration. I worked closely with Secretary Wilkie and his team to improve Veteran access to health care, increase accountability

at VA, and address Veteran mental health and suicide through a whole of government approach to address the problem. I would be remiss if I didn't take this opportunity to thank the Senators and staff of this committee for their advocacy on these issues and the incredible support given to our Veterans and their families. When we left, Veteran satisfaction at VA was at a rating of over 91%. And when COVID hit, we worked tirelessly to execute the VA's fourth mission to serve the nation during a national emergency.

After the administration, I returned to litigation to fight public-impact constitutional cases, representing litigants challenging government overreach and servicemember families impacted by government negligence. I continued to serve in the military reserves, upholding the law as a military trial judge.

I would take all these experiences with me in my service to Veterans at the Department of Veterans Affairs. I am not just a nominee; my life is entwined with the VA. I receive care at our beautiful New Orleans VA Medical Center. My family purchased our home through a VA home loan guarantee. I have also transferred my GI Bill, which the VA administers, to my son. I serve as an appointed Commissioner on our state's Veterans Affairs Commission, seeing first-hand how state and federal veteran efforts interact.

I sincerely appreciate the Department's challenges and the urgent need to ensure that Veterans receive the highest level of service they have earned. You have my wholehearted commitment to uphold the oath to the Constitution that I swore as a Marine and as a prosecutor and to place the Veteran at the center of all that I do.

If confirmed, I will work tirelessly to advance principles of accountability, and integrity, and mission accomplishment in the Office of General Counsel.

First is accountability. The first lesson of Marine Corps leadership is that "You are responsible for everything that happens or fails to happen under your command." I will take responsibility for my actions and those of my office and maintain accountability.

Second, integrity. I will fully commit to faithfully interpreting the law and providing the Secretary with the best legal counsel so that the office operates with trust and credibility.

And third, mission accomplishment—making sure that my office is never an obstacle to impede the VA from delivering the care, benefits, and services that Veterans deserve in a timely fashion.

I am humbled by this opportunity to continue serving my fellow Veterans. If confirmed, I will work tirelessly to support the Secretary and this Committee in delivering on the promise made to every Veteran. Thank you for the opportunity to appear before you today. I look forward to answering your questions.

**Pre-Hearing Questions for James Baehr
Nominee for General Counsel of the U.S. Department of Veterans Affairs
From Senator Jerry Moran
Chairman, Senate Committee on Veterans' Affairs**

March 21, 2025

1. Please detail the professional and personal experiences that you believe have prepared you to help lead the Department of Veterans Affairs (VA).

Every leadership skill I have developed began with the United States Marine Corps, and the fundamental lessons I learned there have guided me in every subsequent role in the military, government, and legal sectors. As a Lieutenant Colonel in the Marine Corps Reserves and a reserve military trial judge, I have led teams in high-pressure environments, handled complex legal matters, and received the distinguished graduate award from the Judge Advocate General's Legal Center and School. My experience coordinating policy as a Special Assistant to the President at the White House provided invaluable insight into navigating government frameworks to advance the interests of veterans.

As a former federal prosecutor and appellate litigator, I have handled high-stakes cases across multiple jurisdictions, managed litigation teams, and successfully argued cases before the U.S. Fifth Circuit Court of Appeals. My service in the U.S. Attorney's Office in New Orleans—prosecuting felony-level cases—required me to balance legal judgment, strategic decision-making, and team leadership.

My military experience – including my deployment in Operation Inherent Resolve, where I coordinated strategic communications for senior military and government officials in Iraq, Kuwait, and Syria – increased my ability to manage personnel, advise the Commanding General, and coordinate the execution of his commander's intent, and operate effectively under the intense pressure of deployment. Other military reserve experiences leading teams on military missions such as Trident Juncture and New Horizons and serving as a civil team commander at the 4th Civil Affairs Group have also provided challenges and learning experiences.

I would bring all these experiences with me to the role of General Counsel and press for accountability, integrity, and mission accomplishment in all that we do to support the Department's critical work for veterans.

2. What do you think are the most significant challenges facing VA? If confirmed, what would your highest priorities be as General Counsel, and what would you intend to accomplish during your tenure?

If confirmed, I would intend to ensure that OGC provides Secretary Collins prompt, high-quality, and legal advice so that he can achieve the goals he has set out for the Department, including ensuring that veterans have timely access to healthcare and benefits, expanding healthcare choice among veterans and updating electronic systems, ensuring an accountable and efficient VA workforce, and addressing veteran homelessness and suicide. If confirmed, I would work to ensure all legal frameworks support the VA's mission to serve veterans with excellence and accountability.

- 3. What do you think is the appropriate role of VA in an average veteran's life and, if confirmed, how would you work to improve outcomes among the veterans, caregivers, survivors, and others who use VA health care, benefits, and services?**

The VA should serve as a trusted resource that provides essential healthcare, benefits, and support while empowering veterans to live fulfilling, independent lives. Its role is to ensure that those who have served receive the care and assistance they have earned. If confirmed, I would work to improve outcomes by ensuring that the VA operates efficiently, lawfully, and with accountability. This includes streamlining and speeding up claims processing, enforcing fair and transparent policies, and seeking to support Secretary Collins' efforts to expand healthcare choices, reduce veteran homelessness, and modernize VA systems.

- 4. What do you see as the role of this Committee, specifically, and Congressional oversight, in general, and, if confirmed, will you commit to working yourself and leveraging the workforce of the Office of General Counsel to increase the timeliness and accuracy of VA's responses to Congressional inquiries? If so, how? If not, why not?**

I understand the critical importance this Committee plays in fulfilling the congressional oversight role established in our Constitution. If confirmed, I will work with leadership at the department to ensure the VA is responsive to Congressional oversight.

- 5. If confirmed, how will you, as General Counsel, help make certain that the Department works well with the Government Accountability Office, the Office of Inspector General, and the Office of Special Counsel to address and close out open recommendations?**

If confirmed, I will review all legal requirements for coordination between OSC, OIG, and GAO and advise the Secretary and Department accordingly. I intend to operate OGC collaboratively and establish positive working relationships with other components to promote legal compliance, accountability, and effective oversight.

- 6. If the Secretary, the White House, the Office of Management and Budget, the Office of Personnel Management, or other official entities are working on or issue a directive or guidance that you believe violates the law or could have an adverse impact on services and benefits for veterans, caregivers, and survivors, what would you do?**

I do not believe that the White House or any Executive Branch agency would provide an illegal directive or guidance.

- 7. Please describe the current VA Office of General Counsel's organizational structure. Do you anticipate making any changes? If so, how? If not, why not?**

The Office of General Counsel is structured to provide the Department with comprehensive legal services and support. The leadership team includes the General Counsel, Principal Deputy General

Counsel, and three Deputy General Counsels overseeing Legal Operations, General Law, and Veterans Programs. OGC is organized into various specialized teams and groups, including the Ethics Specialty Team, nine Law Groups, one National Practice Group, five Offices of District Chief Counsel, and the Court of Appeals for Veterans Claims Litigation Group. Each Law Group is led by a senior executive Chief Counsel and focuses on specific legal areas such as benefits, healthcare, procurement, real property, personnel, and torts. The Management, Planning, and Analysis Team supports OGC's administrative functions, including budget, human capital, and IT.

If confirmed, I plan to comprehensively review OGC's policies and structure to ensure that it is best able to provide prompt, sound, and ethical legal counsel to the Department and the Secretary.

- 8. You have written about the Tenth Amendment's importance while describing James Madison's writings and the "whole idea of federalism" as "a solution for a large and heterogeneous Republic to maintain stability by ensuring the majority of governance occurred at the local level." As VA considers how to best administer health care to our nation's veterans in states with conflicting law on topics such as involuntary inpatient holds and license to practice, how will you balance the competing interests between federal preemption, deference to state law, and the best interest of the veterans served by VA?**

If confirmed, I will evaluate any issues that implicate federal preemption in light of the Constitution, all applicable laws, regulations, and precedent to best advise the Department and the Secretary so that he can fulfill his intent to place the veteran at the center of all that we do.

- 9. VA is charged with providing various benefits and services for qualifying veterans and family members. In general terms, please describe the outcomes that VA should be seeking for veterans through these benefits and services.**

I believe that VA should be dedicated to enhancing human flourishing among qualifying veterans and family members. Those who have served our country should be left better off after interacting with VA, and we should strive to achieve measurable outcomes of improvement in their lives – financial, physical, and mental.

- 10. What role do you expect the Office of General Counsel to play in the rule-making process of the Department? If confirmed, how will you ensure that Department rules and regulations are consistent with and do not exceed the Department's statutory authority?**

OGC ensures VA regulations comply with statutory authority, administrative law, and judicial precedent. I have focused most of my legal practice on constitutional and administrative law and intend to apply these principles at VA if they are confirmed.

- 11. What role do you expect the Office of General Counsel to play when it comes to protecting whistleblowers within the Department?**

If confirmed, I intend to operate OGC collaboratively and establish positive working relationships with other components to promote legal compliance, accountability, and effective oversight – including supporting the role of whistleblowers in identifying issues within the Department. If confirmed, I will review all legal requirements for coordination between OGC and other relevant offices to advise the Secretary and Department accordingly.

Department of Veterans Affairs (VA)
Mr. James Baehr
Response to SVAC Minority
Pre-Hearing Questions

- 1. Please describe your understanding of the Department of Veterans Affairs (VA) mission and how you would use the position for which you have been nominated to further that mission.**

Response: The VA's core mission is to fulfill the nation's sacred commitment to veterans by providing them with the care, benefits, and services they have earned through their service. That includes provision of timely and high-quality healthcare, education, disability compensation, home loan guarantees, and other critical services that enhance the well-being of veterans and their families.

As General Counsel, my role would be to provide prompt and sound legal advice and guidance to ensure that the VA operates within the framework of the law while maximizing its ability to serve veterans as efficiently and effectively as possible – to put the veteran at the center of all that we do.

- 2. Have you and Secretary Collins discussed the role and duties he would like you to assume as General Counsel, and if so, what specific areas of the job were discussed?**

Response: While I have engaged in discussions as part of the nomination process, I have not had detailed conversations with Secretary Collins regarding the specific roles and duties of the position.

- 3. Please describe in detail your understanding of the roles and responsibilities of VA's General Counsel.**

Response: By law, “[t]he General Counsel is the chief legal officer of the Department and provides legal assistance to the Secretary concerning the programs and policies of the Department.” 38 U.S.C. 311. The General Counsel leads the OGC to provide legal advice to the Secretary, ensure compliance with laws and court decisions, and oversee litigation.

In addition to serving as the chief legal officer of the Department and providing legal assistance to the Secretary, the General Counsel has specific responsibilities outlined in 38 C.F.R. Part 14. Under § 14.500, the General Counsel is responsible for overseeing all litigation involving the VA or its employees, ensuring the proper interpretation and application of statutes and regulations, and providing legal services necessary to implement VA-administered laws. This role also includes delegations of authority and professional guidance, the maintenance of a field office system to support VA facilities, and coordination with the Department of Justice in civil and criminal cases involving the VA. If confirmed, I will work to fulfill all statutory and regulatory duties while ensuring that OGC operates as a trusted

Department of Veterans Affairs (VA)
Mr. James Baehr
Response to SVAC Minority
Pre-Hearing Questions

legal advisor to the Secretary and all VA components.

4. **What qualifications and experience do you have to lead and manage the hundreds of attorneys in the Office of General Counsel (OGC)?**

Response: Every leadership skill I have developed began with the United States Marine Corps, and the fundamental lessons I was taught there have guided me in every subsequent role in the military, government, and legal sectors. As a Lieutenant Colonel in the Marine Corps Reserves and a reserve military trial judge, I have led teams in high-pressure environments, handled complex legal matters, and received the distinguished graduate award from the Judge Advocate General's Legal Center and School. My experience coordinating interagency policy as a Special Assistant to the President at the White House provided invaluable insight into navigating complex institutional frameworks to advance the interests of veterans.

As a former federal prosecutor and appellate litigator, I have handled high-stakes cases across multiple jurisdictions, managed litigation teams, and successfully argued cases before the U.S. Fifth Circuit Court of Appeals. My service in the U.S. Attorney's Office in New Orleans—prosecuting felony-level cases—required me to balance legal acumen, strategic decision-making, and team leadership.

My military experience—including my deployment in Operation Inherent Resolve, where I coordinated strategic communications for senior military and government officials in Iraq, Kuwait, and Syria—increased my ability to manage personnel, advise the Commanding General and coordinate execution of his commander's intent, and operate effectively under the intense pressure of deployment. Other military reserve experiences leading teams on military missions such as Trident Juncture and New Horizons serving as a civil team commander at 4th Civil Affairs Group will also come with me.

I would bring all these experiences with me to the role of General Counsel and press for accountability, integrity, and mission accomplishment in all that we do to support the Department's critical work for veterans.

5. **Do you have any plans to change the operations of OGC including staffing or funding?**

Response: If confirmed, I will fully analyze the operations of OGC in consultation with leadership, its dedicated staff, and other stakeholders to determine opportunities to improve performance to best serve the Department and the veterans it serves.

Department of Veterans Affairs (VA)
Mr. James Baehr
Response to SVAC Minority
Pre-Hearing Questions

a. **How will you approach the recently announced Reductions-In-Force for OGC's workforce?**

Response: If confirmed, I will analyze the needs of OGC's workforce to ensure that we have the capabilities and capacity to accomplish our mission to the Department and the veterans it serves.

6. **What role do you believe the OGC should play in ensuring VA understands and complies with court decisions including those from the Court of Appeals for Veterans Claims, Federal District Courts and the Supreme Court?**

Response: OGC plays a critical role in ensuring that the VA complies with binding court decisions by providing clear legal guidance to VA leadership, updating policies and procedures as necessary, and coordinating with relevant agencies to ensure compliance.

a. **Are there any circumstances in which you would recommend the VA Secretary not comply with court orders?**

Response: No – if a ruling presents concerns, be they legal, operational, or ethical, the response would be to seek reconsideration and appeal in court or pursue legislative clarification or reform.

b. **If the Secretary was taking actions you believed were against current law or regulation, what actions would you take?**

Response: I don't believe the Secretary would take actions against law or regulations.

c. **Are there any court decisions you believe VA has misinterpreted?**

Response: Considering active litigation and my potential role in advising the Department, I decline to opine publicly regarding my opinion on specific court decisions or VA's interpretation of them.

7. **What role do you believe OGC should play in the rulemaking process?**

Response: OGC has an important role in ensuring that VA regulations comply with statutory authority, administrative law, and judicial precedent.

8. **What role do you believe OGC should play in ensuring VA and veterans' data privacy?**

Department of Veterans Affairs (VA)
Mr. James Baehr
Response to SVAC Minority
Pre-Hearing Questions

Response: OGC must ensure that VA policies comply with federal data privacy laws, cybersecurity regulations, and best practices for safeguarding veterans' sensitive information.

- a. **Do you believe individuals that access VA IT or other systems should be 1) documented employees of VA, 2) have appropriate security clearances, 3) have appropriate conflict of interest arrangements approved by OGC and OGE career officials, and 4) take required training before accessing VA systems or directing resources?**

Response: If confirmed, I will review applicable laws governing individual access to VA IT and advise the Department accordingly.

9. **What are your thoughts on Secretary Collins also holding the role of Acting Director of the Office of Government Ethics (OGE)?**

Response: If confirmed, I will advise the Secretary appropriately.

- a. **What steps would you take, if confirmed as General Counsel, to firewall the Secretary from ethics decisions about VA?**

Response: If confirmed, If confirmed, I will advise the Secretary appropriately.

- b. **Considering OGC houses VA's Ethics Specialty Team, what processes would you require Secretary Collins, in his Acting Role at OGE, put in place so that he does not have any authority to personally review OGE matters involving VA.**

Response: If confirmed, I will advise the Secretary appropriately.

- c. **Would you require that Secretary Collins recuse himself from any VA matters at OGE, including the review of VA nominees' ethics agreements? Do you commit to making that recusal and other agreements in a signed formal official document or MOU?**

Response: If confirmed, I will advise the Secretary appropriately.

10. **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: If confirmed, I would review any procedures and practices regarding adherence to federal ethics rules to advise the Department on best practices to enhance public trust and address issues proactively through clear guidance.

Department of Veterans Affairs (VA)
Mr. James Baehr
Response to SVAC Minority
Pre-Hearing Questions

11. How do you envision OGC working with the Office of Special Counsel (OSC), the Office of Inspector General (OIG), the Government Accountability Office (GAO) and the Office of Accountability and Whistleblower Protection (OAWP)?

Response: If confirmed, I will review all legal requirements for coordination between OSC, OIG, GAO, and OAWP and advise the Secretary and Department accordingly.

- a. **What are your views about the appropriateness of the President's actions to remove the current Special Counsel and if that violates statute, particularly 5 USC 1211(b)?**

Response: I decline to opine on matters involving active and potential litigation.

- b. **If confirmed as General Counsel, what steps would you take to firewall Secretary Collins from any matter dealing with VA, if he is reinstalled as head of OSC?**

Response: If confirmed, I will advise the Secretary on this matter.

- c. **Would you require that Secretary Collins recuse himself from any VA matters at OSC, including the review of VA personnel and whistleblowers? Would you commit to making that recusal and other agreements in a signed official document or MOU?**

Response: If confirmed, I will advise the Secretary appropriately.

- d. **How would you coordinate with OAWP and OIG to ensure Secretary Collins follows your guidance and does not interfere in any actions related to VA personnel or processes?**

Response: I believe the Secretary, as the agency head, has ample authority to manage the Department's personnel and processes.

- e. **Do you believe President Trump's termination of Inspector General Mike Missal is consistent with federal law, to include the *Securing Inspector General Independence Act of 2022*?**

Response: I decline to opine on matters involving active and potential litigation.

12. How do you envision OGC working with the Merit Systems Protection Board and the Equal Employment Opportunity Commission?

Department of Veterans Affairs (VA)
Mr. James Baehr
Response to SVAC Minority
Pre-Hearing Questions

Response: If confirmed, I will review all applicable laws governing VA's interactions with the Merit Systems Protection Board and the Equal Employment Opportunity Commission..

13. **Do you believe the Office of Management and Budget (OMB), the Office of Personnel Management (OPM) or any other executive agency, office, or department outside of VA has the authority to directly manage VA's workforce and serve as a VA employee's direct supervisor?**

Response: If confirmed, I will review all applicable laws to ensure compliance with the statutory framework governing VA's workforce management including Title 5 of the U.S. Code, Title 38 of the U.S. Code, the Civil Service Reform Act, and the authority of the Office of Personnel Management (OPM) under 5 U.S.C. § 1103.

a. **Please describe how you would evaluate recommendations and guidance given to VA by OMB, OPM or any other outside agency.**

Response: I would assess external guidance based on statutory authority, regulatory compliance, and alignment with VA's mission.

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

Response: If confirmed, I would ensure OGC conducts legal impact assessments, drafts agency positions on pending bills, and provides analysis to policymakers. In preparing Congressional testimony, OGC would work with VA leadership to ensure statements are legally sound, factually accurate, and aligned with VA's strategic goals and purpose to put veterans at the center of all we do.

15. **Describe how you anticipate managing the work of District Chief Counsels.**

Response: If confirmed, I would be honored to work with the outstanding staff throughout OGC, and I anticipate managing the work of District Chief Counsels by emphasizing accountability, integrity, and mission accomplishment so that we can best advise the Department to serve veterans.

16. **If confirmed, how do you envision collaborating with the Board of Veterans' Appeals?**

Response: If confirmed, I will review all applicable laws and work closely with the Board of Veterans' Appeals to ensure that its decisions are legally sound,

Department of Veterans Affairs (VA)
Mr. James Baehr
Response to SVAC Minority
Pre-Hearing Questions

consistent with statutory and regulatory requirements, and efficiently adjudicated to serve veterans effectively.

17. What opportunities do you see for VA and the Court of Appeals for Veterans Claims to improve the appeals process and ensure veterans receive more finality at the court level?

Response: If confirmed, I will look for opportunities to improve the appeals process in consultation with leadership, the Department's dedicated staff, and other stakeholders, and ensure veterans receive more finality at the court level.

18. If confirmed, under what circumstance would you consider issuing OGC precedential decisions?

Response: If confirmed, I look forward to evaluating circumstances under which OGC should issue precedential decisions if necessary, including where there is ambiguity in statutory interpretation, or when greater legal consistency is needed across the agency.

19. What part should OGC play in determining whether a specific disease or illness should be presumed service-connected?

Response: If confirmed, I will review all applicable laws to ensure OGC provides sound legal guidance on presumptive service connection so that VA regulations are statutorily and scientifically supported, legally defensible, and implemented in compliance with governing authorities while serving veterans fairly and efficiently.

20. VA must continue to make progress in improving the timeliness and quality of VA's claims adjudication process. What is the appropriate role for the OGC in VA's ongoing claims transformation? What ideas do you have that would complement existing transformation efforts?

Response: If confirmed, I look forward to fully analyzing the issue of the timeliness and quality of VA's claims adjudication process in consultation with leadership, staff, and other stakeholders. OGC should be a catalyst and facilitator for improved and efficient claims processing, not an impediment.

21. What are your thoughts on the issue of claims sharks?

Response: If confirmed, I will review all applicable laws, including 38 U.S.C. §§ 5901, 5904, and 5301, as well as 38 C.F.R. §§ 14.636 and 14.629, to ensure OGC plays an active role in protecting veterans from predatory claims practices.

Department of Veterans Affairs (VA)
Mr. James Baehr
Response to SVAC Minority
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a. **If confirmed, what action would you take to protect veterans from companies who violate VA laws regarding preparation, presentation, or prosecution of VA benefits claims?**

Response: If confirmed, I would review all actions that can be taken to protect veterans from companies who violate VA laws regarding VA benefits claims, and utilize VA's accreditation process, the Federal Trade Commission, and the False Claims Act to act against those who exploit veterans seeking benefits.

22. **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.

23. **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 those rights may not be interfered with or denied?**

Response: Yes.

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

Response: No, but I serve as a military trial judge in the United States Marine Corps Reserves.

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

Response: I have been blessed to enjoy a broad-based legal practice, including military law, federal prosecution, arbitration, and constitutional litigation.

Military Judge Advocate (2010-Present): I began my career as a Marine Corps judge advocate, defending service members in courts-martial and administrative proceedings. I later transitioned to serving in advisory roles as a deputy staff judge advocate and in more senior roles such as a reserve regional defense counsel. I presently serve as a reserve military trial judge, presiding over courts-martial.

Department of Veterans Affairs (VA)
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Appellate Clerkship (2013–2014): I clerked for Judge Edith Brown Clement on the U.S. Court of Appeals for the Fifth Circuit, where I gained experience in appellate litigation, constitutional challenges, and administrative law.

Federal Prosecutor (2014–2019): As an Assistant U.S. Attorney in the Eastern District of Louisiana, I handled felony level cases, including fraud, narcotics, and public corruption.

Public Impact Litigator (2019; returned 2022-Present): I transitioned to constitutional and regulatory litigation first as General Counsel and more recently as Special Counsel at the Pelican Institute, where I have litigated constitutional and Administrative Procedure Act cases.

Law Office Practice (2021-Present): In addition to my public interest work, I have represented broker-dealers in FINRA arbitrations, and partnered with other attorneys as co-counsel on litigation, such as Federal Tort Claims Act cases representing servicemember families after the Red Hill fuel spill in Hawaii.

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

Response: Throughout my legal career, I have represented a wide range of clients across multiple areas of law.

Military Judge Advocate (2010-Present): My clients have primarily been service members facing courts-martial, administrative separations, and disciplinary proceedings as a defense counsel and regional defense counsel. In advisory roles such as deputy staff judge advocate, my client was the command. As a military judge presently, I am sworn to uphold the Constitution. During this period, I specialized in military criminal law, administrative law, and the Uniform Code of Military Justice (UCMJ).

Appellate Clerkship (2013–2014): As a law clerk on the U.S. Court of Appeals for the Fifth Circuit, I provided Judge Edith Brown Clement with the best advice and work product possible on pending appellate cases. Cases I worked on focused on a wide variety of federal law and appellate procedure.

Federal Prosecutor (2014–2019): As an Assistant U.S. Attorney, my client was the United States government, prosecuting narcotics offenses, financial fraud, and public corruption cases. I specialized in federal criminal law and federal sentencing guidelines.

Department of Veterans Affairs (VA)
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Response to SVAC Minority
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Public Impact Litigator (2019; returned 2022-Present): My clients include individual and organizational plaintiffs challenging government overreach in constitutional and regulatory litigation. I have specialized in constitutional and administrative law in this capacity.

Law Office Practice (2021-Present): My clients include broker-dealers and financial professionals in FINRA arbitrations, as well as military families and service members in Federal Tort Claims Act (FTCA) cases. I have specialized in financial services litigation and procedure, and the FTCA.

27. Describe your practice, if any, before the U.S Merit Systems Protection Board, Equal Employment Opportunity Commission, federal district courts, the US Court of Appeals for Veterans Claims, and the US Court of Appeals for the Federal Circuit.

Response: I have not practiced before the U.S. Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC), the U.S. Court of Appeals for Veterans Claims (CAVC), or the U.S. Court of Appeals for the Federal Circuit. However, I have extensive experience litigating in federal district courts and appellate courts, including the U.S. Court of Appeals for the Fifth Circuit. My practice has involved constitutional, statutory, and administrative litigation.

28. Describe the most significant litigated matters that you personally handled. Give citations, if the cases were reported, and the docket number and date if unreported. Give a 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: Throughout my career, I have litigated significant cases spanning military law, federal prosecution, constitutional litigation, and religious liberty challenges. Below are the most impactful cases I have personally handled:

United States v. Gilbreath, No. 201200427 (N.M. Ct. Crim. App.), No. 14-0322 (C.A.A.F.). As trial defense counsel, I represented Corporal Michael B. Gilbreath, a Marine Corps Individual Ready Reserve (IRR) member convicted of larceny at a general court-martial for possessing a military issued M1911 pistol. I challenged the denial of Article 31(b) rights advisements for IRR members interrogated by active-duty personnel. Though the military trial court and appellate court upheld his conviction, the U.S. Court of Appeals for the Armed Forces (CAAF) reversed, agreeing with my argument that IRR members are entitled to Article 31(b) protections. The case against Gilbreath was ultimately dismissed.

Department of Veterans Affairs (VA)
Mr. James Baehr
Response to SVAC Minority
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United States v. Noe Juarez, No. 11-95 (E.D. La.). As an Assistant U.S. Attorney, I prosecuted Noe Juarez, a veteran Houston police officer, for his role in a drug trafficking conspiracy linked to the Los Zetas cartel. Juarez provided cartel members with law enforcement-sensitive information, vehicles, firearms, and body armor, which were later used by senior cartel figures in Mexico. After a federal jury conviction for conspiracy to distribute cocaine and conspiracy to possess firearms in furtherance of drug trafficking, Juarez was sentenced to 365 months in prison.

United States v. Harry Morel, No. 16-50 (E.D. La.). As an Assistant U.S. Attorney, I prosecuted former St. Charles Parish District Attorney Harry Morel for obstruction of justice. Morel used his position to solicit sexual favors from individuals involved in the criminal justice system in exchange for prosecutorial leniency. When confronted with a federal grand jury investigation, he attempted to obstruct justice by pressuring a witness to destroy evidence and provide false statements. Morel pleaded guilty and was sentenced to the jurisdictional maximum for the guilty plea.

Boudreaux v. Louisiana State Bar Association, No. 19-cv-11962 (E.D. La.), No. 22-30564 (5th Cir. 2023). As counsel in this First Amendment challenge, I represented Louisiana attorney Randy Boudreaux in a lawsuit challenging the mandatory membership in the Louisiana State Bar Association (LSBA) and the use of compelled dues for political advocacy. Drawing from *Janus v. AFSCME*, I argued that these practices violated Boudreaux's free speech and association rights. While the district court ruled in favor of the LSBA, the Fifth Circuit reversed after my appellate argument, holding that the LSBA continued to engage in the use of dues for non-germane political speech in violation of the First Amendment. The district court entered judgment on behalf of my client.

Crocker v. Austin, No. 5:22-cv-757 (W.D. La.), No. 23-30497 (5th Cir. 2024). I served as lead counsel in this First Amendment and Religious Freedom Restoration Act (RFRA) challenge to the Air Force's COVID-19 vaccine mandate, representing Senior Airman Faith Crocker and six other service members. After the Air Force denied their religious exemption requests and initiated separation proceedings, we sued. While the district court dismissed the case as moot, the Fifth Circuit reversed after my appellate argument, ruling that the plaintiffs' claims remained live due to the Air Force's continued use of a flawed religious accommodation process. The court also held that RFRA claims are not subject to the military exhaustion doctrine. The case was remanded to the district court where it continues.

Department of Veterans Affairs (VA)
Mr. James Baehr
Response to SVAC Minority
Pre-Hearing Questions

Feindt v. United States, CIV. 22-00397 (D. Haw.). I represent as co-counsel military families and service members in a Federal Tort Claims Act (FTCA) case arising from the Red Hill fuel spill in Hawaii, where thousands of military personnel and their families were exposed to contaminated drinking water after government negligence led to a spill of jet fuel into their water system. This case challenged the government's failure to prevent, mitigate, and properly respond to the contamination, seeking accountability and relief for those affected. I served as a co-counsel trial attorney with responsibility for much of the litigation brief drafting and a number of trial witnesses. A bellwether trial was held starting on April 29, 2024 and the case is pending a decision by the district court judge.

29. Describe the most significant legal activities you have pursued, including significant litigation that did not progress to trial or legal matters that did not involve litigation. Describe the full nature of your participation in these activities.

Response: While not a legal role, I relied upon my legal experience in my work in legislative and regulatory policy as a Special Assistant to the President at the White House Domestic Policy Council. In this role, I was responsible for developing and advancing key initiatives related to veteran policy. My work included drafting and refining executive orders, regulatory guidance, and legislative proposals to ensure compliance with federal law and alignment with policy objectives. I am proud of the role I played in the implementation of Executive Order 13861, which established the President's Roadmap to Empower Veterans and End a National Tragedy of Suicide (PREVENTS) initiative. This order sought to reduce veteran suicide rates by improving federal coordination, expanding mental health access, and increasing community-based intervention efforts. I was proud of the bipartisan support that the effort received.

Department of Veterans Affairs
March 17, 2025

**Additional Pre-Hearing Questions for Presumptive Nominee James Baehr to
be General Counsel of the Department of Veterans Affairs**
From Ranking Member Richard Blumenthal

1. Your questionnaire indicates that you worked both at Wentworth Management Services, LLC, and self-employed during 2021. Please provide details about your roles and responsibilities during these times and how you avoided any conflicts of interest.

Although I incorporated The Law Office of James Baehr LLC in 2021, I was working full-time as Litigation Counsel at Wentworth Management Services LLC during that period and only rarely utilized the Law Office LLC for projects unrelated to my work for Wentworth Management Services LLC. I began actively using the law office for client matters after leaving my role at Wentworth. My role at Wentworth involved representing the company and its subsidiaries in court and arbitrations. Throughout my legal practice, I have consistently followed the rules of professional conduct governing legal ethics and conflicts in the states where I am admitted to practice.

2. Your questionnaire indicates that you currently work at the Pelican Institute for Public Policy, self-employed at the Law Office of James Baehr LLC, Just Well Law, America First Policy Institute, Representatives Indemnity Company, Student and Academics for Free Expression and as Commissioner of the Louisiana Veterans Affairs Commission. Please provide details about your roles and responsibilities in these jobs and what actions you take to avoid any conflicts of interest.

I currently serve as an employee of the Pelican Institute for Public Policy and The Law Office of James Baehr LLC (part-time). I serve as Special Counsel at the Pelican Institute, a 501(c)(3) public policy organization based in Louisiana. My work includes serving as the chief litigator on all Pelican's litigation matters, setting legal strategy for our public interest litigation, and advising on state policy and regulatory matters. For The Law Office of James Baehr, LLC, I represent select clients in litigation and arbitration matters. The other organizations listed represent either co-counsel relationships, board roles, or advisory roles. I partnered with Just Well as co-counsel in several litigation matters through my law practice. I served as a Senior Fellow with the Center for 1776 at America First Policy Institute. AFPI was also a client of my law office for several matters. I serve as Director and President in a board capacity for Representatives Indemnity Company, Inc. The company is also a client of my law office. I serve as Director and Secretary of Students and Academics for Free Expression, Speech, and Political Action in Campus Education, Inc. (non-profit application pending). This is a board role with no employment relationship. I serve as a Commissioner on the Louisiana Veterans Affairs Commission, an appointed, non-salaried position. I advise the Secretary of the Department of Veterans Affairs on veterans' issues and help support state-level veteran initiatives for our state's over 200,000 veterans. Across all of my roles, I follow the ethical obligations regarding conflicts as required by my state bar associations.

3. Please describe any veterans-related work you did as Special Assistant to the President on the White House Domestic Policy Council.

As Special Assistant to the President on the White House Domestic Policy Council, my portfolio involved veterans' policy. I worked closely with the Assistant to the President for Domestic Policy, the Secretary of Veterans Affairs, and senior VA officials to advance and implement legislation and executive actions on veterans' mental health, suicide prevention, and expanded care access.

**Senator Richard Blumenthal, Ranking Member
Questions for the Record
Senate Veterans' Affairs Committee
Nomination Hearing of James Baehr to be General Counsel
April 1, 2025**

1. Have you ever represented parties or been otherwise involved in any legal actions related to labor or employment law, particularly actions related to Collective Bargaining Agreements? If so, list case citations, if the cases were reported, the docket number and date if unreported. Give a summary of the substance and arguments of each case, identify the parties who you represented, describe in detail the nature of your participation in the litigation and the final disposition of the case.

I have not been involved in legal actions specifically related to labor or employment law involving collective bargaining agreements in the civilian context. However, as a Marine Corps judge advocate, I represented military personnel in over 75 administrative separation proceedings, which included reviewing and advising on military personnel matters and due process protections within the military justice system to determine bases for separation, retention, and/or discharge characterizations of service. I did not litigate civilian labor law cases involving CBAs, and therefore I have no reported or unreported cases, docket numbers, or party representations to disclose in this context.

2. Do you believe Collective Bargaining Agreements are legal and binding? What is your statutory or legal basis for that view?

My general understanding is that collective bargaining agreements entered into under 5 U.S.C. Chapter 71 can be legal and binding subject to statutory and constitutional limitations. I understand there is active litigation in the Western District of Texas seeking to confirm several agency's legal authority to terminate collective bargaining agreements. Given this active litigation, I respectfully decline to comment further.

**Senator Maggie Hassan
Questions for the Record
Senate Veterans' Affairs Committee
Hearing to Consider Pending Nominations
April 1, 2025**

Questions for Mr. James Baehr

1. Can you guarantee that if the Department of Veterans Affairs fires thousands more employees, it will not take longer for veterans to get appointments and receive care?

In the past 4 years, thousands of employees have been added to the payrolls and veteran wait times have increased. Reform is necessary at the VA to increase efficiency and reduce wait times for a veteran to receive care. The Secretary has repeatedly said that these changes will refocus efforts on veterans, and that any changes will not negatively impact the coordination and receipt of care.

2. Can you guarantee that if the Department of Veterans Affairs fires thousands more employees, benefits claims won't be delayed?

In the past 4 years, thousands of employees have been added to the payrolls and veteran wait times have increased. Reform is necessary at the VA to increase efficiency and reduce wait times on claims. The Secretary has repeatedly said that these changes will refocus efforts on veterans, and that any changes will not negatively impact benefits claims processes.

**Senator Mazie K. Hirono
Questions for the Record
Senate Veterans' Affairs Committee
Hearing on Pending Nominations
April 1, 2025**

Questions for Lt. Col. James Baehr, U.S. Marine Corp Reserve, Nominee to be General Counsel

1. In 2022 and again in 2024, then-President Biden nominated Anjali Chaturvedi to be General Counsel of VA. Despite her qualifications, the nomination never advanced out of this committee because of her support for VA's finalized abortion care policy, which Republicans and on the Committee and then-Senator Manchin claimed was prohibited by a 1992 law. In other words, they refused to confirm a GC because of Administration policies they felt was contrary to federal law.
 - a. There are actions being taken right now at agencies across our government – including VA – that are explicitly contrary to federal law. If confirmed, will you stand up for the rule of law and advise Secretary Collins against actions like illegally firing civil servants without cause or allowing unvetted DOGE employees access to veterans' private health data?

If confirmed, I will faithfully uphold the rule of law and provide independent, candid, and objective legal advice to the Secretary and the Department based on a comprehensive review of federal statutes and applicable regulations.

Senator Dan Sullivan
Questions for the Record
Senate Veterans' Affairs Committee
Hearing to consider pending nominations
4/1/2025

Questions for James Baehr, to be General Counsel to the U.S. Dept of Veterans Affairs

1. *The Camp Lejeune Justice Act* was included in the *PACT Act* when it passed in August 2022. This very exciting law allowed victims of Camp Lejeune to finally get justice for their exposure to contaminated water at Camp Lejeune, but instead of justice, they are being taken advantage of by unscrupulous trial lawyers who are charging 60% (and upward) contingency fees. Mr. Baehr, as the next General Counsel to the VA, I believe that the VA can do more to support victims of Camp Lejeune. Can you tell me how you view this issue, and what changes, if any, you would make to protect our veterans that are also victims of Camp Lejeune?

Senator Sullivan, thank you for your passionate leadership on this critical issue. As a Marine, I've met men and women who were stationed at Camp Lejeune during the contamination period and heard their heartbreakening stories. No veteran should be exploited and have the lion's share of the benefits they need to recover go to others. What's happening to these veterans – being charged 60% or more in fees – is not justice. It's just wrong.

If confirmed, I will immediately review all legal authorities available to the VA and work to strengthen interagency coordination with DOJ, the FTC, state Departments of Veterans Affairs, and others. If confirmed, I would look to find ways to increase VA's educational outreach to veterans about their options – including free disability compensation filing options with accredited Veterans Service Organizations.

I commit to building on your leadership and working closely with you and others to ensure that Camp Lejeune victims receive the full measure of justice and benefits they have earned.

UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS

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

QUESTIONNAIRE
FOR PRESIDENTIAL NOMINEES

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

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

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits this form unless the Chairman, with the concurrence of the Ranking Minority Member, waives the waiting period.

In order to assist the Committee in its consideration of nominations, the Committee requests that each nominee complete the attached Questionnaire for Presidential Nominees. The notarized original and any supplemental information should be delivered to:

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

Attention: Chief Clerk

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

Revised January 2025

Please provide the following information.

1. Basic Biographical Information

<i>Position to Which You Have Been Nominated</i>		
Name of Position	General Counsel	Date of Nomination
		2/11/2025

<i>Current Legal Name</i>			
First Name	Middle Name	Last Name	Suffix
James	Stuart	Baehr	

<i>Addresses</i>

Residential Address (do not include street address)		Office Address (include street address)	
		Street: 400 Poydras Street, Suite 900	
City: New Orleans	State: LA	Zip: 70118	City: New Orleans
			State: LA
			70130

<i>Other Names Used</i>					
First Name	Middle Name	Last Name	Suffix	Name Used From (Month/Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)
Jim/Jimmy (Nicknames)	Stuart	Bachr		August 1997 <input type="checkbox"/>	Present <input type="checkbox"/>

<i>Birth Year and Place</i>		
Year of Birth (Do not include month and day)	Place of Birth	
1982	Atlanta, GA	

Spouse's Name (current spouse only)			
Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix
Jasmine	Marani	Bachr	

Spouse's Other Names Used (current spouse only)				Name Used To (Month/Year) (Check box if estimate)
First Name	Middle Name	Last Name	Suffix	Name Used From (Month/Year) (Check box if estimate)
				SUN 12/15/1992 JL 33254

Jasmine	Skye	Marani	X	01/1995	09/2021	<input type="checkbox"/>
					Est	<input type="checkbox"/>
					Est	<input type="checkbox"/>

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 (monthly/year) (check box if estimate)	Date Ended School (monthly/year) (check 'present' box if still in school)	Degree	Date Awarded
Dartmouth College	College	09/2001	06/2005	B.A.	06/12/05
Emory University School of Law	Law School	08/2005	05/2006	None (Transferred)	N/A

University of Virginia, School of Law	Law School	08/2006	05/2008	J.D.	05/18/08
University of Virginia, Corcoran School of History	Graduate School	08/2006	05/2008	M.A.	08/12/08

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	Name of Your Employer/Assigned Duty Station	Most Recent Position Title/Rank	Location (City and State only)	Date Employment Began (month/year)	Date Employment Ended (month/year)
(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					
National Guard/Reserve	United States Marine Corps Reserve/ Judge Advocate Division	Military Trial Judge/Lieutenant Colonel	Various	05/2022	Present
Non-Government Employment	Pelican Institute for Public Policy	Special Counsel	New Orleans, LA	1/2023	Present
Self-Employment	The Law Office of James Baehr LLC	Attorney	New Orleans, LA	7/2021	Present
National Guard/Reserve	United States Marine Corps Reserve/ Judge Advocate Division	Reserve Regional Defense Counsel Lieutenant Colonel	Various	07/2020	5/2022
Non-Government Employment	Wentworth Management Services, LLC	Litigation Counsel	New Orleans, LA	2/2021	12/2021
Other Federal Employment	The White House, Executive Office of the President	Special Assistant to the President	Washington, DC	08/2019	01/2021

Non-Government Employment	Pelican Institute for Public Policy	General Counsel	New Orleans, LA	01/2019	08/2019
Active Military Duty Station	Combined Joint Task Force - Operation Inherent Resolve	Major / Joint Visitors Bureau Chief	Union III, Iraq	02/2018	08/2018
Other Federal Employment	United States Attorney's Office, Eastern District of Louisiana	Assistant United States Attorney	New Orleans, LA	10/2014	01/2019
National Guard/Reserve	United States Marine Corps Reserve, 4th Civil Affairs Group	Major / Civil Affairs Team Leader	Hialeah, FL	09/2015	12/2019
National Guard/Reserve	United States Marine Corps Reserve / Marine Forces Reserve	Deputy Staff Judge Advocate	New Orleans, LA	10/2014	09/2015
Other Federal Employment	United States Court of Appeals for the Fifth Circuit	Law Clerk	New Orleans, LA	08/2013	08/2014
Unemployment	N/A	Studied Spanish	Buenos Aires, Argentina	01/2013	05/2013
Active Military Duty Station	United States Marine Corps	Captain / Judge Advocate	Camp Pendleton, CA	05/2010	12/2012
Active Military Duty Station	United States Marine Corps	Captain / Student Judge Advocate	Naval Justice School, Newport, RI	01/2010	04/2010
Active Military Duty Station	United States Marine Corps	Captain	The Basic School, Quantico, VA	06/2009	01/2010
Active Military Duty Station	United States Marine Corps	Lieutenant	Quantico, VA	04/2009	06/2009

Non-Government Employment	Associate	Skadden, Arps, Slate, Meagher & Flom LLP	Washington, DC	09/2008	03/2009
Unemployment	University of Virginia	Law Student	Charlottesville, VA	09/2007	09/2008
Non-Government Employment	Summer Associate	Skadden, Arps, Slate, Meagher & Flom LLP	New York, NY	05/2007	08/2007
Unemployment	University of Virginia	Law Student	Charlottesville, VA	08/2006	05/2007
Other Federal Employment	United States Department of Justice, Office of Legal Policy	Law Clerk	Washington, DC	05/2006	08/2006
Unemployment	Emory University	Law Student	Atlanta, GA	08/2005	05/2006
Unemployment	Dartmouth College	Undergraduate Student	Hanover, NH	08/2001	06/2005
Active Military Duty Station	United States Marine Corps	Officer Candidate	Quantico, VA	07/2004	08/2004
Active Military Duty Station	United States Marine Corps	Officer Candidate	Quantico, VA	07/2002	08/2002

(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 "present" box if still serving)

Louisiana Veterans Affairs Commission	Commissioner (At Large, Appointed)	08/2024	Present
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4. Honors and Awards

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

Military Awards

- Defense Meritorious Service Medal (1)
- Navy and Marine Corps Commendation Medal (2)
- Joint Service Achievement Medal (2)
- Inherent Resolve Campaign Medal (1)
- Selected Marine Corps Reserve Medal (1)
- Armed Forces Reserve Medal (1)
- Global War on Terrorism Service Medal (2)
- Sea Service Deployment Ribbon (1)
- Certificate of Appreciation (1)
- Letter of Appreciation (1)

Fellowships

- Intercollegiate Studies Institute Honors Fellowship
- James Wilson Fellowship
- Lincoln Fellowship
- Blackstone Fellowship
- America First Policy Institute, Senior Fellow

Academic and Professional Honors

- ABA Distinguished Graduate Award, 65th Military Judge's Course, Judge Advocate General's Legal Center and School

- Favorably screened for appointment as a military judge by judicial screening board for both appellate and trial judiciary
- Received Dean's Award for Top Grade in Contracts at Emory University, School of Law
- Received Top Grade in Property Class at Emory University, School of Law
- Received Dean's List Award at Emory University, School of Law
- Graduated *Cum Laude* from Dartmouth College
- Selected for the Center for the Study of the Presidency Program
- Received William Jewett Tucker Center service grant

Scholarships

- General Scholarship, Dartmouth College (need based)
- Class of 1922 Scholarship, Dartmouth College (need based)

5. Memberships

List all memberships held in professional, social, business, fraternal, scholarly, civic, charitable, or other 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
Federalist Society	Feb 23, 2006-Oct 26, 2018 April 20, 2021-Present	Past President, University of Virginia School of Law Chapter and Alumni Chapter; Past President, New Orleans Lawyers' Chapter; Executive Committee, New Orleans Lawyers' Chapter; Past Member, Criminal Law and Procedure Executive Committee;

Teneo Network	2008-Present	Member, Financial Services and E-Commerce Executive Committee
The Army and Navy Club	2009-Present	Member; Past Board Member
National Rifle Association	10/2012-10/2013	Member
Republican National Lawyers Association	2016-2017	Member
American Bar Association	07/01/14-08/31/14; 11/1/14-08/31/16	Member
Federal Bar Association	10/18/2015-12/31/2020; 12/08/2021-12/31/2022	Member
New Orleans Bar Association	12/2016-11/2017; 12/2018-11/2019	Past Chair, Criminal Law Committee
Young Leadership Council	06/2016-06/2019	Past Board Member
Los Angeles County Bar Association	2/21/2018 - 2/21/2020	Member (Complimentary and Automatic)
Veterans of Foreign Wars	08/24/2018-Present	Lifetime Member
State Funeral for World War II Veterans	~2018-2019	Volunteer State Chair

Semtech Club	11/2/2020-Present	Member
AMVETS	09/01/2020 - 08/31/2021	Member
The Order of St. John	04/27/2021-Present	Member
Greater New Orleans Republican Women	2/15/2023-2/15/2024	Associate Member
Reserve Officers Association	11/24-Present	Member
Church of the Resurrection, New Orleans (Presbyterian)	December 2022-Present	Member

I am also a member in good standing of the following bars
Bar, Number and Dates of Admission:

- Georgia (106908) 12/12/2008
- District of Columbia (993865) 04/12/2010
- New York (Third Department 5183 124) 07/17/2013
- Louisiana (35431) 05/08/2014
- California (314 185) 08/26/2016
- Texas (24130399) 09/01/2022

6. Political Activity

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

Yes

<u>Name of Office</u>	<u>Elected/Appointed/Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>
Republican State Central Committee, 4 th Senatorial District, Division C	Candidate	March 5, 2016	N/a

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

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
LAGOP (Louisiana Republican Party)	Volunteer Legal Counsel	Provided volunteer legal support	11/5/2024
LAGOP (Louisiana Republican Party)	Alternate Delegate	Represented Louisiana at the 2024 RNC, participated in convention proceedings, and	7/14-7/18/2024

		supported the nomination process	
John Kennedy for U.S. Senate (2022)	Volunteer Legal Counsel	Provided volunteer legal support	11/8/2022
Orleans Parish Republican Executive Committee	Committee Seat District C Representative	Represented district in party executive committee	8/2/2017-2019

(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
2020 Golden State Delegation (PAC)	\$1,200	2020
Louisiana Republican Party (R)	\$2,36	2021
Make America Great Again, Again! (SuperPAC/Outside Group)	\$3,000	2022
Louisiana Republican Legislative Delegation Campaign Committee (R)	\$3,00	2022
Eye of the Tiger PAC (R)	\$200	2023
Republican Party of Louisiana (R)	\$1,150	2024
Louisiana Republican Party (R)	\$200	2024

7. Publications

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

Title	Publisher	Date(s) of Publication

Narnia Feckons: C. S. Lewis's The Lion, the Witch, and the Wardrobe - and Beyond	Broadman & Holman Books	October 1, 2005
Louisiana Shouldn't Force Its Lawyers to Pay for Speech They Don't Support (co-authored with Jacob Huebert and Dane S. Ciolino) Of Oaths and Constitutions (co-authored with Alexandra Caro Campana)	Internet, Pelican Institute for Public Policy, Center for Justice	August 1, 2019
The True Palladium of Liberty	Internet, America First Policy Center, Center for 1776	June 28, 2021
The Secret History of the Second Amendment as an African-American Civil Right (co-authored with Jack Brewer)	Internet, America First Policy Center, Center for 1776	August 3, 2021
An Amendment by Trial	Internet, America First Policy Center, Center for 1776	August 30, 2021
The Forgotten Political Theory of the Third Amendment (co-authored with Alexandra Caro Campana)	Internet, America First Policy Center, Center for 1776	September 1, 2021
Judicial Protections and Judicial Expansions	Internet, America First Policy Center, Center for 1776	October 27, 2021
The Rise and Fall of the Right to a Jury Trial	Internet, America First Policy Center, Center for 1776	November 24, 2021
The Historical Amendment	Internet, America First Policy Center, Center for 1776	December 5, 2021
Protections From Punishments	Internet, America First Policy Center, Center for 1776	December 6, 2021
The Rights Reserved to the States	Internet, America First Policy Center, Center for 1776	December 15, 2021

Rights Retained by the People	Internet, America First Policy Center, Center for 1776	December 15, 2021
The NDAA Won't Stop Biden's Back-Door Military Vaccine Separations	Internet, Pelican Institute for Public Policy, The Center Square	December 29, 2022

I have conducted a diligent search to identify and provide a comprehensive list of my published writings and public statements. However, given the unlimited time period, there may be additional writings, interviews, or public statements that I have not located or recalled during this process. If any additional relevant materials come to my attention, I will supplement this response accordingly.

8. Public Statements

(A) List any testimony, official statements or other communications, including those made on the Internet including on social media or other digital content sites, relating to matters of public policy that you have issued or provided or that others presented on your behalf to public bodies or officials.

To the best of my knowledge, I have not provided any official testimony before public bodies or officials, nor am I aware of any official statements or communications that others have presented on my behalf to such entities.

I have, however, written on legal and policy matters, and I have provided herein a list of my published works in response to prior questions.

(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.

- The Opioid Epidemic: Problem and Prescription (Moderator) – Federalist Society Teleforum (Virtual), Criminal Law & Procedure Practice Group, July 26, 2016

- Military Interrogation Suppression (Moderator) – Federalist Society Teleforum (Virtual), Criminal Law & Procedure Practice Group, July 22, 2019
 - Panel on State Constitutional Reform (Moderator) – Old Capitol, Baton Rouge, LA, August 20, 2019
 - Dartmouth College/Rockefeller Center Politics Panel (Panelist) – May 3, 2021 (Virtual)
 - Pelican Institute Solutions Summit Panel (Panelist) – March 2022, Baton Rouge, LA
 - Litigating for Liberty in Louisiana Speech – New Orleans Lawyers Chapter, Federalist Society, August 26, 2022, New Orleans, LA
 - State Policy Network Panel (Panelist) – September 7, 2022, Atlanta, GA
 - Pelican Comeback Agenda Speech – September 27, 2023, Franklinton, LA
 - Pelican Comeback Agenda Speech – November 3, 2023, Lafayette, LA
 - Pelican Solutions Summit Panel (Moderator) – March 7, 2024, Baton Rouge, LA
 - State Policy Network Panel – August 20, 2024, Phoenix, AZ
 - Ballot Battle Panel, Tulane Journal of Policy & Political Economy (Panelist) – October 8, 2024, New Orleans, LA
 - Legal Strategy Forum Panel (Panelist) – October 21, 2024, Washington, DC
 - Association of Mature Americans Panel (Panelist) – November 21, 2024 (Virtual)

I have conducted a diligent search to identify and list speeches, talks, and panel discussions I have participated in. However, given the breadth of my speaking engagements over time, there may be additional talks or remarks that I have not recalled or located during this process. If any additional relevant engagements come to my attention, I will supplement this response accordingly.

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

- New Hampshire Campaign Interview, Washington Journal, C-SPAN – November 14, 2003
- Interview, Mornings with Brian Haidane – December 21, 2022
- Interview, Moon Griffon Show – April 6, 2023
- Interview, Mornings with Brian Haidane – April 7, 2023
- Interview, Moon Griffon Show – January 17, 2024

- Interview, Carol Ross Show – January 17, 2024
- Interview, WKRG News 5 – January 17, 2024
- Interview, Moon Griffon Show – February 7, 2024
- Interview, Moon Griffon Show – February 14, 2024
- Interview, Moon Griffon Show – March 26, 2024
- Interview, Carol Ross Show – March 26, 2024
- Interview, Moon Griffon Show – September 24, 2024
- Interview, Carol Ross Show – September 26, 2024

I have conducted a diligent search to identify and list interviews I have given to newspapers, magazines, radio, television stations, and other media outlets. However, given the passage of time and the volume of media engagements, there may be additional interviews that I have not recalled or located during this process. If any additional relevant interviews come to my attention, I will supplement this response accordingly.

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

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

No

11. Testifying Before the Congress

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

Yes

(B) Do you agree to provide such information as is requested by such a committee in a timely and accurate manner?

Yes

UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS
ROOM 412 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510
Telephone: (202) 224-9126

**ADDENDUM
QUESTIONNAIRE
FOR PRESIDENTIAL NOMINEE
JAMES BAEHR**

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

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

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits this form unless the Chairman, with the concurrence of the Ranking Minority Member, waives the waiting period.

In order to assist the Committee in its consideration of nominations, the Committee requests that each nominee complete the attached Questionnaire for Presidential Nominees. The notarized original and any supplemental information should be delivered to:

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

Revised January 2025

1. ADDITIONAL COMMITTEE QUESTIONS

(A) SVAC Questionnaire indicates Active Duty with the Marine Corps from 2009-2012 and Marine Corps Reserve from 2015-2019 and 2020-present. Are these dates correct and were there gaps in service?

To clarify my service chronology, I have had continuous service in the U.S. Marine Corps since my commissioning on June 11, 2005. From that date until April 6, 2009, I was in the Individual Ready Reserve (IRR) while attending law school. From April 6, 2009 to December 15, 2012, I served on active duty, attending The Basic School, Naval Justice School, and then serving as a Judge Advocate at Camp Pendleton. Following my release from active duty, I remained in the Marine Corps Reserve from December 16, 2012 through the present. During my period in the Marine Corps Reserve, I have been in the Individual Ready Reserve, served in Individual Mobilization Augmentee units such as Judge Advocate Division, and served in drilling Selected Marine Corps Reserve units such as 4th Civil Affairs Group. I was also activated during my 2018 deployment in support of Operation Inherent Resolve. I have achieved 18 satisfactory drilling years in the military, including every year since 2008, and there are no service gaps in my military service.

(B) SVAC Questionnaire does not list current employment at Just Well Law, American First Policy Institute, Representatives Indemnity Company, or Student and Academics for Free Expression. However, the OGE Form 278 lists all four of these as current employers.

In consultation with career ethics officials, I disclosed these affiliations on my OGE Form 278 under the section for "Filer's Outside Positions" in accordance with Office of Government Ethics guidance. These roles were not employment relationships, but board positions, fellowships, and co-counsel relationships. Specifically:

Just Well Law (Austin, TX): I am not employed by the firm. I have served as co-counsel on select cases through my solo legal practice, The Law Office of James Baehr LLC.

America First Policy Institute (Washington, DC): I served as a Senior Fellow at the Center for 1776 in an unpaid, advisory capacity as disclosed in my SVAC Questionnaire under "Honors and Fellowships." Additionally, AFPI was a client of my law office, as disclosed in OGE 278, Part 5.

Representatives Indemnity Company, Inc. (Tortola, BVI): I serve as Director and President in a board member role for this organization. The company is also a client of my law office, as disclosed in OGE 278, Part 5.

Students and Academics for Free Expression, Speech, and Political Action in Campus Education, Inc. (New Orleans, LA): I serve as Director and Secretary in a board member role for this organization.

Because none of these roles involved salary or employment relationships, they were not included in the employment section of the SVAC questionnaire.

**Nomination Material for
RICHARD TOPPING**

STATEMENT OF RICHARD TOPPING
NOMINATED TO BE ASSISTANT SECRETARY FOR MANAGEMENT
AND
CHIEF FINANCIAL OFFICER
DEPARTMENT OF VETERANS AFFAIRS

Thank you Chairman Moran, Ranking Member Blumenthal, and distinguished members of this committee. Thank you for the opportunity to appear before you today. It is a profound honor to be nominated for the role of Assistant Secretary for Management and Chief Financial Officer for the Department of Veterans Affairs. I am deeply committed to the mission of the VA and, if confirmed, I will work tirelessly to ensure that our veterans, families, caregivers and survivors receive the care and benefits that they have earned.

I am grateful to President Trump and Secretary Collins for their confidence in me. I am grateful to the members of this Committee, for considering me to serve our great Nation alongside the men and women who are dedicated to delivering on one of America's most sacred promises.

Over the last few of weeks, I have had the opportunity to meet with several members of the Committee and your staffs. I have appreciated the direct, candid input and guidance about your priorities and opportunities for how we can continue to fulfill our shared commitment to veterans, their families, survivors and caregivers. Our meetings were an affirmation of the singular importance of the mission, and the critical role to which I will be entrusted, if confirmed.

I am an Army veteran. And for the past 20 years, which is all of my adult life after completing my military service, I have been a beneficiary of the VA. I have grown up with VA as a constant support and resource. VA has provided for me, and my family, in ways both small and large. From simple primary care check-ups and prescriptions refills, to the VA home loan that allowed me to purchase our family home, to the programs that will be there for me as I age and my needs may become more complex. Just about the only thing in my life that has not changed over the past 20 years is the VA, which has, is, and will be there for me and my family.

But it is not just me. My grandfathers, the first in their families to receive college educations, did so through the GI Bill. Both were WWII veterans, one Navy, the other Army, so just about the only thing they would agree on was the importance of the VA in giving them their first chance to succeed after the war. My younger sister, who became life-threateningly ill in Iraq, received almost all of her post-military care and support from VA. And while she ultimately passed away from complications related to her illness, my family and I personally experienced the life sustaining care VA provided to her. Finally, the newest VA enrollee in my family is not my son. He is too young and, I fear, with his early aptitude for engineering, may also be headed to the Navy. No, my family's newest VA enrollee is my father. A Vietnam era Air Force veteran, he has both Medicare and private coverage from my mother's retirement as a public school teacher. However, even with that coverage, he still struggled to find specialized hearing care related to his military service with jet engines. So he turned to the VA. He applied, was rated, enrolled, and received incredible specialty care in a matter of months. It was care that only the VA could provide. The commitment our nation made to my father decades ago, was there when he needed it. As it has been for me, as it was for my grandfathers, and as it is for millions

of other veterans. It is for those veterans, their families, survivors and caregivers – as well as my own – that I seek to serve.

While VA has cared for me, I have been lucky in my career to be able to care for others. For more than two decades, I have had opportunities to work in government, and in the private sector, with the Nation's largest healthcare programs. Those include Tricare, Medicare, Medicaid, Marketplace, and VA's own Community Care. All of these programs are complex, funding can be difficult, capabilities often lag requirements, and the programs must constantly evolve to meet the needs of the individuals they are intended to serve. That work can often be financially, operationally, and politically challenging. But through those experiences, I have developed a strong understanding of the complexities and responsibilities involved in leading large organizations and managing complex financial systems, which are often inter-related, but rarely inter-operable.

The more critical an organization's mission, the more critical its accountability. As CFO, I will use all my experience, skills, and leadership capabilities to coordinate and enhance VA's financial systems, ensure that taxpayer dollars are used effectively and transparently, and to maximize financial operations capabilities across the agency. My focus will be on enhanced financial reporting, improving budget forecasting and management, and ensuring the continued modernization of VA's financial infrastructure and technology.

If confirmed, I will work with the Secretary, this Committee, VA's incredible career staff, my fellow appointees, and the many other stakeholders who have embraced the responsibility to care for veterans. I am personally honored to have the opportunity to be part of an organization that has done so much for me and my family.

May God bless all those who have fought and sacrificed for this great Nation. I am forever grateful. Thank you Mr. Chairman. I am prepared to respond to any question from you and the Committee.

**Pre-Hearing Questions for Richard Topping
Nominee for Chief Financial Officer of the U.S. Department of Veterans Affairs
From Senator Jerry Moran
Chairman, Senate Committee on Veterans' Affairs**

March 21, 2025

- 1. Please detail the professional and personal experiences that you believe have prepared you to help lead the Department of Veterans Affairs (VA) as Chief Financial Officer.**

I have twenty-five years of both public and private sector experience leading government healthcare programs, budgets of up to \$18B, and teams of up to 5,000 employees. I'm a disabled veteran and have been VHA enrolled for 20 years.

- 2. If confirmed, what would your highest priorities be as Chief Financial Officer and what would you intend to accomplish during your tenure?**

If confirmed as CFO, my highest priorities will be VA financial reporting and analytics, budget forecasting and management, and modernization of VA's financial infrastructure and technology.

- 3. What do you think is the appropriate role of VA in an average veteran's life and, if confirmed as Chief Financial Officer, how would you work to improve outcomes among the veterans, caregivers, survivors, and others who use VA health care, benefits, and services?**

VA plays both direct, and indirect, roles in the health, well-being, and financial security of veterans, families, caregivers and survivors. I will work to further that mission.

- 4. What do you see as the role of this Committee, specifically, and Congressional oversight, in general, and, if confirmed, will you commit to working as Chief Financial Officer, and to leveraging the Office of Management, to increase the timeliness and accuracy of VA's responses to Congressional inquiries? If so, how? If not, why not?**

The Committee has oversight responsibility for VA, and the role of Congressional oversight is to review, monitor, and supervise the implementation of policy. If confirmed, I commit to provide timely and accurate responses to Congressional inquiries.

- 5. If the Secretary, the White House, the Office of Management and Budget, the Office of Personnel Management, or other official entity are working on or issue a directive or guidance that you believe violates the law or could have an adverse impact on services and benefits for veterans, caregivers, and survivors, what would you do?**

I do not believe that the White House or any Executive Branch agency would provide an illegal directive or guidance.

6. **In the last year, VA projected shortfalls of several billion dollars for both the Veterans Health Administration and the Veterans Benefits Administration in the last year. The projected VBA shortfall failed to materialize after Congress provided VA with an additional \$2.2 billion to address it in order to prevent a disruption in benefits for millions of veterans and other beneficiaries. If confirmed as Chief Financial Officer, what specific actions would you take to improve the accuracy of VA's budget planning, modeling, submissions, and estimations to prevent instances like these from occurring again? In addition, how would you improve the timeliness of VA's communications with Congress regarding budget matters?**

If confirmed as CFO, I will work to understand this issue and ensure that VA has a sound budget forecasting process and communicates timely with Congress regarding budget matters.

7. **Please describe your understanding of the current organizational structure of the Office of Management. Do you anticipate making any changes? If so, how? If not, why not?**

OM's organizational structure should support collaboration, alignment, and accountability across VA. It should provide controls, efficiency, effective resource allocation, and reduce operating costs.

8. **VA's Electronic Health Record Modernization (EHRM) program has faced significant schedule delays and cost overruns, with reports of patient safety risks and a lengthy pause in the planned rollout to address issues. As Chief Financial Officer, how would you ensure that the \$1.3 billion allocated for EHRM for fiscal year 2025 is spent effectively to stabilize this program and what financial controls would you implement to prevent further mismanagement?**

If confirmed as CFO, I will work to comply with Secretary's announcement that VA will accelerate and complete full deployment of the EHRM as early as 2031. As the Secretary has stated this project is critical to providing the best care for our Veterans and I will work with VA leadership to support completion.

9. **VA's Financial Management Budget Transformation (FMBT) initiative, aimed at modernizing VA's financial and acquisition systems, is on its third attempt to replace an outdated infrastructure. If confirmed, how do you plan to balance the budget demands of this program with other modernization priorities and what metrics will you use to hold VA staff and contractors accountable for delivering results on time and within scope?**

If confirmed, I will look at this issue, work with the Secretary to understand his priorities, and ensure modernization projects are completed.

10. **VA is juggling multiple modernization efforts—EHRM, FMBT, and others—while facing criticism for stretched IT budgets and implementation challenges. If confirmed as Chief Financial Officer, how would you prioritize funding across these programs and what strategies would you employ to address underlying issues, including poor performance and low user satisfaction, reported in these initiatives?**

If confirmed, I will look at this issue, work with the Secretary to understand his priorities, and ensure modernization projects are completed.

11. Please elaborate on the circumstances surrounding your departure from Cardinal Innovations Healthcare and to allegations regarding alleged fiscal mismanagement during your tenure there.

As CEO of Cardinal and former Republican appointee, I worked to implement Governor Pat McCrory's 2015 Medicaid Reform legislation. A new administration took office with different policies and priorities. I declined to support that administration's efforts to block the Reform legislation. The Cardinal Board of Directors honored my employment contract.

**Pre-Hearing Questions for Richard Topping
Nominee for Chief Financial Officer of the U.S. Department of Veterans Affairs
From Senator Richard Blumenthal
Ranking, Senate Committee on Veterans' Affairs**

March 21, 2025

1. Please describe your understanding of the Department of Veterans Affairs (VA) mission. In your response, please describe how you would use the position for which you have been nominated to further that mission.

The mission of the VA is to care for and support our nation's veterans, their families, survivors and caregivers. If confirmed as CFO, I will work to further that mission.

2. Have you and Secretary Doug Collins discussed the duties and the role you would assume as VA's Chief Financial Officer (CFO), if confirmed? If so, what specific areas of the job were discussed?

Secretary Collins and I discussed his intent to fulfill the mission of VA by putting the veteran at the center of everything we do, and ensure that VA efficiently manages its resources to serve veterans.

3. Please describe in detail your understanding of the roles and responsibilities of VA's CFO. Also, include your understanding of the working relationship between your position and the CFOs of VHA, VBA and NCA?

The CFO provides strategic and operational leadership in budgeting, financial management, risk management, and asset enterprise management in support of all VA's operations and Administrations.

4. Have you made any commitments with respect to the policies and principles you will attempt to implement as CFO? If so, what are they, and to who were the commitments made?

No.

5. What specific background, experience, and attributes qualify you to be CFO of the Federal government's largest civilian agency?

I have twenty-five years of both public and private sector experience leading government healthcare programs, budgets of up to \$18B, and teams of up to 5,000 employees. I'm a disabled veteran and have been VHA enrolled for 20 years.

6. What specific certifications or credentials do you possess that are relevant to the financial management of VA?

I have an AB, JD and MPH all in my professional areas of experience and expertise, plus 25 years of executive leadership in government healthcare programs.

7. During your tenure as Chief Executive Officer at Cardinal Innovations, a state audit found that Cardinal spent money outside its core mission, and your salary as CEO was paid without proper authorization. Can you explain the specific nature of those findings, what specific steps you took to address them, and how you plan to ensure transparency, accountability, and the proper stewardship of taxpayer funds in the role of VA CFO?

I did not agree with the allegations made in the report, which were false and misleading. My response and corrections are included in it. I will ensure transparency, accountability, and stewardship by keeping the veteran at the center of everything VA does.

8. Are you aware of any business relationship, dealing, or financial transaction that could result in a possible conflict of interest for you? Are you aware of any business relationship, dealing, or financial transaction that could result in the appearance of a conflict of interest for you? If so, please explain the procedures you will use to recuse yourself or address the conflict.

No.

9. If confirmed, what would be your top three specific and measurable goals as CFO, and how would you achieve them?

If confirmed, I will work to develop accurate financial forecasts, effectively manage the budget, and modernize VA's financial systems.

10. What do you see as the most pressing fiscal management challenges facing VA at this time –externally, in VA as a whole, and specifically in the Veterans Benefits Administration (VBA), Veterans Health Administration (VHA), National Cemetery Administration (NCA), or other Staff Offices or key Department operations?

Accuracy of financial forecasting and disciplined budget management.

11. In your opinion, is VA currently fulfilling its fiscal management responsibilities? If not, what would you do differently as CFO?

Yes, I believe it is from the publicly available information that I have access to.

12. Does VA currently have sufficient internal controls to reduce waste, fraud, and abuse across the agency? If not, what would you do differently as CFO?

Yes, I believe it does from the publicly available information that I have access to.

13. Do we have your commitment to cooperate with the Department's Office of Inspector General, the Government Accountability Office (GAO), and the Office of Special Counsel (OSC), respect those offices' independence, and cooperate with them as required by law?

Yes.

14. If confirmed, how would you work to ensure members of Congress are advised in advance of VA budgetary or fiscal problems?

I will work to ensure members of Congress are receiving timely, accurate, and transparent communications surrounding VA budgetary or fiscal problems.

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 CFO?

Yes.

16. If confirmed, do you commit to full compliance with all applicable provisions of the Hatch Act and related statutes, regulations, and ethics policies of the Department in relation to the separation of partisan activities from your official duties and functions as CFO? Will you commit to taking Hatch Act training within your first month of assuming office and requiring all political appointees, when in Senate-confirmed positions or not, to also do so within the same timeframe?

Yes.

17. From the perspective of a future CFO, how/if can VA hold contractors accountable as VA begins to negotiate the second generation of contracts for its Community Care Network?

Contractors can be held accountable through program design, contract enforcement, and vendor management.

18. To achieve cost savings, VA and the Office of Management and Budget have been urged to consider reforms to the VA Schedule for Rating Disabilities. If confirmed, what reforms to the VASRD would you propose or support? Specifically, do you support means-testing VA disability compensation benefits or limiting compensation to veterans rated 30 percent service connected disabled or higher?

I am not familiar enough with VASRD to propose or support any reforms. Additionally, I do not support means testing VA disability compensation benefits.

19. Do you support the PACT Act, specifically its approach of providing dedicated mandatory funding to pay for health care and benefits for toxic-exposed veterans? If you disagree with the Toxic Exposure Fund (TEF), how do you suggest these costs of war be

funded, keeping in mind the long-standing challenges around discretionary caps are what prompted Appropriators to implement TEF in the first place?

If confirmed, I will support and continue to implement the TEF as designed by Congress.

20. If confirmed, will you commit to assessing the impacts of the hiring freeze – as directed by President Trump on January 20, 2025 – on the Department and the veterans and families it serves, and submit a report with your findings to the Committee no later than 30 days after the date of your confirmation?

If confirmed, I commit to working with the Secretary to review the impacts of the hiring freeze and to be transparent with the Committee about the review and its status.

21. The Office of Management and Budget (OMB) issued a memorandum effective January 28, 2025, freezing grants across the federal government, including many VA programs. If confirmed, will you commit to assessing the impacts of this freeze on the VA and the veterans and families it serves, and submit a report with your findings to the Committee no later than 30 days after the date of your confirmation?

I am not aware of any impacts that the January 28 memo has had on VA programs as I am not a VA employee, and I believe this memo was rescinded.

22. The Department of Government Efficiency (DOGE), created by President Trump on Jan. 20 with a mission to slash federal spending, has, through OMB, required VA to implement a hiring freeze and fire employees on probationary status without regard to their performance record. The VA is already grappling with severe workforce shortages, particularly in medical and benefits processing roles. If confirmed, how will you comply with DOGE/OMB orders while ensuring that veterans continue to have access to the healthcare and benefits they are entitled to?

I am not currently employed by VA and do not have access to any such order or information, nor any potentially related decision making.

23. Do you have any plans to change the Office of Management (OM) operations, including staffing or funding? How will you approach the recently announced Reductions-In-Force for OM's workforce?

If confirmed, I intend for the Office of Management to be staffed, funded, and structured at the optimal level to efficiently and effectively support the VA's mission.

**Additional Pre-Hearing Questions for Presumptive Nominee Richard Topping
to be Chief Financial Officer of the Department of Veterans Affairs
From Ranking Member Richard Blumenthal**

1. Having reviewed the employment dates in the SVAC questionnaire (see screenshot below), many of the dates you provided are estimates and appear to overlap. Could you clarify this as it relates to the five positions below?

The dates for each position are correct.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other federal employment, State Government (Non- federal Employment), Self-employment, Unemployment, Federal Contractor, Non- Government Employment (excluding self-employment), Other	<u>Name of Your Employer/ Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check “present” box if still employed)
Unemployment - Noncompete				Est 07/2024 <input type="checkbox"/>	Est Present <input checked="" type="checkbox"/>
Non-Government	CareSource	Chief Legal Officer, Secretary, President	Dayton, OH	Est 10/2018 <input type="checkbox"/>	07/2024 Est <input type="checkbox"/>
Non-Government	Mintz	Special Counsel	Washington, DC	Est 10/2018 <input type="checkbox"/>	03/2020 Est <input type="checkbox"/>
Non-Government	Shao, Inc.	Chief Executive Officer	Charlotte, NC	Est 01/2018 <input type="checkbox"/>	12/2018 Est <input type="checkbox"/>
Non-Government	Riley Topping Consulting Services LLC	Managing Member	Charlotte, NC	06/2015	05/2022
Non-Government	Cardinal Innovations Healthcare	Chief Executive Officer, Chief Operating Officer, General Counsel	Charlotte, NC	Est 01/2009 <input type="checkbox"/>	12/2017 Est <input type="checkbox"/>

2. Please provide details about your role as Managing Member of Riley Topping Consulting Services. This employment overlaps with your time at Cardinal Innovations Healthcare, Shao, Inc, Mintz, and CareSource. Were these employers aware of your role as a Managing Member during your employment?

Riley Topping Consulting Services LLC was my wife's business. I played no active role in it. However, I did work with our family accountant to ensure that year-end business and income taxes related to the business were paid. I am not aware of whether my employers knew that I was a Managing Member of my wife's business.

Senator Maggie Hassan
Questions for the Record
Senate Veterans' Affairs Committee
Hearing to Consider Pending Nominations
April 1, 2025

Questions for Mr. Richard Topping

1. Can you guarantee that if the Department of Veterans Affairs fires thousands more employees, it will not take longer for veterans to get appointments and receive care?

If confirmed as CFO, I commit to working to ensure that VA operates as effectively and efficiently as possible, and that resources from non-mission-critical efforts are redirected to healthcare, benefits and services that directly support VA beneficiaries. In the past 4 years, VA has added thousands of employees, but healthcare wait times have increased. Reform is necessary to reduce those wait times, increase veterans' access to care, and to improve the quality of care that veterans receive. The Secretary has repeatedly said that reforms will be laser-focused on delivering timely access to care and benefits for every eligible veteran, family member, caregiver and survivor.

2. Can you guarantee that if the Department of Veterans Affairs fires thousands more employees, benefits claims won't be delayed?

If confirmed as CFO, I commit to working to ensure that VA operates as effectively and efficiently as possible, and that resources from non-mission-critical efforts are redirected to healthcare, benefits and services that directly support VA beneficiaries. In the past 4 years, VA has added thousands of employees, but claims backlogs have increased. Reform is necessary to reduce those backlogs. The Secretary has repeatedly said that reforms will be laser-focused on delivering timely access to care and benefits for every eligible veteran, family member, caregiver and survivor.

UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS

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

QUESTIONNAIRE
FOR PRESIDENTIAL NOMINEES

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

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

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

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

Attention: Chief Clerk

PART I: ALL OF THE INFORMATION IN THIS PART WILL BE MADE PUBLIC**1. Basic Biographical Information**

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
Assistant Secretary for Management and Chief Financial Officer of the Department of Veterans Affairs	February 11, 2025

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Richard	Francis	Topping	Jr

<i>Addresses</i>						
<u>Residential Address</u> (do not include street address)				<u>Office Address</u> (include street address)		
				Street:		
City: Dayton	State: OH	Zip: 45402		City:	State:	Zip:

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

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day)	Place of Birth
1976	Boston, MA

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

<i>Spouse's Name</i> (current spouse only)			
Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix
Rory	Elizabeth	Topping	

<i>Spouse's Other Names Used</i> (current spouse only)						
First Name	Middle Name	Last Name	Suffix	<small>Check if Maiden Name</small>	Name Used From (Month/Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)
Rory	Elizabeth	Riley		X	06/1982 <input type="checkbox"/> Est	07/2020 <input type="checkbox"/> Est
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

Children's Names (if over 18)

<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>

2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college/ correspondence/distance/extension/online school)	<u>Date Began School</u> (month/year) (check box if estimate)	<u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school)	<u>Degree</u>	<u>Date Awarded</u>
Harvard University School of Public Health	University	Est <input checked="" type="checkbox"/> 08/2006	Est Present <input checked="" type="checkbox"/> 06/2007	MPH	06/07/2007
University of Connecticut School of Law	University	Est <input checked="" type="checkbox"/> 08/1998	Est Present <input checked="" type="checkbox"/> 05/2001	JD	05/19/2001
College of the Holy Cross	College	Est <input checked="" type="checkbox"/> 08/1995	Est Present <input checked="" type="checkbox"/> 05/1998	AB	05/24/1998
Ripon College	College	Est <input checked="" type="checkbox"/> 08/1994	Est Present <input checked="" type="checkbox"/> 05/1995	n/a	

3. Employment

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

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other federal employment, State Government (Non- federal Employment), Self-employment, Unemployment, Federal Contractor, Non- Government Employment (excluding self-employment), Other	<u>Name of Your Employer/ Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employme nt Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box if still employed)
Unemployment - Noncompete				Est 07/2024 <input checked="" type="checkbox"/>	Est Present <input checked="" type="checkbox"/>
Non-Government	CareSource	Chief Legal Officer, Secretary, President	Dayton, OH	Est 10/2018 <input checked="" type="checkbox"/>	07/2024 Est <input checked="" type="checkbox"/>
Non-Government	Mintz	Special Counsel	Washington DC	Est 10/2018 <input checked="" type="checkbox"/>	03/2020 Est <input checked="" type="checkbox"/>
Non-Government	Shao, Inc.	Chief Executive Officer	Charlotte, NC	Est 01/2018 <input checked="" type="checkbox"/>	12/2018 Est <input checked="" type="checkbox"/>
Non-Government	Riley Topping Consulting Services LLC	Managing Member	Charlotte, NC	06/2015	05/2022
Non-Government	Cardinal Innovations Healthcare	Chief Executive Officer, Chief Operating Officer, General Counsel	Charlotte, NC	Est 01/2009 <input checked="" type="checkbox"/>	12/2017 Est <input checked="" type="checkbox"/>
Federal Government	Department of Justice	Trial Counsel	Washington DC	01/2003	12/2008
Non-Government	Brigham and Women's Hospital	Counsel	Boston, MA	01/2007	12/2007
Unemployment - School				10/2006	12/2006

Active Military Duty Station	US Army, Ft. Bragg	Captain	Ft. Bragg, NC	04/2004	09/2006
Active Military Duty Station	US Army, Ft. Polk	Captain	Ft. Polk, LA	09/2002	04/2004
Active Military Duty Station	US Army, The Judge Advocate General's Legal Center and School	First Lieutenant	Charlottesville, VA	05/2002	08/2002
Active Military Duty Station	US Army, Ft. Benning	First Lieutenant	Ft. Benning, GA	08/2001	05/2002
Non-Government	Law Offices of Patricia M. Strong	Law Clerk	Wethersfield, CT	10/2000	05/2001
State Government	Connecticut National Guard	Legislative Affairs Officer	Hartford, CT	01/2000	05/2000
State Government	Representative Stephen Dargan (West Haven)	Intern	Hartford, CT	01/2000	05/2000
Local Government	Ogunquit Police Department	Summer Officer	Ogunquit, ME	05/1999	07/2000
Local Government	Barnstable Police Department	Summer Officer	Barnstable, MA	06/1998	10/1998
Local Government	Worcester Police Department	Auxiliary Officer	Worcester, MA	10/1997	06/1998
Local Government	Westborough Police Department	Special Officer	Westborough, MA	12/1995	03/1997
Non-Government	First Security Services Corp.	Guard	Westborough, MA	05/1995	12/1997
Non-Government	Caldor	Clerk	Westborough, MA	05/1993	08/1994

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

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
		Est	Est Present
Governor Pat McCrory	Medicaid Commission Member	01/2015	09/2015 11 11

Governor-Elect Pat McCrory	Department of Health and Human Services Transition Team	11/2012 <input checked="" type="checkbox"/>	02/2013 <input checked="" type="checkbox"/>	Est <input checked="" type="checkbox"/>	Present <input checked="" type="checkbox"/>
		Est <input checked="" type="checkbox"/>	Est <input checked="" type="checkbox"/>	Present <input checked="" type="checkbox"/>	Present <input checked="" type="checkbox"/>

4. Honors and Awards

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

Harvard, UConn and Holy Cross academic scholarships. Army ROTC scholarship. Military awards include Army Commendation Medal, Army Achievement Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Expert Field Medical Badge, Parachutist Badge, Air Assault Badge.

5. Memberships

List all memberships held in professional, social, business, fraternal, scholarly, civic, charitable, or other 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
Dayton International Airport Corporate Advisory Board	01/2023 – 07/2024	Member
AMVETS	07/2018 - present	Member
Special Olympics North Carolina	01/2017 – 12/2017	Board Member
Harvard University Alumni Council	09/2015 – 09/2018	Councilor

6. Political Activity

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

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

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

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
Trump-Vance	Volunteer	Fundraising, Health Policy Advisor	2024
Trump-Pence	Volunteer	Fundraising	2020
Pat McCrory for Governor	Volunteer	Fundraising, Health Policy Advisor	2016

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

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
John Husted for Ohio	\$5,000	2023
The Committee to Elect Peter Durant	\$250	2023
Mike DeWine for Ohio	\$7,500	2022
Ohio Republican Party State Candidate Fund	\$10,000	2022
Ohio Republican State Central & Executive Committee Candidate Fund	\$10,000	2021
Citizens for Turner	\$2,500	2021
Team Holcomb	\$5,000	2020
Indiana Republican State Committee	\$2,500	2020
Eply for Court of Appeals	\$500	2020

7. Publications

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

8. Public Statements

(A) List any testimony, official statements or other communications, including those made on the Internet including on social media or other digital content sites, relating to matters of public policy that you have issued or provided or that others presented on your behalf to public bodies or officials.

Special Populations and Medicaid Reform, Presentation to the North Carolina Joint Legislative Oversight Committee on Medicaid and NC Health Choice, November 29, 2016

Investment Initiatives and Medicaid Reform, Presentation to the North Carolina Joint Legislative Oversight Committee on Health and Human Services, September 27, 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.

Guest, Mostly Medicaid Monthly News Roundtable, Virtual, August, 2024

Speaker and Host, Dayton Defense Life Cycle Industry Days and Wright Dialogue with Industry, August 2, 2023, Dayton, OH

Guest, Managed Care Insights, Virtual, February 2020

Guest, Managed Care Insights, Virtual, November 2019

Guest, Managed Care Insights, Virtual, October 2019

The Current Medicaid Managed Care Landscape Nationwide, Medicaid Managed Care Congress, May 21, 2018, Baltimore, MD

Medicaid Reform, Medicaid Health Plans of America Annual Meeting, October 2017, Washington, DC

Medicaid and the Bus Pass Problem, Medicaid Health Plans of America Annual Meeting, September 2016, Washington, DC

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

Dayton Business Journal, October 2022

9. Agreements or Arrangements

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

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

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

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

10. Lobbying

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

No.

11. Testifying Before the Congress

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

Yes.

(B) Do you agree to provide such information as is requested by such a committee in a timely and accurate manner?

Yes.