U.S. Department of Veterans Affairs
Office of General Counsel
Information and Administrative Law Group

810 Vermont Avenue NW
Washington DC 20420
www.va.gov/ogc

May 4, 2026

In Reply Refer to: 024
FOIA Request: 26-00073-GC

American Oversight
Attn: Ms. Emma Lewis
Suite B255
1030 15th Street, NW
Washington, DC 20005
Email: foia@americanoversight.org

Dear Ms. Lewis:

This letter is the Initial Agency Decision (IAD) to your April 2, 2026, Freedom of Information Act (FOIA) request sent to the Department of Veterans Affairs (VA), Central Office's FOIA Service. You requested a copy of the following records be provided to American Oversight:

1. All conflicts or ethics waivers or authorizations, including authorizations pursuant to 5 C.F.R. § 2635.502, for each individual listed below, and any recusal determinations made or issued for these individuals.

    - VA Officials:

    a. John Bartrum, Under Secretary for Health
    b. Lee Payne, Deputy Under Secretary for Health
    c. Harrison Hines, Acting Deputy to the Deputy Under Secretary
    d. Steven Lieberman, former Acting Under Secretary for Health
    e. Mark Upton, former Deputy to the Deputy Under Secretary for Health
    f. Lisa Pape, Chief of Staff
    g. Krystal Toles, Deputy Chief of Staff
    h. Ryung Suh, former Chief of Staff
    i. Anyone serving in the capacity of Chief Strategy Officer
    j. Valerie Mattison Brown, former Chief Strategy Officer

2. The resume provided by each individual listed above in part 1 of this request to the agency in connection with determining the appropriate salary for the individual, or, if that is not available, the most recent resume contained within your agency's records.

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3. Copies of all SF-50 and SF-52 forms for each individual listed above in part 1 of this request reflecting any change in position or title, including when each individual entered or left a position.

On April 2, 2026, your request was received by the VACO FOIA Service and assigned FOIA Tracking number 26-17596-F. On April 8, 2026, your request was transferred to the Office of General Counsel's FOIA Office. Upon transferring your request, the FOIA tracking number has changed. The new FOIA Tracking Number that has been assigned to your FOIA request is **26-00073-GC** for processing. Please use FOIA Tracking number **26-00073-GC** when communicating with the Office General Counsel's FOIA Office.

On April 27, 2026, the Office of General Counsel's FOIA Office contacted the Ethics Law Group within the Office of General Counsel. The Ethics Law Group conducted a search of the Ethics Law Group's GCLaws internal database, SharePoint and internal drives. The key terms utilized to conduct the search consisted of: Ethics waivers, John Bartrum, Lee Payne, Harrison Hines, Steven Lieberman, Mark Upton, Lisa Pape, Krystal Toles, & Ryung Suh, Valerie Mattison Brown.

In reviewing the 5 pages of responsive records, I have determined that all 5 pages are being disclosed in part pursuant to Title 5 U.S.C. §§ 552(b)(5)(b)(6), FOIA Exemptions 5 & 6.

Furthermore, upon reviewing your request regarding the information of ethics waivers. That information is publicly available at the following website:

https://oge.gov/web/OGE.nsf/Officials%20Individual%20Disclosures%20Search%20Collection?OpenForm

FOIA Exemption 5 protects interagency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency. Moreover, this exemption permits an agency to withhold material reflecting the thoughts, opinions, and recommendations of federal officials and consultants reviewing an issue. Under the deliberative process privilege and FOIA Exemption 5, OGC redacts internal government deliberations, thoughts, opinions, recommendations, and proposed solutions from federal employees and consultants reviewing VA programs in their professional capacities, as well as non-final or draft documents. The information contained in the responsive records is both predecisional and deliberative because it reflects preliminary opinions, proposed solutions, and recommendations, which do not reflect VA's final decision. Exposure of premature discussions before a final decision is made could create undue public confusion. The release of the redacted information would negatively impact the ability of federal employees and consultants to openly and frankly consider issues amongst themselves when deliberating, discussing, reviewing, proposing changes to, and making recommendations on VA programs. The information reveals the thoughts,

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deliberations, and opinions that, if released, would have a chilling effect on the ability of federal officials and consultants to discuss, opine, recommend or be forthcoming about the agency's issues which require full and frank assessment. Here, the disclosure of the withheld information is likely to compromise the integrity of this

deliberative or decision-making process. Moreover, the predecisional character of a document is not altered by the passage of time. Bruscino v. BOP, No. 94-1955, 1995 WL 444406 at *5 (D.D. C. May 15, 1995), aff'd in part, No. 95-5212, 1996 WL 393101 (D.C. Cir. June 24, 1996).

5 U.S.C. § 552(b)(5) exempts from disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." The government is entitled to redact confidential government information given "the sensitivity of the commercial secrets involved, and the harm that would be inflicted upon the Government by premature disclosure." Federal Open Market Committee v. Merrill, 443 U.S. 340, 363 (1979). Redacted information includes VA conference telephone numbers, codes, and hypertext transfer protocol secure (HTTPS). The release of this information would expose the VA, its employees, and its contractors to potential intrusion, hacking, information technology security liabilities and risks, and unauthorized access to sensitive VA phone calls and meetings.

FOIA Exemption 6 exempts from disclosure of personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test. Specifically, the information being withheld, as indicated on the enclosed documents, under FOIA Exemption 6, consists of names, identities, email addresses, VA usernames, phone numbers, cellular numbers, of federal civilian employees and private citizens; we do however release the names of VA Senior Executives. Federal civilian employees and private citizens retain a significant privacy interest under certain circumstances, such as in instances where the release of their information could represent a threat to their well-being, harassment, or their ability to function within their sphere of employment. The federal civilian employees and private citizens whose information is at issue have a substantial privacy interest in their personal information. In weighing the private versus the public interest, except names of VA Senior Executives, we find that there is no public interest in knowing the names, identities, email addresses, VA usernames, phone numbers, cellular numbers, of federal civilian employees and private citizens. The coverage of FOIA Exemption 6 is absolute unless the FOIA requester can demonstrate a countervailing public interest in the requested information by demonstrating that the individual is in a position to provide the requested information to members of the general public and that the information requested contributes

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significantly to the public's understanding of the activities of the Federal government. Additionally, the requester must demonstrate how the public's need to understand the information significantly outweighs the privacy interest of the person to whom the information pertains. Upon consideration of the records, I have not been able to identify a countervailing public interest of sufficient magnitude to outweigh the privacy

interest of the individuals whose names are redacted. The protected information has been redacted and (b)(6) inserted. "Withholding a telephone number or e-mail address, alone, is not sufficient to protect that [privacy] interest; alternate means of contacting and harassing these employees would be readily discoverable on the Internet if this court ordered their names disclosed." Long v. Immigration & Customs Enf't, 2017 U.S. Dist. LEXIS 160719 (D.C. Cir. 2017).

FOIA Mediation

For any questions regarding the processing of this request, you have the right to seek assistance from the VA FOIA Public Liaison or the Office of Government Information Services (OGIS). As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services. Similarly, as part of the FOIA Improvement Act of 2016, VA established a FOIA Public Liaison to offer mediation services. You may contact OGIS and the VA Public Liaison in any of the following ways:

Office of Government Information Services:
E-mail Address: ogis@nara.gov
Fax: 202-741-5769
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

VA FOIA Public Liaison:

VA FOIA Public Liaison
VACO FOIA Service and Oversight (005X6D)
Compliance Risk and Remediation (CCR)
Office of Information and Technology (OIT)
811 Vermont Avenue, NW
Washington, DC 20420

E-mail: FOIAHelp@va.gov
Telephone: 877-750-3642
E-Fax: 202-632-7581
Cell: 202-738-2974

Appeal Rights

Please be advised that should you desire to do so; you may appeal the determination made in this response to:

Office of General Counsel (024)
Department of Veterans Affairs

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810 Vermont Avenue, N.W.
Washington, D.C. 20420
E-mail: ogcfoiaappeals@va.gov

If you should choose to file an appeal, please include a copy of this letter with your written appeal and clearly indicate the basis for your disagreement with the determination set forth in this response. Please be advised that in accordance with VA's implementing FOIA regulations at 38 C.F.R. § 1.559, your appeal must be postmarked no later than ninety (90) days of the date of this letter.

Sincerely,

GREGORY DRAVES
Digitally signed by GREGORY DRAVES
Date: 2026.05.04 16:01:47 -04'00'

Greg Draves
FOIA/Privacy Officer
Office of General Counsel

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Department of Veterans Affairs

Memorandum

Date: February 12, 2026

From: Under Secretary for Health

Subj: Recusal and Delegation of Authority

To: VHA Chief of Staff

1. By means of this memorandum of recusal, I agree pursuant to 18 U.S.C. §208(a) that I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver under section 208(b)(1) or qualify for a regulatory exemption under section 208(b)(2). I understand that the interests of the following persons and entities are imputed to me: my spouse; minor children; general partner; and organization in which I serve as an officer, director, trustee, general partner, or employee; and any person or organization which I am negotiating or have an arrangement concerning prospective employment. This recusal remains in effect as long as I serve as the Under Secretary for Health.

(b)(5)

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(OGC FOIAXpress 26-0037-OC) 000001

2.

(b)(5)

6. I also delegate to you so much of the authority of the Office of the Under Secretary for Health as is necessary to effectively carry out your assignment in paragraph 5. This delegation includes authority to institute and enforce measures adequate to ensure that any matter covered in paragraphs 2-5 neither comes to my attention nor submitted to me for action of any sort.

(b)(6)

John Bartrum

cc: Inspector General (50)
Delegations Control Officer Office of Enterprise Integration

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(OGC FOIAXpress 26-00373-SC) 000002

May 23, 2025

(b)(6)
Designated Agency Ethics Official/
Chief Counsel Ethics Specialty Team
Department of Veterans Affairs
810 Vermont Ave, NW, Suite 1175
Washington, DC 20005

Dear (b)(6)

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Assistant Secretary (Enterprise Integration) for the Department of Veterans Affairs. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee, even if uncompensated; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

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

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I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics (OGE) pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 2 – (b)(5)

(b)(5)

SECTION 3 – (b)(5)

(b)(5)

SECTION 4 – (b)(5)

(b)(5)

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(OGC FOIAXpress 26-00379-OGC) 000004

(b)(5)

SECTION 5 – (b)(5)

(b)(5)

SECTION 6 – PUBLIC POSTING

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

Sincerely,

JOHN BARTRUM

Digitally signed by JOHN BARTRUM
Date: 2025.05.23 17:59:06 -04'00'

John Bartrum

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