

Title Info

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Body

Senate HELP. Pending Nominations

JULY 16, 2025 10:00 A.M.

SPEAKERS:

SEN. BILL CASSIDY (R-LA.), CHAIRMAN

SEN. RAND PAUL (R-KY.)

SEN. SUSAN COLLINS (R-MAINE)

SEN. LISA MURKOWSKI (R-ALASKA)

SEN. MARKWAYNE MULLIN (R-OKLA.)

SEN. ROGER MARSHALL (R-KAN.)

SEN. MITT ROMNEY (R-UTAH)

SEN. TIM SCOTT (R-S.C.)

SEN. TOMMY TUBERVILLE (R-ALA.)

SEN. JIM BANKS (R-IND.)

SEN. JON HUSTED (R-OHIO)

SEN. ASHLEY MOODY (R-FLA.)

SEN. BERNIE SANDERS (I-VT.), RANKING MEMBER

SEN. PATTY MURRAY (D-WASH.)

SEN. TAMMY BALDWIN (D-WIS.)

SEN. CHRIS MURPHY (D-CONN.)

SEN. TIM KAINE (D-VA.)

SEN. MAGGIE HASSAN (D-N.H.)

SEN. JOHN HICKENLOOPER (D-COLO.)

SEN. ED MARKEY (D-MASS.)

SEN. ANDY KIM (D-N.J.)

SEN. LISA BLUNT ROCHESTER (D-DEL.)

SEN. ANGELA ALSOBROOKS (D-MD.)

[*]BILL CASSIDY: [Off-mic] Come to order. I thank our nominees for being here. Thank you for your willingness to put away a life which is normal to come serve the country in a time which sometimes never seems normal. The committee will hear from Crystal Carey nominated for the general counsel at the National Labor Relations Board.

If confirmed, Miss Carey is committed to addressing the backlog of cases left by the previous administration, refocusing the General Counsel's office to issue guidance, giving workers, businesses, and unions clarity on how to comply with the law. Miss Carey has extensive experience at NLRB including as a formal -- former field agent and an official at the Office of Appeals is her great qualification.

The committee is also considering Brittany Panuccio nominated to be a member of the Equal Employment Opportunity Commission. If confirmed, Miss Panuccio will work to ensure EEOC provides clear guidance, encouraging compliance, and leading to a better environment for workers. A strong record as a prosecutor will help the EEOC continue robust enforcement efforts under this administration.

Lastly, the committee will consider Doctor Brian Christine to be an assistant secretary of health at the Department of Health and Human Services. If confirmed, Doctor Christine will play a crucial role in modernizing HHS, making it more open, collaborative, and responsive to the American people. His experience as a practicing physician is an asset to the Trump administration as it works to make America healthy.

Thanks again to all of our nominees for appearing before the committee. With that, Senator Sanders.

BERNIE SANDERS: Thank you, Mr. Chairman. Let me thank the nominees for being with us today. I am strongly opposed to the three nominees that we will be considering this morning. Let me begin with the nomination of Crystal Carey to be the general counsel of the NLRB. Let us be clear. This nomination would not be -- would be unnecessary if President Trump had not fired the most pro-union general counsel in the modern history of the National Labor Relations Board on January 27th. Moreover, the NLRB would have a quorum today if President Trump had not illegally removed a member of this independent board, Gwynne Wilcox on that same exact day.

The mission of the NLRB is to, quote, vigorously advance the policies of the National Labor Relations Act to promote collective bargaining by ensuring that workers can freely express their wishes regarding union representation and protecting workers fundamental right to act together for their mutual aid or protection, end quote.

That is not my definition of what the NLRB is about. That is what the NLRB says on its own website. At a time of massive income and wealth inequality when 60 percent of our people are living paycheck to paycheck, we need a functionally -- functioning NLRB and an aggressive general counsel who will vigorously enforce that mission and protect the constitutional right of workers to form unions and collectively bargain for better wages and benefits.

Millions of American workers want to do that, and because of illegal actions on the part of the corporate world, they are unable to exercise their constitutional right. Unfortunately, as a result of President Trump's actions, the NLRB has been effectively shut down. What does that mean? It means that it is now much harder for workers to form a union and improve their standard of living.

It means that during a union election, corporate bosses can illegally fire workers who vote to join a union. It means that corporate CEOs have free reign to illegally intimidate and coerce pro-union workers without recourse. It means that corporations can aggressively decide not to bargain in good faith with union workers or sign a first contract, and because of the NLRB -- because the NLRB is now dysfunctional, workers have no recourse.

And let's be clear. President Trump's decision has already had disastrous consequences. Five months ago, workers at a Whole Foods grocery store in Philadelphia voted 130 to 100 to join the United Food and Commercial Workers Union. But Whole Foods, owned by Jeff Bezos, has ignored this union victory and has refused to bargain with their union workers as required by law.

Without a functionally -- functioning NLRB, Whole Foods cannot be held accountable for its illegal behavior, and that has happened in Chicago at Mauser Packaging. Similarly, it has happened at Mass General Brigham Hospital where 88 percent of primary care physicians voted to join a union, but the hospital is challenging this union victory.

And without a functioning NLRB, it remains to be seen whether they are going to be able to do what they have voted to do. Mr. Chairman, let's be clear. Replacing the most effective NLRB general counsel in modern history with someone who has spent her career representing some of the most notorious union busters in America will not make this situation any better.

It will only make it worse. Crystal Carey, Trump's nominee, is a corporate attorney who has represented Amazon and Dollar General and many other corporations that have worked relentlessly to prevent workers from forming unions. That is the nominee for general counsel of the NLRB. In fact, Amazon, one of Mrs. Carey's clients, is working overtime to abolish the NLRB. Incredibly, this company absurdly believes that this -- this independent board that was established by Congress 90 years ago is unconstitutional.

So, further, we will also be considering the nomination of Brittany Panuccio to serve on the EEOC. Like Miss Carey, Miss Panuccio has also represented powerful corporate interests. Bottom line is that, at a time when workers want to join unions, are benefiting from joining unions. I think the folks we have in front of us are not doing the job that workers need.

Thank you, Mr. Chairman.

BILL CASSIDY: With that, we'll hear from our witnesses. Um, we're joined today by Crystal Carey, President Trump's nominee for the general counsel of the National Labor Relations Board. Miss Carey is a former NLRB field agent and staff member at the NLRB's Office of Appeals. She's currently a partner at Morgan Lewis. She's a graduate of the University of Georgia and Old Dominion University.

She earned her JD From Pennsylvania State University. I look forward to hearing from her today and looking forward to seeing if Coach Tuberville will vote for her given that Georgia -- well, never mind. So, anyway. [Laughter] Miss Carey.

CRYSTAL CAREY: Thank you. Doctor Cassidy, Ranking Member Sanders, and other committee members, thank you for the opportunity to testify today. I am truly grateful for President Trump's nomination. There is no greater honor I could imagine than to be considered for the general counsel position as I have spent almost my entire legal career focused on labor relations matters and practicing at and before the National Labor Relations Board.

My husband PJ, our three daughters, Claire, Grace, and Alice, and my mom Betty are seated behind me. I'm lucky to have them as always cheering me on. I was born in Athens, Georgia and raised in nearby Franklin County. My parents divorced when I was around two, and my mom made the decision to live close to her family.

That included her parents, my Papa Stanley, who worked at Victoria Bryant State Park as a ranger, my grandma Elsie, who worked as a seamstress in the Carr [sp] Woods sewing plant, my late Uncle Dale, a tow truck driver and army veteran, and my uncle JR who worked in the construction industry and is a member of the International Union of Operating Engineers Local 926. My mom always worked multiple jobs at a time, but her primary job and where she retired from was my home away from home, the University of Georgia.

Go dawgs. Most of my childhood was spent on Park Road in a single wide trailer on my grandparents property. I read every day, recorded my homework on cassette tape so that my mom could check it on her way to her various jobs, watch Jeopardy, Gunsmoke, and Wheel of Fortune nightly with my grandparents. I'm a proud product of public schools.

I attended Royston Elementary, Franklin County Middle School, and Franklin County High School. Thanks to Georgia's dual enrollment program, I attended Emmanuel College, now University, and earned my associate's degree just one year after graduating from high school. I then transferred to the University of Georgia where I completed bachelor's degrees in sociology and criminal justice, all first for my family.

It was in my final semester at UGA that I met my now husband of 23 years. We moved shortly thereafter to Norfolk where I attended Old Dominion University and obtained my master's degree in Applied Sociology. Subsequent military transfers allowed me the opportunity to attend Florida Coastal School of Law and Penn State Dickinson.

During my final semester at Dickinson Law, I participated in the semester in DC program. Through that program, I attended and interned with the National Labor Relations Board region five office. That's Baltimore. This was my first true experience with labor law, and I loved it. I loved the people with whom I worked, the members of the public I was able to help, and the sometimes feisty interactions with both union and management officials.

It was an agency that at its heart helped people. After graduation and passing the bar, I was offered a position there, and I happily accepted. While working in region five, I investigated unfair labor practice, conducted elections, served as a hearing officer, and litigated. Most of the cases I handled were filed against employers and ultimately most cases settled.

One of the biggest cases I worked on in region five and bombarding allegations and an unfair labor practice strike involving almost 50 members of the Teamsters Local 639. We won the case, and ultimately the Supreme Court agreed with the NLRB position that the company had acted unlawfully and awarded almost \$1.1 million in back pay to those employees.

I will never forget and have never forgotten sitting with those witnesses days on end and hearing the impact of that case on their families. After three years in region five, I spent three years in the Office of Appeals. In that office I reviewed appeals for parties who felt that their cases should have gone differently.

I handled hundreds – handled hundreds, but one stands out to me in particular. A case was dismissed alleging that employees had been unlawfully coerced during an organizing campaign. The allegation was that employees were promised green cards for them and their family members in exchange for their vote.

The promise came from the union not the employer. I argued that the appeal should have been sustained because the employees testified that they were coerced, and they truly believed that they would get those green cards if only they voted for the union. My argument was not adopted. The promises of the union were brushed to the side because the union couldn't make them happen even though the employees didn't know that.

I will also never forget that case. My final three years were spent on the board side serving as senior staff counsel to the chairman, and in that role I reviewed exceptions, presented arguments, and wrote decisions for the board. I left the board in 2018 to join the team at Morgan Lewis. My practice focuses on three primary areas: negotiations, training, and counseling employers on whether and how to ensure their operations or potential actions comply with the law.

The NLRB was established as and remains an independent agency, and the NLRA was passed to promote labor stability. There could not be stability in labor relations when there is not stability in the law. If confirmed as general counsel, I commit to respecting long standing board precedent, to not putting the desire to clarify board law over the resolution of a case that would otherwise effectuate the act, to applying the law as written and intended by Congress.

The training – and to committing to the training and the support that the hard-working employees of the NLRB and ensuring that they have the resources they need to effectuate the act. I take seriously the trust that comes with public service. The NLRA touches the lives of millions of American workers and businesses, large and small, across every sector of the economy.

I commit to faithfully serving the statutory mission of the National Labor Relations Board and the people the act protects. Thank you again for having me here today and considering my nomination. I truly see it as a privilege to be here, and I look forward to all of your questions.

BILL CASSIDY: Senator Tuberville, will you introduce the next witness?

TOMMY TUBERVILLE: Yeah. Thank you, Mr. Chairman --

BILL CASSIDY: -- Next nominee.

TOMMY TUBERVILLE: Thank you very much. It's an honor to introduce my friend and constituent, Doctor Brian Christine. I'm also thrilled to welcome today his wife Helena and Katherine -- sister Kathleen. Thank you for being here. Um, Doctor Christine is a board certified urologic surgeon with nearly 30 years of clinical experience serving patients in Birmingham, Alabama.

A recognized medical expert, Doctor Christine is known for teaching and demonstrating advanced surgical techniques both nationally and internationally. Born in West Germany to a decorated US Army combat veteran and the grandson of Italian immigrants, he will bring a lifelong dedication to service, resilience, and American values to this role.

Doctor Christine attended college in Georgia. What's going on here, huh? [Laughter] And earned his medical degree from Emory University. He later moved to Birmingham for his residency and has since dedicated his career to caring for the men and women of Alabama. Beyond the operating room, he has supported local law

enforcement by volunteering as a trauma surgeon with tactical police units.

If confirmed, Doctor Christine will oversee critical public health programs, regional health offices, and US Public Service -- Health Service Commission Court where he has pledged to accept the commission and lead with a Main Street medicine approach. His top priorities include addressing chronic disease such as diabetes, hypertension, pediatric obesity, mental health, and the nation's physician shortage crisis.

He is particularly focused on expanding access to primary care and improving health in rural and underserved communities. With deep medical expertise, leadership experience, and a clear vision for reform, he is well equipped to serve as assistant secretary for health, and I hope my federal colleagues will support his nomination.

Doctor Christine.

BRIAN CHRISTINE: Senator Tuberville, thank you so much for your kind words. Thank you also for the service that you rendered to our nation here in the US Senate and the service you have and will render to our home state of Alabama. Chairman Cassidy, Ranking Member Sanders, members of the committee, good morning. It is truly a pleasure to be here and to have been nominated to be the next assistant secretary for health by President Trump.

I want to thank President Trump and Secretary Kennedy for the trust they have put in me to help with the mission of making America healthy again. With me today, as you've heard, is my wife Helena Christine. Helena is my rock, my best friend, and a compass that orients me toward what is good and just. Watching from home is my daughter, Maria Christine Mims.

Maria is a mother of two beautiful little girls and, by training, is a special education teacher. My sister, also a special education teacher, is here to support me and my older brother, a judge, is supporting me from his home state of Florida. From the earliest times that I can recall as a child, I wanted to be a physician.

I was blessed to be able to attend one of the best medical schools in the world, Emory University in Atlanta, and I still possess the fire in my heart that ignited when I took the Hippocratic Oath 34 years ago, a burning commitment to love my patients, to treat them with compassion, and to act with integrity.

I trained as a urologic surgeon at the University of Alabama, completing my residency, attaining and maintaining board certification, and have practiced in Alabama for over 30 years specializing in men's health. The vast majority of my patients are prostate cancer survivors. My team and I have treated patients from not just the United States but from Europe, Asia, Canada, and South America.

My practice in prosthetic urology and men's health is recognized both within the United States and internationally as a true center of excellence in no small part because of the support of my partners, the assistance of my amazingly committed surgical team, and those surgeons who have mentored me along the way.

I have earned a reputation as a thought leader, a surgical innovator, and a medical educator. And I tell you about my practice because I want you to understand that, if confirmed, the perspective that I will bring to the Department of Health and Human Services is a perspective shaped by a career spent in day-to-day patient care.

Treatment decisions and hard conversations with patients and their loved ones happen in the clinic or in the emergency room or at the bedside. They happen in community hospitals and medical offices, and that is where I practice, and that is what I know. Every organization, if it is to be successful, must have someone in a leadership position who lives and works on Main Street.

Every workday for the past 34 years I have listened to and interacted with patients. Every day I have heard doctors and nurses discuss the challenges faced in the fight to provide care for their patients. Every day these same healthcare providers and patients have voiced concerns regarding limitations placed by insurance providers, hospital administrators, rising drug costs, and a shrinking number of physicians and nurses.

Now, understanding the link that I provide to actual patient centered healthcare, I sit before you today to state that there is a crisis. Our nation's healthcare institutions and policies are broken, and this has real world effects at every stop in the system. Healthcare providers, nurses, physicians, allied health professionals are overworked.

They're discouraged, and they're retiring from active patient care in numbers that will be more than difficult to replace. Nurses are the backbone of patient centered care in the United States, and yet over 50 percent report burnout and emotional exhaustion. Nurse retirement rates are accelerating, an astounding 20 percent planned retirement in just the next five years.

And similarly, job dissatisfaction among physicians is at an all-time high. Many of us are fed up with administrative and documentation burdens and a lack of control over patient care, and physician retirement, too, is accelerating. Senators, if we do not take this workforce crisis seriously and take action to address it, the shortage of doctors and nurses will number not in the thousands, but it will number in the hundreds of thousands.

But perhaps most importantly, the average American has come to distrust our healthcare system. And this distrust causes men and women to miss important cancer screenings and break appointments for follow up of chronic diseases such as diabetes and hypertension. Missed early detection of cancers and worsening of manageable conditions directly and unquestionably has led to early death, lost workforce production, and accelerated healthcare costs for everyone.

But in the midst of this crisis, I do see hope. My boots on the ground practice of medicine and surgery allows me to take the pulse of Americans both figuratively and literally. And what I see, what I hear, and what is growing is a feeling among so many that President Trump and his administration are truly, truly focused on understanding and curing chronic disease.

Across the political, economic, and racial spectrum, there is enthusiasm for Secretary Kennedy's commitment to improving the quality of our food, ridding our diet of additives and chemicals that other countries ban, and promoting radical, radical transparency. And tellingly, since my nomination was announced, hundreds and I'm speaking literally hundreds of physicians, nurses, patients, and citizens that I've not previously met have expressed a profound appreciation that the president wants a Main Street doctor in a leadership position.

Interviewing with Secretary Kennedy, I told him that I will not come to Washington for a job or to start a new career. I've had my career. But, I said, I will come to execute a mission. And that mission as part of the Health and human services team will be to restore trust and confidence in healthcare in America, to address the looming crisis of too few healthcare providers, to work with you all of you to eliminate our healthcare deserts, and to carry out any other part of that mission to make America healthier while always pursuing an America first agenda.

I do look forward to your questions, and I ask God's blessings upon each of you and your families. Thank you.

BILL CASSIDY: Thank you. Miss Panuccio, I've been a little light on the hammer, but try and keep it within five minutes, OK? I've been a little light, and it's gotten a little bit longer. Um, testifying today is Brittany Panuccio, President Trump's nominee for EEOC commissioner. As a prosecutor, she'll be a key voice at the commission.

Miss Panuccio will work to enforce federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex, national origin, age, disability, or genetic information. She is currently an assistant US attorney in the 11th circuit and previously served at the Department of Education, Department of Justice, and as an associate at the law firm Jones Day. She is a graduate of Northwestern University and interned at the EEOC while earning her JD from Northwestern University Pritzker School of Law. I look forward to hearing from you today, ma'am, and I thank you for joining us.

BRITTANY PANUCCIO: Chairman Cassidy, Ranking Member Sanders, members of the committee, I am honored to appear here today to serve – as a nominee to serve as a commissioner on the Equal Employment Opportunity Commission. I'm grateful to President Trump for the opportunity to serve and to continue to contribute to the EEOC's important work of preventing and remedying unlawful discrimination.

I would also like to thank and honor my family. First, thank you to my husband, Jesse, for the sacrifices he continues to make for me to be able to pursue a career in public service. I would not be here today without his support and wise counsel. He is a devoted father to our daughter Lilia who is the light of our lives and, for everyone's benefit, is at home napping right now.

Thank you to my parents, David and Leslie Bull, for raising me to love God and this country and for the innumerable sacrifices they made for their children. Through my parents, I have witnessed the blessings and challenges of owning a small business. My father worked tirelessly to provide his children with so many more opportunities than he had.

My mother has shown me how to be a Proverbs 31 woman and gracefully balance motherhood and a career. I strive to be a role model for my daughter as my mother is for me. Finally, thank you to my brother and sister-in-law, Ryan Bull and Jordan Fowler, for their love and support. While in law school, I interned in the Chicago district office of the EEOC, so this is a full circle moment for me to be here over a decade later as the President's nominee to be an EEOC commissioner.

Congress has given the EEOC a critical mission: preventing and remedying discrimination in our nation's workplaces. This mission reflects foundational promises of this great nation that all Americans are inherently created equal and are entitled to equal treatment under the law. Americans have a right to be treated in the workplace as individuals not as members of a particular race or group and to be judged on the content of their character, skills, and abilities rather than the color of their skin or their sex.

These values have always been important to me. I have committed my career to civil rights, equal opportunity, and public service. After graduating from college, I served as a Teach for America Corps member, teaching eighth grade at Miami Edison Middle School in Miami's Little Haiti neighborhood. My service was rooted in the belief that all children, regardless of their zip code, should have equal access to an excellent education.

After law school, I practiced labor and employment law, litigating cases involving a wide variety of laws including Title VII of the Civil Rights Act. I devoted most of my pro bono practice to representing a student with severe disabilities seeking reasonable accommodations from his public school. During the first Trump administration, I served at the US Department of Education in the office for Civil Rights and the office of the General Counsel.

I advised senior department officials about legal and policy issues relating to anti-discrimination laws and regulatory reform. I am proud to have coauthored the 2018 Title IX Notice of Proposed Rulemaking, which was the precursor to the 2020 final rule that the department enforces today. I currently serve as an Assistant United States Attorney in the Southern District of Florida.

Our jurisdiction covers the same neighborhood where I taught eighth grade so many years ago, and I vividly remember visiting one of my students after he was shot six times. And each day, I worked to ensure that my former students, their families, and their neighbors can live, work, and go to school in a safe environment.

As part of the Appellate Division, I litigate and argue civil and criminal appeals in the US Court of Appeals for the 11th circuit. These cases cover a broad subject matter including employment law. I also personally understand the importance of civil rights laws and equal opportunity. As a child, I was diagnosed with juvenile idiopathic arthritis, and I have benefited from disability accommodations throughout my education and professional career.

I know firsthand how an accommodation as simple as having two sets of textbooks, one at home, one at school, can ensure that a child has equal access to education. My interest in laws relating to sex discrimination also stems from personal experience. While studying abroad in college in Spain, I was raped, but I have seen God's goodness even in the worst of times.

God has given me multiple opportunities to turn my pain into purpose, and, if confirmed, I will continue to passionately defend women's rights as a commissioner on the EEOC. My personal experience underscores the importance of preventing discrimination because the remedies the legal system provides, while important, can only do so much to make a victim whole again.

I am committed to the EEOC's critical mission of preventing and remedying unlawful discrimination and advancing equal opportunity for all. Thank you for considering my nomination. I look forward to your questions.

BILL CASSIDY: Thank you. Thank you all. I will defer to Senator Tuberville to open up for questions.

TOMMY TUBERVILLE: Thank you, Mr. Chairman. Doctor Christine, um, in my lifetime, I've never seen the deterioration of an institution like we have in the trust of the American people after COVID. Uh, how are you going to try to put that back together? Because we desperately need some help in getting the – a positive attitude towards Our hospitals and our doctors back to the American people.

BRIAN CHRISTINE: Yes. Senator Tuberville, number one, thank you so much for being here. Again, thank you for your introduction. Thank you for meeting with me before today's hearing. I'm truly appreciative. The loss of trust that we have seen in our healthcare institutions and the healthcare policies emanating from this city are the worst that I've seen in over three decades of practice.

People feel that during the pandemic particularly they were led astray. Some people feel they were lied to. We have to work to restore that trust. Secretary Kennedy is 100 percent committed to doing that as is President Trump. In my career as a surgeon, I've had to earn the trust of my patients allowing me to operate on them, literally take their life within my hands.

I believe I have the ability to communicate to patients and now hopefully to the American public at large and approach them and give them a sense that what I'm saying, what I'm telling is truly for the good of the country comes from a position of honesty and transparency. I've had to do that for over 30 years as a surgeon and as a

physician.

I truly believe I can bring that skill set to the office of the assistant secretary for health.

TOMMY TUBERVILLE: Yeah. The American people are tired of being lied to about their food, the ingredients, things that are -- that we're now finding out that -- that are detrimental to our health. And up here, you know, we seem to overlook all that, but we need to start looking out for the American people. How do you plan to help secretary with that?

BRIAN CHRISTINE: Well, we know that Secretary Kennedy is absolutely committed to the Make America Healthy Again agenda, to remove toxins from our foods, to make sure that all have access to clean water, uh, that we focus on not just treating chronic disease but finding out what causes chronic disease, diabetes, hypertension, obesity, and work to and work worked to not only cure those diseases but really prevent and eliminate those diseases.

Secretary Kennedy is always wanting to approach things from the foundation of science. He truly believes in that. I agree with the secretary on all of those things. I intend to support him. I intend to work diligently if I have the privilege of being confirmed to support him in that -- in that quest to make Americans healthier than they've ever been.

TOMMY TUBERVILLE: Thank you. Mr. Panuccio -- is that how you pronounce it?

BRITTANY PANUCCIO: Panuccio.

TOMMY TUBERVILLE: Panuccio. Yeah. Uh, you've expressed some concern that some DEI based hiring practices may violate anti-discrimination laws. How do you plan to ensure strong enforcement against illegal hiring practices as seen during the Biden administration?

BRITTANY PANUCCIO: Thank you for the question, Senator. Uh, Title VII prohibits discrimination on the basis of a variety of different protected characteristics, and if I have the privilege of being confirmed as a commissioner, I would vigorously enforce that law. DEI is a broad concept, but it's just one label that is used to describe certain conduct.

Title VII does not include any exceptions for diversity or DEI, so discrimination in whatever form it comes in, if it violates Title VII, I'm committed to vigorously enforcing those laws and President Trump's agenda to combat that.

TOMMY TUBERVILLE: Thank you. Doctor Christine, rural America, we got problems getting healthcare. Our state is 60 percent rural in Alabama. Most of the South is rural. How do we handle that problem?

BRIAN CHRISTINE: Yes. Senator, I think you're -- one of the things you're speaking about are healthcare deserts, those areas where men, women, and their children don't have ready access to primary care services such as pediatrics or gynecologic services or family practice. We have to find ways to bridge those gaps. I think that absolutely telehealth can help provide a bridge to these individuals.

We'll see what AI brings in the future, but again, technology can help bridge this gap. We absolutely must encourage and must increase the number of primary care physicians, family practitioners, pediatricians, gynecologists, and obstetricians and primary care nurses and nurse -- nurses to help bridge this gap, as well.

Now, that takes a while to spin that up, but in the interim, we have to find ways to bridge the gaps. We do have to use technology. I believe that I as assistant secretary for health, one of the things that I intend to do if I'm privileged to be in that position will be to -- to be a true evangelist to really go out and encourage young men and women who are in medical school and nursing school to serve in these areas.

Young men and women getting into healthcare, they want a mission. I want to help them understand that that mission to serve our brothers and sisters in rural America and healthcare deserts is truly noble and is worthwhile.

TOMMY TUBERVILLE: And one thing we need to sell to in rural hospitals is loyalty to the people in these communities to go to these rural hospitals so we can save them. It's not just -- it's just not that they're not being served. It's just we have to have loyalty in those areas. Thank you. Thank you, Mr. Chairman.

BRIAN CHRISTINE: Yes, sir.

BILL CASSIDY: Senator Sanders.

BERNIE SANDERS: Thank you, Mr. Chairman, and I have questions for all three, so if you guys could be brief, I would much appreciate it. Uh, let me start off with Miss Carey. Uh, Miss Carey, a SpaceX owned by Elon Musk and Amazon owned by Jeff Bezos have filed lawsuits arguing that the NLRB is unconstitutional. Agency you hope to work for is unconstitutional.

You are a partner at Morgan Lewis, a management side law firm that is representing Amazon in that lawsuit. Simple question, do you believe that the NLRB is unconstitutional?

CRYSTAL CAREY: Senator Sanders --

BERNIE SANDERS: Microphone please.

CRYSTAL CAREY: Senator Sanders, thank you for the question. Um, I did not participate in any of those cases, and I believe that the answer will come from the courts, and I hope that it comes swiftly.

BERNIE SANDERS: I am aware that you haven't participated in the case, but I'm just asking you as a citizen. Simple question. In your judgment is the NLRB an unconstitutional agency?

CRYSTAL CAREY: Thank you, Senator. I understood the question. I'm sitting here as a nominee for the general counsel of the National Labor Relations Board, and my position is that that case will be decided in the courts. And once there is an answer, we will move forward.

BERNIE SANDERS: You have no answer as to whether or not the agency you hope to work for is constitutional. Um, uh, in his -- Miss Carey, in his second week in office, President Trump fired Gwynne Wilcox, a member of the NLRB leaving the NLRB without a quorum, making it much harder for workers to exercise their right to form a union and improve their standard of living.

Do you believe that the firing of Miss Wilcox was illegal?

CRYSTAL CAREY: The courts will give us a decision on the constitutionality of that decision, and we will move forward from that. But like you said in your opening earlier, I too hope for a swift decision so that the board can be fully functioning, including with a fully confirmed board and a confirmed general counsel.

BERNIE SANDERS: Thank you very much. Doctor Christine, I agreed with about three quarters of what you said. The American healthcare system is in fact broken. Would you agree with me that there is something wrong where we the wealthiest nation on earth are the only major country not to guarantee healthcare to all people as a human right?

BRIAN CHRISTINE: Senator Sanders, number one, thank you so much for being here today. I'm sorry that we didn't have a chance to meet before this meeting, but I do appreciate your time today. Senator Sanders, Secretary Kennedy believes, and I agree that every American deserves to be healthy, and that is the crux of the MAHA agenda.

We believe --

BERNIE SANDERS: I don't mean to be rude. I don't have a lot of time. Simple question. Every other major country guarantees healthcare to all people/ Do you think the United States should do the same?

BRIAN CHRISTINE: I think that we must make it clear that every American has the opportunity to be healthy, that they have access to --

BERNIE SANDERS: You're not answering the question, in all due respect. Um, let me ask you this. Uh, recently, the Senate, against my vote, voted for the reconciliation package, which according to the CBO will throw 17 million people off of the healthcare that they currently have through massive cuts in Medicaid and the Affordable Care Act. Do you think we're making America healthy by throwing 17 million people off the healthcare they have?

BRIAN CHRISTINE: Senator Sanders, again, I thank you for the question. Uh, no one -- and President Trump has been clear about this. No one wants to remove Medicaid benefits from truly deserving beneficiaries. However, we do know that there are inefficiencies in the system. We know there are costs that --

BERNIE SANDERS: 17 million people are going to be thrown off the healthcare they have. Is not making America healthy?

BRIAN CHRISTINE: Truly the individuals who are most deserving and truly deserve Medicaid will continue to be covered --

BERNIE SANDERS: Doctor Christine, in terms of making America healthy, do you think that vaccines are safe and effective? If confirmed, will you use your position to educate Americans about the importance of getting vaccinated?

BRIAN CHRISTINE: Senator Sanders, again once again thank you for your time and thank you for your question today. Let me be clear to the -- be clear to this -- to this committee. I believe, as does Secretary Kennedy, that vaccines save lives. I believe that vaccines are an important part of the armamentarium that we have to help prevent disease in this country.

I support vaccinations just as Secretary Kennedy does, and what we also support is the right of every individual to make informed consent decisions about what's right for them or for their children.

BERNIE SANDERS: All due respect, I don't know that that is Secretary Kennedy's position. He has spent years trying to undermine the belief and the faith in vaccines in this country. Last question for Miss -- Miss Panuccio?

BRITTANY PANUCCIO: Panuccio.

BERNIE SANDERS: All right. Uh, simple question. Was it appropriate for the EEOC to target law firms that filed lawsuits against President Trump?

BRITTANY PANUCCIO: Senator, thank you for your question. As a current Department of Justice employee, I'm unable to comment on matters related to pending litigation as --

BERNIE SANDERS: Thank you.

BILL CASSIDY: Senator Husted.

JON HUSTED: Thank you, Mr. Chairman, and, uh, to all of you. Uh, thank you for your willingness to serve. I appreciate that very much. Miss Panuccio, I will start with you. Uh, under the Biden administration, the EEOC I guess what I would call radically expanded its authority with multiple EEO decisions being struck down by the courts for exceeding that authority.

And my question to you is, in that context of having an EEOC that is really out of bounds in the way that it was looking at issues, uh, what do you intend to do to restore a mainstream perspective to the EEOC when it comes to labor law?

BRITTANY PANUCCIO: Thank you for your question, Senator. If I have the privilege of being confirmed to the commission, my overall approach to the law as it would be in any role is to interpret a statute according to the plain meaning of its text within the four corners of the authority that Congress has given to the EEOC. And so, I think that type of legal perspective and interpretation prevents the kind of expansive interpretations to which you're referring.

JON HUSTED: Thank you. Um, I want to expand on, uh, a recent Supreme Court ruling. 9, 0. A unanimous decision in the Ames versus the Ohio Department of Youth Services, uh, a sexual orientation case where the Supreme Court -- where a heterosexual employee was illegally passed over for a promotion and eventually demoted in favor of an LGBTQ plus colleague.

The court ruled again unanimously that the plaintiff was discriminated against for her sexual orientation. Uh, how does that decision affect the EEOC? How do you see that impacting the handling of cases going forward?

BRITTANY PANUCCIO: Senator, I think the Ames decision reaffirms the position that the EEOC has taken for decades. Um, as you mentioned, that was 9, 0 decision written by Justice Jackson who's often considered the most liberal member of the court. And in that case, it reaffirms the EEOC's position that there is no right or wrong type of plaintiff, that the EEOC's doors are open for everyone, every type of complainant who believes that they have been discriminated against based on a protected status.

And so, I think that decision underscores the EEOC's important mission and reaffirms that the position that they have taken for decades is the correct one in that regard.

JON HUSTED: Well, I agree with you on that because we are making a decision that we're going to treat people as individuals and not as groups, and I think it's a very important decision. And -- and I think it will have a positive impact on future of how labor law is interpreted. Uh Miss Carey, I want to talk with you briefly about something that I learned at the NLRB that the -- it's taken a long time to clear cases out there.

The median age of all the cases at the NLRB in the past year was 154 days. That's up from 106 days. That's a long time. People need to get these issues settled so they can move on with life, and it appears that the Biden administration was – was guilty of forcing that extension because they were focused on overturning decades of precedent in labor law, which stretched it out.

And the NLRB, rather than handling cases before the board in a timely manner based on precedent, were trying to set new precedents. And I want to just ask you, is that your take on the situation? Is that why the delay occurred? And – and what can we do to go back to the precedents that we're accustomed to so that we can get these cases solved more quickly?

CRYSTAL CAREY: Thank you for your question. Um, that is one of the reasons, and the other reason is that staffing is dramatically down, um, due to attrition and other factors at the board. But that's been something that's been ongoing for several years. In terms of the backlog, I agree with you. I think that when you have a general counsel who is trying to overturn a majority of every decision, um, ever held by a Republican board, that definitely puts a lot of stress on the field agents who are doing their best to keep up with all of the cases that come in. One of the biggest things that I want to do and priority wise is to do an organizational assessment to understand exactly what is causing those backlogs.

If it is this heavy reliance on the need to overturn precedent, as I said in my opening statement, I have respect for long standing board precedent, and I don't see a reason to let, you know, the sake of trying to overturn a case get in the way of an employee who has filed a charge getting a quicker resolution.

JON HUSTED: Well, thank you, Mr. Chairman. I just want to add one quick thought to all of you. What people get frustrated most with is not necessarily the decision. It's the time. It takes so long for people to get things accomplished from government these days. Please do it with a sense of urgency. Thank you, Mr. Chairman.

BILL CASSIDY: And with a sense of urgency, Senator Hassan.

MAGGIE HASSAN: Thank you, Mr. Chair, and I want to thank you and the ranking member for this hearing. Congratulations to all of the nominees for your nomination and to your families, too, because none of you come here without the backing and partnership of your families. Um, I'm going to just start with a very simple question.

We'll go right down the line. Um, if directed by the president to take an action that would break the law, would you follow the law or follow the president's directive? Miss Carey?

CRYSTAL CAREY: I don't believe the administration would request me to break the law, but I would follow the law.

MAGGIE HASSAN: Thank you. Doctor Christine.

BRIAN CHRISTINE: I don't believe that President Trump nor Secretary Kennedy would ever ask me to break the law.

MAGGIE HASSAN: And if they did?

BRIAN CHRISTINE: I don't believe the president or the secretary would ever – it's inconceivable to me that that --

MAGGIE HASSAN: Well, then you are not paying attention, sir, and that's disqualifying. Miss Panuccio?

BRITTANY PANUCCIO: Senator, I don't believe that President Trump would ask me to violate the law, but I will always follow the law.

MAGGIE HASSAN: I think you all should go back and review the facts of the last several months not – not to mention years to figure out if the first part of your answer is correct but let me move on to other questions. Um, Doctor Christine, the assistant secretary for health oversees the Title X Family Planning Program which funds lifesaving cancer screenings for women.

Do you agree that all women should have access to free cancer screening in their own community?

BRIAN CHRISTINE: So, Senator Hassan, number one, thank you for your time today. I wish that we would have had the opportunity to meet --

MAGGIE HASSAN: Sir, just yes or no, because my time is limited here.

BRIAN CHRISTINE: So, the title ten funds -- of course as you know federal funding and grants that go toward family planning --

MAGGIE HASSAN: I'm going to stop you here again because my time is limited. Here was my question. Do you agree that all women should have access to free cancer screening in their own community? Yes or no?

BRIAN CHRISTINE: Title X funds are incredibly important --

MAGGIE HASSAN: Sir, should women have free access to cancer screening?

BRIAN CHRISTINE: And so, we know that Title X funds should --

MAGGIE HASSAN: All right. I'm going to -- this is a disqualifying back and forth, sir. You're not willing to be frank. You're not willing to answer a yes or no question. President Trump is currently withholding funding from New Hampshire family planning clinics that serve thousands of Granite Staters. We've heard from clinics in New Hampshire that are now considering plans to close their doors due to President Trump's actions.

Will defunding Title X make it harder for women to get cancer screenings? Yes or no.

BRIAN CHRISTINE: Senator Hassan, if I'm confirmed as the assistant secretary for health of the Department of Health and Human Services, I will make sure that Title X funds are used as they should be and never used for abortion --

MAGGIE HASSAN: So, I -- so, they aren't used for abortion services. Let's just be clear. Federal money is not used for abortion services. So, I'm going to take your first refusal as, uh, to answer as a no, you don't believe women should get free cancer screenings. And I'm going to take the second answer here as one that reflects your unwilling to make sure that Title X money is used to enable women to get the kind of cancer screenings that saves lives.

Do you know how many cervical cancer screenings are funded by Title X each year?

BRIAN CHRISTINE: No, ma'am, I do not.

MAGGIE HASSAN: More than 460,000. As assistant secretary, will you reverse any cuts to family planning funding to ensure that women can receive those 460,000 cervical cancer screenings?

BRIAN CHRISTINE: The decision to family plan of course is the individual's decision, and I support that, and I will ensure the Title X funds never go toward abortion services.

MAGGIE HASSAN: You know, I'm just going to -- well, that's what you needed to say for President Trump and perhaps for Secretary Kennedy and for the other people who support this administration and oppose a woman's right to make her own healthcare decisions. I'm curious about cervical cancer screening. I happen to have a family member who died from cervical cancer.

So, this is very personal to me, and it should be personal to you, as well. You spoke in your testimony about your concern about workforce shortages. You take away Title X funding from these family planning clinics that provide these cervical cancer screenings for 460,000 women, that's 460,000 people who now have to go find another provider to do that cervical cancer screening.

And that is a real challenge and unlikely to happen without these Title X agencies in place. Miss Carey, as general counsel of the NLRB, you would be responsible for ensuring that the agency has adequate field staff to investigate unfair labor practices and promptly process union election petitions. This past fall, the NLRB reported that its field offices received nearly 25,000 cases during the previous year, the highest total case intake in over a decade.

Um, Senator Husted asked about this, too. If confirmed what will you do to ensure that the agency has the resources that it needs to protect workers rights and enforce the Fair Labor Standards Act?

CRYSTAL CAREY: Thank you for the question. Um, my goal is to effectuate the mission of the act and to ensure that the hardworking employees have all of the resources that they need, which includes access to training, um, and all of the support that they need. One of the biggest things and one of the conversations that I've been having with those that I've had the ability to have conversations with given my role right now is that, you know, they need support, and I think there are resources available throughout the agency that can help them with that backlog and provide some backup to them in some way --

MAGGIE HASSAN: Well, you know what doesn't help is when an administration lays off people willy nilly without measuring or doing analysis first. So, I hope you will stand up for the work that needs to get done and make sure that you have adequate staffing who also are supported as you're describing. Mr. Chair, I don't have time to ask my last question, which I will submit for the record because I do have real concerns about Miss Carey's capacity to be an independent leader of the NLRB, particularly because of the circumstances of the firing of Miss Wilcox.

Um, last thing I will just note is that Miss Carey's response on the issue of the constitutionality of the NLRB is very disappointing since the 1937 it was deemed to be constitutional. Thank you.

BILL CASSIDY: Senator Moody.

ASHLEY MOODY: Well, good morning. Welcome. We are glad that you are willing to take time away from private careers and dedicate your professional lives now to serving this country and Americans. Uh, we are grateful to you and we're grateful for not only answering the call to serve but to your families that are here to support you for making sure that you knew you had the backup to do it. It is not easy, and this hearing is certainly an example of that.

So, we're grateful you're willing to step up and serve, and we're grateful you're willing to face this committee and the process to get there. Um, it is not lost on me. I heard comments from all of you that you feel a personal obligation to do this. I know, Doctor Christine, you have said that you are not doing this for the advancement of your career, but you are doing this to help make America healthy again.

And you feel very strongly about that, and I appreciate your on the record comments to Congress and to Secretary Kennedy and the president. I will note, uh, certainly, Mr. Chairman, that although I've heard from my colleague from Alabama, he was claiming people, but all of these folks, not only do we have a Floridian that's being nominated, a great Floridian, but we have Doctor Christine who has a brother who was a judge in Florida.

I served on the bench in Florida, so a family connection there and someone who started law school in Florida. So, every single one of these folks have a connection to Florida, which shows how, uh, influential our state is in Washington right now, and we're grateful for that. We think we get a lot of things right in Florida.

In fact, as attorney general, I worked hard during the last administration of insanity to try and bring us back to balance and to the law. And I hear -- I'm hearing from all of you that that's what you're focused on doing, as well. Um, I appreciated your comments on motherhood and balancing the law and your profession and being a great mother and wife.

Uh, very important to me. And your comments, uh, Miss Panuccio, about your extended pro bono service. Um, that is so important, and it shows where your heart is and service, and we are grateful to you. I would like to start with you, sir. Doctor Christine, I know that even Gavin Newsom is now coming out and saying now that he has a nine-year-old, he's rethinking all of his approaches, especially as it relates to the castration of young children.

Um, I know that the prior person in your role was pushing, uh, transgender surgeries on young children and advocating for those. Uh, what is your position on that, and how do you plan to bring sanity back to this role as it as it pertains to that issue?

BRIAN CHRISTINE: Yes. Senator Moody, uh, number one, thank you for taking the time to be here today, and I appreciate your -- if you know my brother, who is the judge, you know he is -- he's a wonderful man and a wonderful public servant. Our youth, our minors who have gender dysphoria, which is a real condition, these individuals suffer.

They deserve compassion. They deserve love. The best treatment for these individuals in my opinion and according to science is that they be treated with compassionate counseling, expert counseling, and they be treated with support and care and love. We know that if you treat minors with gender dysphoria in that way, then the vast majority of them by the time they reach their late teens will no longer suffer from gender dysphoria.

They're happy in their own skin. And so, the point of that is first do no harm. The way to treat them is not with chemicals and puberty blockers and hormones and surgeries that do irreversible damage. The best way to treat them is with counseling, compassion, and care. That's what I recommend. That's what I would intend to do, and of course we never want federal funds -- I agree with the president and the secretary.

We never want federal funding to go toward any kind of transgender surgeries.

ASHLEY MOODY: And, Miss Panuccio, I'll turn to you now. Thank you so much, Doctor. You have -- you have a great background, and I loved your comment how for an agency you once interned with you will now be returning. I find that in my new role I get to bring everything from my personal experiences to all of my professional experiences to bear.

And I certainly -- I certainly believe that you will find that once confirmed. I think your experience is certainly unique for this role. As as -- an AUSA, I was once a federal prosecutor myself and -- and the various roles that you have held I think are going to be great. One of the things that concerned me in the last administration was the pitting of Americans against one another based on some of these policies.

I had to call out certain corporations that were enacting quotas or making people believe they were doing something wrong just because of the color of their skin. How do you plan to use your experience and how will that come to bear in your new role?

BRITTANY PANUCCIO: Thank you, Senator. Well, I am a career prosecutor. I'm a -- I'm a dedicated public servant, and I have spent the vast majority of my career in government committed to public service, equal opportunity, and civil rights. And so, if I have the privilege of being confirmed, I would bring all of those different experiences to bear everything from being a public school teacher to working at the education department on civil rights issues, learning from two esteemed jurists, Judge Don Willett on the Fifth circuit and Judge Neomi Rao on the DC circuit, to being a prosecutor as well as my own personal experiences, um, benefiting from accommodations for disability and pregnancy and my own experience with being a rape survivor and -- and the importance of protecting women and women's spaces.

And I would bring all of those experiences, both personal and professional, to bear if I have the privilege of being confirmed and ensuring that, um, all people have equal opportunity and are treated as individuals rather than a member of a specific group.

ASHLEY MOODY: Thank you. Thank you.

BILL CASSIDY: Senator Kaine.

TIM KAINE: Thank you, Mr. Chair, and congratulations to our nominees. Um, first a comment to my colleagues. Um, since our last health meeting, the secretary of education who is under the oversight jurisdiction of this committee has announced the pausing of \$6.2 billion of education funds to our states. And I just encourage my colleagues to talk to your state officials and see what this means.

Um, over the weekend, I had a chance to meet with the Boys and Girls Club of Roanoke, which serves Appalachian Virginia, 850 families -- um, 850 kids and their families and before school, after school, and summer programs. Uh, these pauses of funds from Secretary McMahon are -- is 60 percent of their budget.

I'm meeting with my Boys and Girls Clubs from all over the state today, and I'm expecting to hear similar. The secretary gave no reason for the pause, no indication whether or when the funds might be restored. These Boys and Girls Clubs essentially start their programing when the school year starts, which for many of my jurisdictions is in one month, and they don't know whether they can keep the doors open.

I hope we might have a further discussion about this on the committee when we next have an education focused hearing. Doctor Christine, about 18 percent of Americans have experienced long COVID at some point in the last five years. 25 percent of people who currently have long COVID have debilitating symptoms, unable to work, housing insecurity, mental health challenges, and other challenges.

I've been pretty open on this committee since January of 2021 about my own journey with thankfully mild long COVID symptoms that have not gone away in five years, and others Senators, both Democratic and Republican, members of this committee, current and former, have also shared long COVID experiences both personally and of family members.

Um, this -- given the secretary's goal to address chronic conditions, I was disappointed that the administration ended the Department of HHS's Office of Long COVID Research and Practice, which coordinated a whole series of government efforts to look at research causes, cures, treatments. Um, the administration has also undermined the agency for Healthcare Research and Quality, which established a long COVID care network.

Let me just ask you this. Do you believe that long COVID is real?

BRIAN CHRISTINE: So, Senator Kaine, number one, thank you for being here today. Thank you for taking the time --

TIM KAINE: Can I just say this? You don't need to thank me for being here. My Virginians sent me here, and I thank them. I'm supposed to be here. I'm just doing my job, and I don't need a thank you from anybody for just doing my job. But I'd like to hear whether you think long COVID is real.

BRIAN CHRISTINE: Sure. Well, certainly, the COVID pandemic was devastating for this country, devastating in the loss of life, the individuals who suffered, and as we've said, devastating to the prior administration's approach and causing the loss of confidence --

TIM KAINE: And how about President Trump suggesting light as a treatment or injection of ivermectin? You talk about loss of confidence, and you want to put it on somebody's shoulders, and you're ignoring a whole lot of misinformation that was perpetrated by the previous information. But that's not the question I asked you.

I asked you the question of whether long COVID is real.

BRIAN CHRISTINE: Well, we certainly need to continue to collect data on individuals who've suffered from COVID --

TIM KAINE: So, you're not sure about whether long COVID is real or not? Would that be a fair statement?

BRIAN CHRISTINE: So, we need to continue to collect data --

TIM KAINE: OK. I'm going to take that as you're not yet sure about long COVID. Do you think long COVID is a chronic condition?

BRIAN CHRISTINE: I think that absolutely. We are early on in this experience with COVID. Just a few years, which is just a blink of an eye --

TIM KAINE: OK. So, you haven't reached a conclusion yet. I find it puzzling that Secretary Kennedy says he wants to focus on chronic conditions, but he's undermining and shutting down an office that was designed to look at a chronic condition. Let me ask you this. As a provider, would you recommend your patients get a COVID vaccine?

BRIAN CHRISTINE: I think that COVID vaccine like any medical therapy or any vaccine is going to have inherent risks and benefits.

TIM KAINE: What would you recommend that a patient of yours gets a COVID vaccine?

BRIAN CHRISTINE: When I practiced medicine in these over three decades, I've always hinged my practice on informed consent --

TIM KAINE: OK. Let me -- let me ask you this. So, you've practiced medicine for three decades. Have you ever recommended to a patient who said, hey, doc, you're an expert. I'm not. What's your recommendation? When somebody says that to you, do you give them a recommendation?

BRIAN CHRISTINE: Certainly, within the realm of urologic surgery, I've given recommendations.

TIM KAINE: OK. So, you give them a recommendation, but -- but you would not feel comfortable giving a recommendation to a patient to get a COVID vaccine?

BRIAN CHRISTINE: What I would feel most comfortable with is making sure that the patient has access to good information --

TIM KAINE: OK. Well, that -- that -- that is pretty darn troubling as was your answer in the question that Senator Hassan asked. She asked all witnesses whether if you were given a directive by the president or secretary that you thought violated the law, would you follow the directive or follow the law? Your other panelists said I would never be given such a directive, but I will always follow the law.

You are the one witness who could not make yourself say that final clause that you would always follow the law, and I think a lot of people noticed that. I yield back.

BILL CASSIDY: Senator Murkowski.

LISA MURKOWSKI: Thank you, Mr. Chairman. Thank you all for being here. Um, Doctor Christine, I just want to just quickly follow on from my friend from Virginia and his request on, on -- on long COVID and your views. You've indicated that you're continuing to collect data. Uh, if you would like additional data from the state of Alaska, I can certainly supply you with names of individuals who have presented these matters to me with great concern and a desire to -- to understand more.

I'm going to direct my first questions to you, Miss Carey. I appreciated the fact that we had a chance to -- to have some discussion yesterday. You've spoken here this morning about, uh, the issues with regards to staffing levels at the NLRB, kind of how we got there, and I think some constructive ways to how to approach it. Know that in my state of Alaska, this issue of this backlog and how long it is taking to process these claims, um, it matters.

And so, if I can urge you to -- to pay attention to certain, um, broader issues that are going to help -- help us in Alaska, it certainly on -- on the issue of -- of staffing and being able to address backlog. You have shared with me, uh, your -- your belief that, um, NLRB is an independent federal agent, uh, there to safeguard, uh, employees rights, ensure fair labor practices.

Um, uh, I appreciate that -- that view, uh, and also one that we discussed, which is your concern that we see, um, a lack of stability really within the NLRB where you have, uh, precedent that has been established over years, a -- a -- a withdrawal or a pullback from that, um, and -- and the discussion about how we can focus more on -- on continued, um, or greater stability.

I think that that is going to be important within the -- the NLRB, as well. I mentioned to you, I am a Republican that, uh, has a good strong relationship with labor in Alaska. I want to be able to continue that, and I think my ability to do that is when labor feels that the -- the independent agencies are -- are acting fair, um, that they are -- they're working to uphold the National Labor Relations Act fairly.

Um, one issue that I didn't raise yesterday was the fact that, in my state, we have about half the federally recognized tribes in the country. Uh, we have a number of tribes and Alaska Native corporations that operate both public and private sector enterprises. These are -- these are significant economic drivers for us, particularly in rural parts of the state.

As NLRB's general counsel, how would you approach questions of labor law as they relate to sovereign entities or complex jurisdictional questions as we certainly have there in Alaska?

CRYSTAL CAREY: Thank you, Senator. I also enjoyed our conversation yesterday, and thank you for taking the time to meet with me.

LISA MURKOWSKI: Thank you.

CRYSTAL CAREY: Um, so, I agree with you, and as we discussed, um, the NLRB has been an independent agency since it was established in 1935, and any prosecutorial discretion that comes to me, I don't take lightly. Um, in terms of jurisdictional issues, those are complex but also guided by the statute. And, you know, as I'm willing to take input and provide technical assistance to any questions that we have in relation to any potential jurisdictional issues, those are pretty fact intensive and would require a little more than I can probably give here to you today, but I'm willing to work with you moving forward on those -- those questions.

LISA MURKOWSKI: Well, it s an important issue to us, so, um, happy to -- happy to have more conversations with you about that. Doctor Christine, let me go back to you. Um, and again sticking with our Alaska Native constituency, the IHS provides critical healthcare to Alaska Natives, American Indian communities. Many, many in my state choose to compact their IHS funds to manage their own healthcare programs.

Um, the Alaska Native Tribal Compact, uh, manages -- tribally manages hospitals in Anchorage and Barrow Bethel, Dillingham, Kotzebue, Nome, and Sitka. These are -- these are significant facilities. So, I -- I would ask for your commitment, um, if you are confirmed for this position to ensure that we have true tribal consultation.

I need you to champion robust tribal consultation policies across HHS that not only fulfill the legal obligations there but really work to build out the collaboration that's necessary, that respects tribal sovereignty in developing the -- the health programs that impact our native communities.

BRIAN CHRISTINE: Yes, ma'am. And so, Senator Murkowski, thank you and thank you for offering to have individuals from Alaska contribute toward gaining data.

LISA MURKOWSKI: Yes.

BRIAN CHRISTINE: Uh, no -- and absolutely. I want you to understand that one of the things that, if I'm privileged to be confirmed, I'll oversee the Office of Minority Health. I take absolutely -- our indigenous and other individuals in the country who may have health discrepancies, I take that very seriously, and so I absolutely will be working with the secretary, and I'm happy to be working with you to make sure that your indigenous tribes follow along with the rest of the country and become healthier than they've ever been.

LISA MURKOWSKI: Mr. Chairman, I have multiple questions. I'll submit them for the record.

BILL CASSIDY: Thank you.

LISA MURKOWSKI: Thank you.

BILL CASSIDY: Senator Alsobrooks.

ANGELA ALSOBROOKS: Thank you so much, Mr. Chair, and congratulations to each of you on your nominations. This morning I just have a few questions for Doctor Christine. Uh, Doctor Christine, you appeared on a podcast by 1819 and this was very recently in September of 2022 where you said the following, and I quote, society works best when men and women are fulfilling their roles, when they're doing what they're supposed to do, raising children and propagating the species.

That fulfills the natural and moral law. Now, I have a question for you because I also know that Project 2025 calls for the office of the assistant secretary for health to focus on uplifting traditional gender roles. And so, I want to know, Doctor Christine, I'm just curious. We have eight women who are serving, for example, on this committee in the United States Senate.

And I wonder whether it is your perspective that we are fulfilling our natural and moral roles working as Senators instead of working in the home.

BRIAN CHRISTINE: Senator, Alsobrooks, thank you for being here. I'm sorry that we didn't have the opportunity to meet before this meeting but thank you for your time today. So, let me say that Project 2025, of course I have nothing to do with that. I haven't even read through Project 2025. And of course Project 2025 does not at all in any way shape or form dictate President Trump and his policy.

Also --

ANGELA ALSOBROOKS: Yeah, let me just interrupt you, Doctor Christine, because I do have limited time. My specific question is just about your quote where you said you believe in these traditional gender roles. And so, I wanted to know, how do you specifically plan to use your office to uplift gender -- traditional gender roles?

BRIAN CHRISTINE: Well, absolutely. Uh, my role as the assistant secretary for health, if confirmed, will be to work with the secretary to make America healthy again. Uh, I think in terms of gender roles, an individual, a man or a woman, can do what they want to do. My wife is an Oxford trained, very high caliber lawyer. We don't have children together.

I support Helena in that. I support a woman's choice to go ahead and pursue any career she might want or a man, but my main goal is going to be to make America healthier again by supporting Secretary Kennedy and supporting our President.

ANGELA ALSOBROOKS: And I think this is a very important question. Again, this was not long ago where you said you believe that women and men are supposed to be in specific roles, raising children and in propagating the species. And you would be, sir, really responsible, as well, for implementing policies that uplift health issues for women in the United States.

And so, I -- I want to make sure that you understand that this is going to be very important to so many people. I want to ask you about a question -- another area for example regarding teen pregnancy and whether you believe that teen pregnancy prevention programs are important.

BRIAN CHRISTINE: Well, ma'am, I believe that -- I'm a biologist by training. I'm a scientist. I believe that, uh, young men and women should, when the age is appropriate, be educated about the biology and physiology of reproduction. I believe that when it comes to education regarding sexual intimacy, sexual intercourse, birth prevention, that is best in the purview of the parents.

I strongly believe that.

ANGELA ALSOBROOKS: So, teen pregnancy programs -- for example, Alabama has an adolescent pregnancy prevention branch [sp], and I wonder whether or not you believe that this kind of program is important.

BRIAN CHRISTINE: Again, I absolutely support that parents should be the individuals to discuss sexuality and those kinds of things --

ANGELA ALSOBROOKS: No, I'm not asking you about parents. I'm asking you whether or not you believe that these kinds of government supported programs, um, and specifically this teen prevention pregnancy program is important.

BRIAN CHRISTINE: Yes, I absolutely believe that that kind of education for kids comes from the parents best.

ANGELA ALSOBROOKS: OK. So, you do not believe, for example, in the federal funding that would help to support an important program like a teen pregnancy prevention program. And I note your own state, um, helped, for example, Alabama dramatically reduce its teen birth rate over the past 30 years by 78 percent by using a program like that one.

But you are saying now that you believe that that kind of program should be eliminated. Is that what you believe?

BRIAN CHRISTINE: Ma'am, what I believe is that as I support the secretary to work to make America wealthy again, we are going to do our utmost to make sure we pursue that agenda. We are certainly going to support the right of parents to make medical decisions --

ANGELA ALSOBROOKS: I know, Doctor Christine. I'm asking you about -- not about parents. We're here talking about the federal government today and whether or not these kinds of programs deserve federal funding. And so, I assume from your response that you do not support the federal funding that supported programs like the one in Alabama that helped to reduce teen pregnancy by 78 percent but that you would agree with eliminating a program like that.

Is that correct?

BRIAN CHRISTINE: What I agree with is giving parents -- they have the major control of when they discuss these things with their children.

ANGELA ALSOBROOKS: OK. I yield. Thank you, Mr. Chair.

BILL CASSIDY: Senator Hawley.

JOSH HAWLEY: Thank you very much, Mr. Chairman. Congratulations to the nominees. Thank you all for being here. Um, Miss Carey, let me just start with you if I could. I want to talk a little bit about some NLRB precedents and your views on them. Let's start with captive audience meetings. The NLRB decided last year I believe it was that captive audience meetings -- these are the meetings where workers are forced to sit through mandatory sessions with the employer often being told by the employer why they should not unionize perhaps being threatened implicitly or explicitly.

I emphasize these are mandatory meetings now employer with employee. The NLRB decided last year that these captive audience meetings are not consistent with labor law. You've been very critical of this decision, so just explain this to me.

CRYSTAL CAREY: Thanks for the question, and I'm sorry we haven't been able to connect prior to today. I know we've missed a few opportunities. But I have been critical of that decision, and I stand by everything that I have said publicly in relation --

JOSH HAWLEY: So, you wouldn't be able to enforce it then?

CRYSTAL CAREY: My job, if confirmed, would be to -- to enforce the National Labor Relations Board's decision.

JOSH HAWLEY: So, you've been very critical of it. You just said that you stand by it. You're not going to retract anything, but you're going to be in charge of enforcing it. Doesn't that seem like a problem to you?

CRYSTAL CAREY: It does not because my job --

JOSH HAWLEY: Explain that to me.

CRYSTAL CAREY: My job, if confirmed as general counsel, would be to enforce board orders. However, if cases involving those similar issues come back and are filed by charging parties at the regional level, they are investigated on a fact-by-fact basis, and we are determined that there is merit to those -- there is prosecutorial discretion for the general counsel to determine whether or not and how to move that case forward.

So --

JOSH HAWLEY: See, that's what worries me. It's the prosecutorial discretion that worries me. You've been very vociferously I think it's safe to say critical of the NLRB standing precedent in this area, and you will have the discretion to enforce it or not as you just said.

CRYSTAL CAREY: I understand your concern, but every general counsel prior to me has also had the same prosecutorial discretion. I am committed to enforcing the act --

JOSH HAWLEY: They've not been as openly critical and indeed as steadfastly so as you are on what is a key part of now your enforcement responsibility.

CRYSTAL CAREY: Again, I will be committed to enforcing the act and the act itself which was, you know, approved by Congress and established by Congress --

JOSH HAWLEY: Well, your job is not to enforce the act in the first instance. Your job is to enforce what the -- what the board has decided is the controlling law.

CRYSTAL CAREY: But those would be separate procedures that you're describing.

JOSH HAWLEY: OK. So, in other words, you don't -- you don't see your role as enforcing what the NLRB has done in the past?

CRYSTAL CAREY: My job, if there is questions about the board order, which is not a self-enforcing action, my job would be to enforce that action in the courts.

JOSH HAWLEY: And you're telling me you would do that despite being critical of it?

CRYSTAL CAREY: That would be my job.

JOSH HAWLEY: Well -- right. But you have discretion to do it or not. And nothing you've said so far has allayed my concerns. In fact, it's -- you're worsening them as I sit here.

CRYSTAL CAREY: Well, Senator, I think you're confusing two issues. Enforcing a board order is separate -- if a new case is filed in a region, and I'm able to investigate that, the hard working field attorneys take a look at that case, determine whether or not there is merit. At that point, that is a different case. That is not the Amazon case.

Standing precedent would be the Amazon case.

JOSH HAWLEY: So, my question to you is, will you enforce the precedents of the NLRB even if you disagree with them?

CRYSTAL CAREY: I will enforce the board's order, but I will utilize prosecutorial discretion where necessary, and I think is appropriate.

JOSH HAWLEY: OK. That's not reassuring. You mentioned Amazon, so let's just -- let's just talk about Amazon. They're a client of yours?

CRYSTAL CAREY: They are.

JOSH HAWLEY: So is Apple I think?

CRYSTAL CAREY: Correct.

JOSH HAWLEY: Activision?

CRYSTAL CAREY: Correct.

JOSH HAWLEY: You'll recuse yourself from any enforcement decisions or actions involving any of these people I assume?

CRYSTAL CAREY: Yes, Senator.

JOSH HAWLEY: Um, when it comes to Amazon, are you familiar with Amazon's delivery Service Partner program?

CRYSTAL CAREY: I am -- I'm aware of it.

JOSH HAWLEY: Amazon uses this program to operate its delivery vehicle fleet. Now, you may know drivers where Amazon vests, they drive Amazon branded vehicles, they deliver Amazon branded packages to Amazon customers. The company controls their time schedule, their delivery, their terms of service, the terms of their

employment.

But the company says at the same time, actually they're not really our employees. They're wearing their gear. They are driving their trucks, but they say, oh, these are not our employees. Um, they say that these are in fact subcontractors. Now, it's hard to imagine that this actually satisfies the joint employer rule.

What's your view on this?

CRYSTAL CAREY: The joint employer rule has been, for lack of better terms, one of the issues that has flip flopped a lot in the labor and legal community generally. And, you know, depending on what happens -- and it is an incredibly fact intensive, um, investigation that has to take place to determine whether or not someone is a joint employer or not.

JOSH HAWLEY: So, do you think that Amazon's attempt to control every detail of its drivers lives, schedules, deliveries while simultaneously treating them as non-employees, you think that doesn't violate the joint employer rule?

CRYSTAL CAREY: Well, I'm not going to comment on Amazon directly or the program that you've described, but I will say that any case that comes before me if confirmed, I will take a very hard look at because it is an incredibly fact intensive analysis.

JOSH HAWLEY: Yeah, it's fact intensive, but it's more than just fact intensive in some legal way. It really matters for the livelihood of thousands and thousands of workers.

CRYSTAL CAREY: Which is why it's incredibly important that whoever is investigating that -- and if I am confirmed as general counsel will ultimately land in my lap that we do a really good job in making sure that we're analyzing all of the facts before us.

JOSH HAWLEY: All right. Thank you, Mr. Chairman. I have a lot more questions for you, Miss Carey. I have to say, I'm pretty concerned with your record and frankly the answers you've given me today. Thank you, Mr. Chairman.

BILL CASSIDY: Senator Baldwin.

TAMMY BALDWIN: Thank you, Mr. Chairman. Um, Miss Carey, nearly 16 million workers joined a union in 2024. During the 2024 fiscal year, the NLRB received nearly 25,000 cases nationwide, the highest number in 15 years. But over the last 15 years, staffing levels at the NLRB have been drastically reduced. The NLRB has lost nearly 40 percent of its field enforcement staff.

Unfair labor practice case processing times have exploded from a median of 105 days to now more than 450 days, and these cases are mostly brought forth by workers whose rights may have been violated. As of this week, over 100 new cases have been filed by people from my state, Wisconsin, this year. Additionally, the NLRB is the sole agency that can conduct and certify union elections.

Unless an employer voluntarily recognizes a union, this is the only way to form one, and the right of workers to organize depends on NLRB's ability to function. So, do you agree that NLRB needs increased funding for staff to protect workers, enforce labor laws, and fully do its job? And will you commit here today that you will request whatever funds and authority is necessary to hire and retain sufficient staff?

CRYSTAL CAREY: Thank you for the question. As a practitioner, I can confirm for you that the backlog and the lag in the time from the time charges filed until we get a resolution is very long. And in my conversations with the individuals at the NLRB, including the unions, um, that time has exceeded a year in many cases, which is incredibly unfortunate.

Um, I have said many times that I will be a good steward of public funds first and foremost. But once I am there and able to review all of the data to ensure that, you know, things couldn't be moved around or there are resources that we can use in a different way, my job is to ensure that the mission is met and that the act is effectuated.

And if after I do an assessment, I realize that we are under budget and we need more, I look forward to working with Congress and the White House to ensure we're able to meet our goal.

TAMMY BALDWIN: Associated to my -- associated with my first question, what about the funding needed to keep regional offices open and accessible to the public? Will you commit to requesting sufficient funds for these purposes?

CRYSTAL CAREY: Thank you. Another great question. Again, I think I don't have the data in front of me to make a commitment like that, but that is something that is very important to me to make sure that people especially -- I know there's some areas in the Midwest that don't have offices anywhere nearby. Um, it's certainly something that is concerning.

We want to make sure that people know that the NLRB is there to help them, and so that's part of the -- one of the items that I want to take a look at.

TAMMY BALDWIN: So, um, earlier this year it was publicly reported that DOGE, the Department of Government Efficiency, gained access to private NLRB systems containing sensitive personal identifiable information about union members, employers, and lawsuits. It doesn't take much imagination to see why that information in the wrong hands would be dangerous.

How would you ensure that private data held by the NLRB is not inappropriately accessed or used?

CRYSTAL CAREY: Yeah. Thank you. Um, I'm only aware of the publicly -- publicly reported information. I am aware of what you're referring to, though. But in relation to privacy in general, I would work with, um, the resources internal to the National Labor Relations Board including the Office of Administration, the CIO, so the technology branch, and privacy counsel to ensure that we are complying with any law that would require us to turn over anything but otherwise making sure that we are protecting information.

TAMMY BALDWIN: All right. And if confirmed, will you comply with requests for information from any investigations or litigations regarding this matter?

CRYSTAL CAREY: So, if confirmed, we would need to do a full analysis of what the request was and from whom it was from. But ultimately, I would comply with any, you know, legal requirement to provide.

TAMMY BALDWIN: OK. Thank you. Um, uh, Miss Panuccio, I appreciate your taking the time to meet with me, uh, earlier this week. Um, when Congress created the EEOC, we designed uh the agency to be independent from the executive branch. However, in our meeting, you indicated that you believe that the EEOC is not an independent agency and is instead controlled squarely by the president.

And I want to understand how far you think that power extends. If the President directs the agency to no longer pursue any claims of sex-based discrimination on behalf of women, would the agency have to stop all such investigations and bring no future cases?

BRITTANY PANUCCIO: Senator, thank you for your question. I enjoyed our conversation, too. Um, the EEOC is an executive branch agency as it has been held out to be --

TAMMY BALDWIN: So, if the president directs the agency to no longer pursue any claims say of sex-based discrimination on behalf of women, would the agency have to stop all such investigations and bring no future cases?

BRITTANY PANUCCIO: Well, as an executive branch agency, the president is the head of the executive branch, and the agency has a finite amount of resources --

TAMMY BALDWIN: Is that a yes?

BRITTANY PANUCCIO: And prosecutorial discretion. So, it can direct those resources as it best sees fit to execute its mission.

TAMMY BALDWIN: So, was that a yes?

BRITTANY PANUCCIO: The EEOC as an executive branch agency does respond to the president --

TAMMY BALDWIN: All right.

BRITTANY PANUCCIO: As the head of the executive branch.

TAMMY BALDWIN: OK. Um, I would ask by the way unanimous consent to enter into the record a letter opposing, uh, Miss Panuccio's nomination signed by 45 civil rights and worker rights organizations.

BILL CASSIDY: Without objection.

TAMMY BALDWIN: Thank you. Thank you.

BILL CASSIDY: Although normally we go back and forth, I have to be here anyway, so I'm going to let Hickenlooper go before me.

JOHN HICKENLOOPER: Thank you, Mr. Chair. Um Doctor Christine, uh, Secretary Kennedy announced that, uh, he had plans for the department to mine, quote, unquote, mine, extract, and utilize the data from Medicare and Medicaid claims to inform his investigation into the causes of autism. Um, now, this database would include information, uh, from wearable devices like an Apple Watch or, uh, an Aura ring, things like that.

Now, as a physician -- and obviously I think you obviously understand the -- the value of personal health privacy. Um, does this concern you?

BRIAN CHRISTINE: So, Senator, number one, thank you for being here, sir. Uh, I'm sorry we didn't have the chance to meet. Uh, you know, in terms of pursuing the -- the Make America Healthy agenda, we know that that the secretary is absolutely committed to doing that, to collecting data and operating from a position of science.

I have not spoken to the secretary or heard specifically his thoughts about the wearable devices, and I would want to do that before I make comment. And if confirmed, uh, I commit to you that I would certainly have that discussion and be happy to discuss that with you again.

JOHN HICKENLOOPER: Sure. And make a commitment to ensure that the database, um, and all these other collection efforts at the HHS uphold the highest levels of -- of privacy.

BRIAN CHRISTINE: Well, we absolutely want to respect patients privacy, and we absolutely want to pursue the ending of chronic diseases.

JOHN HICKENLOOPER: Great. Thank you. Um, Miss Carey, the president's budget request proposed cutting NLRB by 14 million, roughly 5 percent of the budget. Now, according to the agency's budget plan, uh, NLRB said it will lose almost 100 employees in the next fiscal year through buyouts and early retirements. Are you worried that these cuts are going to uh -- obviously, they include the general counsel's office.

Are they going to impact the ability for the board to -- to really do its job effectively?

CRYSTAL CAREY: Thank you for the question. One of the things that I want to do, and I've discussed a couple of times, is I want to make sure that there's a full organizational assessment performed for both the field and headquarters to ensure that staffing is appropriately used so that we can respond to cases in a timely manner.

So, while I wasn't privy to what the background was on how they got those numbers or where they landed, I look forward to, if confirmed, working with the agency to ensure that we're properly staffed.

JOHN HICKENLOOPER: OK. Fair enough. Um, Doctor Christine, HHS has released an updated guidance on the eligibility of -- eligibility for the COVID-19 vaccine. Some groups of individuals who've previously been covered now will not be covered, uh, or likely will not be covered. Um, and this has caused a certain level -- significant level of concern between patients and providers, uh, as to which vaccines will be covered by insurance and who might be forced to pay out of pocket for those costs.

So, are you concerned that this is going to require physician offices to do, you know, even more administrative burdensome work, uh, to figure out who has coverage, who doesn't, uh, while at the same time doing all the things you've got to do provide medical advice, you know, make sure you're taking care of that patient?

BRIAN CHRISTINE: Sure, Senator. Thank you so much for that question. Secretary Kennedy has always been clear, and he believes we need to follow the science when it comes to any kind of medical therapy, and that would apply to vaccines and to immunizations. Regarding what is recommended or what is on the schedule, we know that science is not static.

Science is dynamic. It change -- it can change over time, and certainly the secretary wants us to be able, if science in the future and data leads us down the road where we need to make changes to the schedule, for instance, that we'd be willing to pivot and do that if science leads us in that direction.

We always want to be responsible to do that. Uh, in terms of coverage of the vaccines, of course, what's recommended is going to be covered, but we have to be able to pivot. We have to be able to change if -- if we find a need to do so in the future.

JOHN HICKENLOOPER: And how do you look at -- when you say science directs us, when there's a disagreement within the scientific establishment, how do you look at distilling out what it is that science is telling you?

BRIAN CHRISTINE: Yes. I think that's an excellent question. Thank you. One of the hallmarks of -- of data that can be trusted or believed is reproducibility, and certainly Doctor Bhattacharya spoke to this during his hearing that, if there is let's say two sets of data that may not agree 100 percent, we have to have reproducibility.

In other words, we can always do more studies, more science to try to figure out what is reproducible and what is actually true. And that's probably the best way to figure out what the right answer is.

JOHN HICKENLOOPER: Well, certainly part of it. That's part of a longer discussion. Probably need some medical assistance.

BRIAN CHRISTINE: Well, I'm a urologist. I can't help with a cough. I'm sorry about that. [Laughter]

JOHN HICKENLOOPER: I appreciate that. I yield back to the chair.

BILL CASSIDY: Somehow, I think as your urologist may have asked you to cough, but that's OK. [Laughter] I'll finish. Kind of one of the nice things about being last is that you don't have a time limit, and so I may go a little bit longer than five minutes, but that's why. Doctor Christine, I really enjoyed our visit. Um, you had mentioned -- I think you used the term, uh, to be an evangelist for those things that would make America healthy again and to follow the science.

Now, the science clearly reproducibly over and over again have shown that vaccines are safe and that vaccines do not cause autism. And there's always this little bit of chatter out there. But when it's looked at by the mainstream of what the medical scientists look at, it's considered two, three, four standard deviations out.

And the data over and over again reproducibly shows that they're safe and do not -- are not associated with autism. Right now we have a measles outbreak. We had two children die of vaccine preventable diseases in West Texas. We had a pregnant woman lose her baby in Canada because she was exposed to someone who did not get vaccinated for measles, showing that we have a mutual responsibility.

Just saying get vaccinated if you want to doesn't work for the pregnant woman who is then exposed, and she loses her baby. And we're both pro-life, but you don't have to be pro-life to see that as an incredible tragedy. Are you willing to be an evangelist to tell people that vaccines have reproducibly been shown to be safe and that, by golly, you should be vaccinated so we don't lose another child?

BRIAN CHRISTINE: So, Senator, I too enjoy the time we had together, and, Doctor Cassidy, I truly appreciated that day. Uh, as I've said here before the committee, I believe that vaccines save lives. I believe strongly that vaccines are an important part of our armamentarium as we promote public health and prevent disease.

And if even one individual dies from a preventable disease, a disease that could be prevented by vaccination, that's certainly one too many. And I believe Secretary Kennedy feels that same way. Uh, I will certainly use my position, if confirmed as the assistant secretary for health, to promote the health and the wellness of people in this country.

I believe that vaccines are important. I believe that vaccinations are appropriate. My child is vaccinated. I also believe very strongly that vaccines, like any kind of medical therapy, are individual, and of course there are going to be inherent risks and benefits with any medical therapy.

BILL CASSIDY: Let me stop you for a second. Of course, there's always risk, but there's been a lot of emphasis upon the risk, but no emphasis upon the risk of not being vaccinated. People don't die from getting vaccinated with measles. They just don't. People do die if they don't get vaccinated or they have a chronic condition which shows up 13 years later or if the child that was in utero when exposed is born may end up mentally retarded when otherwise they would have lived a long life.

So, I agree with you that there is this kind of set of side effects, but I think we would both agree, because you mentioned earlier, you're basically an applied biologist, that the overwhelming weight of evidence is that these vaccines are safe. They are effective. They prevent death. They prevent chronic disease.

Would you be an evangelist on that, man [sp]?

BRIAN CHRISTINE: I will absolutely be an evangelist, uh, that vaccinations are important. Vaccines do save lives. I personally would recommend the measles vaccine. I believe that Secretary Kennedy is now doing the same, and so I will use that position to be an evangelist to help individuals understand and to bring them to want to pursue the appropriate vaccination schedule and what's right for them.

So -- so, I guess the short answer to your question is yes.

BILL CASSIDY: Um, Miss Carey, I'm not an attorney. I'm a gastroenterologist. Like, what do I know about law except I don't like attorneys? No offense. Um, I listened with no -- I listened very carefully to your exchange with Doctor Hawley -- Mr. Hawley. I'm sorry. Uh, I'm into it now with Christine. Um, so, am I to say that if -- see, if I interpret this correctly, because Hawley had some points there.

If there is a regional staff that investigates a claim upon the issue upon, you were saying, well, there's prosecutorial discretion that the regional staff would have the ability to pursue that claim under the current precedent, or were you saying that, no, you might pull that from them based upon your own discretion?

I don't know. I'm just asking.

CRYSTAL CAREY: Thank you. Um, the answer is -- the way that you presented it is correct. So, once a new claim would come up in relation to the captive audience decision, the accident precedent is the Amazon decision. So, in terms of conducting the investigation to determine whether or not there was merit, yes, they would base it on current board law.

However, prosecutorial discretion rests with the general counsel, so there are many ways in which the act can be effectuated. It can be a withdrawal. It can be a dismissal. It can be to issue complaint. It can also be to make new arguments, to present them to an administrative law judge likely would lose --

BILL CASSIDY: Accept that. I accept that. But if Holly were still here, how would you allay his concerns that it would be your own discretion independent of the inertia of the precedent that would establish the course of action?

CRYSTAL CAREY: Correct. I mean, I believe that the agency is an independent agency, and I believe that the authority to make those prosecutorial decisions lies with the confirmed general counsel. And I would use that knowledge that I have that I've garnered over the last 15 years of being, you know, a board agent for over half of that and was working practitioner, my knowledge of accident board law to make a determination backed on the -- based on the facts of that case whether or not to pursue a different standard or to continue under the precedent.

BILL CASSIDY: OK. I think he's a little concerned that that personal belief might put a thumb on the scale. Now, again, as I followed that, um, and maybe that's inherent in the definition of discretion.

CRYSTAL CAREY: I understand his concern, and I understand what you're saying. I'm not going to back away from something that I've said publicly, um, in relation to a decision, but I take my job, if confirmed -- as a civil servant, I took it very seriously when I worked there for nine years. I think it's important. It's a role, and those individuals all have personal opinions.

But every day when they come to work, they know what their job is, and their job is to effectuate the act. And I take that seriously, and I am committed to fulfilling that role, as well, if confirmed.

BILL CASSIDY: And I think you pointed out that previous -- certainly the previous person in this role used that discretion, as well.

CRYSTAL CAREY: Certainly. There are about 12 pages of cases that were overturned.

BILL CASSIDY: Yeah. OK. Well -- hang on. Where's my -- oh. I'd like to submit to the record, um, support for Mr. Panuccio's nomination from a group of civil rights attorneys and practitioners with extensive experience in employment law and federal civil rights enforcement and policy for her to serve as EEOC commissioner.

And I acknowledge that this is submitted without objection. For any Senator wishing to ask additional questions, questions for the record will be due at 5 PM tomorrow, July 17th. Thank you all for being here. The committee stands adjourned.

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