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**UPDATE ON THE IMPLEMENTATION
OF RECOMMENDATIONS OF THE
INDEPENDENT REVIEW COMMISSION
ON SEXUAL ASSAULT IN THE MILITARY
AND THE ESTABLISHMENT OF THE
OFFICE OF SPECIAL TRIAL COUNSEL**

HEARING

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON MILITARY PERSONNEL,
Washington, DC, Wednesday, September 21, 2022.

The subcommittee met, pursuant to call, at 2:49 p.m., in room 2118, Rayburn House Office Building, Hon. Jackie Speier (chairwoman of the subcommittee) presiding.

OPENING STATEMENT OF HON. JACKIE SPEIER, A REPRESENTATIVE FROM CALIFORNIA, CHAIRWOMAN, SUBCOMMITTEE ON MILITARY PERSONNEL

Ms. SPEIER. Good afternoon, everyone. Welcome.

We'll call the committee—Military Personnel Subcommittee to order, and this hearing today is about the—an update on the implementation of recommendations of the Independent Review Commission on Sexual Assault in the Military and the establishment of the Office of Special Trial Counsel.

We are delighted that you are all here. This is a very important hearing because, in fact, we are doing a benchmark review of the work of the DOD [Department of Defense] as it implements these particular recommendations.

As you all know, the Independent Review Commission [IRC] released their report in July of 2021 so it's important that we closely monitor implementation of those recommendations.

Also, last year's Defense Authorization Act included historic military justice reforms. So we need to ensure that the implementation of those provisions is closely aligned with the IRC's recommendations.

The implementation of the 82 IRC recommendations is urgently needed because the situation is increasingly dire. The crisis of military sexual assault and harassment continues unabated.

The fiscal year 2021 Department of Defense Annual Report on Sexual Assault in the Military delivered catastrophic news. Over 8 percent of Active Duty women and about 1.5 percent of Active Duty men indicated experiencing some form of unwanted sexual contact.

For women, this is the highest prevalence rate reported—the highest prevalence rate reported—since the annual study was instituted, and the news doesn't get better.

In 2021, the survey results also found that 29 percent of service women experienced sexual harassment—29 percent—a 5 percent

point increase—and men and women alike experienced greater workplace hostility compared with findings in 2018.

There have been plenty of studies that have indicated that sexual harassment begets sexual assault. Service members' sexual assault reports increased by 13 percent in 2021 compared to 2020, yet the overall rate of those who experienced sexual assault and came forward to report has decreased.

So it's really the perfect storm, the worst of the worst, because you have numbers going up and you have reporting going down.

Finally, and alarmingly, the data also shows that trust in the military to protect privacy of victims, ensure safety, and treat victims with dignity and respect is also going down.

It's vital for the Department and services to implement and execute the IRC's recommendations expeditiously for the readiness of our force and the safety and well-being of our service members.

It's essential for our military leaders to address the culture of harassment and mistrust, to teach our service members they can not only trust their leaders enough to follow them into harm's way but to also protect them from danger within the ranks.

Sexual assault and harassment in our military is a readiness issue. It makes our force less lethal. It makes recruiting a challenge. It makes young men and women scared to serve.

In fact, a July 2022 memo from the Army showed that the propensity to serve has gone down 9 percent and the reasons include 34 percent do not like the lifestyle and 28 percent fear the issue of sexual harassment and sexual assault.

We cannot protect and defend the United States when we are protecting and defending our own service members from the enemy [within].

We cannot ask our children to serve when their parents can't be sure their commands won't protect them from abuse. You know, I've spent the last 10 years battling this cancer and with the most recent report I know we still have a long way to go.

But I also know the Department is working hard to implement new prevention strategies and a completely new and independent military justice system to eradicate this scourge is in the process of being stood up.

I feel confident that if the Department of Defense keeps their foot on the pedal and Congress doesn't turn a blind eye, this is the beginning of the end for those who wish to harm their brothers and sisters in arms.

I will not be sitting as chair of the Military Personnel Subcommittee come next year but I implore my colleagues to regularly provide oversight on the implementation of the IRC's recommendations.

I will still be watching and I will still be speaking out. I will make sure the voices of our service members are heard and heard loudly.

I'd like to hear from the first panel the status of the IRC's recommendations and implementation. What has been completed so far? What is going well? What challenges you're facing? What are your timelines for full implementation? What resources do you need to get this right—what resources you need to get this right for our service members.

For the second panel, I'd like to hear how your military departments plan to execute DOD's IRC implementation plan and what progress your services have made in implementing military justice reform.

What are your timelines? What resources do you need? Additionally, how are you going to increase trust in your military leaders?

What cultural changes do you intend to make so that the military really is a place that treats all members with dignity and respect?

Before I introduce our first panel, I'd like to offer the ranking member, Congressman Gallagher, an opportunity to make opening remarks.

[The prepared statement of Ms. Speier can be found in the Appendix on page 43.]

STATEMENT OF HON. MIKE GALLAGHER, A REPRESENTATIVE FROM WISCONSIN, RANKING MEMBER, SUBCOMMITTEE ON MILITARY PERSONNEL

Mr. GALLAGHER. I thank the chairwoman, and I share your concerns about, let's say, the sense of urgency or lack thereof at times in addressing these challenges facing service members, their leaders, in our military.

The IRC was created by the Biden administration to evaluate the handling of sexual assault, harassment, and victim support in the military and some of the commission's recommendations, I think, are worthwhile but others I find problematic.

The Department has used the IRC to legitimize a wave of new regulations with minimal involvement from the legislative branch. DOD's own press releases and testimony highlight that IRC recommendations, quote, "have or are being implemented wherever possible," unquote.

Unfortunately, that implementation has come with minimal planning, arbitrary goals, and little regard to staffing requirements. For example, I was troubled to learn that the Department has plans to hire nearly 2,000 so-called prevention workforce staffers over 7 years while there's still no coherent plan for a new prevention program.

Now, the impetus behind these new hires is, as was explained to us, concerning new sexual assault prevalence data and, indeed, it's very concerning.

Recent DOD survey data shows that the prevalence of unwanted sexual contact has increased from 6.2 percent to 8.4 percent.

Moreover, it indicates that over 60 percent of sexual assaults go unreported. The same data also show that service member trust in the military justice system has plummeted in the last two years after being stable for a decade.

As the chairwoman pointed out, there was nearly 30 percent—a nearly 30 percent drop in key metrics centering around leadership, privacy, trust in military justice.

That's a big alarm bell, I think, for all of us. And I'm concerned, however, that we have torn down rather than built up the role of leaders at the ground level in supporting and embracing victims or in being leaders at all in a meaningful sense.

We need policies that give victims and leaders clarity. But funneling victims of trauma into a, let's say, cold or clinical or overly bureaucratic program that's divorced from leadership may not always be the best answer. And it's my belief that leaders on the ground are best positioned to rebuild the sense of trust, security, and privacy.

This committee needs to know if those leaders are empowered to act or encouraged to take a hands-off approach to helping victims. And I think that driving—this may be driving the perception that leaders aren't involved or don't care.

I'm also concerned that burnout among professionals who support victims is also on the rise and, apparently, much of this burnout was driven by COVID restrictions that prevented, for example, in-person victim services.

So, hopefully, some of that pressure will ease now that pandemic restrictions have been lifted. But DOD is now pressing ahead with a massive military justice and prevention workforce hiring plan.

And, again, in my opinion, we don't have a clear plan delivered by DOD for what these new hires intend to accomplish, how the roles of uniformed personnel will change, and how these changes will impact military career paths.

So the standard response that we have heard from the administration of more bodies, more PowerPoints, more offices, quite frankly does not fill me with confidence. But I hope to learn today that the Department has a coherent plan for responding to these trends.

And I thank you, Madam Chairwoman, and I yield back.

Ms. SPEIER. I thank the ranking member.

Let me just add, though, that one of the most significant changes is taking these cases out of the chain of command and creating Special Trial Counsel so that our service members will have the confidence in knowing that they're going to go to an independent source for both investigations and evaluations as to whether or not action should move forward for a court martial.

So I don't think for a moment we should somehow suggest that that is not valuable.

The other thing that's really important to point out is the reason why we have professionals now who are going to be focused on prevention is that before it was a collateral responsibility so it wasn't taken seriously.

They weren't necessarily professionals. They weren't even interested in doing the job. Some of the SARCs [Sexual Assault Response Coordinators] were even found guilty of sexual assault and sexual harassment.

So professionalizing this universe, I think, is very important.

With that, I welcome our first panel.

The Honorable Gilbert Cisneros, the Under Secretary of Defense for Personnel and Readiness at the Department of Defense. He is no stranger to us since he used to sit with us. We welcome him here today.

STATEMENT OF HON. GILBERT R. CISNEROS, JR., UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, DEPARTMENT OF DEFENSE

Mr. CISNEROS. Chairwoman Speier, Ranking Member Gallagher, and distinguished members of the subcommittee, thank you for the opportunity to discuss the status of DOD's implementation of recommendations approved by Secretary Austin from the 2021 Independent Review Commission on Sexual Assault in the Military, also known as the IRC.

Madam Chair, as I know you are departing Congress at the end of this term, I want to begin by taking the opportunity to thank you for your extraordinary public service and your dedication to our armed services.

Your legislative accomplishments, passion, and constant dedication to work with the Department has made us better and improved lives of countless service members, so thank you. Most importantly, you have stood up for those who have often most in need—or in most need of allies and support.

Your exceptional advocacy will be forever appreciated by service members now and many years into the future. Indeed, the historic and unprecedented nature of the reforms we are discussing today, which lay a foundation for progress that will outlast each of us, are in no small part because of your leadership.

Since day one on the job Secretary Austin has made addressing sexual assault a top priority. In September of 2021, he signed the Implementation Roadmap Memorandum that directed a comprehensive approach to implementing the IRC recommendations across four tiers.

These tiers represent the Department's efforts to implement necessary enhancements to infrastructure, apply best-in-practice strategies, expand or endure programs and practices, and expand programs and policies outside of the DOD's purview.

To ensure expedient, methodical, and standardized implementation of the IRC reforms, OSD [Office of the Secretary of Defense] has worked closely with the services to provide guidance and oversight mechanisms to ensure implementation stays on track.

These mechanisms include the IRC Outcome Metrics Evaluation Report, which provides a framework for tracking implementation and effectiveness, and regular progress reviews through senior leadership forums that include membership from across OSD and the services.

The level of oversight is a significant departure from previous reforms efforts in this area, and not only are we making progress, we are building the infrastructure needed to make real lasting change and rebuild trust with our service members.

To this end, we are implementing a brand new specialized and dedicated prevention workforce, which at full operating capacity will include over 2,000 personnel stationed around the world.

The Department has worked to create a targeted recruitment plan to support the services in their hiring efforts, and I established a dedicated direct hiring authority, which I signed out last week, to more quickly identify and onboard these prevention workforce professionals.

We are also working closely with the military services to professionalize the Department's victim response workforce, which includes ensuring we have the capacity to focus on victims, ensuring independence of our response workforce by placing it outside of the chain of command, and standing up our Training Center of Excellence to standardize skills-based training across the services.

Another significant undertaking at the Department is military justice reform through the implementation of the Office of Special Trial Counsel, which I know you will hear about in greater detail from the next panel.

This effort will ensure independent expertise in prosecutorial decisions and is essential to the restoring of trust and to hold perpetrators of sexual assault accountable.

The fiscal year 2021 Annual Report on Sexual Assault shows what our prior activities in the IRC on Sexual Assault in the Military have already documented: Sexual assault and sexual harassment remain persistent and corrosive problems in our force.

While the numbers are deeply disappointing, they largely reflect the climate before the Department began implementation of this historic reform. The findings of this report reinforce the urgent need to continue these unprecedented actions the Department has undertaken to address sexual assault in our military.

The Department has clearly heard from our service members that action and change are desperately needed, and the Department is answering that call. Getting this right requires we move [as] expeditiously as possible to implement change while also ensuring we do not rush to failure.

If we improperly rush now, we will not be able to pick up the pieces and establish trust with our service members again. Progress thus far has been made possible with constructive leadership emphasis, your continued engagement on the issue, deliberate programmatic and procedural changes, and resource investments.

Chairwoman Speier, we all recognize there is no one-size-fits-all solution to solve the problem of sexual assault and sexual harassment. But we have the resolve to [effectuate] positive and lasting change.

As Secretary of Defense Austin has stated on more than one occasion, we have a true opportunity to lead and we will.

Again, I want to express my gratitude to you and this committee for the leadership and support as we partner together on this critical issue. Thank you, and I look forward to your questions.

[The prepared statement of Mr. Cisneros can be found in the Appendix on page 45.]

Ms. SPEIER. Thank you, Under Secretary. I will now recognize myself for 5 minutes to ask questions.

Let me start with the independent investigations of sexual harassment. Can you provide us an update on the Department's efforts in this regard?

Mr. CISNEROS. Ma'am, thank you for that question. This is—the independent investigation is something that was part of the fiscal year 2022 NDAA [National Defense Authorization Act], that that be in there. We are making progress on that.

We are providing guidance to the services. We expect to have a policy in place very soon. But, you know, we are on track to meet

the timeline that was sent out in the—or the fiscal year 2022 NDAA to meet that process.

Ms. SPEIER. So there will be independent investigations. It won't be done under the chain of command by someone assigned within the unit to provide that investigation who is not skilled to do so?

Mr. CISNEROS. Yes, ma'am. You know, what we did is we took it a step further. The IRC recommendation was that we provide an independent investigator. What we have done is we have stated that we will provide an independent trained investigator to do these independent investigations.

But right now, as I've said, we are laying out the guidance for the services. You can ask the service as well. They're making progress on this as well. But what we will do, we are in place to meet the timelines that were set forth in the 2022 NDAA.

Ms. SPEIER. Thank you. I notice that Ms. Guillén is in the audience today. We all remember that her sister, Vanessa Guillén, was a victim of sexual harassment and then subsequently murdered and dismembered.

What progress has been made in adding sexual harassment reports to the Catch a Serial Offender [CATCH] Program?

Mr. CISNEROS. Thank you, ma'am.

You know, that was a recommendation of the IRC as well and it's something that we're working on. In regard to that, you know, we have run across privacy and policy concerns of implementation in that.

So what we are going to do is we're going to study this. We're actually going to commission a study to look at this and how we can implement this into the CATCH data frame base—or database, I'm sorry—at the same time trying to take care of those privacy and policy concerns that are out there. But it is something we are working on and we're working to implement.

Ms. SPEIER. You know, maybe for the record you can clarify what the privacy concerns are because the Catch a Serial Offender Program already exists for sexual assault victims and so that you do so voluntarily. So—and it is kept private except for those that are able to look at it. So maybe you can do that later and just report to us subsequently.

So you're going to be training 2,000 prevention specialists. As the new workforce is trained, where are you going to assign them first?

Mr. CISNEROS. Chairwoman Speier, our—you know, thank you for that question. The prevention workforce is an integral part of what we're going to do and what we need to do in order to gain trust with our service members.

This is something that we haven't done before is to have a professional workforce that's going to be dedicated to training not only our service members but working with the chain of command.

One of the things that we continually hear from the chain of command is they want to do the right thing but they don't have the tools. This is going to help provide them with the tools in order to do that.

So our emphasis is—what we have been able to do is we know those high-risk installations. They are our first priority. Those are the ones where as we build this workforce we want to make sure that they have the workforce in place first.

But as we continue to build the workforce we'll make sure that it gets throughout the military and that we have a prevention workforce that'll be throughout the—throughout our global force.

Ms. SPEIER. So you've already identified the high-risk facilities? Can you make that available to the committee as well?

Mr. CISNEROS. We can provide that to you, ma'am.

[The information referred to was not available at the time of printing.]

Ms. SPEIER. Thank you.

Command climate—let me just end with that issue. We spend a lot of money, a lot of time, on command climate surveys. They provide a wealth of information about what's going right and what's going wrong.

I want to know what progress is being made in implementing the recommendations in terms of creating what they call pulse surveys, which are short and can be actually rolled out very quickly; what corrective action plans; and how we're going to measure the climate at the unit level?

Mr. CISNEROS. Thank you, ma'am, for that question.

You're right on the—the command climate surveys are very important. It's a tool that we are reworking right now. The pulse surveys are going to be part of that survey as well as we kind of build this.

Our plan, going forward, is to kind of really use the command climate surveys, use the pulse surveys, and have the prevention workforce use this data to kind of implement plans, you know, at the local levels there.

So it's not really that we're doing everything at a national kind of one general way to kind of do everything. But they can construct things and kind of really build the curriculum and how they're training personnel based on the local research and data that they're getting from their command climate surveys.

Ms. SPEIER. So when will they be operational? When will you be actually rolling them out?

Mr. CISNEROS. Well, ma'am, we're in the process of building this right now. I think right now—it's something that we're building right now. We're working on it. We hope to have the—again, the instruction policy this fall as to how to go forward with that and carry it out.

Ms. SPEIER. Policy, but not the actual surveys?

Mr. CISNEROS. Ma'am, we're doing command climate surveys right now.

Ms. SPEIER. Right.

Mr. CISNEROS. We have always done those. But to how to kind of restructure them and to kind of rebuild them and kind of make them so that we can use them and that, really, the prevention workforce can use them, we're in the process of changing those right now so that we can come up with this new format and that should be ready this fall.

Ms. SPEIER. Okay. Thank you.

Ranking Gallagher, you're recognized for 5 minutes.

Mr. GALLAGHER. Thank you. So the most recent report that we both referenced on sexual assault in the military showed this alarming decline in trust in DOD systems and leadership.

Well, I guess, at the most general level, I would love your thoughts on what we can do to arrest that decline and also, in particular, how you will empower our uniformed leaders at the ground level to rebuild this trust.

Mr. CISNEROS. You know, thank you for that question there, Mr. Gallagher.

I think you're right on there. We need to build trust in our service members again. That is something that was clearly stated in the report that came out, that we are losing that trust and it's something that we need to do is to work to rebuild it.

That starts with leadership and it's going to start with leadership from the top. As I stated earlier, Secretary Austin has kind of from the beginning when he first came into office that he, you know, instituted the IRC. He recommended that we implement all 82 recommendations.

We have been in meetings where the service secretaries, the chiefs of the services, the Chairman of the Joint Chief have all—are all on board with this and they agree that we need to do this for—to take care of our service members and, really, as the chairwoman said, as well it is a readiness issue that we need to make sure that we are implementing.

As I've also stated, things—as I've traveled around and as other members of our leadership team traveled around, from what they're hearing from those commanders that are on the ground is they want to do the right thing but they always haven't had the tools to do that.

The IRC, the prevention workforce, is that tool that's going to enable them to do that and this is why it's so important because they're not only going to work with our service members but they're also going to work with the commanders that are on the ground, that are leading the troops, to ensure that they have the tools necessary to create a positive environment that's going to respect and make sure that every service member is treated with dignity there at the—on the ground.

Mr. GALLAGHER. I mentioned burnout among those who care for victims and the fact that it's increased during the pandemic. We now have the data to prove it. What do you think we can do to address the looming retention issues in these positions?

Mr. CISNEROS. Well, I think the burnout issue is definitely—you know, we overwork, I think, a lot of our service members when we assign them these collateral duties, and as the chairwoman had said, you know, a lot of time this is a duty that somebody is tasked with to do. They're given it to as while they're carrying out their regular duties as well.

What we see as the tool to kind of fix this is, again, the prevention workforce. By professionalizing and creating a professional workforce that's going to be able to work on this problem, that's going to be dedicated to doing prevention, and then later on as we are going to establish the response workforce, by having these dedicated workforces there that's going to relieve the burnout because people aren't going to be doing multiple tasks.

They are not going to be doing this as well as having to do this collateral duty as well. It'll be a professional workplace, you know, in existence that is there to do the training, to work with victims,

and it'll be in place there to kind of help and should help relieve some of the burnout.

Mr. GALLAGHER. So the 2,000 new professionals in this space, that's still—we still have to go out and find those people and hire them, right?

Mr. CISNEROS. We are working with—the services are working to hire them right now. Yes, sir.

Mr. GALLAGHER. Do we have any sort of timeline as to—

Mr. CISNEROS. Well, you know, we don't have an exact timeline. It is in our tier one as to what we want to do where, hopefully, we can make an impact coming up. We're hiring some this year. We are looking to make—really make an impact in fiscal year 2023.

The thing that will help us achieve that is to ensure that we have the funding in order to do that—you know, an appropriations bill, the funding in the CR that will help us build the infrastructure, help us, you know, build the professional workforce that we need. That'll help us achieve that goal and be able to get it done sooner, sir.

Mr. GALLAGHER. And that's for prevention, right? That's a prevention workforce—

Mr. CISNEROS. Yes.

Mr. GALLAGHER [continuing]. As opposed to the response?

Mr. CISNEROS. Well, the response workforce will come later, too. But, again, the resources to kind of build the infrastructure and build the workforce that we need we're going to continue to need those and to get those on time that'll enable us to kind of continue our work and get this done sooner.

Mr. GALLAGHER. Yeah. I think what I'm wrestling with is, you know, if we're taking a lot of this out of the local units, out of the chain of command, and into a different bureaucracy.

Okay. But leaders in those units still have a responsibility to create a healthy culture and environment every single day. So we just don't want them to be able to sort of, you know, put it on autopilot or say, well, that's someone else's responsibility. That's what my comments were intended to convey.

Mr. CISNEROS. No, I—you know, I agree with you. The commanding officer is always responsible for the climate in their chain of command and really who are—you know, they're responsible for the climate of their command. That's not going to change.

But, you know, as I stated earlier, when we're talking to commanders what we're hearing is they need tools that are going to help them better—you know, to provide the training that's necessary, to make sure that they know what's—what's needed, and creating that prevention workforce that's going to be there to work with the commanders, be able to work with our service members, that's what we're giving them through the IRC implementation.

Mr. GALLAGHER. My time has expired.

Ms. SPEIER. The gentleman yields back.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. Kim.

Mr. KIM. Yes. Thank you, Chairwoman.

Good to see you, Under Secretary. I wanted to just kind of—just get a deeper sense of just the architecture of what you're talking about.

You know, for instance, you were talking about the prevention workforce. You know, the chairwoman was asking about, you know, the pulse surveys. You talked about the curriculum.

I'm just trying to figure out how do I explain to, you know, folks in my district at—you know, at Joint Base McGuire-Dix-Lakehurst—how do I explain to them, you know, what they can expect to change, what resources they will be able to have.

Like, I'm trying to get a sense of what they should be expecting and I'm having a hard time understanding with the, you know, prevention workforce it sounds like you're building that up. It's the idea that you will have people then embedded at these different establishments that they can turn to, to be able to engage with.

But can you explain—just give us a little bit more greater detail?

Mr. CISNEROS. Thank you for that question, Congressman, and, hopefully, my statement here will help me clarify and, really, kind of be able for you to answer the questions of your constituents.

But, you know, what we're doing is being done on a scale that's never been done before. You know, we have assigned people tasked as a collateral duty in order to do this. Like, hey, you're going to do the training on sexual assault and harassment; hey, you're going to be the victims advocate if somebody has, you know, a need where they need to see somebody.

Our goal is to professionalize that workforce. It's going to be a civilian workforce. They're going to—the prevention workforce will do the training. And it's not just on sexual assault—you know, sexual harassment. They're going to cover child abuse. They're going to cover suicide prevention. They'll cover other subjects as well.

And they will be there to do the training, to work with the service members, to help guide them. And they're going to use that data from the surveys that we're doing, whether it be the pulse survey or the command climate survey to kind of create, you know, based on the information and data that they're getting, to really, you know, manipulate and kind of conform the instruction that they're going to do based on the research that they have.

You know, and the same thing with our response workforce when that eventually gets built. These are going to be individuals dedicated to work and to take care of individuals, to take care of victims when they're needed.

You know, by creating this professional workforce it's going to enable them to kind of be dedicated to the tasks that they have, the job that they have, unlike today where it is a collateral duty for a lot of individuals that they have to do this, right, outside of their main core, you know, job that they have.

Mr. KIM. So the idea is that there'll be a point person or your team at, for instance, this joint base that then will be working on establishing the training curriculum and so forth for the entirety of the service members in the community there at the base. Is that about right?

Mr. CISNEROS. It is. It'll be a team of individuals. You know, we're going to have people there, you know, at the installation level, at the command levels, you know, people working with—at the unit levels that'll go and will do this training and make sure that, you know, everybody understands what's expected of them,

that our service members, you know, we expect to be treated with respect and dignity.

They're going to, you know, basically, teach them right from wrong and what needs to be done and, really, how we can treat each other and make sure that we're taking care of our team members.

Mr. KIM. What feedback are you getting from the different services in terms of the implementation of this? I'm curious—you know, we'll be hearing from them as well but I'm just kind of curious from your position, your perch, what are the major challenges that you've been hearing from them in terms of how this will be implemented?

Mr. CISNEROS. You know, I'll say the services have been on board with this—you know, when we put out the POAM [plan of action and milestones] requirements they met those requirements. They're working hard. We meet—you know, they're working hard to make sure that we get this plan implemented.

You know, I meet with the Under Secretaries on a regular basis where this is a topic that we discuss. Again, I mentioned—referenced a meeting that the Secretary had with the service secretaries as well as the service chiefs on this. And so it's receiving all the attention from the top level down and they're working hard to implement it.

Again, I think, if the services have concerns and, you know, you would be better to address, you know, that question to them. But I think—

Mr. KIM. Well, you raised some—you raised—

Mr. CISNEROS [continuing]. Ensuring the—

Mr. KIM [continuing]. Some of the challenges when it comes to, you know, in terms of manpower, for instance—

Mr. CISNEROS. Right.

Mr. KIM [continuing]. You know, to have personnel, you know, what are the—I'm sure there's a funding challenge. What are the main challenges that—

Mr. CISNEROS. And, you know, Mr. Kim, I think you're right on there, right, and that's what I was getting ready to say is that I think if—you know, I don't want to speak for them but, you know, what I'm hearing from them is to make sure that we have the resources, that we have the funding, to implement the plan and build the infrastructure and hire the workforce that we need and that they're expecting to do, and to have it done on a timely manner.

You know, if—you know, last month or—I'm sorry, last month—last year—last fiscal year we didn't get appropriations for this until 6 months into the fiscal year. You know, if that's going to happen again, then, you know, that's going to set us back.

Mr. KIM. Okay. Thank you. I yield back.

Ms. SPEIER. The gentleman yields back.

The gentlewoman from Texas, Ms. Escobar, is recognized for 5 minutes.

Ms. ESCOBAR. Thank you, Madam Chair, and so wonderful to see you, Mr. Cisneros. Thanks for the time that you're taking today and thanks for the ongoing dialogue that we are having on a number of issues.

And I want to raise something that I have raised with you and that I have been in conversations with the chairwoman about. I want to make sure that the subcommittee is—I want to make sure that the subcommittee also is aware.

But for the subcommittee's purposes, I wanted to share with you a story from Fort Bliss. There was a service member, Christian Alvarado, an Army Private First Class, who was accused of sexual assaults and during questioning he acknowledged that he had had sex with another service member when she was severely intoxicated and could not—obviously, that was sexual assault.

Despite that admission, he was not detained on pretrial confinement and he then went on to sexually assault another person.

And pretrial confinement is, obviously, in the military different from the way that it exists in civilian life. Under other circumstances in civilian life, someone would have access to bail and so they would be able to post bond and get out even though they were under pretrial detention.

But in the military it is essentially taking away someone's liberty completely without access to bond. So it is a serious decision to make.

However, it does seem to me that this is something that we need to explore a little bit further. I, personally, would like to do a deep dive on what happened at Fort Bliss, why this individual, Mr. Alvarado, was not placed in pretrial confinement.

I would like for leaders at the Pentagon to take a deep dive on that as well and to take a look at whether we need to change policy, whether this needs to be part of a larger or an additional package of reforms that we might have to legislate on.

But, Mr. Cisneros, you and I talked about this. I'm wondering if you have any thoughts that you can share with me or the committee on this.

Mr. CISNEROS. Congresswoman, you know, one of my goals and one of the things I'm striving for in this position, right, is to ensure that we're taking care of our service members, that we're taking care of their families.

It's very important to me as I know it is to you and the other members of this committee to ensure that they're treated with dignity and respect and that, you know, those that are serving their country should be able to serve without, you know, the risk or any, you know, thought of sexual harassment or sexual assault or any type of harassment.

And so we want to ensure that we're taking care of that, our service members, and that we're doing what's right by them and that we are protecting them, and I can guarantee you that I will be working on that to ensure that we do that.

In regard to how we can change and make differences there, I think those are questions that are better answered by the Judge Advocate Generals of the services as to what we can do as—in really pertaining to the—you know, the case that you mentioned as to why that individual wasn't held in pretrial confinement.

But we can take that for the record and, really, kind of bring it up to the Judge Advocate Generals and really kind of see what they can do and what options they may have to kind of, really, address this issue, going forward.

But I can guarantee you that taking care of our service members, taking care of our families, is a top priority of the Department of Defense and we want to ensure that we can do what we can to make sure that it happens.

Ms. ESCOBAR. I appreciate that, Mr. Cisneros, and really would love to further engage on, you know, whether what—you know, reform could and should look like, going forward.

So thank you so much, Madam Chair. I yield back.

Ms. SPEIER. The gentlewoman yields back.

The gentlewoman from Pennsylvania, Ms. Houlihan, is recognized for 5 minutes.

Ms. HOULAHAN. Thank you, Madam Chair, and I also want to recognize that this may be your last chairing of this hearing. I hope that we will do this again in December but if we for whatever reason don't, I just wanted to express my appreciation and gratitude for the work that you've done and the path that you've blazed for all of us.

You will definitely be missed and I hope that we will continue on in your model of leadership.

I also very much appreciate the chance to see you, Mr. Cisneros, again on the other side, so to speak. My questions have to do with the prevention workforce and response workforce, and I'm trying to put my hat on as an operator and also as a veteran and trying to figure out how to build out a workforce that hasn't been done before, and you guys are effectively doing that across all of the services.

And in trying to think that through, some of the data that you all have shared is that 32 percent of women and 31 percent of men do not report due to lack of trust, and so I guess we theoretically have some idea of the magnitude of the size of the problem that we're talking about in assault, and you also mentioned that these folks will be doing suicide prevention and all sorts of other services as well.

How did you scale the size of the workforce that you think you need? How did you determine that number? How will we at various points—pressure points, checkpoints—be testing to see if that workforce is either rightsized, oversized, or undersized so that we might realize that we have overclubbed or underclubbed?

And what kind of metrics are we using to understand the efficacy of these groups or is this something that we're building on the fly?

I know that I've asked a lot of questions. My next and last question is, this isn't a unique issue. There are many large organizations, mostly for-profit organizations, in this country and in the globe that are doing this kind of reckoning and adjustment as well. Are we tapping into our civilian counterparts to understand what best practices are there?

Mr. CISNEROS. Thank you for that question and, again, you know, taking care of our service members and making sure that they are treated with respect and dignity is our top priority, and creating this prevention workforce and helping us get left of the problem, I think, is a step in that direction—that it's really going to help us build trust with our—you know, with them so that we can gain back trust and this is not something where we can—we can't fail at this.

We must lead at this and that's really what we're doing at the Department of Defense and the Secretary, again, has really kind of done this since day one, going out forward and kind of implementing the IRC, that we need to go and do something about this problem.

You know, we are looking at research-based solutions to do this. This is—we're not—this is not something that we just kind of thought up or just going with the IRC recommendations.

But, you know, we are working, using research to inform the decisions that we make and really how we're building the workforce, both looking at information that's been provided by the Center for Disease Control—the CDC—as well as also kind of looking at what's being done out there in the private sector as to how we can do this.

But how we kind of decided at this number and what was the right number was we actually told the services that they need to go out and they need to do manpower studies to kind of see what would be the right number that they would need at every installation to make sure that we're able to serve every command.

You know, the other thing that we're doing around this that we have never done before is that we have included the National Guard and the Reserves as well. You know, the National Guard is a big part of this and we are also ensuring that they are going to have a prevention workforce, which has never been done before.

Ms. HOULAHAN. And you mentioned that you had sort of already identified certain—and you mentioned this when we met as well, certain places that you were going to start with, given that you're going to have a runway onto insights, you know, early on, will there be, you know, check backs and reevaluations that are ongoing? I would assume so.

Mr. CISNEROS. Yes. You know, I think—you know, we're building this but not everything is set in stone, right. I think it wouldn't be right by us or done the right way if we said, hey, this is the way it's done and this is the way we're going to do it.

We need to take back and look to see what's working, what we can improve. I think that's part of our process. It is part of our process is to how we plan to move forward to ensure that we are correcting ourselves as we move along.

Ms. HOULAHAN. Yeah.

Mr. CISNEROS. And as you said, like, around, you know, maybe we do need a higher number. Maybe it doesn't need to be as high.

Ms. HOULAHAN. Yeah, and I hope to have the conversations later on and see the successes later on to be able to ask the same questions again and see what the answers are.

With my remaining time, I know that labor is going to be a huge issue. The civilian economy has a very low unemployment rate. What are you doing?

I guess I've run out of time, largely, but I would like to know for the record maybe what you're doing to entice people to take this responsible job rather than some other similar responsible job.

And I yield back.

Ms. SPEIER. The gentleman can answer the question.

Mr. CISNEROS. Thank you, Madam Chairwoman.

You know, we're doing several things. As I stated, you know, I just signed out direct hire authority—that we're going to use direct hire authority to go out and allow the services to hire the personnel into these fields.

We're working with colleges, universities. Georgia State, for example, has been a university that we have worked with—been working with to create an internship program and build a pipeline as to see how we can bring people in from colleges into this workforce.

And so, you know, as you said, there are challenges, you know, with the economy being—doing as well as it is with unemployment being as low as it is. But, you know, we have to get out there after this.

We're going to do [inaudible]. You know, we want to show people that the Department of Defense can be an employer of choice. That's something we're working for. And this is a totally different issue but it's something we are working to strive there to show that we can be that employer of choice for individuals that want to come and serve their country. It doesn't always have to be in uniform. There are other ways to do that.

Ms. SPEIER. Thank you. The gentlewoman yields back.

The gentlewoman from California, Ms. Jacobs, is recognized for 5 minutes.

Ms. JACOBS. Well, thank you, Madam Chairwoman, for all of your leadership on this important issue, and I'm told we will have one more hearing so I'm not going to give my final goodbyes just yet.

But Mr. Cisneros, good to see you. One of the IRC recommendations is to allow survivors flexibility to take nonchargeable time off for seeking services or time for recovery from sexual assault. Will the DOD allow service members this critical time off to help recover?

Mr. CISNEROS. Ma'am, you know, definitely, I think anytime we have—again, sexual assault is a behavior that's unacceptable in our U.S. military. The victims that have to suffer through this is not something that we are—that we want and we need to change this behavior and that is the big focus that we're doing.

But in instances where, you know, any individual has been assaulted or where they need time off, you know, by going to the medical—we want them to go to the MTFs [military treatment facilities]. We want them to be treated.

We want them to be seen by a physician so that they can get that time off and ensure that they're getting treated properly and have the proper time off in order for them to recover.

Ms. JACOBS. Thank you. I wanted to ask you—I, as you know, represent San Diego. So we have got a lot of family members and folks who serve in the Marine Corps and I have to answer to their parents about how they're doing and, unfortunately, the Marine Corps has the worst sexual assault and sexual harassment rates in the DOD with 13.4 percent, or 2,204, women service members who reported their incident to DOD.

In your assessment, why do they have the worst record? Is it a command issue, a climate issue, culture, leadership, and what are

you doing to fix it so that I don't have to keep answering these questions from my constituents?

And, you know, the Marine Corps has, unfortunately, long had the highest rates of reported harassment. So this isn't a new problem.

Mr. CISNEROS. You know, Representative Jacobs, we don't want you to have to keep answering those questions. You know, every individual that sends their child away to serve their country should be expected that that child is going to be treated with respect and dignity, that they're going to be taken care of, that they're going to be safe.

I mean, obviously, there are risks, you know, to a professional military career but sexual assault, sexual harassment, should not be one of those. And it's going to take—you know, again, it's going to take leadership at the top and we have that leadership at the top that is dedicated to making this change.

We are trying to, you know, implement—this is a cultural change for us and it's, I think, not just in the Marine Corps but through all the services that we need to institute a cultural change and let people know that this type of behavior is not acceptable and it won't be tolerated anymore. And that is really what we are working to do.

And, again, we are creating this prevention workforce to give our commanders on the ground the tools that they need so that they can work with their service members and let them know and give them the proper training that, you know, that they need and give the commanders the proper training as well to see how they deal with these issues.

And so we are working towards that. We are working to change the culture. That is a big part of what we're doing. We do not take this mission lightly. We know this is about protecting our service members.

It's about taking care of them. And, again, you know, one—you know, I've had the opportunity to kind of travel around and visit different installations and talking to different service members out there.

You know, there's one individual that I remember just saying just one case of sexual assault in a command can just disrupt the whole command and it is really coercive in the command and, really, what it can do and how interrupted—and interrupt their readiness.

And so these are things that we're trying to overcome and we're going to work towards that to ensure that we do it. But we want to—you know, I don't want you to have to have those conversations with parents anymore.

Ms. JACOBS. Well, thank you, and I look forward to working with you on that.

And one last quick question on the National Guard. I know you talked about it briefly. But last January, we did a hearing on the jurisdiction, investigation, and prosecution of sexual assault in the National Guard and one of the recommendations in the IRC is that the National Guard Bureau should develop Army National Guard and Air National Guard prevention strategies aligned with the DOD prevention plan of action.

What steps have you taken to carry out this recommendation?

Mr. CISNEROS. No, and that is happening. The National Guard has been a big part of this. They have—are creating—they're out hiring a prevention workforce as well. You know, they have challenges because it is—you know, it's different in every State and there's National Guard installations all over the place and things vary from State to State.

But they are very much a part of this. They are very much going to be a part of the prevention workforce. We'll make sure that we have a prevention workforce that—that services the various National Guard installations around the country.

So and they've been very aggressive on this and they've been excited about this that they've had the opportunity to go and to address these issues.

Ms. JACOBS. Thank you. I yield back.

Ms. SPEIER. The gentlewoman yields back.

Could you provide to the committee the specific States which have copied the UCMJ [Uniform Code of Military Justice] in their State constitution or laws—statutes, I guess—and those that have not?

Mr. CISNEROS. We can take—we can take that back for the record.

[The information referred to was not available at the time of printing.]

Ms. SPEIER. Yes. If you would just do that it would be important for us to know, moving forward. Thank you.

Finally, Ms. Garcia is recognized for 5 minutes.

Ms. GARCIA. Thank you, Madam Chair, and, Mr. Under Secretary, good to see you again.

And here we are again. I still remember when you and I had lunch with the Secretary of the Army at the time when we, together with members of LULAC [League of United Latin American Citizens] and others, went to speak with him about the case that brought all this to my attention and to later the national attention, Vanessa Guillén's case.

And I know you were concerned there and I know you still are because, as you said earlier, you don't want to have parents have to worry about these issues again.

So my questions today, really, will be about specifically the implementation of the special counsel regulations.

So, first of all, are you handling that out of DOD? And I apologize, I missed your opening remarks. I've got like—I've got a mark-up in Judiciary and a hearing in FSC [Financial Services Committee] and this hearing here, so I'm dividing my time in threes this afternoon.

So here's the third, speaking at this hearing. What exactly in direction are you giving them? Are you taking charge of the whole thing or are you expecting each individual service to do their own thing?

Mr. CISNEROS. Representative Garcia, good to see you again and thank you for all your hard work, and I know you've been an advocate, you know, even though you don't serve on this committee but I know this has been an issue that's been very important to you.

And I do remember meeting with the Secretary of the Army and, really, you know, sitting there with you and kind of hearing, you know, the things that needed to change back then, right, that we need to go and how we need to make a difference.

And we're working here to do that now and to make sure that we can change it and so that we don't have—

Ms. GARCIA. Can you tell us specifically what you are doing because Mr. Terry—

Mr. CISNEROS. So the—

Ms. GARCIA. I just—you know, it's very troubling because, you know, people see and do what others do and we're seeing, of course, that the military academies have this problem and now I'm beginning to see it and they've gotten a complaint or two from local high school ROTCs [Reserve Officers' Training Corps].

So we have got to take care of the problem because it's trickling down. So the leadership begins with you and the Secretary of Defense. So what are you all doing to make sure the—what timeline are you following?

Mr. CISNEROS. So the Special Trial Councils—so my responsibility is to ensure and to track to make sure that these changes are being—are taking place.

Ms. GARCIA. Right.

Mr. CISNEROS. The Office of General Counsel is the one who's working with the services on the implementation of the Special Trial Council to implement that and to make sure that they are working to bring that up.

The services, I know, are implementing these plans. They're coming up with the—you know, what they're going to do, they're working to identify the individuals that will be kind of directing those offices.

And so they are the ones that are working there that are doing the day-to-day work.

Ms. GARCIA. So each branch is doing in their own thing. What is their deadline that's presented through you or through the Secretary of Defense?

Mr. CISNEROS. Well, it's a—you know, this is a tier one priority, right. So we are working to get it done now. There's not a specific deadline that it has to be done by this time. But, again, ensuring that we have the resources in order to build this up so that they can set up this infrastructure, so they can set up this office will enable them to get it done sooner.

Ms. GARCIA. Well, do you feel like you've provided enough resources—people power, money, facilities, training, education?

Mr. CISNEROS. I think that that's all going to be part of it and, you know, we have had—again, a lot of those resources came late this year. It kind of put us behind the power curve. The sooner we can get those resources going into the next fiscal year will enable us to kind of stay on pace.

But, again, setting up the Special Trial Council, ensuring that that gets done, is important to the Department of Defense to ensure—and we know that is a big part of the IRC recommendations in what we are doing here.

Ms. GARCIA. Well, I'm just concerned that things aren't moving fast enough because, again, I mean, my colleague from El Paso just

mentioned another case and it doesn't—you know, there was a minute there that I was encouraged. But I'm beginning to lose that encouragement because I keep hearing of more cases.

So I would strongly urge you to make sure that all the branches have the resources—the people power, the facilities, the training, the education, and the skill set—and to get it done and get it done as quickly as possible.

Mr. CISNEROS. Ma'am, we're—you know, that is our intention is to provide them with the resources that they need that they're going to have to get these set up.

Where you can help us out in Congress here is to ensure that we have those resources in order to do that.

Ms. GARCIA. Well, and I think you could help out by giving them a deadline. Everybody always needs to know what the deadline is.

But thank you, Mr. Under Secretary.

And, Madam Chair, I know you've recognized my constituent, Mayra Guillén, who is here and I just also want to say hello to her and let her know that we're still pushing forward—that we're working till we get it done.

Thank you, and I yield back.

Ms. SPEIER. The gentlewoman yields back.

If there is no further question of our Under Secretary, we will thank him for his participation today, thank him for his leadership, and look forward to working with you in the future.

Mr. CISNEROS. Thank you, Madam Chairwoman. Appreciate it.

Ms. SPEIER. All right. We'll now take a short recess to switch out our second panel.

My understanding is that the second set of votes will be called between 3:45 and 4:15. So we're hoping for 4:15 so that we can hear from our second panel.

[Recess.]

Ms. SPEIER. We welcome our second panel: the Honorable Gabe Camarillo, Under Secretary of the Army, Department of the Army; the Honorable Erik Raven, Under Secretary of the Navy, Department of the Navy; and the Honorable Gina Ortiz Jones, Under Secretary of the Air Force, Department of the Air Force.

Thank you all for joining us.

We will begin with you, Mr. Camarillo, with your opening remarks.

**STATEMENT OF HON. GABE CAMARILLO, UNDER SECRETARY
OF THE ARMY, DEPARTMENT OF THE ARMY**

Mr. CAMARILLO. Thank you.

Chairwoman Speier, Ranking Member Gallagher, distinguished members of this committee, thank you for the opportunity to appear before this subcommittee representing the Army.

The Army's number one priority is its people—our soldiers, civilians, retirees, veterans, and their families. Our focus remains on taking care of our people, treating them with dignity and respect, and promoting a culture of where everyone can serve and trust those who can serve with them.

Army leadership was concerned by the results in the fiscal year 2021 Annual Report on Sexual Assault in the Military, which revealed a significant increase in the prevalence of sexual assault

alongside a decline in trust in the military system to deal with those problems.

Put simply, despite many years of prior effort to address this challenge, we are not where we want to be. This is why the Army has fundamentally changed its approach. Since the murder of Specialist Vanessa Guillén and the release of the Fort Hood Independent Review Committee report, we have taken unprecedented steps to make systemic and lasting changes to the way that we prevent harmful behaviors.

Fort Hood serves as a line of demarcation for the Army. Our efforts have shifted from a narrow focus on response to these crimes and compliance with related policies to a more balanced approach rooted in prevention, building positive command climates, and in detecting and acting on warning signs before damaging acts occur.

Since the release of the Fort Hood report, the Army has made significant changes on the way that it counters harmful behaviors. We have innovated our sexual assault and harassment training to focus on experience-based scenarios.

We have also doubled down on our battalion and brigade level commander selection process that's allowed us to select leaders better suited to building positive command climates. And these changes coincide with Secretary Austin's decision to create, at the direction of the President, the Independent Review Commission on Sexual Assault in the Military.

So the Army is well positioned to continue driving change. We're focused on preventing violent acts to include sexual assault by rapidly and effectively implementing the recommendations of the IRC and the Fort Hood independent report.

The Army has already implemented 63 of the 70 Fort Hood recommendations and 4 of the 6 priority IRC recommendations assigned to the Army, including ensuring that survivors can access the help they need no matter who they ask.

We are implementing fundamental changes to our response system that directly address the lost confidence of survivors of these crimes.

The Army has established its Office of Special Trial Counsel reporting directly to the Secretary of the Army, which will prosecute sexual assault and several other violent offenses, and we're continuing to ask hard questions about our own performance and hold ourselves accountable for getting this right.

As the Army's designated lead for IRC implementation, I receive weekly updates on our progress, checking to ensure that our implementation efforts are effective and on time. And in addition, I would note that the Army has developed other initiatives that we believe will help address harmful behaviors.

This April, we launched a multidisciplinary sexual harassment and assault fusion directorate pilot at seven locations in the Army. When one of our soldiers, civilians, retirees, veterans, or family members need help, they can go to one location and get assistance at that same location on the installation.

We have also stood up the People First Center at Fort Hood, a centralized training facility that develops units into cohesive teams. I visited this facility last July and was impressed by the progress that it's making in delivering effective training based on

real-world scenarios. And this approach supports our efforts to prevent harmful behaviors of all manners and types in the Army.

Secretary of the Army Christine Wormuth and I are both immensely grateful to the Congress and this committee for its sustained focus on sexual assault in the military. Though years of leadership have struggled to address this pernicious problem, the good news is that with your help we have an unmatched opportunity for progress.

To take advantage of it, we will need help to continue putting in hard work. We can't afford to fail our soldiers and civilians in this area, and getting this problem right and driving lasting change in the way that we prevent and respond to sexual assault will safeguard soldiers' physical safety, increase our military readiness, build trust, and ensure that every Army team member is treated with dignity and respect.

The Army has made a serious commitment to change but we are not done yet. You have my commitment that Army leaders will keep pushing until the job is done.

Thank you, and I look forward to your questions.

[The prepared statement of Mr. Camarillo can be found in the Appendix on page 52.]

Ms. SPEIER. Thank you, Mr. Camarillo.

Next, Mr. Raven.

STATEMENT OF HON. ERIK K. RAVEN, UNDER SECRETARY OF THE NAVY, DEPARTMENT OF THE NAVY

Mr. RAVEN. Good afternoon, Chairwoman Speier, Ranking Member Gallagher, and distinguished members of the subcommittee.

I appreciate the opportunity to appear before you today to discuss the ongoing efforts by the Department of the Navy to implement the recommendations of the Independent Review Commission on Sexual Assault in the Military—the IRC—and the Offices of the Special Trial Counsel.

On behalf of Navy Secretary Del Toro and the senior civilian and military leadership of the Navy and Marine Corps, I want to thank this committee for its leadership in reforming the military justice system in the fiscal year 2022 NDAA.

This was a critical step in addressing military sexual assaults that continue among our ranks. I was saddened to read the findings of the Annual Report on Sexual Assault in the Military for fiscal year 2021. The crimes of sexual assault and sexual harassment, unfortunately, remain persistent.

These crimes erode unit cohesion, the glue that holds together successful teams in their most difficult hours. More importantly, sailors and Marines, their teammates, and their families suffer emotional, psychological, and physical injuries because of these crimes.

We owe it to our service members to use the data from the annual report, as well as the good work that the committee and others have done, to make informed decisions on how to prevent sexual violence and harassment within our department.

I want to assure you that Secretary Del Toro, the Chief of Naval Operations, and the Commandant of the Marine Corps are laser focused on this matter. Prevention remains our number one priority.

Consequently, Secretary Del Toro has prioritized and expedited IRC recommendations to train and develop leaders to deter violence and set conditions for healthy personal and professional relationships.

This fosters command climates that do not tolerate destructive behaviors, that strengthen the dignity of military service, and increase our warfighting readiness.

After the fiscal year 2022 NDAA became law, Secretary Del Toro established the DON [Department of the Navy] Implementation Advisory Panel, or IAP. The IAP brings together key senior leaders from across the DON to implement the recommendations of the IRC and the NDAA reforms.

The IAP is driving action to streamline implementation work, allowing the Department of the Navy to move out ahead of schedule on numerous efforts. This includes initial operating capability of the Office of the Special Trial Counsel and establishing policies to empower victims and survivors to come forward and receive the support that they need.

We have also made substantial progress in standing up a dedicated workforce to prevent harmful behaviors and professionalizing the sexual assault response workforce to best support survivor recovery.

Our prevention specialists are our leaders who will call attention to problems with culture and climate before it is too late. Hiring these specialists is our top priority.

To that end, I ask for congressional support for passing on-time budgets to keep hiring efforts on pace for new programs.

Within the DON we fully recognize that preventing and effectively addressing sexual assault and sexual harassment requires systemic changes to climate and culture. We will not lose sight of this.

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

[The prepared statement of Mr. Raven can be found in the Appendix on page 63.]

Ms. SPEIER. Ms. Ortiz Jones, you're recognized for 5 minutes.

STATEMENT OF HON. GINA ORTIZ JONES, UNDER SECRETARY OF THE AIR FORCE, DEPARTMENT OF THE AIR FORCE

Ms. ORTIZ JONES. Good afternoon, Chair Speier, Ranking Member Gallagher, distinguished members of the subcommittee. Thank you for the opportunity to appear before you today.

I submitted testimony for the record on behalf of the Department of the Air Force, so I will keep my opening remarks brief to allow ample time for your questions.

The Department of the Air Force is committed to supporting our service members and their families and removing every barrier to service. We will continue to strive to ensure that anyone who is eligible, ready, and willing to support and defend the Constitution has the opportunity to serve to their full potential.

While there have been important policy changes due in part to the leadership of the members of this subcommittee, we have, frankly, not made enough progress in preventing or reducing sexual assault and sexual harassment in the military.

The bottom line is we have more work to do. Our airmen, guardians, and their families are our greatest competitive advantage. We do not have time or talent to lose.

Sexual assault and sexual harassment undermine our force lethality, operational readiness, and mission success. They also infect command climate, erode unit cohesion, and undermine good order and discipline.

To successfully fulfill our mission to protect and defend our Nation, addressing sexual harassment and sexual assault must be a top priority and it is for Secretary Kendall and I. This is a war-fighting issue, a readiness issue, and a leadership issue.

The Department of Defense Annual Report on Sexual Assault in the Military for fiscal year 2021 showed that the Department of the Air Force estimated prevalence of sexual assault behaviors increased as did the total number of restricted and unrestricted reports.

At the same time, we know we have more work to do as the overall Department of the Air Force reporting rate among airmen who experienced sexual assault decreased by 10 percent compared to fiscal year 2018 data.

We are determined to make significant measurable progress to close the gap between the prevalence of sexual harassment and sexual assaults and the number of reports. This is fundamentally about trust in the process and we are committed to providing comprehensive support and response services for sexual harassment and sexual assault victims.

As members of this subcommittee are aware, the IRC on sexual assault made recommendations related to accountability, prevention, climate and culture, and victim care and support. This year, the Department of the Air Force continued implementing the recommendations of the IRC, including the establishment of the Office of Special Trial Counsel to oversee the investigation and prosecution of sexual assault and other victim-based offenses.

The OSTC is independent from the command reporting structure and reports directly to the Secretary of the Air Force.

Additionally, the Department of the Air Force recently updated its discharge criteria for those who are found to have committed a sexual assault.

The discharge criteria are more stringent and objective. Sexual assault is incompatible with military service and our core values and these revised criteria better reflect that.

In 2015, the Department of the Air Force established a dedicated prevention workforce and policy, which served as a model for some of the IRC's recommendations. This dedicated prevention workforce will lead, develop, plan, evaluate, and coordinate integrated primary prevention across the Department of the Air Force.

When combined with 103 new positions authorized and funded for 2022, we anticipate having onboarded 227 full-time dedicated prevention professionals by the end of 2023.

The Department of the Air Force is also addressing attitudes and beliefs that lead to a harmful environment by designing actions that increase protections for our airmen and guardians.

By empowering and equipping leaders at all levels, these initiatives will increase critical intervention skills and promote a posi-

tive unit culture that is rooted in treating fellow service members with dignity and respect as well as enforcing accountability when those basic tenets are violated.

The Department of the Air Force response programs include increasing our SAPR [Sexual Assault Prevention and Response] workforce of professional full-time advocates and phasing out the reliance on collateral duty victim services personnel.

These programs, additionally, will expand restricted and unrestricted reporting processes and ensure trauma-informed victim advocacy, mental health, and health care.

To that end, I directed the Department of the Air Force to initiate a 6-month integrated response pilot program based on a recommendation of the IRC to co-locate these services.

This pilot aims to improve the response to and outcomes for personnel who experienced harm and violence such as sexual assault, sexual harassment, domestic violence, stalking, and cyber harassment.

Further implemented challenges—excuse me, changes to improve survivor support include flexibility to take nonchargeable time off for sexual assault victims, expanded victim service options including advocacy for military sexual harassment survivors and victims counsel support in post-trial period, restricted reporting, and maximized survivor preferences in expedited transfers.

The Department of the Air Force is resolute in our responsibility to ensure our airmen and guardians live and work in an environment safe from sexual harassment and assault.

We are leaning forward to shrink the gap between reporting and prevalence by implementing the IRC recommendations to include establishing the OSTC. We are strengthening accountability at all levels and enhancing prevention efforts.

We must remember what is at stake—the safety and well being of our airmen, guardians, and their families as well as the trust of the American people. Combating this continual harm is paramount to our ability to deliver air and space power.

Our ability to remain competitive as an employer of choice requires that we prioritize and resource what is most important, our people. Continued congressional support and advocacy will help us achieve that end.

Madam Chair, if I may also echo the thanks for your decades of leadership on this issue, efforts that have moved the needle in many ways and, frankly, have helped to keep this topic at the forefront. So my personal thanks for your leadership.

Thank you for the opportunity to testify before you today and for your continued oversight for the implementation of the IRC recommendations on sexual assault, and I look forward to your questions.

[The prepared statement of Ms. Ortiz Jones can be found in the Appendix on page 71.]

Ms. SPEIER. Thank you. I recognize myself for 5 minutes.

Let me start off by just going across the table and find out where we are on the numbers.

How many Special Trial Counsels have been certified and are in place, Mr. Camarillo?

Mr. CAMARILLO. Chairwoman Speier, my current numbers for the certified Special Trial Counsels are 29 in the Army.

Ms. SPEIER. Okay.

Mr. Raven.

Mr. RAVEN. Thank you. There are approximately 40 litigation professionals in the Navy and approximately 12 in the Marine Corps, which are on the job. Not in the Office of Special Trial Counsel today—they are actually performing the mission within the JAG [Judge Advocate General] and SJA [Staff Judge Advocate] today.

Ms. SPEIER. Okay. So you have not yet selected any as Special Trial Counsels?

Mr. RAVEN. We have a corps of about—it's, roughly, about a dozen split between the Navy and Marine Corps and, again, they are the initial capability but we have these missions ongoing today within the JAG and SJA and they are—we are preparing for those to transfer upon the timeline that we can brief you on.

Ms. SPEIER. And in the Air Force?

Ms. ORTIZ JONES. Madam Chair, the Department of the Air Force has 19 Special Trial Counsels. Those folks were certified in June. That certification process was informed by Department of Justice expertise.

We also know that as important to that is making sure that our investigators have the expertise. So we actually also had two individuals from the Office of Special Investigations participate in that training and we will be full operational capability with a complement of 32 Special Trial Counsels by December of 2023.

Ms. SPEIER. Okay.

Ms. Ortiz Jones indicated that there are 227 prevention officers that you will have in place by the end of 2023, correct?

Ms. Ortiz Jones. Yes, Madam Chair.

Ms. SPEIER. Mr. Raven, in the Navy and Marines, how many will be trained and ready to move out?

Mr. RAVEN. Yeah. We are in the process of hiring 82 during this fiscal year. So by the end of this fiscal year we expect to have them, roughly, half on board. There was a problem with the continuing resolution—our pace of hiring that. But our goal is to have at least 225 by fiscal year 2024.

Ms. SPEIER. Okay, but 83 by the end of 2023?

Mr. RAVEN. It will be more by the end of 2023 because we expect to hire additional professionals in the year 2023. But I don't have that number right on hand.

Ms. SPEIER. Mr. Camarillo.

Mr. CAMARILLO. Chairwoman Speier, similar to the Navy, by fiscal year 2022 and going into 2023, we expect the first wave of hiring to be 81 professionals that are focused primarily at 6 locations within the Army, and I'll have to take for the record the number we expect to arrive at by the end of fiscal year 2023.

Ms. SPEIER. These are Special Trial Counsel or—

Mr. CAMARILLO. These are prevention workforce.

Ms. SPEIER. Prevention workforce. Okay. So starting with Under Secretary Ortiz Jones, the prevention workforce—what do you believe is the highest priorities for this new prevention function?

What installations will receive the prevention workforce first and how will we know if it's working?

Same question for all of you.

Ms. ORTIZ JONES. Madam Chair, the prevention workforce, as I mentioned in my opening comments, we have had this in place since 2015 and so we really, you know, appreciate the work that has been done over the years to ensure that we are where we are.

We will move—so let me just be clear. Every major installation currently has one prevention specialist there now. We will move to four. I'll have to follow up with you to give you the exact order of those.

But our priority given under—who we understand to be the preponderance of the victims, will be those that have, for example, a large young junior enlisted population to ensure that we are best supporting those large populations.

In terms of how will we know—how will we know if it's working, one of the efforts that we have that I mentioned in my opening comments is the direction of the integrated response co-location effort, and this is an effort to, again, based on one of the IRC recommendations, how can we minimize the retraumatization of victims, how can we also ensure that our response providers are supported and have the resources that they need.

Madam Chair, that'll be complete—the pilot—in about 6 months and we'll have a better idea, I think, based on that in terms of where we might be able to improve on things that we are less familiar with, for example, on grooming and stalking and how we can ensure that we are adequately incorporating that into our prevention efforts.

Ms. SPEIER. I'm impressed that you're doing that pilot program. I think the Air Force has shown itself to be the most innovative so far and actually the farthest along in this process.

Under Secretary Raven, same questions.

Mr. RAVEN. Thank you, Madam.

Our priority for the prevention workforce is really relieving the strain on numerous members of both the Navy and Marine Corps who are conducting these as collateral duties, and so being able to have a dedicated prevention workforce relieves that strain and also upskills the workforce to be able to understand the challenges that are being faced.

In terms of where are they going, we can provide for the record a lay down of where these individuals will be headed. The priority will be on fleet concentration areas so think Norfolk, San Diego, Hawaii, where so many of our forces are co-located.

And as to how will we judge the effectiveness of this workforce, I think it's going to be a combination of measuring what impact they have in those fleet concentration areas, at the bases.

We need to do more in collecting data to have an ongoing assessment process so that we know what is making an impact and where we need to focus our attention.

Ms. SPEIER. Right.

Under Secretary Camarillo, your highest priorities?

Mr. CAMARILLO. Highest priorities, ma'am, first relate to five installations. They are Fort Hood, Fort Sill, Schofield Barracks, Camp Humphreys, and Fort Riley. These areas were selected, in

addition to kind of our headquarters function in the Army, primarily based on several factors: the size of the installation and the missions therein, recent risk factors that were identified by our DEOCS [Defense Organizational Climate Survey] climate surveys, and a good blend of units where we feel that it will help us or enable us to show how the prevention workforce can be best integrated into the program set.

Like the Air Force, following the Fort Hood Independent Review Commission, we had initiated back then also a fusion directorate pilot at many of our installations to provide single-stop shopping for anybody who needs care across the installation.

As we all know, it's very difficult for a potential victim to have to look for it across a very diverse installation, and metrics for success for me are primarily as we implement and bring the prevention workforce on board is how are we tailoring our programs more effectively to deal with the specific issues and climate factors that are relevant at those specific installations and, hopefully, that's what we hope to see coming out of the prevention workforce.

Ms. SPEIER. All right. Thank you. I exceeded my time so feel free to take another 2 minutes and 42 seconds.

Mr. Gallagher is recognized for 5 minutes or 7 minutes.

Mr. GALLAGHER. I appreciate the reciprocity. It's very nice.

As we talked about it on Panel 1, we have a major issue now with perceived lack of trust in leadership and in military justice.

So I just would ask similar to what I asked Mr. Cisneros, what are each of your services doing to focus on building—rebuilding that trust in leadership, particularly in the sense of kind of directly engaging leaders with service members, junior enlisted members in particular, and maybe we'll just start Air Force and go that way.

Ms. ORTIZ JONES. Representative Gallagher, thank you for the question.

I think we know the importance of climate and culture and ensuring that we've got the right protective factors in place and a lot of this is tied to understanding of kind of nit cohesion, right, just kind of basic connectedness.

And so one of the things that we started doing—this is really General Brown and Chief Master Sergeant Bass—is called Airman's Time, right, and this is really just setting aside time, talking to your folks.

I mean, I think, you know, listening to your comments earlier, what we don't want anyone to think is that because there are these response services and prevention workforce things outside of the unit, that leaders are not somehow responsible for the climate within their units. That's absolutely not the case.

And so, you know, ensuring that our leaders, our frontline supervisors, understand that they're still responsible for the climate in their organizations and ensuring that that connectedness is tied to good order and discipline. Those are the things that we are continuing to reinforce and are looking for additional ways to do so.

Mr. GALLAGHER. Thank you.

Mr. RAVEN. Ranking Member, thank you for the question.

Trust is important not only for addressing the issues that this hearing is about today but for the core of military readiness. Each service member needs to have trust in their chain of command to

make life or death decisions but also respond to crises when they occur.

What we are doing about trust is putting together not only tools but an education campaign that goes from the lowest levels of training all the way up to senior levels to make sure that commanders and all service members as they advance through their career understand the importance of trust in building those relationships with their units.

Just a couple of examples of what we are doing specifically on this. We have put together a commander's playbook so that as commanders are faced with difficult issues they have something to refer to to understand what options are open to them, to increase their sensitivity to issues as they come to their attention.

Another specific example is that the Commandant revised the Commandant's Combined Commandership Course professional military education system and this is really focused on selected commanders and sergeant majors, so a lot of those service members who are in that day-to-day command position, to make sure that they have a better understanding of what trust and what right looks like when it comes to leadership.

Mr. GALLAGHER. Thank you.

Mr. Camarillo.

Mr. CAMARILLO. Ranking Member Gallagher, three items that I would mention in response to your question.

The first is policy. One of the things we've done to restore trust is to ensure that our policy is aligned to promote reporting by our victims, two in particular, I would note, that are related to the IRC.

The first is the Army policy to ensure that it's safe to report crimes of all types and what that means is collateral minor offenses will not be used against the victim when it would otherwise be a barrier to encouraging them to come forward with reports.

Similarly, we have implemented the policy to ensure that there's no wrong door. If a victim were to report a crime to a family advocacy center or MFLC [Military and Family Life Counseling] or anywhere else on the installation, we want to make sure that we connect them to the right care.

Secondly, I would note that the Army, since Fort Hood, has instituted cohesion assessment teams. These are specifically designed teams run out of TRADOC [U.S. Army Training and Doctrine Command] that we deploy to different installations to help commanders at the brigade and below level to assess the cohesion of what their individual organizations include.

So we help them determine where they have blind spots within the organization and how they might work quickly, based on best practices, to address those gaps.

And then, finally, our leader selection. So the way that we have instituted changes since Fort Hood has been focused on our command selection programs, looking at brigade and battalion commanders, primarily looking at a 360 evaluation that also focuses on how effective these leaders can be in leading organizations that promote cultural change of the type that we want to see as part of this.

Mr. GALLAGHER. Thank you.

I know I technically have two more minutes but Chairman Smith has so trained me not to go past the 5 minutes that, like Pavlov's dog, I fear I would get a shock if I did.

So I will yield back.

Ms. SPEIER. The gentleman yields back.

Let's see. The gentlewoman from Texas, Ms. Escobar, is recognized for 5 minutes.

Ms. ESCOBAR. Thank you, Madam Chair.

Many thanks to all three of you for your incredible service and your leadership, especially during a time of reform and change and, really, truly, innovation. So thank you all.

And, of course, a special thank you to El Pasoan Mr. Camarillo, who the community is so proud of. And I'm so grateful for your visit to Fort Bliss recently, to the community, and it was a really incredible opportunity for us to be able to highlight the opportunities and the challenges that we have at Fort Bliss.

Given that recent visit, I have to tell you I was—not given that recent visit but given a report from last year that identified Fort Bliss as one of the top five installations where women were at risk for sexual assault, I was surprised that Fort Bliss is not on that list of the military installations on your top five list.

And am wondering is the report outdated at this point? Is the information outdated? What are the factors that you took into consideration that made it so that Fort Bliss was not on your list?

Mr. CAMARILLO. First of all, Congresswoman Escobar, thank you so much for your leadership on this issue.

Certainly, we want to make a full-court press in terms of hiring the prevention workforce across all of our Army installations and we have a robust plan to do that over the next couple of years. And, certainly, the focus on these installations was not intended to be exclusive in any way of any one set of concerns at the exclusion of others.

We'll continue to develop the job requisitions, the hiring plans, exactly how these folks are going to work at every installation to include Fort Bliss.

The idea was that we will be able to prove out how this works at some of these initial installations and we'll learn to be able to adjust how these prevention workforce specialists are employed at other gaining installations as we go.

I think as you heard Under Secretary Cisneros testify, we're learning as we're going through the implementation of this process and will continue to do that here. But, certainly, we continue to move forward very, very expeditiously on hiring the workforce that would be in place at all of these installations to include Fort Bliss.

Ms. ESCOBAR. Okay. I hope so. Thank you so much. Appreciate that.

And this is a question for all three of you. You know, obviously, the implementation is based on Fort Hood, the findings there, the recommendations from the report. But I'm wondering how informed some of the either training or some of the processes are by other victims of sexual assault.

Is that something that you all are doing, interviewing or meeting with or learning from prior victims to sort of broaden the approach

and the perspective because every situation is so different and this is really our opportunity to get it right.

And I completely understand—you know, Mr. Cisneros had shared with me they're trying to not rush the implementation because the desire is to get it right, and I think in order to get it right those other voices really need to be a part of it.

So I'm curious as to whether you all have thought about that. Is that appropriate? Is that something that could be considered.

And happy to yield to whoever would like to go first.

Ms. Ortiz Jones.

Ms. ORTIZ JONES. Representative Escobar—

Ms. ESCOBAR. Wonderful to see you as well.

Ms. ORTIZ JONES. Thank you.

Absolutely. One of the other data points in addition to the IRC for the Department of the Air Force, in particular, is the interpersonal violence report that was published last summer and that really provided us some great insights.

In particular, one of the real impetus for this co-location as well was, for me, Representative Escobar, the disconnect in how victims thought those services—how well those services were provided, versus how commanders thought that—and there was about a 30-point gap in that understanding.

And so it was really important, to your point about bringing in those folks that have gone through this process, that needed that help and, unfortunately, felt like we fell short of what we should have provided.

So as we are standing up and going through this pilot we are absolutely including the voices, the experiences, of those that have, unfortunately, been victims and survivors to help us understand how we can do this better, make sure we're not making any assumptions.

And, in particular, this is—you know, these co-location pilots, again, are across the continuum, right, so it's not just sexual assault, sexual harassment, but also domestic violence and to—also to the extent we can understand other pieces of this, right, financial abuse—did this start with stalking and grooming, right—how can we understand the full continuum of this to ensure that our prevention efforts, our response efforts, are as well informed as they can be.

Ms. ESCOBAR. Okay. I'm out of time. But, Mr. Raven, Mr. Camarillo, if you all wouldn't mind, for the record, letting me know how victims are informing the process.

Thank you. I yield back, Madam Chair.

[The information referred to can be found in the Appendix on page 81.]

Ms. SPEIER. The gentlewoman yields back.

The gentlewoman from Pennsylvania, Ms. Houlahan, is recognized for 5 minutes.

Ms. HOULAHAN. Thank you, Madam Chair, and thank you guys for all being here and it's lovely to see so many friendly faces—familiar faces.

It seems as though the buzzword of both of these hearings and testimonies has been trust—Mr. Camarillo, you spoke a great deal

about it as did Under Secretary Cisneros as well—as being the largest barrier right now.

We spoke last hearing that 32 percent of women and an estimated 31 percent of men don't report some sort of harassment due to a lack of trust in their command or in the structure or response that their command would have.

Mr. Camarillo, one of the things you said that really stunned me—let me make sure I find it in your opening statement—was part of the way you're addressing this is finding leaders that are better suited for a positive command and climate.

What the heck is that? Why aren't we already finding leaders that are better suited for a positive command? What have we innovated on to allow for that to happen?

Mr. CAMARILLO. Thank you, Congresswoman, for the question.

So what I was referencing in my opening statement was our command selection program, and this was really in response to the Fort Hood Independent Review Commission's report.

One of the things that we found was part of building positive command climates at scale at different installations and within our units requires us making sure that we build and identify leaders who are attuned to the issues that are going to build those positive command climates.

So our selection process has changed in the last couple of years. What we have done is we've taken over 3,000 lieutenant colonels and colonels as part of this program and we have looked at them in a 360 evaluation to determine how much empathy would they have for issues and situations that would arise within their formations in which a victim of sexual assault or sexual harassment would want to come forward.

Ms. HOULAHAN. And how do you measure empathy in that particular case and are you also looking at captains and majors as well?

Mr. CAMARILLO. Yes, ma'am. Our plan is to very much expand this to other levels as well. We initially started with the battalion and brigade command leaders just in order to be able to show how this would work and it's had tremendous amount of success so far.

We, certainly, intend to scale this out to other parts of the Army, moving forward.

Ms. HOULAHAN. And I know I don't have very much time, but I am interested in how you measure empathy because that seems to be a challenge, and if you have the answer in a half a minute that'd be great. But I have other questions and happy to take that for the record. If I could understand—

Mr. CAMARILLO. I can take that for the record and provide you—

[The information referred to was not available at the time of printing.]

Ms. HOULAHAN [continuing]. What it is that you're modifying and how this is any different than it ever has been. We are always looking for quality leadership and we're always looking for people who can empathize, and so I'm just intrigued to understand that in this day and age.

Ms. Ortiz Jones, you mentioned—and Air Force is better and Air Force does lead the way—you mentioned the 6-month pilot program that you are starting—you were talking about.

How will you staff it, where will it be, and how will you make sure that it's not perceived as being outboard and not kind of embedded in whatever organizations it's set to serve?

Ms. ORTIZ JONES. Well, thank you for the question.

And this was really—and I've been very clear with the team about what this is about, right. This is not about bureaucracy. This is about supporting victims—how do we help people minimize the number of times they have to tell their story. To your point, what are the metrics that we are going to look at to ensure that this is moving the way that we want it to.

So some of the things that we are looking at, for example, does the co-location as a result of that, are we seeing a decrease in time, for example, from the time an incident happens to when it's reported, right. Are we seeing an increased synergy collaboration between these response providers to the extent, again, we get a better, more complete picture of what has happened in the situation.

In terms of staffing, many of these offices already were on the base and so we have identified space where we could co-locate and we are working through and identifying, frankly, some of the IT [information technology] challenges, and I may actually come back and provide some additional also requests as we identify some MILCON [military construction] to make sure that these are safe and welcoming environments that are conducive to this type of work.

But the intent has always been what do you need to do this better, how can we ensure our victims feel supported, and how can we ensure that this co-location effort is gathering the data that'll help us not only provide the the support better but also inform our follow-on education efforts, certainly, for our commanders and other elements.

Ms. HOULAHAN. And with the last half minute of my time—this came up in the last hearing as well, this concept of nonchargeable time off. How do you execute on something like that? It came up most recently with you, Ms. Ortiz Jones. What is the thought process there?

Ms. ORTIZ JONES. Well, the thought process is that somebody should not have to take personal leave in these situations and so, again, to the point that we want folks to feel supported and they can get the care that they need, this is something that we wanted to communicate very clearly about—you know, having the time and the space and the level of privacy to do what is needed.

Ms. HOULAHAN. Thank you. I yield back. My time is expired.

Ms. SPEIER. The gentlewoman yields back.

The gentlewoman from California, Ms. Jacobs, is recognized for 5 minutes.

Ms. JACOBS. Thank you, Madam Chair.

Thank you for being here.

Ms. Jones, I want to start with you. Good to see you, and also I want to reiterate the comments of the chairwoman. It really does appear the Air Force has gone further than any other service at tackling this problem in an innovative way.

And, you know, I wanted to ask if you can explain the Air Force's actions in progress, specifically, the four lines of effort with the 24 initiatives focused on culture change, training, education, operations, and resourcing.

Ms. ORTIZ JONES. It's good to see you as well, Representative Jacobs.

So this is—you know, we are on track and really leaning forward to ensure that we meet, certainly, the [inaudible] objectives as soon as possible, certainly, by 2027.

But when we think about those factors that are—contribute to the type of environment where, you know, sexual assault, sexual harassment is eradicated, it does come back to climate and culture.

Many of the things that are, frankly, not only in this space, right, but how do we ensure that folks feel welcome, can serve to their full potential, and are treated with dignity and respect.

So some of those elements—right now we're taking a hard look at how might we better incorporate some of this into our professional military education at all levels.

This is not a separate thing, right. This is just part of being a good leader and, frankly, a good service member. How are we looking at ensuring that we're also—ensuring we have got the appropriate, for example, investigative services to ensure that the OST [Office of Special Trial Counsel] is well supported.

So I can provide a more full—I know in the interest of time I can provide a more fulsome list for the record. But I wanted to touch upon just a couple of those things. But this is—again, has the highest attention and priority of Secretary Kendall and I.

Ms. JACOBS. Well, thank you.

Mr. Raven, I want to turn to you.

As you know, I represent San Diego so have a lot of my constituents who have loved ones, family members, who themselves serve in the Navy and the Marine Corps. And, unfortunately, the Marine Corps long has had the worst sexual assault and sexual harassment rates in DOD—13.4 percent, or 2,204, women service members who reported their incidents to the DOD, and this came up in the last panel as well.

But I wanted to ask you, what do you attribute this to and is this a command, climate, culture, leadership issue, and then what are you doing for both the Marines and the Navy to select and develop and evaluate the right leaders for command positions and why hasn't the Navy pursued implementing a command assessment program like the Army and other services have?

Mr. RAVEN. Thank you for those questions, and let me take them in backwards order.

First of all, in terms of growing leadership, this begins the moment you enter boot camp—that we need to instill as part of the regular training curriculum from boot camp all the way to the highest levels of professional military education.

That team building, building trust and respect, is part of military readiness and is part of tackling these issues that we have before us today.

So that is happening at all levels.

In terms of what we expect on leaders, this is not solely about picking the right leaders for the right jobs. This is about looking

at the whole institution of the Navy and Marine Corps from the bottom up and the top down to make sure that at every level of responsibility leaders have the right understanding of the issues, they understand the tools that are available to them, and they also know what right looks like so they can evaluate their command, whether they're heading a division on a ship or in command of a major shore facility.

We need to make sure that each level of command has the tools to be able to tackle these issues before it becomes a crisis.

In terms of the Marine Corps and the Navy, the numbers are very disappointing. It is the exact reason why this is a top priority for our leadership of tackling these issues in an aggressive way.

We are working on the policies from No Wrong Door to cyber harassment to Safe to Report to make sure that we are setting the tone from the very top that these behaviors are absolutely unacceptable, and we're also looking after those who have suffered these injustices.

One example there, for the victims legal counsel, that provides assistance to victims of these crimes. One thing I am proud to say that it is working. The responses from those who have to resort to these services tend to be overwhelmingly favorable.

So we believe that we can tackle these issues in a smart way. We just need to get it instilled through the whole institution of both the Navy and Marine Corps.

Ms. JACOBS. Got it.

Well, I hope you'll also take some best practices from some of the other services and I look forward to working with you on this so I have to stop talking to family members in my district who are very concerned about the safety of their loved ones, not only when they're deployed abroad but actually when they're at their bases in San Diego.

So thank you.

Ms. SPEIER. The gentlewoman yields back.

The gentlewoman from Texas, Ms. Garcia, is recognized for 5 minutes.

Ms. GARCIA. Thank you, Madam Chair, and thank you for the witnesses for being here today.

And I apologize, I missed your opening remarks. But I've got three hearings going on at the same time so I'm trying to bounce around the hall all afternoon.

But I wanted to get just to the bottom line for each of you to respond to the same question. Do you feel like you've got the resources, the staff, the training, the facilities, to fully implement this program, and what is your timeline? When will it be fully implemented?

All three of you, same question. We can start with Mr. Camarillo.

Mr. CAMARILLO. Thank you, Congresswoman.

I think for fiscal year 2022, certainly, we're grateful for the resources that Congress has provided and we look forward to and require additional resources in 2023 and beyond to be able to do things like scaling up the prevention workforce.

Ms. GARCIA. Are you getting what you need from DOD?

Mr. CAMARILLO. From DOD, we are getting what we need. What I think we need to continue to have is a long-term sustained focus

to do the culture changes required. It's going to take determined leadership at every level in the Department of Defense to get success over time.

Ms. GARCIA. Okay. What is your deadline? When do you—when will you fully implement the program?

Mr. CAMARILLO. The full IRC recommendations will take several years and I'll have to get back to you for the record as far as what is our timeline for the very last one.

But it will take multiple years to fully implement all of the recommendations directed by the IRC. But we are working very closely with the Office of Secretary of Defense to ensure that our implementation timelines match the analysis and preparatory work that they're doing.

Ms. GARCIA. All right.

Mr.—is it Raven?

Mr. RAVEN. Yes. Thank you very much for that question.

In terms of resources, for fiscal year 2022 we are in a good position. Looking forward, we are taking this on ourselves. We expect to budget for those costs and find those people that are needed to carry out these reforms and serve our service members who need this help.

So my expectation is that when we present future budgets to you we want to have these costs fully covered.

Now, there may be things that we learn during the process and we will be open with communication where we learn of additional needs and we'll be transparent about that. But our expectation is that we are charged with carrying the water for making these reforms and we commit to do that.

In terms of implementation, there are a variety of different policy changes that are being made. Perhaps the most significant one is the stand-up and full operational capability of the Office of Special Trial Counsel.

We will meet the legislative required deadline of December 2023. As we look across the IRC and the other NDAA mandates, we're looking to see where things can be expedited. For example, Secretary Del Toro has selected five priority areas where we're pulling forward the implementation deadline compared to what is expected, and in the interest of time, I'll be happy to provide those for the record.

Ms. GARCIA. But you're on track to complete it?

Mr. CAMARILLO. Yes.

Ms. GARCIA. December 2023. And same for you, sir?

Mr. RAVEN. Yes, ma'am.

Ms. GARCIA. All right.

Ms. Jones.

Ms. ORTIZ JONES. Representative Garcia, we are also on track, and I want to echo my colleagues' expression of thanks for the support of this body, not only for your attention but also the way in which you've also helped us resource this so that we can adequately implement the recommendations.

Similarly, 2023 is when we will have full operational capability for the Office of Special Trial Counsel and, as mentioned, the—we have got the 6-month pilot for the integrated response co-location

pilot and 6 months into that we will have a better understanding of them.

If there may be additional resources that would be helpful to ensure as we expand that we can do so adequately as we also look to—look where we might be able to incorporate aspects of this, for example, to professional military education and so forth.

There may be also additional resources that would help us do that as expeditiously as possible. So I appreciate the attention in that regard.

Ms. GARCIA. All right. I know you all have talked about some of the trustworthiness and the culture and the climate issues. But is there any other barriers that would—that are in the way to make sure that this program is fully implemented but also succeeds that we should be aware of?

And that same question for the three of you. We have got 45 seconds, so 15 seconds each.

Mr. RAVEN. Ma'am, I would say we understand what we must do and we have a plan to get there. But we are going to learn things along the way, and what I can promise to you is that we will be transparent. As we learn of barriers we will communicate them to you as well as trying to tackle them on our own.

Mr. CAMARILLO. And I'll just piggyback on my colleague's comments. One such example is the direct hiring authority that the Department of Defense just provided to all the services.

Those are the types of removals of barriers that has been very, very helpful and we'll continue to work with OSD to make sure we identify those.

Ms. GARCIA. Ms. Ortiz Jones.

Ms. ORTIZ JONES. Representative Garcia, this is a leadership issue, right. We're going to go as fast as we possibly can making sure that people are very clear about where Secretary Kendall and I are on this issue.

This is not periphery to what we do. This is core to what we do, not only for the men and women that are serving today but also the ones—airmen and guardians of the future.

Ms. GARCIA. Thank you. Thank you, Madam Chair.

Ms. SPEIER. The gentlewoman yields back.

Let me thank you for your service, for taking on this most important reform within the military. When you have men and women who are reluctant to even consider coming into the military because of sexual assault and sexual harassment, that is going to affect recruitment, it clearly impacts retention, and it will have an effect on readiness as well. So we have to fix this.

Think of this committee as your greatest advocates. We want you to succeed. We want to make sure that every service member no longer fears the enemy within. So do not be timid if there are things that have to be fixed.

We want this reform to be the best it can possibly be, and to do so may take some pilots that work or don't work. We understand that. But we want to get this right.

I hope that as we move forward that we'll recognize the importance of making some of these benefits uniform across the services. The amount of leave that one should be able to receive after they've

been a victim of sexual assault should be the same across every service.

The issue of revenge porn has come to my attention as one in which some of the services have chosen rather than to put someone through a court martial, even though it is a crime in the UCMJ, that they have decided to administratively separate them and give them a general discharge.

No one should get a general discharge by being the person that's committed the crime of revenge porn. No one should be able to, you know, have the benefits of the VA [Veterans Affairs] system, the health system, who has so defiled another person that they have put photographs—nude photographs—of them without their consent onto the Web that stay there forever.

So as you become aware of some of these decisions that are being made by, I guess, the TJAGs [The Judge Advocate Generals] from time to time, when you see something that doesn't look right, that isn't right, I hope that you will address it without having these victims come to us and then us having to take action, you know, through the NDAA.

And then in terms of the climate surveys, I can't impress upon you enough the importance of every person within the chain of command reviewing them. That's the way we find out that there's problems.

What happened at Fort Hood was readily noticeable if you looked at those climate surveys, but no one was. No one was looking at them above the chain of command—up the chain of command.

So the climate surveys are critical. These new pulse surveys are going to be great opportunities to get instant notification of where there are issues and problems.

So this will be the last hearing we have on this topic. It's one that you know that I have been passionate about during my time in Congress.

But I could not have done this work without the outstanding leadership of members of my staff, starting with the now departed chief of staff, Josh Connally, with Brian Collins and Christine Seibert, who is in the room, and my former fellow, Chuck Johnson, who is there as well, to Hannah Kaufman for her work and diligence as well.

So I thank you all for what you have done but, more importantly, what you will do.

And with that, the committee stands adjourned.

[Whereupon, at 4:42 p.m., the subcommittee was adjourned.]

A P P E N D I X

SEPTEMBER 21, 2022

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

SEPTEMBER 21, 2022

**Statement of
Representative Jackie Speier
Chairwoman, Military Personnel Subcommittee
September 21, 2022**

The hearing will now come to order. I want to welcome everyone to this hearing -- an *Update on The Implementation of Recommendations of the Independent Review Commission on Sexual Assault in the Military and the Establishment of the Office of Special Trial Counsel*.

The Independent Review Commission released their report in July 2021, so it is important that we closely monitor their implementation of those recommendations. Also, last year's National Defense Authorization Act included historic military justice reforms, so we need to ensure the implementation of those provisions is closely aligned with the IRC's recommendations.

The implementation of the 82 IRC recommendations is urgently needed, because the situation is increasingly dire. The crisis of military sexual assault and harassment continues unabated. The FY2021 Department of Defense Annual Report on Sexual Assault in the Military delivered catastrophic news: Over 8 percent of active-duty women and about 1.5 percent of active-duty men indicated experiencing some form of unwanted sexual contact.

For women this is the highest prevalence rate reported since the annual study was instituted. And the news doesn't get better. In 2021, survey results also found that 29% of servicewomen experienced sexual harassment—a 5 percentage point increase—and men and women alike experienced greater workplace hostility compared with findings from 2018. Servicemember sexual assault reports increased by 13 percent in 2021 compared to 2020, yet the overall rate of those who experienced sexual assault and came forward to report has decreased.

Finally, the data also shows that trust in the military to protect privacy of victims, ensure safety, and treat victims with dignity and respect **is going down**.

It is vital for the Department and services to implement and execute the IRC's recommendations expeditiously for the readiness of our force and the safety and wellbeing of our servicemembers. It is essential for our military leaders to address a culture of harassment and mistrust. To teach our servicemembers they can not only trust their leaders enough to follow them into harms way, but to also protect them from danger within the ranks.

Sexual assault and harassment in our military is a readiness issue: It makes our force less lethal; it makes recruiting a challenge; it makes young men and women scared to serve; and it often damages or cuts short the military career of the victim. We cannot protect and defend the United States when we are protecting and defending our own servicemembers from the enemy within. We cannot ask our children to serve, when their parents can't be sure their commands won't protect them from abuse.

I have spent the last ten years battling this cancer and with this most recent report, I know we still have a long way to go. But I also know, the Department is

working hard to implement new prevention strategies and a completely new and INDEPENDENT military justice system to eradicate this scourge.

I feel confident that if the Department of Defense keeps their foot on the pedal and Congress doesn't turn a blind eye, this is the beginning of the end for those who wish to harm their brothers and sisters in arms. And let me be clear, even if I am not sitting as Chair of the Military Personnel Subcommittee, I'll still be watching. I will make sure the voices of our servicemembers are heard, and heard loudly.

I would like to hear from the first panel the status of the IRC's recommendations and implementation. What has been completed so far? What is going well? What challenges are you facing? What are your timelines for full implementation? What resources do need to get this right for our servicemembers?

From the second panel I would like to hear how your Military Department plans to execute DoD's IRC implementation plan, and what progress your services have made in implementing military justice reform? What are your timelines? What resources do you need? Additionally, how are you going to increase trust in your military leaders? What cultural changes do you intend to make so that the military really is a place that treats all members with dignity and respect?

Before I introduce our first panel, let me offer Ranking Member Gallagher an opportunity to make any opening remarks.

Not for publication until released by the Committee

Prepared Statement

of

The Honorable Gilbert R. Cisneros, Jr.

Under Secretary of Defense for Personnel & Readiness

Before the

House Armed Services Subcommittee on Military Personnel

September 21, 2022

Not for publication until released by the Committee

Chair Speier, Ranking Member Gallagher, and members of the subcommittee, thank you for the opportunity to testify before you today on the status of the Department of Defense's implementation of recommendations approved by Secretary Lloyd Austin from the 2021 Independent Review Commission (IRC) on Sexual Assault in the Military.

Efforts to stop sexual assault and sexual harassment are among the most important initiatives the Department is taking to support our greatest assets: our warfighters. Implementation of IRC recommendations represent the most historic and substantial changes to the Department's efforts to eliminate these crimes from our ranks.

Since day one on the job, Secretary of Defense Lloyd Austin made addressing sexual assault and sexual harassment a top priority. The Secretary's actions, including his direction to implement all IRC recommendations wherever possible, reflect the Department's deep commitment to combatting sexual assault, sexual harassment and other harmful behaviors. In September 2021, Secretary Austin signed the "Implementation Roadmap" memorandum that directed a comprehensive approach to implement the IRC recommendations across four tiers:

1. Tier 1 recommendations are foundational for all IRC efforts. They are either top priority or they represent necessary enhancements to infrastructure to apply best-in-practice sexual assault and sexual harassment accountability, prevention, and response programs.
2. Tier 2 recommendations either depend on the execution of a Tier 1 action or build directly on Tier 1 infrastructure to apply best-in-practice strategies (e.g., training, education).

3. Tier 3 recommendations are either chronologically or practically dependent on the execution of a Tier 1 or 2 action, and they will expand or endure programs and practices within the DoD, throughout the implementation of recommendations.
4. Tier 4 recommendations are either chronologically or practically dependent on the execution of a previous Tier action or will expand programs or policies outside of the DoD's purview.

To ensure expedient, methodical, and standardized implementation of the IRC reforms across these four tiers, OSD has worked closely with the Services to provide detailed guidance and build oversight mechanisms to ensure implementation stays on track. This includes the IRC Outcome Metrics Evaluation Report, which provides a methodological framework for tracking implementation status and effectiveness for each recommendation. The report also proposes a strategy for regular progress reviews through the Deputy's Workforce Council, a forum co-chaired by the Deputy Secretary of Defense and Vice Chairman of the Joint Chiefs of Staff and includes membership from across OSD and the Services. This level of oversight and accountability is a significant departure from previous reform efforts in this space, and ensures not only comprehensive implementation, but also that the Department can adjust course as roadblocks are identified or refinements are needed. This process has allowed the Department to make significant progress on implementation. We are not just making progress; we are building the lasting infrastructure needed to effectuate real change.

To this end, we are urgently implementing the IRC's recommendations to build a brand-new specialized and dedicated prevention workforce that will support leaders' ability to build healthy command climates that do not tolerate sexual assault, sexual harassment or other harmful behaviors. We are building this new workforce from the ground-up, and much of our implementation has focused on building an infrastructure to ensure this new capability is truly

effective. This includes developing education and training requirements for the workforce, a tiered credentialing system, a prevention workforce model for use by the Services, and revising and expanding our Prevention Plan of Action. This ensures the Department is taking a comprehensive and standardized approach to this new workforce. The Department is now in the process of hiring the first cohort of prevention professionals. At full operating capability, this workforce will include over 2,000 personnel who will be stationed at our installations around the world. We recognize the unique challenge hiring specialized professionals poses in this labor market, and OUSD (P&R) has worked to create a targeted recruitment plan to support the Services in their hiring efforts. This includes the recent establishment of a dedicated hiring authority to ensure that we are able to quickly identify and on-board these professionals. It also means working closely with colleges and universities across the country, recruiting within our military spouse community, and doing other targeted hiring events and outreach.

We are also working closely with the Military Services to fully professionalize the Department's victim response workforce. This includes ensuring this workforce has the capacity to focus on victim needs by eliminating the function as a collateral duty and building a full-time and dedicated response workforce. We are also working to increase victim trust in response services by ensuring that our response workforce is independent and outside of the chain of command. Finally, the Department will soon reach initial operating capability for our Sexual Assault Prevention & Response Training & Education Center of Excellence to ensure that we have standardized, quality, and skills-based training across the Services.

The Department is also undertaking the most significant military justice reform in decades with the implementation of the Offices of Special Trial Counsel. This will ensure independent, specialized expertise in prosecutorial decisions for the covered offenses of sexual assault, domestic violence, and related crimes, and is essential to restoring trust in the military

justice system. We know these reforms are imperative, as this year's report on sexual assault in the military revealed that Service members who do not report their sexual assault indicate significant lack of trust in what, if anything, will be done: of Service members who indicate experiencing sexual assault, 43% of women, and 31% of men, note their decision not to report due to "not trusting the process would be fair."

Along with Secretary Austin, the Military Departments are deeply committed to ensuring the success of these reforms, and in OSD we have been working diligently to support the Services in every way possible with implementation.

I am confident this subcommittee has reviewed the Fiscal Year 2021 Annual Report on Sexual Assault in the Military, which shows in stark detail what our prior activities and the IRC on Sexual Assault in the Military have already documented: Sexual assault and sexual harassment remain persistent and corrosive problems in our force. While the numbers are deeply disappointing, they largely reflect a climate before the Department began implementation of these historic reforms. The findings of the report reinforce the urgent need to continue the unprecedented actions the Department is taking to address sexual assault in our military, and provide clear direction for continued momentum in implementing the IRC's recommendations. The Department has clearly heard from our Service members that action and change are desperately needed, and the Department is answering that call.

Although we wish we could immediately create the lasting change that all of us desire, getting this right requires that we build the right foundation – a strong foundation – from which we can build infrastructure that lasts. As a result, we are moving as expeditiously as possible – to implement change – while also ensuring we do not rush to failure. If we improperly rush now, we will not be able to pick up the pieces and establish trust again.

Progress thus far has been made possible with constructive leadership emphasis, your continued engagement on this issue, deliberate programmatic and procedural changes, and resource investments. We all recognize, there is no single-solution to solve the problems before us, but we all have the resolve to effectuate positive and lasting change. As Secretary of Defense Austin has stated on more than one occasion: "We have a true opportunity to lead. And we will." We look forward to hearing from everyone today. Thank you for everything the Subcommittee does to partner with the Department on this important issue.

Madam chair, I also wish to thank you for your many years of extraordinary public service not only to your constituents but to the members of our Armed Forces, their dependents, and all of their loved ones. Your legislative accomplishments, passion, and constant dedication to work with the Department has made us better and improved the lives of countless Service members. Most importantly, you have stood up for those who often were most in need of allies and support. Your exceptional advocacy will be forever appreciated by Service members now and many years into the future. Indeed, the historic and unprecedented nature of the reforms we are discussing today – which lay a foundation for progress that will outlast each of us -- is in no small part because of your leadership. Thank you.

Gilbert R. Cisneros Jr.
Under Secretary of Defense for Personnel and Readiness

Mr. Gilbert Cisneros was sworn in as the Under Secretary of Defense for Personnel and Readiness on August 24, 2021. As the Under Secretary, Mr. Cisneros serves as the principal staff assistant and advisor to the Secretary of Defense for force readiness; force management; health affairs; National Guard and Reserve component affairs; education and training; and military and civilian personnel requirements and management, including equal opportunity, morale, welfare, recreation, and quality of life matters. On April 4, 2022, the Secretary of Defense appointed Mr. Cisneros as the Chief Diversity and Inclusion Officer (CDIO) to further advance the Department's goals of ensuring the workforce is representative and inclusive.

Born and raised, in Southern California, Gilbert enlisted in the United States Navy in 1989 after graduating from high school. After completing the Broadened Opportunity for Officer Selection and Training Program, he received a Navy R.O.T.C. scholarship and commissioned as an officer in the United States Navy in 1994. In 2010, Gilbert and his wife Jacki established The Gilbert & Jacki Cisneros Foundation, focused on helping students find a path to higher education with scholarships and college access programs. In 2015, he founded The Cisneros Hispanic Leadership Institute at his alma mater, The George Washington University, which provides scholarships for Latino students and is becoming a leading institute for policy issues that affect the Latino community.

In 2018, the voters of California's 39th Congressional District elected Gilbert to the U.S. House of Representatives. A strong advocate for Service members and Veterans, Gilbert served on both the Armed Services and Veterans' Affairs Committees. He championed language in the National Defense Authorization Act to foster greater diversity in our military officer corps, while also supporting military families on issues of housing, child abuse, and exceptional family members. As the co-founder of the Military Transition Assistance Pathway (MTAP) Caucus he supported and advocated on behalf of military service members returning to civilian life. He particularly focused on the issues of mental health and suicide amongst both our veterans and service members.

Gilbert has received numerous awards for his military service, philanthropic work, and as a member of Congress. The United States Navy Memorial recognized him for his years of service to our country, as did the Navy Supply Corps Foundation. He is also a member of The George Washington University's Monumental Alumni.

Gilbert received a B.A. in Political Science from George Washington University, an M.B.A. from Regis University, and a Master's Degree in Urban Education Policy from Brown University.

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RECORD VERSION

STATEMENT BY

**HON GABE CAMARILLO
UNDER SECRETARY OF THE ARMY
UNITED STATES ARMY**

BEFORE THE

**SUBCOMMITTEE ON MILITARY PERSONNEL
HOUSE ARMED SERVICES COMMITTEE
UNITED STATES HOUSE OF REPRESENTATIVES**

SECOND SESSION, 117TH CONGRESS

**ON ARMY EFFORTS RELATED TO THE INDEPENDENT REVIEW COMMISSION ON
SEXUAL ASSAULT IN THE MILITARY AND THE OFFICE OF SPECIAL TRIAL
COUNSEL**

SEPTEMBER 21, 2022

**NOT FOR PUBLICATION UNTIL RELEASED BY THE
HOUSE ARMED SERVICES COMMITTEE**

Chair Speier, Ranking Member Gallagher, distinguished members of this Committee—thank you for the opportunity to appear before this subcommittee representing the Army.

The Army’s number one priority is our People—our soldiers, civilians, retirees, veterans, and their families. Our focus remains on taking care of our soldiers and civilians, treating them with dignity and respect, and promoting a culture where everyone can serve and trust those who serve with them.

We were concerned by the results in the Fiscal Year 2021 Annual Report on Sexual Assault in the Military, which revealed a significant increase in the prevalence of sexual assault alongside a decline in trust in the military system to deal with those problems. Put simply, despite many years of prior effort to address this challenge, we are not where we want to be.

That is why the Army has fundamentally changed our approach. Since the murder of Specialist Vanessa Guillén and the release of the Fort Hood Independent Review Committee (FHIRC) report, Army leadership has taken unprecedented steps to make systemic, lasting changes to the way we prevent harmful behaviors. Fort Hood serves as a line of demarcation for the Army. Our efforts have shifted from a narrow focus on response to these crimes and compliance with related policies, to a more balanced approach rooted in prevention, building positive command climates, and detecting and acting on warning signs before damaging acts occur.

Since the release of the FHIRC, the Army has made significant changes to the way it counters harmful behaviors. We innovated our Sexual Harassment/Assault Response and Prevention (SHARP) training to include creating the People First Center at Fort Hood that offers soldiers the equivalent of “live fire” training for preventing sexual assault, sexual harassment, and other readiness detractors. Through experiential learning, we believe we are imparting valuable, lasting lessons through an approach that is quite different than the “power point” method. We also doubled down on our battalion and brigade-level commander selection processes that have allowed us to select leaders who demonstrate empathy and self-awareness, communicate better, and work more effectively on a team. These programs are already paying dividends in our command climates.

These changes coincide with Secretary Austin’s decision to create, at the direction of the President, the Independent Review Commission on Sexual Assault in the Military (IRC), which has galvanized support for the Department’s revised approach to addressing sexual assault and sexual harassment, based on IRC recommendations endorsed by the Secretary. The Army is well-positioned to continue driving change:

- I. We are focusing on preventing violent acts including sexual assault by rapidly and effectively implementing the recommendations of the IRC and the FHIRC. The Army has already implemented 63 of the 70 FHIRC recommendations and 4 of the 6 Secretary of Defense priority IRC items including the “Connect to Care” or “No Wrong Door” policy

which ensures survivors can access the help they need no matter who they ask first, and improving the way we transfer victims to other duty locations if it would aid their recovery.

2. We are implementing fundamental changes to our response system that directly address the lost confidence of survivors of these crimes. The Army established its Office of Special Trial Counsel reporting directly to the Secretary, which will prosecute sexual assault, domestic violence, and several other violent offenses. A variety of Fort Hood and Sexual Assault IRC recommendations will also make it easier for victims to receive the assistance they need and further professionalize the help they receive.
3. We are continuing to ask hard questions about our own performance and hold ourselves accountable for getting this right. As the Army's designated lead for IRC implementation, I receive weekly updates on our progress, checking to ensure our implementation efforts are effective and on-time.

The FY21 Annual Report on Sexual Assault surveyed the force at the very beginning of the Army's implementation of new initiatives and programs, and we are hopeful that these efforts will have a significant impact on sexual harassment and assault prevention and response moving forward. And personally, as I committed to the Senate Armed Services Committee during my confirmation hearing, preventing sexual assault and harassment will remain my top priority.

We can't afford to fail our soldiers and civilians in this area. Getting this problem right and driving lasting change in the way we prevent and respond to sexual assault will safeguard Soldiers' physical safety, increase military readiness, build trust, and ensure more Army team members' workplaces are characterized by dignity and respect. As we work to recruit and attract talent to our Army, we understand that making progress on this issue is central to our ability to build a capable and effective volunteer force.

Secretary of the Army Christine Wormuth and I are both immensely grateful to Congress, and this committee, for their sustained focus on sexual assault in the military. Due to the responsibility we have to those who serve, it is critical that we are constantly assessed and accountable regarding our approach to sexual assault and harassment prevention and response.

We have consistently been held accountable for solving a deep-rooted, pernicious problem that has frustrated years of military leadership. The good news, I believe, is that, with your help, we have the tools, funding, and senior leadership commitment that together create an unmatched opportunity for progress. To take advantage of it, we will need to keep putting in hard work.

The Army made a serious commitment to change by accepting the recommendations of the FHIRC and IRC reports, and we have followed through by implementing significant reforms. But, we are not done yet. The Army is at the beginning of a years-long process of changing the way we build positive command climates and reduce harmful behaviors. You have my commitment that Army leaders will keep pushing until the job is done.

Below is some additional detail on the progress we have made, and where we will focus our efforts moving forward.

IRC Implementation

In his first week on the job, Secretary Austin announced the creation of the Independent Review Commission (IRC) on Sexual Assault in the Military, which supported the President's efforts to address sexual assault and harassment in the military. While the Services sought to address the problems for decades, the IRC took a comprehensive outside look at the Department's efforts to combat harmful behaviors. The IRC made 82 recommendations on how to address sexual assault and harassment across the Department of Defense by focusing on accountability, prevention, climate and culture, and victim care and support. Out of the IRC's 82 recommendations, the Secretary of Defense assigned the Services 32 for action, while he retains 50 for DoD to implement or study further before giving to the Services. He further broke the recommendations into four tiers. We have a plan to implement all 32 recommendations in a deliberate, phased approach as guided by the Secretary of Defense. We are pushing hard to accomplish the six priority items by the end of this fiscal year.

So far, we have completed implementation of the following four IRC recommendations:

1. We reviewed and updated all policies that unnecessarily restrict data collection on important populations of servicemembers.
2. We improved the processes we use to help survivors quickly change duty locations when they believe doing so would aid their recovery. The improvements to our expedited transfer policy give Soldiers and their families more time to decide to transfer and ensure that they have the best care before, during, and after their moves.
3. We have, since 2009, made sexual harassment and sexual assault services available for all victims of sexual violence including our Soldiers and their dependents, civilians, retirees, veterans, and contractors.
4. Just last week, the Secretary signed an Army Directive which implemented the "No Wrong Door" approach to sexual harassment and assault and domestic abuse which ensures all providers offer an individual seeking services a connection to the appropriate provider.

For the last two priority recommendations Secretary Austin, we are working to eliminate collateral duty for our Sexual Assault Response Coordinators and Sexual Assault Prevention Response Victim Advocates. That action is pending a manning analysis on these positions which will conclude at the end of this month. We stand ready to implement independent, trained investigators for sexual harassment investigations. Following the FHIRC's recommendations, and in accordance with the FY22 National Defense Authorization Act (NDAA), we have already required that investigating officers be appointed from outside the chain of command, and we are working with the Office of the Secretary of Defense for additional changes to fully comply with

the IRC recommendation. There are 26 other recommendations in Tiers 1 to 4 that we will implement in accordance with Secretary Austin's guidance.

Military Justice Reform

The IRC found that rank-and-file Soldiers have lost confidence in the chain of command's ability to impartially handle sexual assault and related crimes, which damages the credibility of the military justice system and our broader efforts in this space. The Army is in full support of the Secretary of Defense's decision and Congressional legislation requiring dedicated, highly skilled prosecutors and support staff that report directly to the Service Secretaries, without intervening authority. The Army is reforming military justice through structural changes that include the establishment of an independent Office of Special Trial Counsel (OSTC) reporting directly to the Secretary of the Army. The Army established the OSTC as a Field Operating Agency on July 15, 2022. Once fully operational, it will make initial disposition decisions and binding referral decisions for 11 covered offenses, as called for by the FY22 NDAA.

The interim headquarters in the National Capital Region is led by a senior Colonel with significant military justice experience, while the Army awaits confirmation of the first Brigadier General Lead Special Trial Counsel.

The current OSTC headquarters staff includes seasoned policy attorneys with years of criminal justice litigation experience in both the civilian and military justice systems. The Army Judge Advocate General's Corps is in the process of hiring additional civilian experts in specialized areas (litigation of sexual assault and domestic violence, training, data analysis, and wellness) to support the OSTC. To facilitate the standup of the OSTC, the Army published an execution order which details a phased approach to staff, train, and equip the office across the enterprise, from initial operating capability now to a fully operational team of 159 uniformed and civilian personnel on December 27, 2023. In 2025, the organization will grow to 180 personnel.

Accompanying these structural efforts, the Army is refining a plan for career litigation billets that increases our ability to identify, grow, and staff experienced criminal litigation positions, in both the prosecution and defense, at all stages and ranks of a military career. These crimes, often with complex fact patterns, require specialized expertise and experience. These changes complement the numerous Army efforts underway to drive structural, cultural, and technical change around sexual assault accountability.

Pivoting to Prevention

One of the IRC's core findings was that that DoD and the Military Services lack a primary prevention capability. As Secretary Wormuth has said publicly, investing in prevention will allow us to reduce the frequency of sexual assault and other negatives behaviors, while creating better command climates and healthier workplaces. While I am proud of the work we have done to build and improve our response systems, we must also prioritize prevention.

To support Secretary Wormuth's call for action, the Army People First Task Force is currently developing the Army Integrated Prevention Strategy (AIPS) as a new, holistic approach for preventing harmful behaviors and integrating policy, programs, and directives to ensure the health, safety, and well-being of our People. Major objectives of the strategy include the development of an integrated prevention infrastructure and unifying supporting policies, resources, authorities, and prevention stakeholders across the total Army.

Additionally, the Army's nascent prevention workforce will collaborate with existing prevention programs to develop integrated prevention strategies and activities for Army leaders and commanders based on the unique needs and conditions of the organization and community. This effort is intended to mitigate risk factors and promote protective factors within Army Communities.

The prevention workforce will examine and synthesize relevant data at an installation to provide recommendations to commanders on installation-specific risk and protective factors and develop and support the implementation of focused prevention activities. This analysis will enable the Army to mitigate negative behaviors before they occur, take care of Soldiers, and create healthy, positive climates that foster mission success.

Implementation of the prevention workforce is underway across five Army installations: Fort Hood, Texas; Fort Riley, Kansas; Fort Sill, Oklahoma; Schofield Barracks, Hawaii; and Camp Humphreys, South Korea. Onboarding of prevention specialists at the Headquarters, Army level is almost complete, and I remain personally focused on getting individuals hired and on board. Our hiring efforts will continue to expand in coming years across the entire Army, including the Army Reserve and the National Guard Bureau, with the intent of reaching full operational capability by FY 2027.

SHARP Workforce Restructure

Both the FHIRC and IRC found that the SHARP workforce could not adequately care and advocate for victims' needs without becoming a full-time, professional force outside of units' chains of command. In alignment with the IRC recommendations, the Army is establishing an oversight structure to professionalize the SHARP program across the force. Eliminating collateral duty assignments for Sexual Assault Response Coordinators (SARC) and Sexual Assault Prevention Response Victim Advocates (VAs) will be a starting point. We will also give these full-time response professionals more assistance and oversight to strengthen their ability to provide compassionate, victim-centric services. Additionally, we moved SARCs and VAs from the command reporting structure and aligned them under a lead SARC who reports directly to the installation commander. This independence should enable SHARP professionals to advocate for victims more effectively.

Additional Initiatives

In addition to implementation of IRC recommendations, the Army is working to implement the Fort Hood Independent Review Committee recommendations and several other initiatives we believe will help address sexual assault and sexual harassment.

Fort Hood Independent Review Committee Recommendations

Before the Secretary of Defense created the 90-day Independent Review Commission, then Secretary McCarthy appointed the Fort Hood Independent Review Committee. We received its results in December 2020 and have been working diligently to implement its recommendations over the last two years. The Army has addressed 63 of its 70 recommendations, and we are on track to address the last seven by the end of this year, one year ahead of schedule. There is some overlap in recommendations between the IRC and the FHIRC and we are grateful to both organizations for their role in helping us identify and address some areas that may previously have been blind spots.

The Army has more work to do, but I would like to highlight some of the changes we made based on the FHIRC's recommendations. We made significant adjustments to our SHARP program.

1. We moved investigations of sexual harassment out of a subject's brigade to an investigating officer in a different brigade, to promote fairness and impartiality.
2. We implemented better tracking of sexual assault and harassment cases and their timelines.
3. We ensured the appropriate staffing levels of our special victims counsels to guarantee their availability in time of need.
4. At Fort Hood specifically, III Corps established the People First Center – a centralized training facility to train our units to be cohesive teams. It is a location for resources and information not just for sexual assault and harassment prevention and response, but for family advocacy, equal opportunity, resilience training, our substance abuse program, suicide awareness, and spiritual readiness. The People First Center focuses on prevention while it also addresses response.

Secondly, the FHIRC identified issues to address with Fort Hood Criminal Investigative Division (CID) and the Army CID Command (USACIDC). Not only did we make changes at Fort Hood, we restructured CID, separating it from the office of the Provost Marshal General and creating a new civilian director for the organization that reports directly to the Secretary of the Army. We increased our number of civilians across the Army by over 600 to better balance our force and increase tenured civilian investigative leadership, continuity, and experience. We reevaluated our staffing model and personnel movement protocols for high tempo offices like Fort Hood to ensure they were staffed properly with agents of the right experience level for the volume of cases, joint investigations off the installation, and the capability to conduct proactive crime

suppression. Additionally, CID capabilities now include mobile phone tracking expertise, software, and equipment.

Thirdly, we established Army-wide protocols for Soldiers who fail to report to their appointed place of duty, specifically highlighting the critical first 24 hours and ensuring robust response at the unit and military police levels. A part of that effort is also training our first line leaders, officers, and noncommissioned officers better on how to identify and recognize suspicious circumstances when a Soldier fails to report.

Cohesion Assessment Teams

To combat unhealthy command climates across the force, the Army is employing teams of experienced leaders and subject matter experts to conduct organizational climate assessments and provide commanders at brigade and below an assessment of their unit's trust and cohesion. These Cohesion Assessment Teams (CATs) inform commanders of potential blind spots while providing specific, prioritized, actionable feedback regarding their climate and tools to assist in the development of action plans. This directly contributes to more disciplined, cohesive, lethal, and fit teams. We then share best practices throughout the Army, improving our whole force.

So far, we have deployed seven CATs to seven different installations. They have identified issues for our units to address from culture and how to build better teams, to how to address processes like training schedules to give our soldiers more predictability and better training, to leadership and how to better put our people first. We are moving these CATs from our People First Task Force to Training and Doctrine Command (TRADOC), which will strengthen the CAT structure. It will allow for increased flexibility and the ability to surge to units that are showing higher warning signs, and it will provide the CATs the ability to develop yearly trends analysis to give us a broader view of the needs of our force.

New SHARP Policies

The Army is equipping commanders and leaders with improved policies to better support implementation of the SHARP Program. These include:

- **Additional Leader Training.** An Army Directive requires all Army leaders at the squad level and above—to include Army Civilians—to receive additional training on newly-published DoD policies and other necessary information to effectively execute their responsibilities regarding the SHARP Program.
- **Expanded Services for Civilians.** A new directive expands unrestricted reporting eligibility to our civilians who are victims of sexual assault, whether they are serving in the Continental United States or overseas.

- **Safe to Report Policy.** A Safe-to-Report policy safeguards sexual assault victims from disciplinary action for minor collateral misconduct, such as underage drinking, curfew violations, or inappropriate relationships that may be associated with the sexual assault incident by time, place, or circumstance.

Command Assessment Program

The Army recognizes how important having the right leaders in place is to building healthy command climate and preventing harmful behaviors. We will continue to focus on the best methodologies for the development, screening, and selection of leaders for positions of significant trust. To that end, over the last three years, we implemented the Command Assessment Program (CAP) to identify the most qualified candidates for key battalion and brigade-level leadership roles across the Army. In November 2021, the Army completed the third iteration of CAP and we have assessed over 3,400 leaders.

When compared to the legacy Command Selection List system, CAP assesses and identifies leaders who are more cognitively capable, better communicators, more self-aware, and less likely to exhibit counterproductive or ineffective leader traits. The IRC recognized CAP as a promising practice for identifying leaders who are committed to the well-being of those under their command, as well as screening for leaders who do not show similar commitment.

Fusion Directorate

As part of our redesign of the SHARP program, the Army launched its fusion directorate pilots this past April at Fort Riley, Kansas; Fort Sill, Oklahoma; Fort Bragg, North Carolina; Fort Irwin, California; Aberdeen Proving Ground, Maryland; Schofield Barracks, Hawaii; and a virtual pilot established with the 99th Readiness Division at Fort Dix, New Jersey. When our soldiers, civilians, retirees, veterans, or family members need help, they can go to one location and get the help they need rather than search across a potentially unfamiliar installation for the necessary resources. These multi-disciplinary sexual harassment and assault fusion directorates operate under a fusion director at a single facility, under the oversight of the installation senior commander. They offer an alternate reporting capability and coordinated medical, investigative, legal and support services that remain independent of the immediate command. They increase accountability, transparency, and efficiency by coordinating medical, investigative, legal, and support services to maximize efforts and ensure timely, comprehensive, and compassionate response to victims. Not only will these directorates share best practices across the force, the results of these pilots will inform Army leadership about Army-wide expansion and SHARP program reform.

Conclusion

The Army will always be a People organization. Our people are what enable us to accomplish incredible things every day. Their talents, courage, and commitment make our Army the greatest fighting force in the world. We must continue to build our force with individuals who embody

the best of America and protect those with whom we have been entrusted. The Army will continue to dedicate our efforts to rooting out harmful behaviors such as sexual harassment and assault and domestic violence.

Hon. Gabe Camarillo
Under Secretary of the Army

The Honorable Gabe Camarillo was confirmed by the U.S. Senate on February 2, 2022 and sworn in as the 35th Under Secretary of the Army on February 8, 2022. As the Under Secretary of the Army, he is the Secretary of the Army's senior civilian assistant and principal adviser on matters related to the management and operation of the Army. He is also the Chief Management Officer of the Army.

Mr. Camarillo's prior career includes significant experience in law, government, national security and private industry. Mr. Camarillo previously served as Assistant Secretary of the Air Force (Manpower & Reserve Affairs) where he was responsible for military and civilian personnel and reserve component matters for the Air Force. He previously also served as the Principal Deputy Assistant Secretary of the Army (Acquisition, Logistics & Technology), helping to lead and supervise Army modernization programs, procurement, logistics and R&D investment.

His private sector experience includes legal practice at several law firms with emphasis in the areas of commercial litigation, campaign finance law and government ethics. Mr. Camarillo also taught campaign finance law as an adjunct professor at Georgetown University's McCourt School of Public Policy. Recently, Mr. Camarillo served as Senior Vice President at SAIC, where he led two business units for an engineering and IT services company.

Mr. Camarillo received a Bachelor of Arts in Government at Georgetown University and a law degree from Stanford University. He has two children, Ethan and Natalie, in Virginia.

Not for publication until released by the Committee

PREPARED STATEMENT

OF

ERIK K. RAVEN, UNDERSECRETARY OF THE NAVY

REGARDING

**UPDATE ON THE IMPLEMENTATION OF RECOMMENDATIONS
OF THE INDEPENDENT REVIEW COMMISSION ON SEXUAL
ASSAULT IN THE MILITARY AND THE ESTABLISHMENT OF
THE OFFICE OF SPECIAL TRIAL COUNSEL**

BEFORE THE

**HOUSE COMMITTEE ON ARMED SERVICES SUBCOMMITTEE
ON MILITARY PERSONNEL**

Good afternoon, Chairwoman Speier and Ranking Member Gallagher, and distinguished members of the Subcommittee. I appreciate the opportunity to appear before you today to discuss the actions by the Department of the Navy (DON) to implement the Fiscal Year 2022 (FY22) National Defense Authorization Act (NDAA) Offices of Special Trial Counsel (OSTC) and Department of Defense (DoD) approved recommendations of the Independent Review Commission on Sexual Assault in the Military (IRC).

I want to convey the following on behalf of Navy Secretary Del Toro and the senior civilian and military leadership of the Navy and Marine Corps: we are firmly committed to addressing sexual misconduct within our ranks. The DON is focused on producing, deploying, and sustaining Naval forces that will perform successfully in combat. Sexual assault and sexual harassment adversely impacts our ability to accomplish the mission.

The findings of the Annual Report on Sexual Assault in the Military for Fiscal Year 2021 underscore that the crimes of sexual assault and sexual harassment are pervasive and remain persistent and corrosive problems. These crimes erode unit cohesion, the glue that holds successful teams together in their most difficult hours, presenting a readiness challenge for our Services. Victimized Sailors and Marines, their teammates, and their families suffer emotional, psychological, and physical injuries because of these crimes. We owe it to our Service members to use the data from the Annual Report, as well as the good work that this Committee and others have done, to make informed decisions to prevent sexual violence and address other workplace and gender-related issues within our Department.

Research demonstrates that sexual assault occurs less often in units where members support and respect each other—units where sexual harassment is also less likely to occur. To that end, we are working hard to ensure healthy practices in military workplaces by promoting inclusive environments across units and offices, and targeting risk factors and negative cultures that lead to sexual assault, harassment and other readiness-impacting behaviors.

The FY22 NDAA codified IRC recommendations supported by the Secretary which provide new tools to deter these unacceptable behaviors and, when they occur, to

pursue accountability of offenders. The DON is fully committed to this effort, and we will successfully implement these reforms on the deadlines prescribed by Congress and the DoD. Already, we have made impactful policy changes to enhance victim empowerment, and Secretary Del Toro has directed the Department to expedite changes to leadership development, education, and training so our leaders are better equipped to foster healthier command climates yielding higher-performing teams with cultures of safety, inclusion and respect. We will continue, at every opportunity, to strengthen our prevention, response, and accountability efforts at every possible opportunity.

DON APPROACH TO IMPLEMENTATION

To begin its implementation efforts for the OSTC, the DON developed a long-term, planning framework with a four phase approach oriented towards achieving the full operational capability of these offices. Phase I was the “planning” phase, which began in September 2021 and was completed in March 2022. Phase II is the “building” phase, in which planning is completed and execution begins. Phase II is ongoing and will conclude after the arrival of all Special Trial Counsel at their duty stations by September 2023. Phase III is the “execution” phase, during which the OSTCs will begin field testing processes and procedures in advance of reaching full operational capability by 27 December 2023. Finally, Phase IV is the “assessment” phase, an ongoing and continuous effort to measure and assess the implementation and mission accomplishment of military justice reforms.

The details of each phase are important to review, as they illustrate what progress has been made, and what remains to be DONE. Phase I planning began in September 2021 with the establishment of the Department’s Strategic and Operational Planning Team (OPT), supported by Naval War College strategic planners, and comprised of subject matter experts from across the Navy and Marine Corps uniform legal communities, representatives from the Navy General Counsel’s office, and the U.S. Coast Guard.

Shortly after the FY22 NDAA was passed, the OPT began developing courses of action (COAs) for the organizational structure of the OSTCs. These COAs were then graded using three principles from Secretary Del Toro’s guidance on IRC implementation.

The first guiding principle was to ensure that the OSTCs and their personnel will be independent, both in appearance and in fact. They must be able to execute their

responsibilities free from unlawful interference, reporting directly to the Secretary without intervening authority, as prescribed by statute.

The second guiding principle was that the OSTCs will be specialized, that is, solely focused on the successful review and prosecution of allegations of covered offenses.

The third guiding principle was that OSTCs will be experts, possessed of the capability and capacity necessary to effectively perform the duties assigned to the office by reason of education, training, experience, and temperament for duty.

Secretary Del Toro was briefed on the results of Phase I and approved the proposed OSTC structures for the Navy and Marine Corps in early 2022. The Services then entered Phase II – building towards operational capability.

Phase II began in March of this year and has focused primarily on the development of the initial operational capabilities of the OSTCs. Both Services have identified and assigned interim Lead Special Trial Counsel (Navy) and Deputy Lead Special Trial Counsel (Marine Corps) to supervise the office through its initial stand-up. Further, both Services convened an O-7 selection board through which they have identified their respective Lead Special Trial Counsel nominees. Additionally, each Service is currently in the process of identifying those judge advocates who possess the education, experience, training, and temperament to be assigned as Special Trial Counsel within their respective OSTCs.

While Phase II will continue until next fall, the DON has already started Phase III, the “execution” phase. As part of the execution the OSTCs have begun to develop and establish their processes, procedures, as well as training and recommended certification standards for the handling of covered offense cases. This will well position the Special Trial Counsel assigned to the OSTCs to immediately exercise their authority over covered offenses on or after 28 December 2023.

Importantly, on 7 September 2022, Secretary Del Toro issued his OSTC guidance. This policy, derived from and expounding upon Secretary Austin’s OSTC policy, establishes clear lines of responsibility within the Department of the Navy for the implementation and support of the OSTCs, and sets Departmental deadlines and milestones to ensure successful implementation. In his policy, Secretary Del Toro again emphasized that the OSTCs “shall be independent – both in appearance and in fact;

specialized – focus on statutorily enumerated covered offenses; and expert – possessed of the capacity and expertise necessary to effectively perform the duties assigned.” The senior civilian and military leadership of the DON is committed to executing this guidance.

Finally, Phase IV, the “assessment” phase, is also already in progress and will persist after OSTC achieves full operational status. Pursuant to Section 547 of the FY22 NDAA, the Secretary of Defense, in consultation with the Service Secretaries, the Judge Advocates General, and the Staff Judge Advocate to the Commandant of the Marine Corps, must publish a plan addressing how they will assess the effects of changes with respect to the OSTCs and the disposition of covered offenses. Both the Navy and Marine Corps have begun coordination with the DoD Office of General Counsel on this effort and are actively working to identify methods and measurements of performance.

This process has enabled the DON to set out for the Services a detailed memorandum entitled “Policies Governing the Navy and Marine Corps Offices of Special Trial Counsel”, which Secretary Del Toro signed earlier this month. In his memo, Secretary Del Toro emphasized that the OSTCs “shall be independent – both in appearance and in fact; specialized – focus on statutorily enumerated covered offenses; and expert – possessed of the capacity and expertise necessary to effectively perform the duties assigned.” The senior civilian and military leadership of the DON is committed to executing this guidance.

To facilitate a Departmentally united approach to the implementation of the FY22 NDAA and IRC reforms, Secretary Del Toro established the DON Implementation Advisory Panel (IAP) in February of this year. The IAP is chaired by the Acting Assistant Secretary of the Navy (Manpower and Reserve Affairs) and is comprised of senior leaders from key Departmental and Service offices, including the General Counsel of the Navy, the Navy’s Judge Advocate General, the Staff Judge Advocate to the Commandant, the Assistant Secretary of the Navy for Financial Management and Comptroller, the Director of the Naval Criminal Investigative Service, Office of Force Resiliency, the Chief of Naval Personnel, the Deputy Commandant for Manpower and Reserve Affairs, and other senior leaders within the Department. The IAP is responsible for considering the full

range of programs and tools available to address harmful behaviors and providing the Secretary with recommended actions that achieve unity of effort across the DON.

The IAP meets every two weeks. This panel is pursuing its mandate with the vigor that this subject deserves. The IAP routinely makes requests for additional information and additional staff analysis to inform its recommendations. Secretary Del Toro is continually updated on its work at his weekly senior leadership meetings.

The IAP identified 73 specific FY22 NDAA provisions and IRC recommendations requiring Department of the Navy action. At present, we have already implemented, or partially implemented, 60 recommendations. For example, we implemented an interim policy that removes sexual harassment investigations from the chains of command of the victim and subject, created “Safe-To-Report” and “No Wrong Door” policies to empower victims and survivors to come forward and receive the support they need, promulgated a clear definition of “cyber harassment,” made substantial progress standing up a prevention workforce to prevent harmful behaviors and build climates of dignity and respect, and made significant progress in professionalizing the sexual assault response workforce to best support survivor recovery. The IAP will continue to track and implement all of the IRC recommendations. We are on track for the Navy and Marine Corps to achieve full operational capability of their respective OSTC before the FY22 NDAA’s 27 December 2023 deadline.

The IAP has also focused many of its early sessions on ensuring the Department’s OSTCs are well-positioned for success. For example, the Acting Assistant Secretary of the Navy (Manpower and Reserve Affairs) in collaboration with the DON legal community engaged with the Department of Justice (DOJDOJ) in an effort to learn how U.S. Attorneys’ Offices are resourced, staffed, and trained, as well to gain insight on specific DOJDOJ policies and processes for the investigation, prosecution, and adjudication of comparable title 18, U.S. Code offenses. This outreach provided invaluable information and contacts within DOJDOJ that will be useful to both the DON’s OSTCs and planning teams.

Many of the IAP’s recommendations on the OSTC remain pre-decisional. However, I will confirm that we are on track for the Navy and Marine Corps to achieve

full operational capability of their respective OSTC before the FY22 NDAA's 27 December 2023 deadline.

RESOURCING

Successful implementation of the Services' Office of Special Trial Counsel and the other military justice reforms enacted by the FY22 NDAA and contained in the Secretary of Defense-approved IRC recommendations, requires resources, both in manpower and logistical support. The Secretary of the Navy, Chief of Naval Operations, and Commandant of the Marine Corps fully understand and support this need by allocating resources to ensure successful military justice reform implementation.

We look forward to briefing this Committee on those resources requirements in a few months in accordance with Section 539F of the FY22 NDAA.

CONCLUSION

Within the DON, we believe that leaders set the culture. Sexual assault, discrimination, and harassment of any Sailor, Marine, or civilian erodes readiness and is not acceptable. Only determined and unwavering leadership at all levels will bring about the cultural reform necessary to prevent these offenses. Looking toward the future, the DON will continue to build and execute a comprehensive, holistic approach to sexual assault and sexual harassment prevention, response, and accountability. We recognize that preventing and effectively addressing sexual assault and sexual harassment requires systematic changes to climate and culture. We must and will implement these changes in order to produce, deploy, and sustain Naval forces that can fight and win our Nation's wars and advance the interests and values of the United States of America.

Erik K. Raven
Under Secretary of the Navy

The Honorable Erik K. Raven assumed the responsibilities of the Under Secretary of the Navy on 13 April, 2022. He serves as the Department of Navy's Chief Operating Officer and Chief Management Officer. He is responsible for providing oversight and policy for defense and naval strategy, intelligence and intelligence-related activities, sensitive activities, special access programs, space activities, critical infrastructure, small business programs, and the naval audit service. Additionally, he is responsible for business operations, performance management, and risk management within the Department.

Mr. Raven has served in a variety of legislative senior leadership positions in the federal government. Before his nomination, Mr. Raven was the principal advisor to the Democratic Chairs and Vice-Chairs of the Committee on Appropriations and Subcommittee on Defense on budget matters relating to the Department of Defense and intelligence community.

Mr. Raven also served as an advisor in the offices of Senators Feinstein, Kennedy, and Byrd, advising on defense, foreign affairs, homeland security, veterans, space, and transportation policy issues.

Mr. Raven holds a master's degree in the History of International Relations from the London School of Economics, and a Bachelor of Arts in International Relations from Connecticut College.

DEPARTMENT OF THE AIR FORCE
OPENING STATEMENT
TO THE SUBCOMMITTEE ON PERSONNEL
COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES

UPDATE ON IMPLEMENTATION OF RECOMMENDATIONS OF THE INDEPENDENT
REVIEW COMMISSION ON SEXUAL ASSAULT IN THE MILITARY AND THE
ESTABLISHMENT OF THE OFFICE OF SPECIAL TRIAL COUNSEL

STATEMENT OF:

THE HONORABLE GINA ORTIZ JONES
UNDER SECRETARY OF THE AIR FORCE

21 September 2022

NOT FOR PUBLICATION UNTIL RELEASED BY THE
COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES

INTRODUCTION

Good afternoon, Chairwoman Speier, Ranking Member Gallagher, distinguished members of this subcommittee. Thank you for the opportunity to appear before you today.

The Department of the Air Force (DAF) is committed to supporting our service members and their families, removing every barrier to create an environment in which everyone who is ready and willing to support and defend the Constitution has the opportunity to serve to their full potential.

While there have been important policy changes, due in part to the leadership of the members of this subcommittee, to address sexual assault and sexual harassment in the military we have frankly not made enough progress in preventing or reducing either. The bottom line is we have more work to do.

Our Airmen, Guardians, and families are our greatest competitive advantage. We do not have time or talent to lose. Over the past year, the DAF has continued its focus on providing the absolute best care, while cultivating an inclusive environment.

Sexual assault and sexual harassment undermine our force lethality, operational readiness, and mission success. They also infect command climate, erode unit cohesion, and undermine good order and discipline. If we are to successfully fulfill our mission to protect and defend our nation, addressing sexual harassment and sexual assault must remain a priority. This is a warfighting issue, a readiness issue, and a leadership issue.

The Department of Defense Annual Report on Sexual Assault in the Military for Fiscal Year 2021 showed the DAF estimated prevalence of sexual assault behaviors has increased based on the current reporting processes. We are encouraged that the total number of restricted and unrestricted reports has increased by 2% from FY20 to FY21. At the same time, we know we have more work to do, as the overall DAF reporting rate among Airmen who experienced sexual assault decreased by 10% compared to FY18 data.

Accessing better data and understanding that data will be crucial to combating the scourge of sexual assault and sexual harassment. More data fosters transparency, which in turn fosters more accountability—for leaders and for the force.

In addition to enhancing accountability and increasing efforts aimed at data-driven prevention strategies, we are committed to making significant, measurable progress to close the gap between the prevalence of sexual harassment and sexual assault, and the number of reports. This is fundamentally about trust in the process, and we are committed to providing comprehensive support and response services for sexual harassment and sexual assault victims.

IMPLEMENTATION OF THE INDEPENDENT REVIEW COMMISSION ON SEXUAL ASSAULT RECOMMENDATIONS

As members of this subcommittee are aware, the Independent Review Commission (IRC) on Sexual Assault made recommendations related to accountability, prevention, climate and culture, and victim care and support. This year, the DAF continued implementing the recommendations of the IRC, including the establishment of the Office of Special Trial Counsel (OSTC). Our commitment

to thoughtful and thorough implementation has accelerated our momentum while resourcing changes to the processes around prevention of, and response to, sexual harassment and sexual assault.

Accountability

The DAF is fully committed to implementing Section 532 of the FY22 NDAA, which created the OSTC to oversee the investigation and prosecution of sexual assault and other victim-based offenses, independent from the command reporting structure and reporting directly to the Secretary of the Air Force. These transformational changes in the law place prosecution decisions for the most serious victim-centric crimes directly with experienced and specialized military prosecutors to further enhance trust and credibility in the military justice system. These changes will positively impact the proficiency and integration of the investigators, attorneys, and paralegals charged with handling these cases to ensure we hold offenders accountable for their crimes and ensure victims of these crimes are treated with dignity and respect.

The DAF anticipates the O-7 lead special trial counsel will lead a headquarters element of attorneys and paralegals, as well as six field offices with attorneys and paralegals focused on executing OSTC's mission of prosecuting covered offenses and known or related offenses. All personnel filling OSTC positions will have significant military justice experience. Each field office will be run by a Chief Special Trial Counsel, who will be responsible for subordinate Special Trial Counsel and paralegals, similar to a civilian district attorney's office. Further, these staffs will have delineated duties and be organized into three primary functions, including administrative coordination and processing cases, investigation and prosecution support teams, and case litigation.

The DAF is utilizing a multi-phased approach to ensure the OSTC will be at full operational capability on its statutory effective date. The organization achieved initial operational capability on June 15, 2022. OSTC is currently staffed by members of The Judge Advocate General's Corps serving as Special Trial Counsel, who advise on and prosecute cases involving covered offenses. In May 2022, the DAF conducted its initial Special Trial Counsel qualification course. The course included expert instructors from a variety of fields, including prosecuting sexual assault and domestic violence, pediatric medicine, advanced criminal investigations, and Department of Justice prosecutorial offices specializing in online and child crimes. In furtherance of the critical partnership between law enforcement investigators and prosecutors, nine agents from the DAF Office of Special Investigations attended the course as well. Following the course, The Judge Advocate General certified the first cadre of Special Trial Counsel. The DAF is also making significant strides to meet the FY22 NDAA requirements and the IRC recommendations in areas of resource analysis, training plan development, and establishing standard operating procedures for the OSTC's integration with investigators. The DAF remains fully committed to meeting Congressional and IRC intent.

Additionally, the DAF recently published DAF Instruction 36-3211: *Military Separations*, which outlines increased support to sexual assault survivors, strengthens sexual assault prevention and accountability efforts, and combines several discharge instructions. Under the previous policy, Airmen and Guardians who committed sexual assault offenses were subject to mandatory initiation of discharge proceedings. The updated policy ensures the discharge decision is objective and focuses decision makers on the relevant evidence of each case. The new departmental policy explicitly states members who commit sexual assault will face mandatory initiation of discharge and

only, if certain limited circumstances exist, can a member be considered for an exception to the presumption of discharge. Further, the separation authority and board members can no longer consider the following factors when determining whether a basis for a sexual assault discharge exists, whether a waiver is appropriate, and whether a member should be discharged if they have committed a sexual assault: personal, family, or financial circumstances; good military character or service record; or a medical or mental health condition.

Prevention

In 2015, the DAF established a dedicated prevention workforce and policy, which served as a model for some of the IRC's recommendations in this area. In FY21, the DAF hired over 90 prevention workforce professionals. At the end of FY21, we received additional Office of the Secretary of Defense funding to hire an additional 30 prevention workforce positions. However, we recognized this was not sufficient to meet the Department's growing prevention needs. As part of the DAF's ongoing and IRC-recommended prevention efforts, in early 2022 we authorized four distinct, independent, dedicated positions at every installation across the DAF beginning in FY24. All installations have permission to hire against these authorizations effective immediately and have been directed to execute these hiring actions as soon as possible. These installation, operational, and strategic-level experts integrate primary prevention efforts and promote research-based practices to reduce risk factors and increase protective factors for our Airmen and Guardians. Our team is focused on activities specifically addressing the prevention of all forms of Interpersonal and Self-Directed Violence (ISDV). This dedicated prevention workforce will lead, develop, plan, evaluate, and coordinate integrated primary prevention across the DAF. When combined with 103 new positions authorized and funded for 2022, we anticipate having onboarded 227 full-time dedicated prevention professionals by the end of 2023.

Climate and Culture

The DAF is addressing attitudes and beliefs that are associated with increased risk of sexual harassment and sexual assaults through the implementation of IRC initiatives. Already, cyber harassment is criminally prohibited by Air Force Instruction 1-1, *Air Force Standards*, which currently applies to both Airmen and Guardians. Depending on the facts of each case, offenders are subject to punishment for cyber harassment under a number of UCMJ articles. Moreover, commanders are required under DoD and DAF policy to act in these cases and are receiving training on the full scope of administrative and punitive actions available to them. Currently, policy is being drafted to increase leader accountability by including a meaningful narrative section in Officers and Non-Commissioned Officers' performance evaluations. Effective with the rollout of myEval 2.0—projected for officers in February 2023 and enlisted personnel in May 2023—there will be an evaluation of culture; these efforts are in the final stages of development now. In addition, DAF recently updated our policy to require commanders with Defense Equal Opportunity Climate Survey scores at least 25% below the average to develop, in partnership with their higher-level commands, corrective action plans to improve the culture. The DAF will also assess Airman and Guardian leadership qualities, which will include assessment of their ability to create inclusive environments. The new evaluation will also include a narrative section to address performance, including climate and culture, and is in the final stages of development.

The DAF is also modernizing prevention training for all forms of ISDV by shifting from a “one-size-fits-all” approach to proficiency-based tailored training (PBTT). This approach utilizes predictive analytics to allow members to efficiently receive the relevant and individualized content. Our initial PBTT training was the Sexual Communication and Consent (SCC) course, a tailored SAPR training based on risk factors that was successfully piloted at Basic Military Training (BMT). Data on the pilot program demonstrated positive increase in retention of content and positive changes in attitudes, cognitions, and behaviors.

In 2022, the U.S. Air Force Academy adapted SCC onto a web-based platform to increase accessibility, ease implementation, and decrease costs. Ultimately, the goal is for all ISDV trainings to be tailored to an individual’s risk and protective factors, rank, career, and/or experiences. A PBTT for sexual assault bystander intervention skills is scheduled to launch in 2024. This effort will establish a baseline for sexual assault bystander knowledge and will inform adaptation of the training so that members receive the most appropriate content at the appropriate dosage. Finally, the DAF is increasing the number of evaluation and analysis personnel to enhance our ability to ensure our efforts are having the desired impact.

By addressing attitudes and beliefs that lead to an environment tolerant of harmful and violent behaviors, we can design actions that mitigate risk factors and increase protections for our Airmen and Guardians. By empowering and equipping leaders at all levels, these initiatives will increase critical intervention skills, and promote a positive unit culture that is rooted in treating fellow servicemembers with dignity and respect and enforces accountability when those basic tenets are violated.

Victim Care and Support

DAF response programs are increasing our SAPR workforce, expanding restricted and unrestricted reporting processes, and ensuring trauma-informed victim advocacy, mental health, and healthcare. I directed the DAF to initiate a six-month integrated response pilot program, a recommendation from the IRC on co-locating services to improve the response to, and outcomes for, personnel who have experienced harm and violence (e.g., sexual assault, sexual harassment, domestic violence, stalking, and cyber harassment). This effort was launched on July 29, 2022. Through the collection of objective metrics as well as clinician and survivor feedback, the DAF will evaluate the co-location pilot process, execution, and outcomes before DAF-wide expansion. The pilot program prioritizes a survivor-centered approach that aims not only to minimize the trauma of victims having to re-tell their stories, but also facilitates the coordination of care across helping agencies. Supportive service agencies will ensure victims and their families have support from initial reporting through resolution and post-care. Additionally, the recently established DAF “Safe to Report” policy decreases barriers to reporting by affording amnesty from minor collateral misconduct, like underage drinking or fraternization, that may create barriers to reporting the sexual assault.

Other implemented changes to improve survivor support include: flexibility to take non-chargeable time off for sexual assault victims; expanded victim service options and restricted reporting; and maximized survivor preferences in expedited transfers. We are also strengthening the SAPR workforce by increasing the number of full-time advocates and phasing out the reliance on collateral duty victim services personnel to ensure this critical support to victims is provided by professionals well-versed in the response to sexual trauma. Further, the DAF is developing a plan to ensure a

reporting structure for our Sexual Assault and Response Coordinators (SARC) outside of the chain of command. This independent oversight will empower our SARCs to support victims while maintaining their direct access to commanders. The DAF is also expanding victim-centered advocacy and other services focused on sexual assault to ensure effective advocacy and a support from the SAPR Program and trained investigators. The program was further augmented to extend SAPR support to victims of military sexual harassment — including online harassment, which we recognize as a growing challenge—to create a continuum of survivor advocacy.

CONCLUSION

The DAF is resolute in its responsibility to ensure our Airmen and Guardians live and work in an environment safe from sexual harassment and sexual assault. We are leaning forward to shrink the gap between reporting and prevalence. By implementing the IRC recommendations, to include establishing the OSTC, we are strengthening accountability at all levels, and enhancing prevention efforts.

We must remember what is at stake—the safety and well-being of our Airmen, Guardians, and their families, as well as the trust of the American people. Combatting this continuum of harm is paramount to our ability to deliver air and space power anytime, anyplace. Our ability to remain competitive as an employer of choice requires that we prioritize and resource what is most important: our people. Continued Congressional support and advocacy will help us achieve that end.

Thank you for the opportunity to testify before you today and for your continued oversight of the implementation of IRC recommendations on sexual assault. I look forward to your questions.

Gina Ortiz Jones
Under Secretary of the Air Force

Ms. Gina Ortiz Jones is the Under Secretary of the Air Force. She is responsible for the affairs of the Department of the Air Force, comprised of the U.S. Air Force and U.S. Space Force, to include organizing, training, and equipping Air and Space Forces and for the welfare of approximately 700,000 active duty, Guard, Reserve and civilian Airmen and Guardians and their families serving around the world. As the Under Secretary, she oversees the Department's annual budget of more than \$173 billion and directs strategy and policy development, risk management, weapons acquisition, technology investments and human resource management across a global enterprise.

Ms. Jones has spent her career working to protect U.S. economic and national security. Commissioned through the Air Force Reserve Officer Training Corps program at Boston University, Ms. Jones served as an Air Force intelligence officer and deployed to Iraq with the 18th Air Support Operations Group supporting close air support operations.

Upon separation from the Air Force, she advised on military operations in Central and South America with the 470th Military Intelligence Brigade and U.S. Army South. She joined the Defense Intelligence Agency (DIA) as an inaugural member of U.S. Africa Command in Stuttgart, Germany, and served in the Libya Crisis Intelligence Cell.

Following an assignment as Special Advisor to the DIA Deputy Director, Ms. Jones was detailed to the Interagency Trade Enforcement Center to serve as the Intelligence Community's Senior Advisor for trade enforcement. She later joined the Office of the U.S. Trade Representative as a Director for Investment, leading the Committee on Foreign Investment in the United States (CFIUS) portfolio.

EDUCATION

2003 Bachelor of Arts, East Asian Studies, Boston University, Boston, Mass.
 2003 Bachelor of Arts, Economics, Boston University, Boston, Mass.
 2003 Master of Arts, Economics, Boston University, Boston, Mass.
 2012 Master of Arts, Global and International Studies, University of Kansas, Lawrence, Kan.
 2013 Master of Military Art and Science, U.S. Army School of Advanced Military Studies, Fort Leavenworth, Kan.

CAREER CHRONOLOGY

2003–2006, Intelligence Officer, U.S. Air Force
 2006–2008, Associate, Booz Allen Hamilton, U.S. Army South, Joint Base San Antonio/Fort Sam Houston, Texas
 2008–2011, Chief, Horn of Africa and South Team, Special Analysis Branch, U.S. Africa Command, Stuttgart, Germany
 2013–2014, Senior Strategic Planner, Defense Intelligence Agency, Joint Base Anacostia-Bolling, Washington, D.C.
 2014–2015, Special Advisor to the Deputy Director, Defense Intelligence Agency, Joint Base Anacostia-Bolling, Washington, D.C.
 2016–2016, Senior Advisor, Interagency Trade Enforcement Center, Office of the U.S. Trade Representative, Washington, D.C.
 2016–2017, Director of Investment, Office of Services and Investment, Office of the U.S. Trade Representative, Washington, D.C.
 2021–present, Under Secretary of the Air Force, Department of the Air Force, the Pentagon, Arlington, Va.

**WITNESS RESPONSES TO QUESTIONS ASKED DURING
THE HEARING**

SEPTEMBER 21, 2022

RESPONSE TO QUESTION SUBMITTED BY MS. ESCOBAR

Mr. RAVEN. Currently, the Department of the Navy (DON) conducts informal surveys and utilizes feedback processes to collect data and experiences of Sailors and Marines who have been sexually assaulted. The Navy does ask victims if they would like to participate in surveys to provide feedback on satisfaction with services provided by the servicing Sexual Assault Response Coordinator(s) (SARC) and Victims' Legal Counsel. The Marine Corps conducts periodic program evaluations and utilizes relevant data from Department of Defense (DOD) surveys. Both Navy and Marine Corps use responses from these surveys and evaluations to inform leadership of victim satisfaction with assigned personnel and improve services provided. Additionally, both Navy and Marine Corps are also participating with Department of Defense (DOD) Sexual Assault Prevention and Response Office and the Office of People Analytics to develop and implement the Sexual Violence Support and Experiences Study. This survey seeks to learn directly from service members who have experienced sexual violence or assault to improve support services and accountability processes. [See page 31.]

QUESTIONS SUBMITTED BY MEMBERS POST HEARING

SEPTEMBER 21, 2022

QUESTIONS SUBMITTED BY MS. SPEIER

Ms. SPEIER. Please provide a brief summary of actions taken so far to implement each IRC recommendation that has been tasked to the services.

Mr. RAVEN. [No answer was available at the time of printing.]

Ms. SPEIER. How will you ensure that the Special Trial Counsels are highly experienced and effective, and that you have enough of them for the rising caseloads of covered offenses? How will you ensure that allegations of covered offenses are appropriately referred to the Special Trial Counsel?

Mr. RAVEN. The Navy has taken great care to ensure that the Office of the Special Trial Counsel (OSTC) is implemented as intended. To ensure highly experienced and effective STC, the Secretary of the Navy issued guidance on 7 September 2022 with certification qualification criteria designed to meet the statutory requirement of identifying counsel with the requisite education, experience, training, and temperament to serve as STC. The Navy leveraged the existing experience and selection standards of the Military Justice Litigation Career Track (MJLCT) to develop criteria for certification of the STCs that will be assigned to the OSTC. Officers to be certified as STC will be required to be a member of the MJLCT. In preparation for the expansion of billets anticipated with the development of the OSTC, multiple additional billets will be filled with MJLCT members. The Navy developed an optimum military justice caseload for each STC using a careful analysis of investigative and court-martial data. These caseload goals were used to inform Navy planning and manning design for STC, and are subject to change based on the results of the study taken by the Department of Defense pursuant to IRC Recommendation 1.8. The Navy will review the caseloads once OSTC is established and reevaluate whether manning should increase. To ensure appropriate referral of cases to the STC, the Navy has prepared a multipronged effort to address all entities involved in the military justice process. The Navy is drafting memorandums of understanding with both the Naval Criminal Investigative Service and Region Legal Service Office (as currently established, prosecution office) to ensure standardized procedures for efficient identification of all covered and related offenses to ensure requisite OSTC notification. The OSTC is developing standard operating procedures (SOPs) to receive, assess, and assign criminal allegations across the enterprise and to cross-reference the accused and potential witnesses with existing cases via a case management system. The Navy will train 2 all relevant parties in the establishment of the OSTC, which will emphasize the new and standardized process for the investigation and disposition of covered offenses. This training will, to some extent, directly involve coordination and education to the Fleet to ensure broad understanding. In sum, the Navy is well prepared for OSTC implementation, including by ensuring highly experienced and effective STC, establishing an optimum caseload, and developing a standardized and publicized process for referral of covered offenses.

Ms. SPEIER. What specific actions are your services taking to build out military justice career tracks for judge advocates?

Mr. RAVEN. The Navy's Military Justice Litigation Career Track ("MJLCT") was created in 2007 in recognition of the fact that military justice "is both a core competency and a primary mission of the JAG Corps."¹ The MJLCT was established to "identify, select, develop, train, and retain judge advocates who have demonstrated an aptitude for military justice litigation."² Consequently, the Navy has consistently maintained an emphasis on litigation training and development since 2007 to develop and retain a cadre of specialized litigators to serve across the spectrum of military justice billets. There are currently 101 MJLCT designated officers in paygrades from O-3 (Lieutenant) to O-7 (Rear Admiral (Lower Half)). These officers serve in the Navy's most important military justice positions. By internal policy, Naval Legal Service Command (NLSC) requires the assignment of a MJLCT Officer in at least one of three senior leadership positions at each command: Commanding Officer, Executive Officer, or Senior Defense Counsel/Trial Department Head. Once board-selected for MJLCT designation (MJLCT Specialist I), career track officers spend the majority of their careers in military justice roles, and also screen periodically for advancing designations within the MJLCT (Specialist II and Expert).

Ms. SPEIER. Mr. Raven, how will the Navy improve victim services in the deployed environment on ships and submarines where full-time victim advocate positions may not be present?

Mr. RAVEN. The Navy will maintain trained and certified collateral duty Sexual Assault Prevention and Response Unit Victim Advocates on all deploying ships and submarines and remotely located units to provide around-the-clock victim advocacy services to victims of sexual assault.

Ms. SPEIER. How are you revising and updating initial and annual sexual assault and sexual harassment prevention training for soldiers, sailors, airmen, Marines, and guardians to make it more effective?

Mr. RAVEN. The Department of the Navy (DON) requires initial and annual sexual assault and sexual harassment prevention and response training for Sailors and Marines. Both Navy and Marine Corps are in the process of revising their training in order to build better people, leaders and teams that ultimately will drive healthy command climates.

As part of the Get Real, Get Better initiative, the Navy is revising and updating their training and specifically incorporating the principles of building great people, leaders, and teams into the training efforts which develops and sustains Navy culture that is exemplary of the core values of Honor, Courage, and Commitment. The focus on people, leaders and teams drive healthy unit climates resulting in increased unit connectedness, cohesion, and inclusivity. Enhancing the effectiveness of these critical trainings in this manner will reduce risk factors that account for toxic work environments, sexual harassment and sexual assault, and self-harm.

The Marine Corps is focusing on revising the initial and annual sexual assault prevention and response (SAPR) Professional Military Education (PME) requirements to prepare leaders to engage proactively in prevention and provide trauma-informed leadership and response. These trainings include practical exercises and small group discussions to ensure their leaders understand their unique roles and responsibilities in prevention and response. Aligned with the Department of Defense Instruction 6495.02, Marine Corps has tailored the PME training commensurate with the rank, grade, experience, role, and responsibilities of those receiving the training in order to enhance proficiency. For example, the Commandant's Combined Commandership Course, instructed by Headquarters Marine Corps (HQMC) SAPR staff, is geared toward slated Commanders and their Sergeants Major. First Sergeants Course, also instructed by HQMC SAPR staff, is a discussion-based course specifically for newly promoted First Sergeants or Gunnery Sergeants that have been selected for First Sergeant to prepare them for company leadership.

As an additional step in ensuring effective training, the DON is redoubling our efforts to remove barriers to foster a more respectful and inclusive culture throughout the force. On February 7, 2022, the Secretary of the Navy (SECNAV) provided strategic guidance across DON and directed stakeholders to accelerate implementation of five recommendations from the 2021 Independent Review Commission (IRC) on Sexual Assault in the Military that focused on developing, educating, and promoting leaders. The implementation of these recommendations will equip leaders with the training and education necessary to deter violence and set conditions for healthy personal and professional relationships. The five accelerated recommendations are outlined below:

Developing, Educating, and Promoting Leaders	
3.3b	Educate leaders on cyber harassment and technology-facilitated sexual harassment and sexual assault.
3.4d	Review and revise Professional Military Education (PME) and DoD schoolhouse curricula to mainstream WPS priorities.
3.5a	Use qualitative data to select and develop the right leaders.
3.6	Building a climate for the reduction of sexual harassment and sexual assault as a fundamental leader development requirement.
4.4c	Revise and update training modules on appropriate response to sexual assault and sexual harassment in PME for Officers and NCOs.

SECNAV has charged the Assistant Secretary of the Navy (Manpower and Reserve Affairs) with oversight of these IRC recommendations to ensure the DON, Navy and Marine Corps make progress on their implementation. In August 2022, DON established a standalone definition of cyber harassment to clarify contributing behaviors and uniquely identify and distinguish this unacceptable behavior. DON is currently developing virtual training to educate leaders on technology-facilitated sexual harassment and sexual assault and is on track to launch the training modules in 2023. Navy Personnel Command and Marine Corps' Military Manpower are incorporating qualitative data to select and develop leaders. Navy and Marine Corps

are providing a more comprehensive review of training, compliance and mentoring in performance feedback. Additionally, as highlighted in the training mentioned above, both Navy and Marine Corps are making great strides in reviewing and revising leadership development requirements to ensure key aspects for fostering healthy environments with leadership capable of reducing and eliminating sexual assault and harassment across the Fleet. These key aspects include, at minimum, developing skills for leading discussion around difficult topics, cultural norms, unit culture, addressing bias, training scenarios, and highlighting exemplary practices.

Ms. SPEIER. Mr. Raven, what is the Navy doing to select, develop, and evaluate the right leaders for command positions? Why hasn't the Navy pursued implementing a command assessment program like the Army has and other services are considering? What is the status of the Marine Corps implementation of a command assessment program?

Mr. RAVEN. The Department of the Navy (DON) will always strive to select, develop, and evaluate the right leaders for command and other leadership positions. To meet that goal, both the Navy and Marine Corps are piloting additional programs to produce comprehensive, timely data for command selection. Like the Army's Command Assessment Program, these programs provide actionable information to decision makers to best ensure Sailors and Marines are commanded by the right leaders.

The Navy is improving upon their Administrative Selection Boards through its Navy Leadership Assessment Program (NLAP). NLAP integrates relevant and timely data into the existing community-driven command qualification process, including cognitive and non-cognitive assessments, 360 evaluations, structured job-related psychological interviews, and formal board interviews with Navy leadership. NLAP will better equip decision makers in developing, selecting and slating the most qualified and effective leaders for command and senior leadership positions. NLAP is currently in the testing and development phase, with a pilot program at seven major Navy commands and officer communities: Naval Special Warfare (NSW) Command's Leadership Assessment Program, Navy Expeditionary Combat Command (NECC) (Explosive Ordnance Disposal—EOD), Naval Submarine Forces (SUBFOR), Naval Surface Forces (SURFOR), Naval Air Forces (AIRFOR), the Engineering Duty Officer (EDO), and Human Resources (HR) Officer. Additional pilots are planned for the Public Affairs Officer (PAO) and Foreign Area Officer (FAO) communities. The findings from the initial piloted efforts will be available in January 2023.

The Marine Corps is using an industry-developed, research-informed tool to improve its existing leadership development program for commanders. This tool uses 360° reviews to identify personal blind-spots, target areas for focused development, and assess personal growth. The Marine Corps began a multi-phased approach to implement the 360° review pilot tool in April 2022 using sitting O-5/O-6 commanders to test the tool's processes and its execution. Newly selected O-5/O-6 commanders will participate in the next phase of the pilot during Calendar Year 2023 and the tool will be featured at the Incoming Commander Preparatory Course in April 2023. The remainder of the pilot will expand the scope of participants and refine processes as necessary to ensure the greatest impact to the development of Marine leaders at all levels.

Ms. SPEIER. Please provide a brief summary of actions taken so far to implement each IRC recommendation that has been tasked to the services.

Ms. ORTIZ JONES. The DAF established its IRC Task Force to oversee the development of the Plans of Actions and Milestones for the recommendations and to track implementation progress. The Deputy Secretary of Defense provided a 4-tiered structure for IRC implementation, with Tier 1 as the foundation and Tiers 2, 3, and 4 building on that foundation. Recommendation implementation timelines coincide with the tiered structure. The DAF IRC Task Force also oversees the working groups with the Offices of Primary Responsibility, which work expeditiously to implement all of DAF's Plans of Actions and Milestones. The DAF IRC Task Force monitors these actions twice a month to ensure actions and milestones are on track and issues or concerns are elevated for awareness and action. We have completed 21% of the milestones across 47 recommendations through this process. Every recommendation the DAF is responsible for is underway and on track. Four recommendations are complete, and two more will be complete in the next few months.

Ms. SPEIER. How will you ensure that the Special Trial Counsel are highly experienced and effective, and that you have enough of them for the rising caseloads of covered offenses? How will you ensure that allegations of covered offenses are appropriately referred to the Special Trial Counsel?

Ms. ORTIZ JONES. Part 1: Ensuring Experienced and Effective Senior Trial Counsel (STC):

The DAF JAG Corps has conducted an in-depth analysis of investigative and court-martial trends over the last five years to proximate the anticipated growth in workload for the OSTC. Based on this expected growth, the OSTC resourcing plan is being time-phased over four fiscal years to ensure resources keep pace with caseloads. Currently, the DAF projects having 32 judge advocates assigned to support the OSTC by the end of December 2023 with incremental growth in officer and paralegal positions year-over-year until we reach end state requirements of 62 judge advocates, 2 civilian employees, and 13 enlisted paralegals by the beginning of fiscal year 2026.

The DAF has developed a robust selection process for STCs to ensure they possess the necessary qualifications, experience, and expertise. This includes an assignment selection process that analyzes multiple data points, including prior military justice experience and duties, military justice and litigation training, criminal justice experience prior to military service, the number and types of courts-martial and other proceedings participated in, military grade and assignment history, temperament and interpersonal qualities, levels of civilian and military education, and personal interest in criminal litigation. Generally, personnel selected for assignment as an STC will have completed one or more assignments as victims' counsel, defense counsel, or as more senior trial or defense counsel, and will therefore have demonstrated experience working with adults and children who have experienced sexual assault, domestic violence, and other serious offenses. The candidates are further vetted with the leadership of the provisional Office of Special Trial Counsel (OSTC) for fitness for duty in the position based on a holistic review of each candidate's experience, expertise, and acumen for special victims' litigation. Once the most qualified candidates are identified for the OSTC, they must then undergo an additional training and vetting process prior to certification as STCs. Upon successful completion of these certification requirements, The Judge Advocate General personally assesses their qualifications and certifies them STC duty. In addition to this selection process, judge advocates selected for STC positions are also required to complete a foundational STC qualification course before performing duties. During their tour, OSTC leadership will continuously monitor each STC's performance to ensure they maintain the requisite proficiency; procedures have been established for the Lead Special Trial Counsel (LSTC) to remove STCs should such action be required. To ensure STCs develop and maintain effectiveness, fixed terms of three-year assignments for STCs have been established, with the option for extensions, and they are only permitted to perform STC duties, unless alternate duties are approved by the LSTC.

In conjunction with the standup of the OSTC, this year the DAF also instituted the Career Development Litigation Program (CDLP) to establish career litigation billets for a cadre of judge advocates to progress through over the course of their career. This program will deliberately vector certain judge advocates through successive military justice-focused assignments to create and maintain specialists in litigation and the administration of military justice. This program includes positions where judge advocates directly represent Airmen and Guardians or the United States Government in trial and appellate proceedings, military justice policy development, military justice instructor positions, military judge positions, and various other positions responsible for advising on, or administering military justice and disciplinary matters. This program will build a specialized cadre of military justice practitioners who will have a breadth of experience well suited for litigation positions like the OSTC.

Maintaining a Sufficient Pool of STCs to Meet Rising Caseloads: The DAF JAG Corps is capitalizing on these groundbreaking military justice reforms by championing the importance of the functions performed by the OSTC and the opportunity to specialize in litigation and the administration of military justice over the course of a career rather than a few assignments. Part of this effort involves creating special instructions from the Secretary of the Air Force to officer promotion boards to underscore the value of litigation experience to the Air Force and Space Force, and to clarify that judge advocates in the OSTC may not have completed traditional leadership or career-development assignments commensurate with other judge advocates, but their successful performance in the OSTC should be a significant indicator of potential for promotion to the next higher grade.

Finally, to grow the future pipeline of judge advocates to develop into STCs, the JAG Corps is actively recruiting experienced civilian attorneys with litigation experience and aptitude, and is using this legal background as a weighted factor in the selection criteria for accessions boards. In order to improve recruitment efforts, the DAF is also exploring authorities and funding to increase financial incentives to attract and retain talented litigators and military justice experts.

Part 2: DAF is developing an OSTC module for its Disciplinary Case Management System (DCMS). DAF expects the OSTC module to go live in Fall 2023, prior to OSTC's full operational capability. When an installation enters a case into DCMS involving a covered offense, DCMS will send automatic notifications to the corresponding District OSTC office, through the OSTC Module and via e-mail, allowing the District OSTC to determine whether the offenses fall within OSTC's authority, and if so, to triage their case load. Moreover, any additional known or related offenses entered into DCMS will trigger a notification to OSTC. While a covered, known, or related offense is pending with OSTC, DAF legal offices will be unable to take certain actions with respect to the case (e.g., referral, closing out the case).

Currently, and until the OSTC DCMS module is live, DAF instituted a requirement in DAFI 51-201 for installation legal offices to notify OSTC within 24 hours of receiving an allegation involving certain covered offenses, via e-mail using a standardized form. The notification process ensures OSTC receives prompt notification and that installations learn how to identify covered offense cases. The JAG Corps tracks the performance of each Major Command and publishes a report card monthly, identifying the percentage of cases for which OSTC properly received notification. [Question #19, for cross-reference.]

Ms. SPEIER. What specific actions are your services taking to build out military justice career tracks for judge advocates?

Ms. ORTIZ JONES. As referenced in IFR Question #19 above, the DAF has implemented the Career Litigation Development Program (CLDP) to ensure appropriately experienced and dedicated personnel are prepared for litigation, litigation support, and policy development positions in the administration of military justice. The CLDP establishes five levels of competency, with special designations and training requirements at each level. The following categories of assignments are designated for inclusion in the CLDP:

- Trial counsel
- Special Trial Counsel
- Defense counsel
- Victims' counsel
- Judges and judiciary staff
- Military Commissions counsel
- Appellate counsel
- Military justice relief and inquiries staff
- Military justice policy staff
- Military justice and investigations instructors
- Review boards personnel
- Special investigations and inspector general legal advisors and investigators

Personnel in these positions are involved in every stage of the military justice process across the continuum of rank and responsibility over the course of a military career. This program will produce a specialized cadre of judge advocates with a higher degree of skill and expertise in the administration of military justice who will serve in successive assignments tailored to their specific skillset.

Ms. SPEIER. How are you revising and updating initial and annual sexual assault and sexual harassment prevention training for soldiers, sailors, airmen, Marines, and guardians to make it more effective?

Ms. ORTIZ JONES. DAF is implementing proficiency-based sexual assault and harassment prevention training tailored to Airmen and Guardians based on individual characteristics of the trainee such as rank, career, and experiences. We are also developing a proficiency-based sexual assault bystander intervention skills training scheduled to launch in 2024.

Through modernization and targeted content, the DAF SAPR learning objectives align with IRC recommendations under Tier 2:

2.4 Modernize prevention education and skill-building to reflect today's generation of Service members.

3.2 Educate the force about sexual harassment and sexual assault within the context of the Services' core values.

3.6 Building a climate for the reduction of sexual harassment and sexual assault as a fundamental leader development requirement.

Current annual SAPR training is divided into two tiers, Tier 1 (Emerging Leaders O-3/E-6 and below, civilians GS-11 (or equivalent) and below) and Tier 2 (Senior Leaders O-4/E-7 and civilians GS-12 (or equivalent) and above).

Training contains core content augmented by a facilitator to engender participant interaction. Presenting the key content with various training tools will accommodate all learning styles. The facilitated activities are designed to create positive behavior change towards the prevention of sexual harassment, sexual assault, domestic vio-

lence, stalking, and other behaviors on the continuum of harm and encourage responsible drinking.

Ms. SPEIER. Ms. Gina Ortiz Jones, the IRC recommended using qualitative data to select, develop, and evaluate the right leaders for command positions. The Army has implemented the command assessment program, which has been successful at weeding out toxic and ineffective leaders, and I understand that the Air Force is seeking to implement a similar approach. What is the status of the Air Force implementation of a similar command assessment program?

Ms. ORTIZ JONES. As recognized by the IRC, the DAF requires an assessment program that ensures Airmen and Guardians serving on Command Teams are best suited and prepared to lead in alignment with Air Force and Space Force Core Values and Airmen and Guardian Leadership Qualities. Accordingly, the Air Force conducted FY22 beta test assessments for select O-6 command candidates and O-4/O-5 special operations command and leadership candidates. The Air Force intends to complete the second round of beta test assessments in FY23. Additionally, the Air Force's Leadership Assessment Action Group is capturing lessons learned from our beta test assessments, conducting continued research, and identifying best practices from our sister services to develop and implement an enterprise-level program NLT September 30, 2024.

QUESTIONS SUBMITTED BY MS. JACOBS

Ms. JACOBS. One of the IRC recommendations is to allow survivors flexibility to take non-chargeable time off for seeking services or time for recovery from sexual assault. Will the DOD allow service members this critical time off to help recover? How many days will the service members receive?

Mr. RAVEN. The Navy and Marine Corps do not charge its members for time to attend medical appointments required as a result of an assault. Under current regulations, convalescent leave may be prescribed by the attending physician for up to 30-days or until the member is fit for return to duty in cases of sexual assault that result in hospitalization. In cases that do not qualify for convalescent leave, Commanding Officers may grant non-chargeable time off in the form of special liberty for up to 96 hours, which can be combined with ordinary leave if the Service member requires or desires additional time off. The Department of the Navy (DON) issued guidance, via ALNAV 084/22, which reminds leaders at all levels to allow Service members sufficient time to access the care they need with the intent to allow healing and recovery from the trauma of sexual assault. This intent is clarified by DOD Instruction 1327.06, which provides that commanders and military treatment facility directors may grant convalescent leave (non-chargeable) to Service Members for their treatment and recuperation from sexual assault based on a recommendation of a medical or mental healthcare provider or sexual assault medical forensic examiner.

Ms. JACOBS. What is the Navy and Marine Corps doing to select, develop, and evaluate the right leaders for command positions? Why hasn't the Navy and Marine Corps pursued implementing a command assessment program like the Army has?

Mr. RAVEN. The Department of the Navy (DON) will always strive to select, develop, and evaluate the right leaders for command and other leadership positions. To meet that goal, both the Navy and Marine Corps are piloting additional programs to produce comprehensive, timely data for command selection. Like the Army's Command Assessment Program, these programs provide actionable information to decision makers to best ensure Sailors and Marines are commanded by the right leaders.

The Navy is improving upon their Administrative Selection Boards through its Navy Leadership Assessment Program (NLAP). NLAP integrates relevant and timely data into the existing community-driven command qualification process, including cognitive and non-cognitive assessments, 360 evaluations, structured job-related psychological interviews, and formal board interviews with Navy leadership. NLAP will better equip decision makers in developing, selecting and slating the most qualified and effective leaders for command and senior leadership positions. NLAP is currently in the testing and development phase, with a pilot program at seven major Navy commands and officer communities: Naval Special Warfare (NSW) Command's Leadership Assessment Program, Navy Expeditionary Combat Command (NECC) (Explosive Ordnance Disposal—EOD), Naval Submarine Forces (SUBFOR), Naval Surface Forces (SURFOR), Naval Air Forces (AIRFOR), the Engineering Duty Officer (EDO), and Human Resources (HR) Officer. Additional pilots are planned for the Public Affairs Officer (PAO) and Foreign Area Officer (FAO) communities. The findings from the initial piloted efforts will be available in January 2023.

The Marine Corps is using an industry-developed, research-informed tool to improve its existing leadership development program for commanders. This tool uses 360° reviews to identify personal blind-spots, target areas for focused development, and assess personal growth. The Marine Corps began a multi-phased approach to implement the 360° review pilot tool in April 2022 using sitting O-5/O-6 commanders to test the tool's processes and its execution. Newly selected O-5/O-6 commanders will participate in the next phase of the pilot during Calendar Year 2023 and the tool will be featured at the Incoming Commander Preparatory Course in April 2023. The remainder of the pilot will expand the scope of participants and refine processes as necessary to ensure the greatest impact to the development of Marine leaders at all levels.

Ms. JACOBS. One of the IRC recommendations is to allow survivors flexibility to take non-chargeable time off for seeking services or time for recovery from sexual assault. Will the DOD allow service members this critical time off to help recover? How many days will the service members receive?

Ms. ORTIZ JONES. Yes, on September 20, 2022, DAF updated Department of Air Force Instruction 36-3003, *Military Leave Program*, to allow survivors of a sexual assault who file either a Restricted or Unrestricted Report to request convalescent leave, with a medical authority recommendation, for up to 30 days.

Additionally, on 20 October 2022, the Department of Defense's Manpower & Reserve Affairs released a memorandum, "Clarification of Convalescent Leave Policy for Service Members Recovering from Sexual Assault." This memorandum clarifies existing policy for convalescent leave and encourages commanders and military treatment facility directors to use the authority that exists in DODI 1327.06, "Leave and Liberty Policy and Procedures" to support Service members in their recovery from sexual assault.

QUESTIONS SUBMITTED BY MS. STRICKLAND

Ms. STRICKLAND. Do you believe that sexual harassment and assault makes your recruiting crisis worse and if so, what are you doing to reduce and eliminate sexual harassment and assault?

Mr. RAVEN. The Department of the Navy (DON) is facing heightened challenges in recruiting. A recent poll conducted by Department of Defense's (DOD) Joint Advertising, Market Research and Studies (JAMRS) revealed that concerns about sexual assault and sexual harassment are one of the many reasons young people may choose not to join the military. This poll also showed that the compounding effects of COVID, limited access by recruiters to the American people, low propensity, decreased confidence in the military, labor shortages, high inflation, and a target population of youth who do not see the value of military service have all contributed to recruitment challenges.

In an effort to ultimately reduce and eliminate sexual harassment and assault, DON is revising and updating its strategy to educate, train, and promote leaders by focusing on all areas of the individual. This holistic approach will, therefore, improve the culture of both the Navy and the Marine Corps. A strong culture furthers the unmatched advantage of Sailors and Marines to prepare teams to dominate in combat, out-performing any potential adversary because of how we act, think, solve problems, and innovate.

To accelerate fostering an inclusive culture, the Secretary of the Navy directed the DON and the Services to prioritize development and accelerated implementation of five recommendations from the 2021 Independent Review Commission on Sexual Assault in the Military, which focus specifically on developing, educating, and promoting leaders. The implementation of these recommendations will equip leaders with the training and education necessary to deter violence and set conditions for healthy personal and professional relationships, thereby promoting protective command climates.

The Navy specifically is continuing to leverage the Get Real, Get Better initiative to advance its culture by building a strong foundation to establish revised standards and measures that simplify, streamline, and align how we build great people, leaders, and teams. Navy will better define desired cultural characteristics and set standards and measures for how we build great people, leaders and teams. Navy will then train, reinforce, incentivize, reward, and measure to our revised cultural standard. As a byproduct, command climates will get measurably better and destructive behaviors, such as sexual assault and sexual harassment, will decrease. This focus on people, leaders, and teams will drive healthy unit climates resulting in increased unit connectedness, cohesion and inclusivity, and reduced risk factors

that account for toxic work environments, sexual harassment and sexual assault, and self-harm.

The Marine Corps is currently revising the initial and annual sexual assault prevention and response (SAPR) Professional Military Education (PME) requirements to reduce and ultimately eliminate sexual assault and harassment. These changes to SAPR PME requirements are geared toward preparing leaders to engage proactively in prevention and provide trauma-informed leadership and response. These trainings are commensurate with rank, grade, experience, role and responsibilities and include practical exercises in our small group discussions to ensure our leaders understand their roles and responsibilities in prevention and response.

Ms. STRICKLAND. Do you believe that sexual harassment and assault makes your recruiting crisis worse and if so, what are you doing to reduce and eliminate sexual harassment and assault?

Ms. ORTIZ JONES. Sexual harassment and assault negatively affect all organizations and their ability to recruit top talent; and DAF is no different. According to the Department of Defense's Joint Advertising Market Research and Studies, 48% of 16-21-year-old females cite the possibility of sexual harassment/assault as a reason not to join the Military.

To reduce and eliminate sexual harassment and assault, DAF is instituting every one of the IRC recommendations. We are 21% complete across the 47 recommendations in Tiers 1-4. Every recommendation for which the DAF is responsible for is currently on track. Four recommendations are complete, and two more will be completed in the next few months.

