

S. HRG. 117-992

**NOMINATIONS OF: MR. JOHN SHERMAN TO BE
CHIEF INFORMATION OFFICER OF THE DEPART-
MENT OF DEFENSE; MR. ASHISH VAZIRANI
TO BE DEPUTY UNDER SECRETARY OF DE-
FENSE AND PERSONNEL AND READINESS; AND
MS. CARRIE RICCI TO BE GENERAL COUNSEL
OF THE DEPARTMENT OF THE ARMY**

HEARING

BEFORE THE

**COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

OCTOBER 28, 2021

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This hearing is printed to include all available information
requested or required to be inserted for the record.

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THURSDAY, OCTOBER 28, 2021

UNITED STATES SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The Committee met, pursuant to notice, at 9:30 a.m. in room SD-G50, Dirksen Senate Office Building, Senator Jack Reed (Chairman of the Committee) presiding.

Committee Members present: Senators Reed, Shaheen, Gillibrand, Blumenthal, Kaine, King, Warren, Peters, Manchin, Duckworth, Rosen, Kelly, Inhofe, Ernst, Tillis, Scott, Hawley, and Tuberville.

OPENING STATEMENT OF SENATOR JACK REED

Chairman REED. Good morning, and let me call the hearing to order. The Committee meets today to consider the nominations of Mr. John Sherman to be Chief Information Officer of the Department of Defense, Mr. Ashish Vazirani to be Deputy Under Secretary of Defense for Personnel and Readiness, and Ms. Carrie Ricci to be General Counsel of the Department of the Army.

I thank the nominees for their long careers of service to the United States and their willingness to assume these important responsibilities.

I would also like to welcome the family members who are with us today. Mr. Sherman, I welcome your wife, Liz; daughter, Savannah; and son, Brad.

Mr. Vazirani, I welcome your wife, Deborah.

Ms. Ricci, I welcome your brother, doctor John and daughter Maria. I had to get the "doctor" in there.

Mr. Sherman, you are nominated to be the Chief Information Officer of the Department of Defense. The CIO is the principal advisor to the Secretary of Defense for a broad range of information and technology issues, including national security systems and information resource management.

I would note your long record of distinguished public service, including your tenure as the CIO for the intelligence community.

The Defense Department is struggling with all aspects of IT, which is critical to defense systems and the operations of the Department as an effective enterprise. We have seen continuous cybersecurity failures in the face of ever-increasing threats, as well as failures in acquisition programs ranging from the JEDI cloud computing effort to software failures on the F-35 to the recent termination of the Navy's contract-writing system programs.

At the same time, the Defense Department is struggling to hire IT professionals to work in software development, cybersecurity, IT operations, and IT acquisition. Furthermore, the IT industrial base, especially the important hardware that runs these systems like microelectronics and printed circuit boards are increasingly moving offshore and will not remain trusted parts in Defense supply chain.

I look forward to hearing how you will address these challenges if you are confirmed.

Mr. Vazirani, you are nominated to be Deputy Under Secretary of Defense for Personnel and Readiness. If confirmed, you will assist the Under Secretary in addressing many challenges for the Department, including first and foremost, ensuring that our military has adequate numbers of ready and trained servicemembers of sufficiently high character and talent to meet our defense objectives. You will be responsible for assisting the Under Secretary in military and civilian personnel policy; military, family, and childcare programs; the Defense Department-run school system; and working with the military servicemembers to ensure the health and welfare of the force.

As the former CEO of the National Military Family Association, and as a Navy veteran, I would ask that you share what military family issues you believe need to be addressed most and what recommendations you have to improve readiness. In addition, the challenge of sexual harassment and sexual assault in the military has eroded trust and faith in leaders' ability to effectively address this issue. I would ask that you share your plans for addressing this problem.

Ms. Ricci, you are nominated to be General Counsel of the Department of the Army. This position has a broad scope of responsibilities, including serving as legal advisor to the Secretary of the Army, Chief Legal Officer of the Department of the Army, and coordinating legal and policy positions Army-wide. Your extensive legal career in the Army, including prior service in the Army General Counsel's Office while on active-duty should serve you well.

There are a number of important duties that will require your attention within the Department. It will be your responsibility to assist the Secretary of the Army in addressing extremism in the military and implementing the Independent Review Commission's recommendations regarding prevention and response to sexual assault.

As a member of the Fort Hood Independent Review Committee yourself, I would ask that you share how you plan to use the information you have gained to assist the Army in addressing sexual assault.

Thank you, again, to our nominees. I look forward to your testimonies.

Now, let me recognize the ranking member, Senator Inhofe. Senator?

STATEMENT OF SENATOR JAMES INHOFE

Senator INHOFE. Thank you, Mr. Chairman.

Thanks to our witnesses for being here. I enjoyed the opportunity to personally meet them. We are very fortunate to have this group here with us this morning.

As this Committee has heard again and again from the military and the civilian officials, every threat we face continues to worsen our situation since the last National Defense Strategy came out in 2018. That is the book that we continue to keep here and try to use this as our pattern, as we have in the past.

I certainly hope that the next National Defense Strategy, with knowledge of the success of this in the past, can give us the right direction for the future. If we want to have any hope of keeping pace, we have got to achieve real growth in Defense spending. I am very worried that inflation next year will not only cut our troops' pay but will also significantly delay the pace of our modernization efforts.

We have seen the shocking pace of Chinese military modernization from missiles to ships, and now nuclear expansion and hypersonic strike weapons. You know, we have been hearing about this for a long time; now, we have seen it. It is happening. It is a reality.

Some of the most difficult challenges are the less obvious ones, but just as important; in particular, the National Security Commission on Artificial Intelligence told us, quote, China, and this is a quote, China possesses the might, talent, and ambition to surpass the United States as the world's leader in AI in the next decade if current trends do not change.

That is a shocker. That is something that we are not used to in this country; a recognition that we are not number one in everything. You know, when we talk to people, when we go back to our districts and talk to people on the ground, the real people that are paying for all of this fun that we are having up here, they are the ones that realize that, are starting to realize the problems that we are having now, they are really unprecedented.

So, I am very much concerned about it. I am concerned about what is going to happen with our troops and the things that they are looking at now in terms of their futures, and we need strong, capable civilian leadership in the Department.

So, I thank you all again for your willingness to serve.

Thank you, Chairman Reed.

Chairman REED. Thank you very much, Senator Inhofe.

Now, let me recognize Mr. Sherman for his statement.

Go ahead, sir.

STATEMENT OF JOHN SHERMAN, NOMINEE TO BE CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE

Mr. SHERMAN. Good morning Chairman Reed, Ranking Member Inhofe, and Committee Members.

I am honored to be President Biden's nominee to be the Department of Defense Chief Information Officer and am grateful for the chance to speak with you today.

First and foremost, I would like to thank Liz, my wife of 29 years, who also serves in national security. Her support and love have been my rock. We are both so proud of our grown children, Brad and Savannah, and their spouses, Oksana and Kurt. I also want to recognize my parents, who are no longer with us, but are no doubt here in spirit. Along with a bit of their Texas accents, their lessons about hard work, respect, and citizenship have stuck with me.

That word, citizenship, has really meant service to me and my family. Following my time as an Army officer, I served in the intelligence community and DOD for nearly 25 years, starting as an imagery analyst and later taking on a number of roles; ranging from Duty Officer in White House Situation Room on 9/11, to leading our impressive officers and senior executives in several agencies.

I have also had the opportunity to employ and manage new technologies on missions ranging from overhead reconnaissance to open-source intelligence. I saw firsthand how we gain advantage through capabilities like cloud computing and large-scale data analytics, and my experience in these areas led to my selection as the CIO of the entire IC.

Working with talented colleagues from across the community, we built upon the flagship modernization effort known as the IC Information Technology Enterprise. We made tough recommendations to cancel things that weren't working, reinforced successes in areas like cloud, and sharpened our focus on cybersecurity and interoperability. Put simply, we ensured the IC's technology transformation would remain an exemplar.

I was then humbled when asked to serve at DOD, first as the Principal Deputy CIO, and for 8 months as the Acting CIO. As we drove to achieve to Secretary Austin's priority to stay ahead of our China pacing threat, our team pivoted to an enterprise multi-cloud approach, which is foundational for key priorities such as Joint All Domain Command and Control (JADC2) and the Artificial Intelligence and Data Accelerator Initiative, or (ADA). Additionally, we oversaw the successful rollout of an enduring collaboration and productivity capability to millions of DOD users and began moving the Department towards stronger cybersecurity with an approach called Zero Trust. The team also made substantial progress on other critical portfolios, to include electromagnetic spectrum, positioning, navigation, and timing, IT reform, special access program IT, data transformation, software development, and support to artificial intelligence. The progress on these fronts has been substantial as well.

Throughout my career, enabling mission has always been my foremost priority. At DOD, I believe the CI's success is ultimately measured on how our warfighters, especially in the Indo-Pacific, are able operate in a remote and disconnected environment, and whether a pilot can still strike targets when an adversary is trying to jam her GPS signal.

These examples and many others are based on the Department's ability to transform at scale, with the very best technologies and

cybersecurity, through constant and agile change, and with the whole team. If confirmed, I would be honored to shepherd and lead this effort.

I get out of bed every morning knowing our adversaries are not standing still in the technology realm, and we must not either.

Thank you for your time and consideration, and I look forward to your questions.

[The prepared statement of Mr. Sherman follows:]

PREPARED STATEMENT BY JOHN SHERMAN

Good morning Chairman Reed, Ranking Member Inhofe, and Committee Members. I am honored to be President Biden's nominee to be the Department of Defense Chief Information Officer (DOD CIO) and am grateful for the chance to speak with you today.

First and foremost, I would like to thank Liz, my wife of 29 years, who also serves in national security. Her support and love have been my rock. We are both so proud of our grown children, Brad and Savannah, and their spouses, Oksana and Kurt. I also want to recognize my parents, who are no longer with us, but are no doubt here in spirit. Along with a bit of their Texas accents, their lessons about hard work, respect, and citizenship have stuck with me.

That word, citizenship, has really meant service to me and my family. Following my time as an Army officer, I've served in the Intelligence Community (IC) and DOD for nearly 25 years, starting as an imagery analyst and later taking on a number of roles, ranging from duty officer in White House Situation Room on 9/11 to leading our impressive officers as a senior executive in several agencies.

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Throughout my career, enabling mission has always been my foremost priority. At DOD, I believe the CIO's success is ultimately measured on how our warfighters, especially those in the Indo-Pacific, are able to operate in a remote and disconnected environment, and whether a pilot can still strike targets when an adversary is trying to jam her GPS signal. These examples and many others are based on the Department's ability to transform at scale, with the very best technologies and cybersecurity, through constant and agile change, and with the whole team. If confirmed, I would be honored to shepherd and lead this effort. I get out of bed every morning knowing our adversaries are not standing still in the technology realm, and we must not either.

Thank you for your time and consideration, and I look forward to your questions.

Chairman REED. Thank you very much, sir.

Let me now recognize Mr. Vazirani, and I apologize for the multiple pronunciations of your name, sir.

Mr. VAZIRANI. Well, thank you Chairman Reed.

**STATEMENT OF ASHISH VAZIRANI, NOMINEE TO BE DEPUTY
UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND
READINESS**

Mr. VAZIRANI. Good morning, Chairman Reed, Ranking Member Inhofe, and distinguished Committee Members. Thank you for the opportunity to speak with you today.

I am humbled and honored to be with you today as President Biden's nominee for Deputy Under Secretary of Defense for Personnel and Readiness and appreciate the confidence President Biden, Secretary Austin, and Under Secretary Cisneros have in me.

My father and his family fled Pakistan for India during partition. They knew danger and turmoil; they left their home with nothing but hope seeking opportunity. My father's journey brought him to the United States to complete his post-doctoral studies. It is here, in America, where he met my mother, the daughter of an Indian Foreign Service Officer stationed in Washington. After marrying, my parents returned to India, where they started their family.

Having had a taste of the opportunity America offered, in 1967 they moved our young family to the United States, to pursue their American dream. My parents understood achieving that dream would require hard work, service, and sacrifice. After my father passed, my single mother of five children, put herself through law school and eventually married a Marine who lost his sight fighting in Vietnam. My stepdad's blindness didn't stop him; he continued serving as an advocate for veterans, founding the Blinded American Veterans Foundation and retired from the federal workforce after serving at the Corporation for National and Community service, where he helped establish the Vietnam Veterans Leadership Program.

Also a patriot and dedicated to service to our country, my mother served as professional staff member in the

Maryland Legislature and United States Congress, serving as counsel for several House committees including Government Reform and Civil Service, all while caring for her children and a blinded Marine.

I am humbled to have grown up in a home where service to Nation and community was the family business. Growing up, I learned that the American dream is about more than what you achieve and build for yourself, but what you do for others. These are values my wife Deborah and I have tried to instill in our two amazing children, one of whom is currently serving as a Marine, stationed in Twentynine Palms.

My parents' example of service above self, to improve where needed, and innovate when required, inspired my decision to serve in the United States Navy and later, a career working with organizations, both public and private, to drive transformative change and care for our military families. I am honored to have the opportunity to continue that service as Deputy Under Secretary of Defense for Personnel and Readiness.

I believe the reason our military is the greatest the world has seen is the people, military and civilian, who are our defense community. They dedicate their lives and those of their families, to a cause greater than themselves. They serve at the front lines, the garrisons, and in the Pentagon, making sure that we are ready to

deter and, if necessary, fight and win wars. We must provide for the training, education, health, safety, and well-being of those who serve, in or out of uniform, to maintain readiness and because it is the right thing to do. That care extends to military families, transitioning servicemembers, retirees, caregivers, and survivors who have made countless sacrifices for our Nation.

If confirmed, I would strive to sustain a defense community that continues to safeguard the freedom and opportunity that my family has been fortunate to enjoy and privileged to protect. The contemporary challenges to readiness are significant: sexual assault, harassment, suicide, spouse unemployment, COVID, and financial and food insecurity. We face challenges in recruitment and retention, shaping a defense community that reflects America and is comprised of diverse, effective teams, prepared for tomorrow's fight. I believe America's people offer us our greatest distinct advantage over our adversaries, and that we must maintain the high levels of personnel readiness to maintain that edge.

To meet these challenges and support the people who put country first requires innovation: a willingness to ask and answer tough questions, rapidly test and learn, and scale solutions. That is the role of the Deputy Under Secretary for Personnel and Readiness.

If confirmed, I will work closely with the Under Secretary for Personnel and Readiness, Deputy Secretary, Service Secretaries, and Secretary to care for the total force and our military families, to meet readiness requirements, and achieve the nation's national security objectives.

I commit, if confirmed, that I will bring my best each day to serve those who serve us. I also commit to collaborating with this Committee in a transparent, agile, and responsive manner, to ensure that the Department is meeting our sacred obligation to support warfighters and their families.

Senators, thank you for the opportunity to be with you here today. I look forward to your questions.

[The prepared statement of Mr. Vazirani follows:]

PREPARED STATEMENT BY MR. ASHISH VAZIRANI

Good morning, Chairman Reed, Ranking Member Inhofe, and distinguished Committee Members. Thank you for the opportunity to speak with you today.

I'm humbled and honored to be with you today as President Biden's nominee for Deputy Undersecretary of Defense for Personnel and Readiness and appreciate the confidence he, Secretary Austin, and Undersecretary Cisneros have in me.

My father and his family fled Pakistan for India during partition. They knew danger and turmoil; they left their home with nothing but hope seeking opportunity. My father's journey brought him to the United States to complete his post-doctoral studies. It is here, in America, where he met my mother, the daughter of an Indian Foreign Service Officer stationed in Washington. After marrying, my parents returned to India, where they started their family. Having had a taste of the opportunity America offered, in 1967 they moved our young family to the United States, to pursue their American dream. My parents understood achieving that dream would require hard work, service, and sacrifice. After my father passed, my single mother of five children, put herself through law school and eventually married a Marine who lost his sight fighting in Vietnam. My stepdad's blindness didn't stop him and he continued serving as an advocate for veterans, founding the Blind American Veterans Foundation and retired from the Federal workforce after serving at the Corporation for National and Community service, where he helped establish the Vietnam Veterans Leadership Program. Also a patriot and dedicated to service to our country, my mother served as professional staff member in the Maryland legislature and United States Congress, serving as counsel for several House commit-

tees including Government Reform and Civil Service, all while caring for her children and a blinded Marine.

I'm humbled to have grown up in a home where service to Nation, and community, was the family business. Growing up I learned that the American dream is about more than what you achieve and build for yourself, but what you do for others. These are values my wife and I have tried to instill in our two children, one of whom is currently serving as a Marine, stationed in Twentynine Palms. My parents' example of service above self, to improve where needed and innovate when required, inspired my decision to serve in the US Navy and later, a career working with organizations – both public and private - to drive transformative change and care for our military families.

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To meet these challenges and support the people who put country first requires innovation: a willingness to ask and answer tough questions, rapidly test and learn, and scale solutions. That's the role of the Deputy Undersecretary for Personnel and Readiness. If confirmed, I will work closely with the Undersecretary for Personnel & Readiness, Deputy Secretary, Service Secretaries and Secretary to care for the Total Force and our military families, to meet readiness requirements and achieve the nation's national security objectives.

I commit, if confirmed, that I will bring my best each day to serve those who serve us. I also commit to collaborating with this Committee, in a transparent, agile, and responsive manner, to ensure that the Department is meeting our sacred obligation to support warfighters and their families.

Senators, thank you for the opportunity to be here today, I look forward to your questions.

Chairman REED. Thank you very much.

Ms. Ricci, please?

STATEMENT OF CARRIE RICCI, NOMINEE TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY

Ms. RICCI. Thank you, Chairman Reed, Ranking Member Inhofe, and distinguished Members of the Committee. It is an absolute honor to come before you today as President Biden's nominee for General Counsel of our great Army.

I am joined here today by my brother, Dr. John Ricci of New Jersey, and my daughter Maria Smith, a 10th grader with straight As, who happens to be missing her Government class today, and in her precocious way, was delighted to note that she would be seeing Government in action, so it would be okay.

My son, who is 21 years old, and a college student, could not be here. He was called on to work a shift at our local grocery store, much as he did during the height of the pandemic, where he worked 12 to 14 days straight and answered the call of duty.

This call of duty, this type of demonstration, it is endemic in our family, and I must thank my parents for that, Hector and Maria Ricci, who proudly hail from Puerto Rico and are watching today. It is they who instilled in me a great sense of duty and selflessness. They also instilled in me personal discipline, goodwill, and a belief in people, for which I am grateful.

I am also grateful to President Biden, Secretary Austin, and Secretary Wormuth for the confidence they have shown in me by nominating me for this position. If confirmed, I would be incredibly excited to return home to the Army and resume my service to its soldiers and civilians.

I served as an Army officer for just short of 22 years, first as a personnel officer, and then as a Judge Advocate, retiring at the rank of Lieutenant Colonel. Every day, I had the immense privilege of watching soldiers put their team, mission, and country first, taking great risks and making personal sacrifices to achieve our shared goals.

I remain grateful to my family and those of all our servicemembers and civilians who make such service possible.

Should I be confirmed, my experiences in the Army have prepared me well to assume the duties of General Counsel and do right by our do right by our soldiers, civilians, and family members. As a Judge Advocate, I worked on a broad spectrum of legal issues including military justice, equal opportunity, fiscal law, and operational and administrative law. I deployed to the Middle East twice, first for Operation Desert Storm in 1992 and then in support of Operations Iraqi Freedom and Enduring Freedom in 2004. I have served in operational and intelligence units and on service and combatant command staffs. I have also served in the Office of the Judge Advocate General and the Office of the General Counsel.

I understand the importance of the collaborative relationship that must exist between these two offices. I have been fortunate to work with many of the lawyers who are still serving in these offices, including the current Judge Advocate General of the Army, an extraordinary leader with whom I served at Fort Hood.

Since retiring from the Army, I have worked as a federal civilian lawyer, currently leading a dynamic team of attorneys in the Office of the General Counsel at the Department of Agriculture, many of whom insisted on watching today, and I thank them for their support.

Last year, I was privileged to serve the Army as a civilian member of the Fort Hood Independent Review Committee, where our five-member team completed a comprehensive review of the Fort Hood command, climate and culture that has been the impetus for great change at Fort Hood and across the Army and even DOD.

If confirmed, I commit to serve our soldiers and civilians selflessly in ensuring the Office of the General Counsel provides the highest quality legal services to Secretary Wormuth and the Department, and to further the cooperative relationship enjoyed by the Department and this Committee.

This is a momentous time; a time of great change for the Army where they are embarking on a complete cultural transformation for the benefit of its soldiers. At Fort Hood, I witnessed the damage

inflicted on soldiers and their units by the prevalence of sexual assault and sexual harassment.

If confirmed, I will ensure that current initiatives respect the rule of law and due process and assist Army leaders in bringing about real change for the brave men and women that serve our country. The current momentum must not fade: success is a must.

I am also committed to helping the Department tackle a range of challenges such as quality housing, on and near Army installations, beating the COVID pandemic, and ensuring we have the appropriate acquisition authorities to get our warfighters the equipment they need.

For my Spanish-speaking friends and families who are watching: Gracias por su apoyo. Thank you for your support.

Senators, thank you for your consideration of my nomination. I look forward to answering your questions.

[The prepared statement of Ms. Ricci follows:]

PREPARED STATEMENT BY MS. CARRIE RICCI

Thank you, Chairman Reed, Ranking Member Inhofe, and distinguished Members of the Committee. It is an absolute honor to come before you today as President Biden's nominee for General Counsel of our great Army.

I am joined here today by my brother, Dr. John Ricci of New Jersey, and my daughter Maria Smith, a 10th grader with straight A's who took delight in informing her Government teacher that she would be missing class today, but that he should not worry, as she will be watching our government in action first-hand! My 21-year-old son and college student, Joseph Smith, could not be here today, as he was needed to work a shift at our local grocery store, where at times he worked for 21 days straight at the height of the pandemic, demonstrating a dedication to duty that is endemic in our family. For that I must thank my parents, Hector and Maria Ricci, who proudly hail from Puerto Rico and are watching today. It is they who instilled in me a great sense of duty and selflessness, personal discipline, and goodwill, for which I am deeply grateful.

I am also grateful to President Biden, Secretary Austin, and Secretary Wormuth for the confidence they have shown in me by nominating me for this position. If confirmed, I would be incredibly excited to return home to the Army and resume my service to its soldiers and civilians. I served as an Army officer for just shy of 22 years, first as a personnel officer, then as a Judge Advocate, retiring at the rank of Lieutenant Colonel. Every day, I had the immense privilege of watching soldiers put their team, mission, and country first, taking great risks and making personal sacrifices to achieve our shared goals. I remain grateful to my family and those of all our servicemembers and civilians who make this service possible.

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Since retiring from the Army, I have worked as a federal civilian lawyer, currently leading a dynamic team of attorneys in the Office of the General Counsel at the Department of Agriculture. Last year, I was privileged to serve the Army as a civilian member of the Fort Hood Independent Review Committee, where our five-member team completed a comprehensive review of the Fort Hood command climate and culture that has been the impetus for great change at Fort Hood and across the Army and DOD.

If confirmed, I commit to serve our soldiers and civilians selflessly in ensuring the Office of the General Counsel provides the highest quality legal services to Secretary Wormuth and the Department, and to further the cooperative relationship enjoyed

by the Department and this Committee. This is a momentous time; a time where our Army is embarking on a complete cultural transformation for the benefit of its soldiers. At Fort Hood I witnessed the damage inflicted on soldiers and their units by the prevalence of sexual assault and sexual harassment. If confirmed, I will ensure that current initiatives respect the rule of law and due process and assist Army leaders in bringing about real change for the brave men and women that serve our country. The current momentum must not fade; success is a must.

I am also committed to helping the Department tackle a range of challenges such as the quality of housing on and near Army installations, beating the COVID pandemic, and ensuring we have the appropriate acquisition authorities to get our warfighters the equipment they need.

Senators, thank you for your consideration of my nomination, I look forward to answering your questions.

Chairman REED. Thank you very much, Ms. Ricci.

Now for all of the witnesses, I will ask a series of questions that are required for all civilian nominees. You may answer together.

Have you adhered to applicable laws and regulations governing conflicts of interest?

[All three witnesses answered in the affirmative.]

Chairman REED. Have you assumed any duties or taken any actions that would appear to presume the outcome of the confirmation process?

[All three witnesses answered in the negative.]

Chairman REED. Exercising our legislative and oversight responsibility makes it important that this committee, its subcommittees and other appropriate committees of Congress receive testimony, briefings, reports, records, and other information from the Executive Branch on a timely basis.

Do you agree, if confirmed, to appear and testify before this committee, when requested?

[All three witnesses answered in the affirmative.]

Chairman REED. Do you agree to provide records, documents, and electronic communications in a timely manner when requested by this committee, its subcommittees, or other appropriate committees of Congress and to consult with the requestor regarding the basis of any good faith delay or denial in providing such records?

[All three witnesses answered in the affirmative.]

Chairman REED. Will you ensure that your staff complies with deadlines by this committee for the production of reports, records, and other information, including timely responding to hearing questions for the record?

[All three witnesses answered in the affirmative.]

Chairman REED. Will you cooperate in providing witnesses and briefers in response to congressional request?

[All three witnesses answered in the affirmative.]

Chairman REED. Will those witnesses and briefers be protected from reprisal for their testimony or briefings?

[All three witnesses answered in the affirmative.]

Chairman REED. Thank you very much.

Now, Mr. Sherman, DOD has been filling a critical role in developing 5G technologies and the dual-use applications that will ride on top of the next generation of wireless networks. 5G and the applications that 5G makes possible, will drive future economic prosperity and, critically, national security.

Do we need to sustain or even increase our level of investment and commitment to ensure that Chinese telecommunications companies do not dominate this critical infrastructure?

Mr. SHERMAN. Senator, 5G is critical to our warfighting capability both, training here in the continental United States and then capabilities, potentially, overseas.

In terms of development within the Department of Defense, our continued focus on this going forward, between research and engineering, the CIO, the services, and other components to develop 5G and, indeed, lean forward to 6G capabilities are going to be critical in that space. Strategy will drive our budget on this, and, if confirmed, this would be a priority for me to work, to look at what is the proper investment to ensure if CIO, or when CIO takes us over from R&E, that the pilot projects that are implemented fully flourish and that we are postured to provide that warfighting capability.

Chairman REED. Thank you.

Do you continue to still believe that DOD and EOS Telecom companies can successfully share the spectrum that is vital to both, is that possible?

Mr. SHERMAN. Yes, Senator. Spectrum sharing must be our watch-word going forward. The DOD has vacated a good bit of the spectrum over the years, but now with where things are, the spectrum needs to be shared, particularly in the 3100 to 3450MHz. Working with industry, the Executive Branch, and this Committee and otherwise, figuring out how we do that successfully to both, enable DOD capabilities, as well as U.S. economic development would be critical.

Chairman REED. Thank you very much.

Mr. Vazirani, you have a record as a naval veteran, yourself. Your son is a Marine serving. As the former director to the National Military Family Association, you have an extraordinary personal connection to the issues you will be dealing with.

So, can I ask what your priorities would be with respect to family readiness when you, if confirmed, take over.

Mr. VAZIRANI. Senator, thank you.

Addressing family readiness is critical to force readiness and making sure that we take care of families is critical. There are several things that I looked at when I was an advocate for military families, and, if confirmed, I will look at a broader set of issues, as well.

But things that are of critical importance to military families today are military spouse unemployment, the degree to which we can help military spouses achieve fulfilling careers and contribute to the financial success of their family will also contribute to the readiness of that family and the ability of that servicemember to continue in their service. So, that becomes a retention issue, and to enable that, we need to look at innovative options for childcare. So, those are some of the things that would be specific for military families, Senator.

Chairman REED. Thank you very much.

Ms. Ricci, you have had an extraordinary career in the Army as a lawyer and now you are positioned to be the General Counsel of the Army. Again, my comments could be directed to any one of the

nominees today: extraordinary experience in the field you have been nominated to direct.

One aspect has been your participation at the Fort Hood Independent Review Committee and one of their conclusions was that, at Fort Hood, it appeared to be compliant on the surface, but was hollow and lacking leadership retention, day-to-day implementation, broad acceptance by enlisted soldiers, and the full inculcation into the culture and character of the Fort Hood community. Senator Inhofe and I traveled down there and I think that was our impression, also.

This is as much a leadership problem as it is a legal problem, but you will be right at the crossroads of both, leadership and the law. So, could you give us some insights from your participation on the committee?

Ms. RICCI. Yes, Chairman.

I saw, personally, at Fort Hood, the devastation that sexual assault can wreak on its victims and, as well as the way it erodes unit cohesion, and, if confirmed, it would be a priority of mine to assist in the implementation of the recommendations of the DOD IRC, as well as the Fort Hood IRC.

It is my understanding that the recommendations have been accepted, but now it is time for implementation. The details are still being worked out, and it would be my job as the Chief Legal Officer for the Army to assist in ensuring there is accurate and timely legal advice to allow for swift implementation.

Chairman REED. Thank you very much, again, to all the witnesses. You bring forward impressive, detailed backgrounds in the areas that you have been nominated to serve in and I wish you well. I think we can try to rapidly get you confirmed with cooperation of the Committee.

Senator Inhofe, please.

Senator INHOFE. Yeah, I regretfully have to outdo the chairman. You know, I have been critical of this President and a lot of the things that have been going on, but I have to say that I have never seen three nominees more qualified and in a better position to do a better job for America than we are looking at right now. I don't know what came over him, but —

Chairman REED. You may do that every time.

[Laughter.]

Senator INHOFE. But, anyway, I am so impressed with each of you for different reasons. Certainly, starting with Mr. Sherman, you have the background and experience from when Dana Deasy was in this position and there were things that had to be done. I know it became pretty controversial back when Legato received the position that he was in, contrary to virtually everyone, every federal agency that was out there and on record at the time, along with the general public.

I have not seen so much disregard for one individual or one group taking over, in this case, something significant as the group handling the LBAN for GPS and the threats that that poses on our entire segment.

So, I did ask you if you saw the hearing that we had back at the beginning of this and I think you told me, Mr. Sherman, that you did, and so you know my feeling and the feeling of everyone who

testified that day as to the problems that exist. So, I would only ask if you are, just keep in mind you have got the background. You know the issue. You actually worked with Dana Deasy and so I hope you will draw on that background to try to correct a problem that has got to be corrected.

Are there any comments that you want to make about that issue?

Mr. SHERMAN. Sir, assured positioning, navigation, and timing, particularly with global positioning system, is so critical to our warfighting ability both, here in the Homeland and overseas.

As you noted, sir, I am very familiar with the Legato issue and where that license is so close to the GPS spectrum, in my view, represents an unacceptable threat to bleed over into that spectrum. Despite our efforts to share other parts of the spectrum where Legato is, is not acceptable.

If confirmed, Senator, I would want to work with the Executive Branch, this Committee, and others to ensure that we rectify that issue to assure our PNT capabilities for our forces, sir.

Senator INHOFE. Well, Mr. Sherman, let me just tell you how much I appreciate the very strong position that you have taken.

Mr. Vazirani, you have a background, as the chairman pointed out that you really know, you have a hands-on background, and one of the problems I am having and have been having now that comes out of this administration is the problem of the COVID problems with the idea that, as I read this, and hopefully this is not going to happen, but there is a punishment, a punitive position that someone who is not complying, and we are talking about military people, as well as contractors, those individuals could find themselves to be fired.

Well, right now, certainly you realize, as do most people, our biggest problem right now is retention and recruitment. We did inherent a very good and positive economy; consequently, it is hard to find people to work because everyone is working, and so that does create a problem.

But right now, if they were to—I can't think of anything that would be worse than if we were to find ourselves in a situation where we were letting people go, where we are firing people. It is something that is going to have to be corrected.

I would like any comment that you might make as to what effect this could have on the morale and our recruitment and retention problem that exists today.

Mr. VAZIRANI. Senator, I believe that COVID, and I said in my statement, that COVID is one of the readiness challenges that we face. One of the things that we have learned over the past 2 years is that COVID is deadly and it detracts from readiness, and that the vaccines are safe and effective.

So, Senator, I am fully supportive of the President's order and the Secretary's mandate to vaccinate the force to ensure our readiness. It is my understanding that there is an administrative process that allows for exemptions, whether it is medically necessary or due to religious belief. Then progressing administrative actions to address a servicemember who may decline a vaccine.

So, Senator, if I am confirmed, I would certainly look towards making sure that those processes are administered with care and

compassion so that we understand the specific needs of each servicemember.

Senator INHOFE. Yeah, but the problem that I see is that the damage is already done. Now, I am talking about two marines walking across the street just happened to recognize me and tell me that they were going to resign and just the idea—I was enlisted personnel back in my military days—and we don't go into a lot of the details as to what the motives are and all of that, but all they read is you better do this or you are going to be fired.

Well, that is just not acceptable. So, frankly, I think the damage is already done and we are going to have to do our best to remedy it.

Now, I know my time is expired, but I do want to comment to Ms. Ricci that one of the problems I have addressing, and a very serious problem that is out there, is that we seem to be wanting to, all the efforts seem to be, what are we going to do now, as opposed to a prevention, in terms of sexual assault; in other words, preventing it before it takes place, not afterwards.

So, I know my time is expired, but —

Chairman REED. Senator, go ahead, please.

Senator INHOFE.—if you just have a short answer for that?

Ms. RICCI. Yes, Senator.

I agree with you, prevention is critical and that this where the majority of our effort needs to be focused, and I believe that the IRC recommendations and the Fort Hood recommendations will lead us to that prevention strategy.

Senator INHOFE. I agree with that.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator.

Now, Senator Shaheen, please?

Senator SHAHEEN. Thank you.

Congratulations to each of you on your nominations and thank you for your long, public service to the country.

I would like to begin with you, Mr. Sherman, because this summer, a DOD IG report identified shortfalls in DOD's recruiting and retention of cybersecurity-related positions.

I had the benefit of being in New Hampshire this summer with General Van Ovost, who came up to look at the KC-46s that our National Guard has, and she talked passionately about the need for all kinds of IT positions within our military and how we were going to get there.

As you think about your challenges in taking over this role, how do you see your role in recruiting and retention, because it seems to me without that workforce, we can't do anything else we need to do.

Mr. SHERMAN. Senator, while cybersecurity is certainly about technology, I feel so strongly that the people factor is what makes it go. If confirmed, I would move out on a new strategy to look at our cyber and digital talent, so we can think differently about how we recruit, re-skill, and retain our individuals. This is a whole-of-nation effort and we must come at it much differently; thinking about diversity, about different sort of career paths, maybe not a 30-year career path, but folks coming in and out of the organization, looking at the security protocols therein, and also building

upon the progress the DOD has made in terms of how they already understand the work roles and the cyber-accepted service, but also thinking differently about how we implement it, Senator.

Senator SHAHEEN. Well, thank you. I would urge you to look at the National Guard, as well, because we have a lot of talent in National Guard units around the country on this issue and we should take advantage of them wherever possible.

Mr. Vazirani, I am very concerned about the potential for Havana Syndrome attacks, also known as anomalous health incidents. Obviously, in your role, you are going to be in a position to consider how DOD responds to those issues.

I very much appreciate Secretary Austin's issuing a guidance, but I think what is going to be very important is to have particular protocols that everyone understands and knows what to do if they are the victim of such an attack.

So, will you commit that this is something that you will take a look at and work on, if confirmed?

Mr. VAZIRANI. Senator, I do know that this is a serious issue and that it has become a priority for the administration, and, if confirmed, I would certainly commit to ensuring that the resources of the Department, particularly the health system, were available to address this.

Senator SHAHEEN. Good. Thank you.

Another issue that has surfaced, sadly, onto many of our military installations is the prevalence of PFAS. It has shown up in the blood of a lot of folks in New Hampshire who were stationed at the former Pease Air Force Base and who now live in the community. Obviously, these chemicals, the PFAS chemicals are linked to a variety of health concerns. One of the things we need to do is to start thinking about how to track those.

Are you aware of any efforts by DOD to offer blood testing for military servicemembers and their families, who have been stationed at those contaminated bases and do you think we should be looking at some sort of a tracking effort to address this?

Mr. VAZIRANI. Senator, certainly, the health and well-being of servicemembers and their families is critical for the readiness of the force and while I am not aware of any specific actions that the Department is taking, if confirmed, I would certainly look at how can we understand the prevalence and impact of these toxic chemicals and what they could mean for families and for readiness. Senator, I do commit that, if confirmed, that I would work with this Committee and with colleagues in the Department to ensure we understand the complexity of that particular issue.

Senator SHAHEEN. Well, thank you.

I think there are some provisions in the House-passed Defense Authorization bill that would look at testing, blood testing for members of our military.

Ms. Ricci, you talked eloquently about what happened at Fort Hood and the need for cultural change. Again, I appreciate Secretary Austin's announcing his support for moving sexual assault cases outside of the military chain of command. This Committee voted to support that.

If confirmed, how do you see your role in making sure that that gets done in a way that people in the military can buy into and that better addresses the issue of sexual assault?

Ms. RICCI. Senator, it is important to support the Secretary's decision and, if confirmed, as the Chief Legal Officer of the Army, it would be my duty to assist the Army in understanding the nuances, the legal nuances involved and making sure that we have the appropriate implementation so that we do support the Secretary's decision in removing that decision from the chain of command.

Senator SHAHEEN. Do I have your commitment that you will come back and report to this committee on the progress of how those changes are going?

Ms. RICCI. Yes, Senator, you absolutely do.

Senator SHAHEEN. Thank you.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Shaheen.

Senator Tuberville, please?

Senator TUBERVILLE. Thank you, Mr. Chairman.

Thanks for being here today. Mr. Sherman, back in July, this Committee marked up the fiscal year 2022 NDAA and increased Defense top line spending, which included \$116.1 billion for DOD RDT&E. A significant portion of this money will go to contractors. Many of them will be small businesses. For some, it will be their first DOD contract. Unfortunately, these contractors' cyberattacks against the Homeland are growing, making their small businesses the target in the eyes of our adversaries. In Alabama, alone, we have 5,000 Defense contractors.

It is self-defeating to spend billions a year on cutting-edge technologies and critical research, but then let China and Russia sneak through the backdoor. We cannot expect our DOD contractors, especially our small businesses, to fend for themselves against cyberattacks from nations, states, and malign actors.

If confirmed, what will you do to assist all contractors with the collective, defensive capabilities needed to adequately safeguard, you know, our technology?

Mr. SHERMAN. Senator, cybersecurity is certainly the paramount activity of Chief Information Officer and as you note, small- and medium-sized businesses are the backbone of this economy. If confirmed, there are a number of things that I would want to do to include with the Cyber Maturity Model Certification, or CMMC, program, making that updated and not onerous to those small and medium companies in Alabama and everywhere else, sir; also, working with General Paul Nakasone at NSA and USCYBERCOM, doing things like providing, as we would call it, cybersecurity, as a service for that small- or medium-sized company, giving them templates and guides on how to do this, so they are not having to reinvent the wheel themselves on this. With always thinking not just about the very large corporations, but those small and medium companies that are so important, and also where the Chinese and Russians and others try to go after, to get into our network, sir.

Senator TUBERVILLE. Yeah, thank you.

Mr. Vazirani, if confirmed, you would have supervision over the Department of Defense education activity; 160 schools in seven

states, 11 foreign countries, and two territories. Two of these schools are in my home state Alabama, Fort Rucker and Maxwell Air Force Base.

I am a proud military brat. I was an educator for 40 years. I have seen, firsthand, the importance of a stable environment for kids inside the classroom and at home.

Students who are in their third year, impacted by COVID-19 mask mandates, virtual learning, now school boards across the country are pushing critical rates. They are even trying to restrict parents' involvement in the classroom.

Would you agree that some of the best solutions to the challenges facing our schools come from the local level, where parents, students, teachers, and administrators can collaborate and work towards success together, and can you elaborate on that?

Mr. VAZIRANI. Senator, I appreciate the question and I think what you are pointing out is that the education of military children is critical and particularly when we look at the future force, 80 percent of those who serve today are military-connected, and so we have to think about the appropriate education of those children and make sure that there are appropriate education options for the families so that their children can advance, particularly as they move from one location to another.

Senator, if confirmed, I would want to look at the education activities and make sure that the appropriate level of education is being provided. I think that parents do provide a great resource and are our partner in the education of their child. If confirmed, I would want to work with the colleagues at the Defense Department education authority to make sure that the education and the curriculum is being involved in a way that will appropriately educate those children.

Senator TUBERVILLE. Thank you.

Ms. Ricci, it was good to hear you say something about the living quarters in a lot of our military bases. A lot of them are atrocious. I have been to some of them and it was good to hear you say that, you know, you support upgrading some of those facilities.

Could you elaborate on that. Have you had firsthand knowledge of that?

Ms. RICCI. Yes, Senator, I have.

At Fort Hood, I did learn about the abominable living conditions that some of our servicemembers have lived in and it was a small mention in the Fort Hood report that was part of the overall command climate. I would be supportive of the Army's continuing efforts to reform how privatized housing works, to ensure that contracts are in other words and that the partners are held accountable.

Senator TUBERVILLE. Thank you. You know, the attitude of our military is very important and a lot of it, you know, starts at home, obviously, with kids and living quarters, and they don't make a lot of money. You know, a lot of them could go and do other things, and we have got to make sure that we can do anything possible to keep, you know, our best in the military because with all this technology now, a lot can leave. They can go to other places, have a better life with a lot more money, but a lot of them want to support this country, and we appreciate that.

So, thanks for being here today. Thank you for your testimony. Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Tuberville.

Senator Kaine, please?

Senator KAINE. Thank you, Mr. Chairman.

Congratulations to the nominees. You are all well-qualified for your positions.

Mr. Sherman, I want to pick up, just commenting on something that Senator Tuberville was asking about, that I am also really focused on, and that is the ability of small, innovative tech companies to participate in work across the DOD but including in cybersecurity. So, this question of having a process to get CMMC compliance that can work for small technology companies is also something that I am really interested in and I appreciate Senator Tuberville asking about that, and your commitment, that you would work on that. I would look forward to working with you on it.

Here is one that is kind of related in dealing with technology companies' interaction with DOD. The DOD has a process for certification. It is called—technology companies have a process within DOD that is called Impact Level to get certified to do work with the DOD. There is a similar process in the GSA called FedRamp to get approval through the GSA to be a government IT vendor. I often wonder whether we can create reciprocity between some of these programs so that a company that gets, you know, certified through the GSA process could get certified through the DOD or vice-versa without requiring duplication of work.

We run into the same issue with security clearances, where different agencies use different practices on security clearances and it makes it very difficult.

Do you think there should be reciprocity between the GSA certification system and the DOD certification system?

Mr. SHERMAN. Senator, given how critical our private sector is to our tech innovation, particularly from small and medium companies, as well as large ones, if confirmed, I would always try to seek symmetry and, I don't want to say simplification, but making it being cognizant of how it affects the companies, and if confirmed, would take a look at the GSA parity to FedRamp and also recognizing that we at Department of Defense will often layer above and extra certifications on top of that, given our security considerations, but, at the front end, making this as smooth and symmetrical as possible, sir.

Senator KAINE. That would be great. I take that as a commitment to work together with GSA to see what symmetries can be created, and you are right, if there are additional security requirements at the DOD side, but you could build on the base of what GSA has done with FedRamp, rather than having a completely separate certification process, that would be very much appreciated.

Mr. Vazirani, I want to ask you about our workforce needs. The commandant in the Marine Corps released planning guidance in 2019 and I am going to read you a quote from it, quote, our manpower system was designed in the Industrial Era to produce mass, not quality. We assume that quantity of personnel was the most

important element of the system and that marines are all essentially interchangeable.

My son is Marine, too. I know you have a boy in the Marines.

As the complexity of the world is increased, the spread between physical jobs and thinking jobs is increased dramatically. War still has a physical component and all marines need to be screened and ready to fight; however, we have not adapted to the needs of the current battlefield. The only way to attract and retain marines capable of winning on the new battlefield is to compete with the tools and incentives available to them in the marketplace.

What are some of the areas of the military's recruitment, training, promotion, and retention system that could benefit from incentives found, quote, in the marketplace?

Mr. VAZIRANI. Senator, I appreciate that question.

I think that point about making sure that we have the right talent, and it is not just a question of quantity; it is a question of quality, as well. I think as we think about the emerging warfare domains and the way that war will be waged into the future, we have to think about that as, in order to compete on that battlefield, to have the right talent.

So, if confirmed, one of the things that I would want to do is to work with the services and the team within Personnel and Readiness to see what mechanisms are available to ensure that we get a diverse and qualified total workforce. I think that is a question of, and how do you achieve that through the military service, as well as the civilian component of the military. So, as we go through this process of recruiting people, we have to think about, are we reaching the right people who have those skills, and then, two, what are the mechanisms we have available to retain them?

Because as we compete, we are also competing with corporations and institutions, and so we have to look at what are the tools available to us to retain the talent.

Senator KAINE. One mechanism that I will just put on the radar screen that I will ask you about, should you be confirmed, is one that we included in the NDAA in 2020. There was a provision, or Section 860, to this that would establish the Defense Civilian Training Corps and this corps was sort of like an ROTC corps that we could use to attract people into particular fields: engineering, acquisition, and others, where we are going to need a strong workforce going forward. I would like to talk further about the success of that model, it is still very new, and what the DOD plans to do to really exploit the value of a program like that.

But thanks to all the witnesses and congratulations to you.

Mr. Chair, I yield back.

Chairman REED. Thank you, Senator Kaine.

Senator Hawley, please?

Senator HAWLEY. Thank you, Mr. Chairman.

Thanks to all the witnesses for being here.

Mr. Sherman, let me start with you. The use of Chinese-made hardware like printed circuit boards poses a major cybersecurity concern for the United States. I spoke about this with Microsoft's president, Brad Smith, when he was here earlier this year. He agreed with this assessment.

Let me ask if you agree that it is time for DOD to stop using Chinese-printed circuit boards and the information systems that our warfighters depend on to defend their country?

Mr. SHERMAN. Senator, I see China as a paramount threat to our systems, to everything that we are doing at DOD, and if confirmed, that would absolutely be something that I would look at. We do not want the Chinese in or near our systems, sir.

Senator HAWLEY. Let me ask you China, with regard to Taiwan. If China invades Taiwan, I will likely try to do so by surprise, of course, and as quickly as possible, as the fait accompli scenario. One of the ways in which it will likely try to achieve its objectives is to overwhelm our cyber defense systems and try to degrade or neutralize as many of our critical defense systems as possible.

So, in your assessment, is DOD currently prepared to withstand and fight through a barrage of cyberattacks in the event of a Chinese attempted fait accompli?

Mr. SHERMAN. Senator, I believe DOD is well-postured, based on what I know right now, that is, with any sort of defensive mechanisms, we can always improve it. If confirmed, cybersecurity, working with General Nakasone at CYBERCOM, informed by NSA threat intelligence, to keep the Chinese back on their heels would be a top priority.

Senator HAWLEY. Very good.

Can I just come back to the printed circuit boards for just a second. You said that China was a concern. I appreciate that. But would you agree that it is time for DOD to stop using Chinese-printed circuit boards?

Mr. SHERMAN. Senator, if confirmed, I would have to look at that, but in principle, any sort of Chinese hardware or software should not be on or near our systems would be my belief.

Senator HAWLEY. Okay. I look forward to hearing from you further on that.

On the Taiwan question, again, talk to us about how the requirements for defending against a surge of cyberattacks like we were just talking about, how do those differ from the requirements from defending or for defending against Chinese cyberattacks on American systems during peacetime; in other words, what do we need to be prepared for in, effectively, a kinetic scenario that we otherwise wouldn't be?

Mr. SHERMAN. I think the principle of Zero Trust, Senator will be for both scenarios. Assuming they are already on our networks right now, and not just defending at the perimeter in a wall-and-moat scenario or even a defense in-depth but segmenting our networks and everything we are doing in a way that we have not done before, making it about the data and also tagging people and tagging data in a way that we have not done before. Zero Trust will be the key both, for defending here in the Homeland, as well as out at the edge, where they could attack us.

Senator HAWLEY. Let me ask you, if you are confirmed, what you will do to ensure that we are able to not only defend against Chinese cyberattacks in peacetime, but also to be able to withstand and fight through them in a potential future conflict.

Mr. SHERMAN. Senator, if confirmed, my role as CIO would be to ensure we have the most robust defensive capabilities possible and

providing the infrastructure for General Nakasone and CYBERCOM to use for offensive capabilities.

Senator HAWLEY. Are there any specific steps that you can think of now that you would take, that you think need to be taken in that regard?

Mr. SHERMAN. The most immediate step, if confirmed, would be what we call enterprise Identity, Credential, and Access Management, or ICAM; somewhat of a techy term, but something that has to be there to be able to tag the people and tag the data on that Zero Trust scenario, sir.

Senator HAWLEY. Good. Let me ask you a little bit about the consolidation of our industrial base. This is something that I have raised with other nominees before the committee.

DOD has long struggled with this, this increase in consolidation. We are seeing problems now with emerging technologies, with just a few large companies in this country can own a lot of technology or can buy it up.

Do you agree that concentrating market power in just a handful of companies, and I am thinking specifically of Google, Facebook, Microsoft, Amazon, makes it harder for competition to occur and to spur innovation, and that is especially true as it relates to information technologies.

Mr. SHERMAN. Senator, I see our technology Defense Industrial Base as a national advantage for us. In terms of their consolidation, all I can say, if confirmed, as CIO, I will be a very tough customer to all of them, without favoritism or bias and making sure that our warfighters get the very best technology for their warfighting needs.

Senator HAWLEY. You are anticipating my next question, which is how can we ensure a robust and competitive marketplace for these emerging technologies that isn't dominated by a few firms and, ultimately, is getting us the best innovation that is possible and that we need in order to succeed.

Mr. SHERMAN. Senator, if confirmed, I would see that done by rigorous requirements, but also casting a wide net, not to exclude small and medium businesses with geographic diversity, different capabilities, and working with acquisition sustainment, and research and engineering, and others to make sure we hear multiple voices for our requirements.

Senator HAWLEY. Very good. If the Chairman will let me slide one more question in here very quickly, Mr. Vazirani, I want to ask you about the needs in the Pacific theater.

Secretary Austin told me earlier this year, and to quote him now, the combat-credible, forward-deterrent posture is instrumental to the U.S. military's ability to deter, and if necessary, deny a fait accompli scenario. We are talking about Taiwan there. Forward-deployed units are only part of the solution, of course. These organizations have to be filled with servicemembers who understand the Pacific theater of operations.

If nominated, your office will oversee the recruitment and retention of all DOD personnel. Here is my question: How can DOD Berman and equip PACOM units with specially trained individuals who are ready to compete and within in the Pacific theater, given the unique needs and requirements there?

Mr. VAZIRANI. Senator, I think, there, again, it is a question of how do we get to the right talent; the people who can fight those wars who have the skills, the knowledge, the language skills, the cultural skills to know how we might engage an enemy in that region.

So, if confirmed, that is something I would work with the people within the Personnel and Readiness with the Under Secretary, and with the Service Secretaries to make sure that we understand what the requirements are for each of those forces who may engage and ensure that we have the right standards, and so that the standards and requirements meet that and that we can meet our recruiting goals.

Senator HAWLEY. Thank you.

Chairman REED. Thank you, Senator Hawley.

Senator Blumenthal, please?

Senator BLUMENTHAL. Thanks, Mr. Chairman.

I thank each of you for your service and for your willingness to serve in these new capacities.

Mr. Sherman, I am not sure what your role will be, if confirmed, in the procedures and standards used in classifying documents, but I have raised repeatedly in our classified sessions, the fact that a lot of what we are hearing, the American people deserve to hear and there is no real reason that the material should be classified.

In a lot of the instances where I raise this issue, the military or intelligence officials there, without disclosing any classified information that may have taken place there, tend to agree, and in fact, the American people deserve to though more. It would be useful for the Department of Defense that they should know more and, in fact, for our democracy.

So, will you undertake a review of our current classification standards and procedures with a view to opening more of it to the public?

Mr. SHERMAN. Senator, I certainly see the absolute value in our way of government for transparency, but also keeping our secrets safe. If confirmed, I would work with the stakeholders in the Department of Defense to include Intelligence and Security, I&S, and other parts of the Department to look at this topic.

Senator BLUMENTHAL. Will you commit to give us a plan for that review, a specific plan as to who will be involved and what the timetable is?

Mr. SHERMAN. Senator, I would commit to work with the stakeholders who have that appropriate policy under them, but, yes, I would, if confirmed, take this as a priority.

Senator BLUMENTHAL. Well, with all due respect, will you present the Committee on Armed Services of the United States Senate with a plan, a specific plan for whom you will consult and what your timetable will be?

Mr. SHERMAN. I will commit to that, Senator.

Senator BLUMENTHAL. Thank you.

Who do you think should be involved? Who are the stakeholders that you would involve?

Mr. SHERMAN. Senator, based on what I know about the job, it would be Intelligence & Security and other folks who look at the counterintelligence equities. I know CIO has a role in this, but

other parts of the Department do, as well. As well as protecting secrets and safeguarding that area, they would absolutely need to be involved, sir.

Senator BLUMENTHAL. Thank you.

Mr. Vazirani, I am sure you are aware of the increasing rate of suicide, an alarming increasing rate of suicide among our veterans and servicemembers. Since September 11, 2001, apparently, that number is more than quadrupled number who died in the wars previously. I may have some of the details wrong.

There is a study that estimates that 7,057 servicemembers have been killed in post-9/11 war operations, while 30,177 active-duty servicemembers and veterans have died by suicide. The average suicide rate for post-9/11 veterans is between 18 to 34 was 32.3, per 100,000 between 2005 and 2017, but it rose to 45.9, per 100,000 in 2018. That is about 2.5 times the suicide rate in the general population.

Are you familiar with the study that provided these numbers from Brown University's Costs of War Project?

Mr. VAZIRANI. Senator, first of all, any suicide, any number of suicides in the military or veteran community are alarming and we should be concerned about that.

Senator, I am not familiar with that specific study. I am familiar with the studies that the Department has done regarding suicide.

If confirmed, if this an area that would be a particular concern for me and a priority to look at what are we doing. As the Secretary said, the first thing we need to do is to make sure that we reduce stigma and we encourage help-seeking so that servicemembers, their families, and they understand that we can overcome that stigma, so that as they proceed through their military life cycle, and even into the veteran community, they know how to ask for help.

The other side of that, Senator, that I focus on is ensuring that leaders know how to recognize the signs of suicide and when to offer help and make sure that there is a trusted relationship where a servicemember can ask for help.

Senator BLUMENTHAL. I appreciate that answer.

My time has expired.

This topic is a big, complex and an important one, and I look forward to following up with you.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Blumenthal.

Senator Tillis, please?

Senator TILLIS. Thank you, Mr. Chairman.

Congratulations to all three of you for your nominations.

Mr. Sherman, you get a pass on this question, because I think there are families and friends watching. I would like to pronounce your last names right.

Could you please pronounce your name? Is it Vazirani?

Mr. VAZIRANI. Vazirani.

Senator TILLIS. Vazirani.

Ms. Ricci?

Ms. RICCI. Ricci.

Senator TILLIS. Okay. Thank you.

I asked my staff. She said it had been pronounced a couple of different ways, so I just wanted to make sure I got it right.

Ms. Ricci, I am very focused on military housing. I made several visits to Fort Bragg and Camp Lejeune. I have done town halls, and we still have a problem there. We made some progress with the Bill of Rights, but I think that there is a lot more work to do.

So, can you give me an idea of whether or not this will be a priority for you and some vision as to how we can get to an improved state of military housing. It is a real problem. I think it has a number of effects on readiness, health, a number of other issues.

Do you share that concern? Can you give me an idea of some of the things that you may make a priority?

Ms. RICCI. Yes, Senator.

I absolutely share your concern. Soldiers should have safe housing, safe and healthy housing, and during my time at Fort Hood, I did, indeed, listen to some of the concerns of the servicemembers living there and some of the conditions that they faced. I understand that the Army is going through a revised, so to speak, way of looking at their partnerships with privatized housing and ensuring that contractors are held accountable.

If confirmed, that would be a priority of mine. That would be one of the priorities, is to make sure that our procurement processes are being enforced appropriately and that our partners are being held accountable.

Senator TILLIS. I also think that we have to have a focus on what has occurred as a result of some of this unacceptable housing. I went into a house at Fort Bragg that had a dehumidifier that in the hallway that was collecting so much water that the tank, they couldn't use the tank. They literally had to run a hose to the bathtub in the hallway bathroom just to be able to keep it running non-stop, 24/7.

So, another area that I think we have to look at is, how are we proactively helping the families that have documented medical conditions?

I met with a number of military spouses who had doctors' advice to get out of these homes because the conditions in the homes were clearly causing health problems for them and their children. So, that is another area that I look forward to working with you, after you are confirmed.

I guess one other question I have for you has to do with military justice. What do you perceive would be an appropriate role for the Army General Counsel, if Congress enacts Secretary Austin's proposal to establish the office of special victims' prosecutions in the secretariat of the military department?

Ms. RICCI. Senator, if confirmed, the Army General Counsel, as the Chief Legal Officer, would have the obligation to ensure swift implementation to provide accurate and timely legal advice, and to assist in working out the legal nuances attendant to that change.

Senator TILLIS. Mr. Sherman, I have got more in common with you than I do with most of the people in the Senate with my 29 years in information technology. I also want to echo what Senator Blumenthal said on suicide prevention; removing the stigma, that is very important. I also think we have to act in the way that we talk.

We all talk about removing the stigma and then we will go behind closed doors and whisper about a problem that we may have with a family member or friends. It really begins with our behavior, too, to help remove the stigma.

But Mr. Sherman, I feel like the Department of Defense is replete with opportunities to consolidate, to collapse some silos, and to really go through an enterprise transformation for the use of information technology, duplicative systems across service lines. I think that there is an opportunity to build cross-functional platforms and then only have, on an exception basis, the silos that we have today.

Do you agree with that?

Mr. SHERMAN. I do, Senator.

Senator TILLIS. Do you think that the culture of the DOD can be changed to actually accept that?

It is the same sort of problem I saw in large, diverse corporations. But what would you do to actually change the culture so that we could make meaningful progress and take a lot of costs out of our IT operations in the DOD?

Mr. SHERMAN. Senator, I would build upon, if confirmed, successes that have been underway; for example, with the 26 defense agencies and field activities, what is called the Fourth Estate Network Optimization, to reduce all of those inefficiencies there, scale that to the Department level, build on what the military departments are doing; for example, the Department of Navy's project Cattle Drive, they call it, to get rid of duplicative systems and drive greater efficiencies.

I would, if confirmed, build on those successes, sir, and a lot of this would be built on data, to make sure we know what is out there and to make that implemented, sir.

Senator TILLIS. Well, this is something that is personally very important to me. It is very interesting to me. It keeps my skills up to date.

So, I would like to get your commitment that I received from your counterpart in Veterans Affairs, to get together, take a look at your program office, the sort of structure that is going to be necessary to actually execute that. It is also very important to me because I think there is a lot of integration opportunities, particularly with respect to the Cerner platform for the electronic health record, so that we can actually get to a point to where we may be able to predict a transitioning servicemember being at risk before they even know they are. I do believe that that is within our reach if we integrate and capture the right kind of data through the like cycle of a soldier.

Thank you, Mr. Chair.

Chairman REED. Thank you, Senator Tillis.

Senator King, please?

Senator KING. Thank you, Mr. Chairman.

Mr. Sherman, there has been a lot of discussion about cyber on a lot of levels. I don't think there is any doubt that if there is a conflict that we are engaged in, cyber will be the first part of it. The first effort of our adversaries will be to try to blind us in terms of our ability to communicate. They are also using cyber to compromise our networks to steal intellectual property.

My question is, you use the word “ensure”; I think that may be an optimistic word. But how do we ensure?

Do you anticipate pen testing, red teaming, bug bounties, hackers for hire?

It seems to me the best way to be sure or to get toward assurance is testing the network by friendly hackers or friendly, those who are enabled to attack the networks and tell us where our vulnerabilities are. Is that in your agenda?

Mr. SHERMAN. Yes, sir. Absolutely.

Not just trust but verify and reverify. Working with, for example, the Defense Digital Service, which does a lot of that bug bounty-type activity at DOD. Also working with the Director of Operational Testing and Evaluation, DOT&E, so we can do that up front testing, as we buy technology, such as commercial-clad capabilities to really see where vulnerabilities are. As we have done, for example, on Office 365 being employed across the enterprise, finding vulnerabilities that even the vendor didn’t know about.

Senator KING. I would hope that you would work with NSA and CYBERCOM, they are the best in the world, to test your own networks. You used “trust, but verify”; that is one of my favorite mottos, but another is, “Does it work and how do you know?” So, CYBERCOM, it seems to me, and NSA, with Paul Nakasone, would be a tremendous resource.

Secondly, on cyber, we are engaged in a very large-scale modernization of our nuclear triad. As far as I am concerned, we ought to scrap the word “triad” and talk about nuclear quad, because command and control is as important as any leg of the triad; if we don’t have command and control, we can’t communicate with the triad, it isn’t going to work.

So, I hope that modernization, when we are talking about modernization of the submarine fleet or the missiles or the bombers, we are also talking about a very intense modernization of command and control in the nuclear area.

Mr. SHERMAN. Sir, NC3, and I like where you are heading with this, it is not just a triad; it is the fourth leg of a triad, to ensure that the triad will be effective. Having resilient, modern, strengthened NC3 on that, and that is an area, too, and I should have included this, with General Nakasone, both from CYBERCOM and NSA, to ensure that NC3 network is there when we need it.

Senator KING. It has to be redundant, and redundant, and redundant.

Mr. SHERMAN. Yes, sir.

Senator KING. You talked about workforce, so I won’t dwell on that. But as you know, that is a huge problem nationwide, and not only in the defense field, but in every field, in terms of network security, cybersecurity, network administration. So, workforce is something that I think has to be attended to.

Mr. Vazirani, two issues in your area. One that concerns me, and that is the geographic diversity of our Armed Forces. I was surprised to find in 1975, the division between the Northeast, the Midwest, and the South, and the Southwest, among our military personnel was about 50/50. I think it was 47/47.

Today, it is 67/30; in other words, the Midwest and Northeast have fallen to 30 percent of our active-duty military. The South and

Southwest are now almost two-thirds. I think that is unhealthy for the country to have our professional military service be geographically defined.

Do you appreciate that concern and what do we do about it?

Mr. VAZIRANI. Senator, I certainly share that concern. I think that in order for us to have the most ready force that force also has to look like America and come from the breadth of America. I think, Senator, if I am confirmed, one of the things we would want to look at is, how can we improve the value proposition to reach young people; people who are eligible and qualified to serve in those areas and ensure that we are accessing the talent.

Senator KING. It has to be a conscious strategy. The current strategy, obviously, isn't working. There has to be a conscious saying, we are going to recruit more in Cleveland or in Boston than we are today. We are going to put more advertising, and whatever it is, and I hope you will pursue that.

Second, I just have a few seconds left, so I just want to touch on these. I want to associate myself with all the others who have talked about suicide. In the Vietnam War, we lost 58,000 people. In the decade from 2008 to 2017, we lost 60,000 people to suicide. The figures Senator Blumenthal mentioned are just shocking. We have lost four times as many military people and veterans to suicide since 9/11, than to operations. That is a stalker of our military personnel. I hope you will really put some focus on that. If it were a military event killing 30,000 people over that period of time, we would have all kinds of resources on it, so I hope you will pursue that.

Finally, Ms. Ricci, I looked into this whole housing issue. I think a lot of it is contracts, contract administration, and following up and enforcing the contracts that we have and renegotiating and improving those contracts with the private vendors. If you have an obligation under contract but nobody ever enforces it or pays any attention to it, then you are going to backslide, and I think that is exactly what happened.

So, I hope in your position you will be very contract lawyerly and follow those obligations to be sure that they are enforced. That is one way to quickly bring those contractors back up to the standard that they agreed to.

Thank you very much, Mr. Chairman.

Chairman REED. Thank you, Senator King.

Now, let me recognize, via Webex, Senator Duckworth, please.

Senator DUCKWORTH. Thank you, Mr. Chairman.

I want to associate myself also with the comments from my colleagues who came before me on both sides of the aisle on suicides, among our military men and women.

Just to remind everyone the Veterans Crisis hotline is: 1-800-273-TALK, t-a-l-k, 1-800-273-TALK. You can call that if you are on the brink of homelessness or any kind of crisis, including needing just to talk to someone.

Now, I want to start by congratulating all three of you who are here today on your nominations. I do want to begin with a problem that has existed far too long that has become more urgent during this pandemic, and that is military hunger. Far too many of our military families experience food insecurity.

That is why I introduced the Military Hunger Prevention Act, to create a basics, needs allowance to help struggling military families put food on the table. My bill currently has 25 bipartisan co-sponsors in the Senate; an indicator of the broad support for solving this shameful problem.

Mr. Vazirani, please, I apologize for mispronouncing your name, if confirmed, how will you address food insecurity among our servicemembers?

Mr. VAZIRANI. Senator, thank you for raising that concern. Food insecurity, obviously, it affects the readiness of the family today. It detracts from the readiness of the servicemember when they are in the field if they are thinking that their family is hungry. It detracts from our future readiness because the children of many of those who serve today are going to serve in the future.

Senator, if confirmed, I want to work with this Committee and with people within the Department to certainly meet up to the Secretary's priority of people first. I think we have to look at a range of options on how we solve for this and part of that is ensuring that those families have financial security.

So, when I was an advocate, I looked at a range of options for the basic needs allowance, which I think is one of those options and a qualification for other programs that would allow for families to have the resources to ensure the well-being of their family.

Senator DUCKWORTH. Thank you. I look forward to working with you, once you are confirmed, on this.

In January, you wrote, and I quote, military families are counting on Washington to ensure that services adequately fund childcare fee-assistance programs and partner with the community outside the gates to increase accessibility when on-installation waitlists are too long, end quote.

You also noted in your advanced policy questions that ensuring affordable, quality care is accessible to our military families will be one of my priorities, your priorities.

I agree that this is an issue of huge importance to our military families, as well as to our readiness. That is why I introduced the Military Child Care Expansion Act that would authorize a number of programs to improve access to a range of childcare options for military families.

Mr. Vazirani, can you expand on the importance of affordable and accessible childcare for our military families.

Mr. VAZIRANI. Senator, enabling military spouse employment and for military spouses to have fulfilling careers is critical to their families, but also to the readiness of the force, which will allow the servicemember to continue to serve in the way they are.

Senator, to enable that requires childcare and accessible childcare that the family can get to and affordable childcare. So, if confirmed, Senator, I would want to look at a range of options; particularly, around how do we innovate in providing childcare to military families, whether it is on the installation or off the installation, as well as the opportunity to military spouses to earn their credentials and either provide childcare in their homes and be reimbursed through a fee-assistance program, or to become providers with portability within the military childcare system.

Senator DUCKWORTH. Wonderful.

Well, the fiscal year 2022 NDAA has report language directing the DOD to seek out creative solutions to solve the childcare availability crisis, and I hope that you will keep me updated on your progress.

Mr. VAZIRANI. Senator, certainly.

Senator DUCKWORTH. Thank you.

Finally, according to numerous studies, paid family leave offers clear advantages to both, employers and families, yet, depending on their branch of service and family situation, many servicemembers currently only receive 2 or 3 weeks of parental leave.

To recruit and retain the best and brightest, we must modernize the DOD's parental leave policy for members of the military. That is why I introduced the Servicemember Parental Leave Equity Act, to make sure that all primary and secondary caregivers in the military can access 12 weeks of paid parental leave.

Mr. Vazirani, if confirmed, will you commit to prioritizing initiatives such as Parental Leave Expansion that would help strengthen military readiness and better support military families?

Mr. VAZIRANI. Senator, if confirmed, I certainly commit to looking at any solution that would help military families and military family readiness.

Senator DUCKWORTH. Thank you.

Thank you for your testimony today, and I look forward to your confirmation.

I yield back, Mr. Chairman.

Chairman REED. Thank you, Senator Duckworth.

Now, let me recognize Senator Kelly, please.

Senator KELLY. Thank you, Mr. Chairman.

Thank you for being here today, folks.

Mr. Vazirani, the uptick in military suicides is alarming, I think, to all of us, and the Department's own figures show that 580 servicemembers died by suicide in 2020. This means that the number of suicides increased by 15 percent from the prior year.

Every single suicide, even one, is too many. We need to do more to support our men and women in uniform.

It was this concern that led me to introduce the Brandon Act, named to one of Arizona's fallen. We did this, along with Senator Cramer and the support of other members of this committee. The bill is designed to ensure that a servicemember in crisis is never denied timely access to live-saving care. I also joined with Senator Ernst in introducing the Save Our Servicemembers Act to further improve the Defense Department's internal coordination on suicide prevention.

It is clear that we need to do better. If confirmed, will you commit to work with us on these proposals?

Mr. VAZIRANI. Senator, I absolutely confirm to work with you on those proposals and I would look for options to reduce suicides and eliminate suicides to the degree that we can.

Senator KELLY. What other strategies do you have for addressing, like, what are the strategies?

So, I would like to listen to, maybe, some of your ideas on how we address this rising rate of suicides in the military.

Mr. VAZIRANI. Senator, I haven't formed a complete strategy on that. I certainly have some thoughts on this, primarily from the

fact that I have a family that experienced two suicides. I think that as the Secretary said, we have to reduce stigma. We have to make it okay for people to ask for help.

In order to ask for help, we have to have a command structure, whether it is a squad level, the division level, the platoon level, the company level, where there is a connection between the service-member and their leader so that they know how to ask for help. So, that is one of the things that we have to do.

So, in order to address this issue, which is so personal, we have to think about the system, as well. So, we have to develop a system that enables help-seeking. We also have to acknowledge that part of that is to ensure that there are the same resources at home for the military family, because that stress source may be at home, as well.

So, we can't just look at it as just a military issue; it is a military-family issue, as well.

Senator KELLY. Well, the piece of that about, you know, helping members ask for help and a process to do that, is what the Brandon Act was all about, so thank you for your response.

In my remaining time, I want to switch to Mr. Sherman here and talk a little bit about cybersecurity and AI. With the SolarWinds and Colonial Pipeline ransomware attacks, Americans have had a front-row seat on the havoc that cyberattacks can wreak on our country.

We have also had a wake-up call to the vulnerabilities inherent in our infrastructure. Now, the Defense Department is not immune to these risks; in fact, the Defense Department identifies cybersecurity among its top priorities in its Digital Modernization Strategy. This work is increasingly important as more and more of the equipment and technology that we use to defend our Nation comes to rely on the network and its security.

If confirmed, what are your priorities to securing our Defense networks against cyberattacks?

Mr. SHERMAN. Senator, I absolutely agree that cybersecurity is of paramount concern and, if confirmed, to strengthen our cybersecurity, I would oversee the implementation of what is called Zero Trust; a strategy that assumes that the enemy is already on the network, not protecting at just the perimeter or Defense in-depth, but assuming they are already on our network and through a strategy of what is called microsegmentation. Not only on our enterprise IT server, but also on things like industrial control systems. You referenced the Colonial Pipeline. Things like HVAC, elevators, you name it; other things that make the enterprise run. So, if confirmed, Zero Trust would be the approach that I would oversee, sir.

Senator KELLY. That approach is not used today?

Mr. SHERMAN. Elements of Zero Trust are being implemented; building blocks for it. For example, the Defense Information System Agency is implementing it on the secret side. We need to scale it out much larger and also build on industry best practices.

Senator KELLY. Thank you, Mr. Sherman.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Kelly.

Let me now recognize Senator Kaine, who has additional questions.

Senator Kaine. Thank you, Mr. Chair.

Mr. Vazirani, this is just an observation that is directed at you because of your forthcoming role on personnel matters. We had a hearing about Afghanistan the other day and it was an important hearing and the administration witnesses talked about, in a somber way, the American troops lost in Afghanistan, 2,324 military personnel, as well as the 4,598 who died in Iraq, and we were talking about the toll that our Nation suffered in the war on terror.

One thing that I noticed in this testimony, and we have heard it before, is that the death of U.S. contractors is almost never mentioned, and it truly is a unique war, this war on terror, in American history, where the U.S. contractor deaths were higher than troop deaths. Total troop deaths in the war on terror were 7,052, but U.S. contractors, their deaths were 8,189.

I haven't yet kind of wrapped my mind around what that says about the notion of modern warfare, that there would be more casualties of contractors, many of whom were veterans, they had previously served in the military, than there were of active-duty troops. I think it is something that we need to think about and contemplate.

But one thing that I would urge on the Pentagon going forward, as we talk about U.S. lives lost in the war on terror, that we don't omit the U.S. contractors whose lives were lost. They may not have gotten some of the recognition that others did, and yet they lost their lives on a similar mission, usually under contract with the Pentagon. We would be wise not to forget them, but to highlight their sacrifices, as well. So, in your forthcoming role in personnel, I just wanted to urge you to have the Pentagon think about that. Thank you.

Chairman REED. Thank you, Senator Kaine.

Senator King, if you have no questions, thank you all for you, not only service, which has been extraordinary, but your commitment to serve again. Your responses were compelling.

I can't outdo the ranking member in his praise, so I will stop right there, and we look forward to bringing your confirmation before us as quickly as possible and getting you to work. Thank you all very much.

With that, the hearing is adjourned.

[Whereupon, at 10:58 a.m., the Committee adjourned.]

[Prepared questions submitted to Mr. John B. Sherman by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES AND QUALIFICATIONS

Question. Titles 10, 40, and 44 U.S. Code, establish a diversity of duties and responsibilities for the Chief Information Officer (CIO) of the Department of Defense.

What is your understanding of the duties and functions of the CIO?

Answer. It is my understanding that the DOD CIO serves as the primary advisor to the Secretary of Defense for information technology, management, and assurance; as well as non-intelligence space systems, critical satellite communications, navigation and timing programs; spectrum, and telecommunications. Additionally, I understand that the DOD CIO drives technology and cyber transformation to ensure warfighters maintain a decisive advantage over adversaries, works with industry to

identify new solutions, advocates for IT and cyber talent, and leads CIOs and other stakeholders from across the Department toward modernization goals.

Question. If confirmed, what if any additional duties and functions do you expect that the Secretary of Defense would prescribe for you?

Answer. If confirmed, I expect that oversight of the Cyber Maturity Model Certification (CMMC) activities might be transferred from USD(A&S) to the DOD CIO portfolio, under the DOD Chief Information Security Officer (CISO). In this scenario, DOD CIO/CISO would provide the centralized cybersecurity oversight of the CMMC activities, with USD(A&S) maintaining the Department's lead role for overall engagement with the Defense Industrial Base.

Question. What background, experience, and expertise do you possess that qualifies you to serve as Chief Information Officer? Please include specific examples of insights from your private sector experience as a Chief Information Officer or in similar roles, as well as your service to date as the Principal Deputy DOD Chief Information Officer, that you would apply to your service as CIO, if confirmed.

Answer. My foundation for the DOD CIO role includes serving as the Intelligence Community (IC) CIO, the DOD Principal Deputy CIO (PDCIO), and the Acting DOD CIO. All involved experiences with strategic leadership of large-scale technology modernizations, which I would apply to the DOD CIO role if confirmed. As the IC CIO, I oversaw the flagship IC Information Technology Enterprise initiative, where I led major updates to cloud computing, cybersecurity, and interoperability during my nearly 3 years in the job. At DOD, I oversaw the shift to the enduring DOD365 collaboration and productivity suite, accelerated the focus on Zero Trust for cybersecurity, moved to meet urgent cloud-computing needs with the Joint Warfighting Cloud Capability (JWCC) multi-cloud approach, increased emphasis on resilient Positioning, Navigation, and Timing (PNT), and launched a new strategy to diversify and strengthen our cyber talent. All of this is undergirded by my nearly 25 years in the IC as a consumer and user of cutting-edge technology.

Question. Given your observations and experience to date as the Principal Deputy DOD Chief Information Officer, if confirmed, what innovative ideas would you consider implementing with regard to the structure and operations of the information enterprise of the Department of Defense?

Answer. If confirmed, one of my main priorities would be to implement Zero Trust across the Department, changing the cybersecurity paradigm from one of protecting perimeters to one that assumes adversary penetration of the network and employs principles of micro-segmentation. Additionally, I would focus on deployment of an enterprise multi-cloud solution with JWCC, which is critical to enable Joint All-Domain Command and Control (JADC2). I would also work with Department stakeholders to identify and deploy increasingly innovative and complementary types of PNT to ensure resiliency against growing threats. Finally, I would work with DOD components, executive branch departments, Congress, and industry on ways to ensure warfighter access to critical electromagnetic spectrum capabilities while also identifying opportunities to help strengthen US 5G advantage.

MAJOR CHALLENGES AND OPPORTUNITIES

Question. What do you consider to be the most significant challenges that you would face if confirmed as the Chief Information Officer?

Answer. Ensuring cybersecurity of the Department of Defense Information Network (DODIN) in the face of increasingly capable threats would be among my top challenges if confirmed. Additionally, providing edge-node capabilities in support of JADC2, such as in the Western Pacific and in a highly contested battlespace, would also represent a major task to be addressed. Finally, DOD's ability to recruit, retain, and reskill IT and cyber talent, especially in an environment of increasing competition for key skillsets, represents both a challenge and an opportunity to reimagine how DOD manages its civilian and uniformed technology professionals.

Question. What steps, if any, have you already taken to address each of these challenges, and, if confirmed what additional steps will you take, and on what timeline?

Answer. I began strengthening the Department's cybersecurity posture as Acting CIO by moving the enterprise toward a Zero Trust footing, overseeing the Defense Information Systems Agency's (DISA's) launch of the "Thunder Dome" Zero Trust initiative, the publication of a Zero Trust reference architecture, and the preparations for the standup of a Zero Trust portfolio management office within DOD CIO. If confirmed, I would move out quickly on implementing the key elements of Zero Trust, starting with deployment of enterprise Identity, Credential, and Access Management (ICAM) in early 2022. Also, I would immediately build upon the partnership between CIO organization and the Director, Operational Test and Evaluation

(DOT&E), which was instrumental in the testing of DOD365 earlier this year and will be vital as we ensure the cyber bona fides of commercial cloud capabilities. On support to JADC2, in July 2021 I launched the pivot to the JWCC multi-cloud approach, which will provide enterprise cloud computing capabilities, at all three security levels, from the Continental United States to tactical edge environments. While fully recused from developments on this procurement since my nomination in September 2021, I established the 3Q FY22 award date while still serving as the Acting CIO. Finally, I launched the drafting of a cyber-talent strategy earlier this year, with a projected publication date of early to-mid 2022.

Question. Describe significant opportunities in the domain of the DOD CIO that, in your view, and informed by your service as Principal Deputy CIO, DOD has not fully leveraged.

Answer. Based on my time here in the Department since June 2020, I believe that DOD is fully leveraging all facets of the DOD Digital Modernization Strategy (DMS) with regards to cloud, cybersecurity, data, AI, and command, control, and communications. Deployment of modernized capabilities and enhancements, ranging from strengthened weapons system cybersecurity to deployments of resilient PNT across the force to implementation of the Electromagnetic Superiority Spectrum Strategy (EMS3), at the speed and scale necessary to stay ahead of the China pacing threat, remains an opportunity for continued progress in the CIO domain.

Question. If confirmed, what specific actions would you take to ensure that DOD leverages these opportunities in a suitable and timely way?

Answer. If confirmed, I would leverage established governance venues at the enterprise and CIO levels to drive component action on areas needing acceleration (remediation of cybersecurity threats, etc.) and provide strong, active oversight of Military Department investments through planning guidance and budget certification processes. I would also work through less formal channels, such as by day-to-day engagements with CIOs and other leaders, to sustain unrelenting focus on developing and deploying critical capabilities, at speed and scale.

Question. If confirmed, what follow-on actions (e.g., sustainment, enhancement, modification, termination) would you take with regard to initiatives established by your predecessor, specifically digital modernization, composed of cybersecurity, data management, enterprise cloud, artificial intelligence, and joint all-domain command and control? Please explain your answers.

Answer. If confirmed, I would continue efforts against all facets of the DOD DMS launched by my predecessor, with appropriate updates in areas such as Zero Trust for cybersecurity, an enterprise multi-cloud approach, oversight of EMS3 implementation, and other developments and opportunities that arise in the constantly evolving technology and cybersecurity space. A “North Star” for modernization efforts would be toward enabling joint warfighting and JADC2, especially in support of combat operations in highly contested, edge environments.

Question. Your predecessor concluded that these initiatives required additional personnel with engineering and other technical expertise, but was unable to gain approval for these additional billets.

Based on your experience to date as the Principal Deputy and Acting CIO, what is your view as to whether the CIO’s office requires additional manpower and expertise to properly implement these initiatives?

Answer. Based on my experience in DOD CIO, both as Principal Deputy and Acting CIO, I believe that the CIO’s office is properly staffed for its mission. I would reassess this if confirmed, and on an ongoing basis, especially in light of additional responsibilities for CIO in areas such as Zero Trust, EMS3, and 5G.

Question. Historically, the DOD CIO, as well as the CIOs of the military departments, have been perceived as lacking operational expertise and have been more or less confined to non-warfighting and non-operational roles. Today, however, the lines between protecting and managing administrative information technology networks and operational warfighting networks have blurred and integrated enterprise networks face common cyber and information warfare threats. CIOs are also increasingly called upon to manage information technology initiatives that directly impact operational capabilities.

Should DOD CIOs be, and be seen as, more involved in military operational matters, in your view?

Answer. Yes, at the strategic level. The Department’s ability to counter advanced adversaries like China and Russia is heavily reliant on the digital modernization capabilities that the CIO oversees.

Question. In your view, should CIOs across the DOD Components acquire more operational expertise to be effective in their jobs?

Answer. Based on my experience, the CIOs in the components are highly knowledgeable of their respective organization's operational needs, and they adapt and deploy technology accordingly.

Question. If so, how would such capabilities be acquired and documented?

Answer. A Component CIO's ability to understand and address operational needs should be documented in artifacts such as position descriptions and vacancies. Also, familiarity with military operations and technology requirements to support current doctrine and strategies should be a key consideration in hiring.

Question. The DOD CIO is responsible for a plethora of topics that affect DOD business and military operations. Is the office organizationally aligned correctly? Does it have sufficient staff to meet its responsibilities and obligations?

Answer. Based on my experience, the DOD CIO organization is properly aligned and has sufficient staff to meet its responsibilities and obligations. As Acting CIO, I elevated the Special Access Program (SAP) IT portfolio to a Deputy CIO level in order to ensure the topic received appropriate effort and leadership attention. If confirmed, I would continually assess all areas of CIO, similar to what I did for the SAP IT function, and make necessary adjustments and/or advocate for additional resources.

CIVILIAN CONTROL OF THE MILITARY

Question. If confirmed, specifically what would you do to ensure that your tenure as CIO epitomizes the fundamental requirement for civilian control of the Armed Forces embedded in the U.S. Constitution and other laws?

Answer. Civilian control of the Armed Forces is a fundamental principle of the Constitution, which I would firmly uphold and protect if confirmed. If confirmed, I would provide proper and adequate direction and meaningful civilian oversight in the course of my duties, and advocate to ensure that the office of the DOD CIO has appropriate staffing to perform the required civilian oversight.

2018 NATIONAL DEFENSE STRATEGY

Question. The 2018 National Defense Strategy (NDS) outlined three lines of effort by which the U.S. would generate decisive and sustained military advantage in great power competition and conflict: rebuilding military readiness to form a more lethal force, strengthening alliances and creating new partnerships, and reforming the Department's business practices and culture. At the core of each of these efforts, the NDS describes a need for innovation, flexibility, and adaptability, and the streamlining of personnel, technology, and infrastructure.

Do you believe DOD has been successful in implementing the 2018 NDS? Why or why not? In which lines of effort and nested tasks do you perceive a need for continued improvement or additional focus or resources? Please explain your answers.

Answer. I believe DOD has been successful in large part with implementing major aspects of the 2018 NDS, especially with regards to refocusing efforts from counter-insurgency to greater lethality against Nation-State adversaries. Additionally, a continued focus on strengthening key partnerships across many regions and nations has bolstered DOD, and reforms have resulted in new achievements like the Fourth EState Network Optimization (4ENO) initiative. In terms of additional focus going forward, especially in a CIO context, a continued and robust effort to ensure US weapon systems and networks are hardened against near-peer adversary threats must be a priority, along with development of new capabilities in areas such as artificial intelligence (AI), compute and transport in edge/contested environments, agile software development (DevSecOps), the future shift to 6G, even more resilient PNT, and enabling full dominance of the electromagnetic spectrum (EMS).

RELATIONSHIPS WITH OTHER DEPARTMENT OFFICES

Question. What is your understanding of the respective responsibilities of the Principal Cyber Advisor and the CIO regarding the Department's cyber activities and cybersecurity programs and architecture?

Answer. The DOD CIO is responsible for establishing policies, standards, and architectures to ensure networks and systems are capable of operating in any environment. The DOD CIO also provides budgetary and programmatic oversight of Military Departments, Defense Agencies and Field Activities (DAFAs), to include the National Security Agency's (NSA's) Cybersecurity Directorate. In addition to its oversight of U.S. Cyber Command (USCYBERCOM), the Principal Cyber Advisor (PCA) monitors the execution of the DOD Cyber Strategy and integrates cyber operations policy, programs, and processes across the Department, to include cybersecurity objectives under DOD CIO responsibility.

Question. Does this allocation of responsibilities need to be changed or clarified, in your view? Please explain your answer.

Answer. If confirmed, I would work with USD(P) and other stakeholders to review the allocation of responsibilities to ensure the Department's cyber mission is being carried out efficiently and effectively, and then make recommendations as needed to Department leadership.

Question. What is your understanding of the respective responsibilities of the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)) and the CIO for the acquisition of cybersecurity, information technology, and command, control, and communications systems, including contracting and software development? For securing the Defense Industrial Base against cyber attacks? For supervising the Strategic Cybersecurity Program?

Answer. USD(A&S) has oversight of the acquisition process and promulgation of acquisition policy to ensure that acquisition programs implement DOD cyber security policy throughout the entire acquisition lifecycle. The DOD CIO works with USD(A&S) to ensure that system acquisitions are compliant with DOD cybersecurity architectures, policies, and standards. These responsibilities also apply to the Strategic Cybersecurity Program (SCP) where DOD CIO works in conjunction with USD(A&S) and other SCP stakeholders to assure the cybersecurity of weapon systems and critical infrastructure across the acquisition lifecycle.

Question. Do any of these allocations of responsibilities need to be changed or clarified, in your view? Please explain your answer.

Answer. At this time, I do not believe the overall allocations of responsibilities need to be changed or clarified. As the Department's senior acquisition official, USD(A&S) is able to leverage its authorities and oversight to ensure the incorporation of cybersecurity, and adherence to DOD CIO promulgated cybersecurity policies, architectures, and standards, in the acquisition of goods and services. Also, I believe there might be a transfer of responsibilities for the cybersecurity oversight of the CMMC program from USD(A&S) to CIO, with USD(A&S) maintaining overall lead for DIB engagement and related issues. If confirmed, I will continue to work with USD(A&S) to align acquisition and cybersecurity policy while identifying any gaps that may arise in our joint cyber assurance responsibilities.

Question. What is your understanding of the respective general responsibilities of the Under Secretary of Defense for Research and Engineering (USD(R&E)), the (USD(A&S)), other components of the Department of Defense, and the CIO, for the development, procurement, and use of artificial intelligence and other emerging technologies?

Answer. The USD(R&E) is responsible for fundamental AI research and developmental prototyping of AI capabilities, and collaborates closely with DOD Components to improve the capacity to transition such capabilities to production, integration, and operational use. In short, USD(R&E) is responsible for advancing the state-of-the-art in AI.

The USD(A&S) plays a critical role in updating policies on software acquisition, including systems that are enabled by AI software. USD(A&S) is also responsible for training the DOD acquisition workforce, and the JAIC has been a close partner in training this community on best practices in AI acquisition.

The Military Departments continue their mission of "man, train, and equip," and the JAIC seeks to provide enabling services to, for example, program offices to accelerate their incorporation of AI capability.

In a 2019 memorandum, the then-Deputy Secretary of Defense designated the Director of the JAIC as the senior designated official for AI, as required by Sec. 238 of the fiscal year 2019 NDAA. The Senior Official role includes principal responsibility for the coordination of activities relating to the development and demonstration of AI and machine learning for the Department. As the JAIC is now a direct report to the Deputy Secretary of Defense, the JAIC Director meets regularly with the DOD CIO to ensure synchronization across the information enterprise, especially on enterprise priorities such as the AI and Data Accelerator (ADA) Initiative.

Question. More specifically, what is your understanding of the CIO's continued responsibilities for artificial intelligence once the Director of the Joint Artificial Intelligence Center is realigned to report directly to the Deputy Secretary of Defense?

Answer. The DOD CIO will continue to play an important enabling function in DOD AI transformation through its management of the foundational networks, platforms, IT infrastructure, and policies that facilitate AI capability development. The DOD CIO and the JAIC are close partners in executing the ADA Initiative, and the DOD CIO serves as a member of the ADA Implementation Management Executive Steering Group, which oversees the ADA Initiative.

Question. Does this allocation of responsibilities need to be changed or clarified, in your view? Please explain your answer.

Answer. In my view, this allocation of responsibilities is appropriate to ensure the necessary implementation and integration of AI within the Department, while also ensuring the DOD CIO and JAIC continue to collaborate seamlessly on key issues and projects.

Question. What is your understanding of the respective roles and responsibilities of the CIO and the DOD Chief Data Officer, who will now report directly to the Deputy Secretary of Defense, with respect to data policy, standards, and architectures?

Answer. Currently, the DOD Chief Data Officer (CDO) reports to the DOD CIO. Both DOD CIO and CDO have complementary roles with respect to policy, standards, and architectures. The DOD CDO governs the development of data-related policies, standards, and architectures which ensure data is visible and accessible in an open, non-proprietary format. The DOD CIO leads the development and implementation of the IT and transport architecture that move data to the point of need, as well as the cybersecurity that protects the data. My experience in the IC has shown the benefit of having these as distinct roles working in peer-level partnership.

Question. What is your understanding of the respective responsibilities of the USD(R&E), USD(A&S), and the CIO in prioritizing research and development activities that will provide enhanced information enterprise capabilities for the future of the DOD?

Answer. My understanding is that emerging technology is typically first identified by USD(R&E) professionals. As the technology begins to mature, either organically or in the commercial space, DOD CIO partners with USD(R&E) to ensure relevant IT capabilities, policy, and guidance are in place. Collectively, our collaboration ensures USD(A&S) has both the relevant acquisition pathway identified and baseline level of technological understanding to complete a system's journey from research to pilot to operational deployment. I believe that all three organizations—CIO, USD(R&E), and USD(A&S)—are critical to achieving digital modernization and, if confirmed, I am committed to working with both organizations to provide enhanced information enterprise capabilities to the DOD.

Question. What is your understanding of the respective responsibilities of the Executive Committee on Electronic Warfare, the Designated Senior Official established under section 1053 of the National Defense Authorization Act (NDAA) for Fiscal Year 2019, the CIO, and the Principal Information Operations Advisor to the Secretary of Defense, for the management of electronic warfare; electromagnetic operations, standards, and policy; and information operations?

Answer. The Executive Committee on Electronic Warfare (EWEXCOM) functions as an advisory body to key senior level DOD decision bodies on investment, development, acquisition, sustainment, and intelligence integration on Electronic Warfare (EW) investments.

The Senior Designated Official (SDO) of the EMSO Cross-Functional Team (CFT) has two primary areas of responsibility: (1) provide recommendations on resource allocation and investments in the EMSO mission areas; and (2) propose EMSO governance, and operational reforms to the Secretary of Defense through the EWEXCOM. The SDO is in the process of transferring EMS3 execution and oversight responsibilities to the CIO.

Pursuant to Department of Defense Directive 3610.01, the DOD CIO, as the Principal Staff Assistant (PSA) for EMS: (1) advises the Secretary of Defense on matters related to the EMS and EMS regulatory activities globally, including national and international fora; (2) develops and provides guidance on DOD strategies and policies in support of operations in the EMS; (3) informs DOD strategies on EMS command, control, and coordination system investments; (4) develops instructions to clarify EMS roles and responsibilities in greater detail; (5) advises the DOD Component heads on DOD investment strategies for EMS-dependent systems; (6) establishes a review and evaluation process that considers all EMS requirements; (7) ensures all DOD EMS users are involved in all DOD spectrum-related decisionmaking processes; and (8) in coordination with the USD(R&E), USD(A&S), and the Chairman of the Joint Chiefs of Staff, provides oversight of EMS-related capability development to the EWEXCOM as the governance structure.

Pursuant to 10 US Code 397, the USD(P) serves as the Principal Information Operations Advisor to the Secretary of Defense, and provides advice on all aspects of information operations conducted by the Department, including support operations, electromagnetic warfare, special technical operations, operations security, cyberspace operations, and military deception.

Question. Do these allocations of responsibilities need to be changed or clarified, in your view? Please explain your answer.

Answer. It is my understanding that revisions to DOD Directive 5144.02 are in progress and that these will clarify the CIO's EMS governance responsibilities. Mul-

multiple studies have revealed governance as a major challenge for DOD spectrum operations, including dispersed responsibilities across the Department at various organizational levels. The entire Department is embracing an enterprise approach to create unity of effort across the organizations and is aligning EMS efforts.

Question. What do you perceive to be the appropriate relationship between the DOD CIO, the CIOs of the Military Departments and Defense Agencies, and the Joint Staff J6?

Answer. I believe the DOD CIO must set the strategy and direction for digital modernization priorities and lead the DOD technology enterprise. There should be close collaboration with the other CIOs and the Joint Staff (JS) J6, with the DOD CIO facilitating partnership, sharing of best practices, a willingness to hear suggestions, and an environment to make changes when better solutions or approaches arise. The DOD CIO must also be attuned to the operational needs conveyed by the other CIOs and JS J6, and ensure that Department initiatives don't occur at the expense of user experience and mission effectiveness. All the while, the DOD CIO must ensure adherence to standards, strategic guidance, and policies—holding a hard line where necessary, while also maintaining flexibility to capitalize on emerging opportunities. Success relies on close communication, trust, and transparency between the DOD CIO and the other IT and cyber leaders.

Question. If confirmed, how would you ensure consistency of approach and unity of effort to strategy development, planning, policymaking, and oversight, in the information enterprise across the Department of Defense?

Answer. If confirmed, I would partner and meet frequently with the CIOs of the Military Departments, including the US Coast Guard, National Guard Bureau, Commander USCYBERCOM, and Director of DISA, to establish the right strategy to collaboratively develop and maintain a modern and dynamic information enterprise that is cyber-secure and responsive to the Department's needs. I would also consider establishing and/or strengthening joint governance forums to vet issues and ensure consistent implementation of infrastructure enhancements, with a special focus on leveraging commercial solutions to get the best capabilities to our users in the shortest period of time while enhancing security and minimizing cost.

Question. If confirmed, how would you avoid unnecessary duplication between your efforts as the Department's CIO and the CIOs for each of the Military Departments?

Answer. If confirmed, I would avoid duplication of efforts with the Military Departments through governance, communications, and oversight empowered by data-driven analytics via the Advana platform. If we identified a redundant or duplicative activity, I would direct that we quickly review its rationale and determine whether it should proceed, and, if not, how the requirement could be met using a current or forthcoming enterprise capability.

Question. In your role as the Principal Deputy CIO, have you observed or experienced circumstances in which critical information enterprise responsibilities have been “dropped” or otherwise left undone? If so, please explain your answer and describe how you have or will rectify the situation. If confirmed, what systemic changes would you introduce to avoid this same circumstance going forward?

Answer. Defending our Nation and ideals of freedom is no longer confined to traditional battlefields, with adversaries now targeting not just our military facilities, defensive assets, and soldiers, but also the networks, critical infrastructure, and individual citizens that support our way of life. Their weapon and target of choice is information and data.

Improving the Department's technological agility and speed while enhancing our cyber posture remains a critical challenge, one that requires a comprehensive approach driven as a collaborative effort by the Department's leadership. If confirmed, I would continue to work along with the USD(A&S), USD(R&E), and other stakeholders to push rapid technical improvement, agility, and resiliency through the Department's Software Modernization initiative and other priorities in the DOD DMS.

Question. What is the role of the DOD CIO vis-à-vis the Defense Digital Service and the United States Digital Service in developing and deploying software expertise and capabilities for the Department of Defense, and in assessing and correcting information technology-related problems across the Department?

Answer. It is my understanding that DOD CIO and the Defense Digital Service (DDS) are well-aligned. There is a shared desire to improve the way software is designed, developed, deployed, and secured across the Department. DDS is a proven source of innovation inside the Department and provides perspectives that have led to cultural changes with how DOD approaches software development. The Department is working to adopt, adapt, and scale both their methodology and its tools. In addition, DDS has been a strong partner to CIO in designing and implementing next-generation network security solutions, such as Zero Trust and cloud computing.

Question. What do you perceive to be the appropriate relationship between the DOD CIO and the Principal Cyber Advisor to the Secretary of Defense?

Answer. The PCA provides the DOD CIO insight into cyber policy and broader perspectives on areas dealing with oversight of USCYBERCOM, while the CIO provides the PCA with an understanding of enterprise-level IT modernization and defensive cyber activities. There should always be a close partnership between the PCA and CIO, especially on areas such as the SCP, the nexus between offensive cyber strategy and the CIO's defense cybersecurity portfolio, cyber investment strategy, and advocacy for cyber talent and education within the Department.

Question. How do you assess the current division of labor in cybersecurity between the DOD CIO, the USD(A&S), the Under Secretary of Defense for Intelligence and Security (USD(I&S)), and the Under Secretary of Defense for Policy (USD(P)) in securing the Defense Industrial Base and Defense Critical Infrastructure?

Answer. Securing the DIB and Defense Critical Infrastructure against a determined and well-resourced adversary requires a coordinated team effort. DOD CIO, USD(A&S), USD(I&S), and USD(P) work in coordination with one another to accomplish this objective. The Department must understand the intent and ability of our adversaries through intelligence programs administered by USD(I&S), develop and oversee execution of cybersecurity policies, standards, and architectures through the efforts of DOD CIO, ensure that programs and acquisitions adhere to cybersecurity best practices through the oversight of USD(A&S) and ensure effective cross-functional coordination and mission assurance through the efforts of USD(P).

Question. How do you envision the coordination and integration of cybersecurity architectures and capabilities under the oversight of the CIO with those under the direct supervision of Commander, U.S. Cyber Command, such that they complement and support each other, as directed by Congress in law?

Answer. The Department maintains the DOD Cybersecurity Reference Architecture (CSRA), which is the foundational guidance for the implementation of cybersecurity capabilities. DOD CIO works closely with USCYBERCOM and the Services to maintain the CSRA and develop capability-specific architectures such as the ICAM Reference Design and the Zero Trust Reference Architecture. If confirmed, as the need for new capabilities or modernization is identified, I would ensure USCYBERCOM and DOD CIO would work together to determine the best approach to address gaps and ensure DOD networks and information are properly protected. USCYBERCOM is a key participant in DOD governance bodies and in developing cybersecurity capability requirements and implementation guidance with DOD CIO.

Question. Please explain how, if confirmed, you would plan to improve coordination with Joint Force Headquarters-DODIN (and CYBERCOM) with its operational responsibilities to protect DOD information networks.

Answer. If confirmed, I would look for ways to better leverage JFHQ-DODIN's operational chain of command to publish and enforce cyber tasking orders on high-priority cybersecurity issues. When cyber threats are discovered and a tasking order has been issued, it is critical the threats are remediated quickly.

Question. In your view, where do DOD CIO and Joint Force Headquarters-DODIN (and CYBERCOM) have shared responsibilities and separate responsibilities in protecting the DOD information network?

Answer. The DOD CIO is the PSA and senior advisor to the Secretary of Defense for IT, and in that capacity develops DOD strategy and policy on the operation and protection of all DOD IT and information systems, including development and promulgation of enterprise-wide architecture requirements and technical standards, and enforcement, operation, and maintenance of systems, interoperability, collaboration, and interface between DOD and non-DOD systems. Through the DOD CISO, the office of the DOD CIO establishes the DOD Cybersecurity Program, and is the Chief DOD Cybersecurity Risk Manager. The Commander of USCYBERCOM directs the security, operations, and defense of the DODIN, in accordance with the Unified Command Plan. The Commander of USCYBERCOM has delegated authority to the JFHQ-DODIN to command and control, plan, direct, coordinate, integrate, and synchronize DODIN operations and defensive cyberspace operations—internal defense measures in order to secure, operate, and defend the DODIN. Thus, there is a significant shared responsibility in the securing and defending of the networks. The DOD CIO develops the strategy and policy, and strategic risk acceptance tolerance in partnership with USCYBERCOM, which USCYBERCOM and JFHQ-DODIN implement in day-to-day cyber defensive operations.

Question. What do you view as the appropriate role of, and relationship between, the DOD CIO and the Director of the National Security Agency with respect to securing National Security Systems across the government?

Answer. The Director of NSA is also the National Security Systems (NSS) National Manager and in that role is responsible to the Secretary of Defense for the

security of NSS and to the Director of National Intelligence for those NSS that also qualify as intelligence systems. The DOD CIO ensures compliance with the requirements of National Security Directive (NSD) 42, which is the policy for the security of National Security Telecommunications and Information Systems, and collaborates with the National Manager on the performance of the National Manager's duties, per Executive Order 12333, as to all systems within the DOD. Outside of DOD, the DOD CIO chairs the Committee on National Security Systems (CNSS), which sets policy for NSS across the government.

Question. What do you view as the appropriate role for the DOD CIO Officer vis-à-vis the USD(A&S), the USD(I&S), and the USD(R&E) in securing the Defense Industrial Base and other national security research and technology organizations from adversary cyber threats so as to ensure the integrity and security of DOD's classified information, controlled unclassified information, and other key data?

Answer. In my view, the current role is appropriate as the DOD CIO, in coordination with the Defense Cyber Crime Center (DC3) and NSA's Cybersecurity Directorate, maintains an active program of sharing cyber threat information and responds to adversary activity. This partnership extends to USD(A&S), which is responsible for planning, coordinating, and synchronizing cybersecurity throughout the DIB; USD(I&S), which is responsible for developing guidance for and overseeing the DOD industrial security program; and USD(R&E), which is responsible for working closely with the DIB on new technologies, to include in the cybersecurity realm.

ACQUISITION OF INFORMATION TECHNOLOGY AND CYBER INFRASTRUCTURE AND CAPABILITIES

Question. How can the DOD CIO encourage the appropriate use of rapid acquisition approaches and the "agile" method in regard to software development?

Answer. Many software-intensive systems would benefit by transitioning to a software acquisition pathway that demands adoption of modern software development techniques, including agile practices. To drive this change in approach, I understand that DOD CIO partnered with USD(A&S) to release the DOD Enterprise DevSecOps Strategy Guidance. In addition, DOD CIO is driving the adoption of enterprise services that are specifically aligned to software development tooling and expressly linked to acquisition pathways that are agile by design.

Question. What are your views on the role of data and data science in supporting information system acquisitions and the "agile" lifecycle?

Answer. I believe that increased use of data is critical to informing and managing all of our acquisition processes, particularly information systems and modern software. As DOD modernizes its approach to make use of "agile" approaches, data engineers and data scientists will increasingly be integral members of the Department's software development teams. They are critical enablers of modernized software Development, Security and Operations (DevSecOps), which will result in increased delivery speed, security, and performance.

Question. In your view, does the existing Department of Defense budgeting, programming, and acquisition process suffice for information technology acquisition, particularly software-intensive work, or do you plan to review such processes?

Answer. In my view, existing Department of Defense budgeting, programming, and acquisition processes are aligned to meet the Department's mission. In addition to the Department's overarching Planning, Programming, Budget and Execution (PPBE) and acquisition processes, I understand that the Department recently issued updated software acquisition policy that provides an adaptive acquisition framework to enable delivery of effective, resilient, supportable, and affordable solutions to end users in a timely manner.

Question. In your view, how should the DOD information enterprise balance the acquisition and adaptation of commercially available, off-the-shelf cybersecurity, information technology, and business systems with the development and acquisition of government-unique solutions?

Answer. I believe that adapting the Department's routine day-to-day business processes in order to realize the cost savings found in adopting commercial information technology systems must become the norm. NSS, however, bring additional complexity, with mission execution parameters being highly rigid for very specific reasons. In this space, successful mission execution justifies the Department's investment for specific mission needs into government-unique solutions. I believe that the balance of commercial-off-the-shelf (COTS) and government-off-the-shelf (GOTS) products is justified within the Department, but care must be given to ensure balance based on mission need.

Question. How should DOD balance the procurement of information technology and cybersecurity-as-a-service and the requirement to use the government workforce to perform enduring missions and inherently governmental functions?

Answer. I understand that the Department takes a risk-based approach to the procurement of IT and cybersecurity-as-a-service, seeking maximum effectiveness for the warfighter with an eye toward overall affordability and placement of inherently governmental functions. The Department also weighs risk when making decisions regarding its workforce mix, and the DOD CIO has implemented an adaptable the DOD Cyber Workforce Framework (DCWF) to enhance the development and preparedness of its total force as the scope continues to evolve.

Question. In your view, what role should the Defense Information Systems Agency (DISA) play in facilitating the development, acquisition, and sustainment of information technology and cybersecurity capabilities across the Department of Defense?

Answer. DISA provides a unique and enterprise-wide mission set of applications and services used by every Combatant Command (CCMD), Military Service, and DAFA, currently leading the development and acquisition of capabilities and services across the Department including for use across the DOD Information Network. It delivers critical warfighter IT capabilities quickly and efficiently across the Department including provision of foundational worldwide IT transport infrastructure for the DOD and mission partners. I believe that DISA is in a key position to gather, coordinate and understand the pressing needs of DOD in all phases of the acquisition lifecycle and will continue to lead the department in the development and delivery of cutting-edge technology.

Question. Congress enacted legislation directing that the National Security Agency's Cybersecurity Directorate conduct and support cybersecurity market research, testing, and acquisition across the Department of Defense. If confirmed, what actions would you take to ensure that this legislation is properly implemented?

Answer. If confirmed, I would ensure the roles and responsibilities are assigned to NSA and promulgated in Department policies. I would also ensure that DOD maintains a program to improve acquisition of cybersecurity products and services consisting of market research, testing, and expertise transmission, or augments to existing programs, to improve the its evaluation of cybersecurity products and services.

Question. What do you view as the appropriate role of the DOD CIO in working to ensure that software code developed by and for the Department of Defense is vulnerability-free and produced using secure development processes?

Answer. Software systems are incredibly complex "systems of systems." Understanding the composition of software through a software bill of materials is a mandatory first step in understanding and either mitigating or consciously accepting a degree of cybersecurity risk. It also is a prerequisite for responding to newly discovered vulnerabilities to determine what software in our inventory are affected and need immediate attention. If confirmed, I will drive Department-wide policy and establish timely guidance for generating, ingesting, and analyzing these software bills of materials.

Question. As a co-chair of the Defense Business Council, what are your plans for using the annual Title 10 Section 2222 certification requirements to limit funds available to programs that, for example, don't comply with the Business Enterprise Architecture or with the Department's auditability requirements?

Answer. The Department plans to utilize an IT portfolio management process to optimize business systems and meet performance requirements, maintain pace with technological advancement, and eliminate unnecessary costs and vulnerabilities. The Defense Business Council will rely on the annual certification process to enforce portfolio management decisions and ensure that business systems and their associated budgets align with DOD modernization objectives. If confirmed, I would provide active oversight of and involvement in these processes.

Question. If confirmed, how would you plan to continue DOD's efforts to update its Business Enterprise Architecture while also working to better integrate the business architecture with the department's IT Architecture?

Answer. If confirmed, I would ensure that the Business Enterprise Architecture and the IT Enterprise Architecture are integrated into the DOD IT Portfolio Management process in order to provide the functional descriptions of the business and information enterprise necessary to achieve modernization and efficiency objectives. This will enable the DOD to assess current business systems and IT infrastructure and services, identify gaps, overlaps, and vulnerabilities, thereby informing investment decisions.

Question. There have been a number of recent and sometimes public disagreements on how DOD components approach technology modernization, of which culture transformation is a critical element. What is an actionable strategy toward

working with entrenched interests and practices to accelerate modernization? What does success look like in one, three, 5 year horizons?

Answer. If confirmed, ensuring that the Department modernizes the way it delivers software would be among my top priorities. Transforming from an environment where software deliveries are measured in years to one where deliveries are measured in minutes requires significant, deliberate change to our business processes, policies, workforce, and technology. This transformation demands a coordinated effort to reimagine today's environment and to rapidly address the challenges inherent in our current ways of acquiring, testing, securing, and deploying software. To that end, I understand that a DOD Software Modernization Strategy, developed by the DOD CIO, the USD(A&S), and the USD(R&E)—and built upon the already released DevSecOps Strategy Guide—will be published soon. This strategy defines the approach to accelerating the DOD enterprise cloud environment, establishing a Department-wide software factory ecosystem, and transforming DOD processes to enable technology resilience and agility.

Question. The Department only recently migrated to Microsoft 365, with a mandatory shutdown of the Commercial Virtual Remote capability in June 2020. As a result of this transition, DOD has lost a significant amount of collaboration capability with external organizations, including the congressional oversight committees. What is your plan to rectify these technical challenges such that interoperability with external organizations improves?

Answer. The DOD CIO office spearheaded the deployment of capabilities that have maximized DOD365 offerings with more enhancements from Microsoft being implemented in the environment. Today DOD can conduct meetings and have individual chats via Teams with any organization, to include communication within and external to the Department. The DOD CIO office authored and delivered a guide to assist our partners in enabling these capabilities. If confirmed, I will ensure DOD CIO continues to work with Microsoft to prioritize capabilities in order to maintain commercial parity in the more secure environment offered by DOD365, all the while remaining in close coordination with other stakeholders across the enterprise.

SCIENCE, TECHNOLOGY, AND INNOVATION

Question. What are the key technologies that DOD should be supporting through research and development funding and procurement activities that will contribute to the effective execution of information systems modernization?

Answer. I believe that AI remains a cornerstone technology in our competition with China. Effective information system modernization will certainly benefit from advances in AI and machine learning. Adoption requires an ecosystem where cutting-edge commercial innovations and models can be installed, explored, and evaluated without fear of operational impact. Synthetic representational data must be supported in order to sit side-by-side with industry and work unencumbered from controlled unclassified information (CUI) and classification concerns. If confirmed, I would work closely with the Director of the JAIC, USD(R&E), and others to ensure DOD pursues a leadership position in the research and development of enabling AI-empowered and validated Zero Trust architectures. I would also advocate for technologies that advance and increase network bandwidth, such as through the integration of additional low-earth orbit (LEO) satellite communications to further complement terrestrial capabilities. As network traffic continues to increase, I believe that more research into improving data compression algorithms would greatly benefit the information enterprise.

Question. What do you see as the most significant challenges (e.g., technical, organizational, or cultural) to successful development of the key technologies for which the CIO bears significant responsibility?

Answer. The DOD CIO is responsible for information technology (IT), including NSS and defense business systems (DBS), information resources management (IRM), and efficiencies. Just by virtue of its size and complexity, the Department faces challenges in making large-scale changes at the enterprise level in areas such as adapting current systems, workflows, and data to work with modern technology frameworks such as Zero Trust and development, security, and operations (DevSecOps) frameworks. If confirmed, ensuring success against these challenges would be among my top priorities.

Question. Are the Department's investments in these technologies appropriately focused, integrated, and synchronized across all Military Departments and the Defense Agencies?

Answer. With the DOD DMS, I believe the Department is committed to properly focusing, integrating, and synchronizing key technology areas in cybersecurity, AI, cloud, and command, control, and communications. This strategy remains highly rel-

evant, complementing the Department's long-term investments in AI that will enhance the foundation of US defense capabilities relative to China and others. In my view, we already have seen the impact of the DOD DMS in the digital transformation strategies published by the Military Departments and DAFAs. If confirmed, I would use the DOD CIO's budget certification authorities to ensure the Department's IT and cyberspace activities budgets are sufficient to improve business platforms and improve joint warfighting.

Question. If confirmed, what efforts would you undertake to identify new technologies developed commercially by the private sector and apply them to national security and warfighter purposes?

Answer. I believe that industry outreach is critical in this area. The Department has seen success, for example, in the Air Force's curated "Ask Me Anything" sessions with industry, and a desire from industry to directly offer feedback on DOD DevSecOps reference designs. If confirmed, and in close coordination with other stakeholders such as USD(A&S), USD(R&E), and the Military Departments, I would foster forums where industry can directly engage with the DOD and offer feedback to highlight areas where innovation is occurring. Strengthening relationships with the venture capital industry to create communication channels is another mechanism the Department could consider for more rapid identification of new technologies under development.

Question. What responsibilities does the CIO have within the Office of the Secretary of Defense with respect to planning and directing the research and development of new, advanced information technologies?

Answer. The DOD CIO is the senior advisor to the Secretary of Defense for IT, including NSS and DBS, information resources management (IRM), and efficiencies. The DOD CIO advises the Defense Acquisition Board, Defense Space Council, Cyber Investment Management Board, Cyber Council, Defense Innovation Board and serves as the chair of the Committee on National Security Systems. I believe that addressing the Department's needs for research and development of new technologies requires ongoing collaboration. If confirmed, I will establish close working relationships and collaborative engagements with my peers to more effectively address the Department's research and development priorities. Additionally, the CIO should maintain a close relationship with USD(R&E) leadership to provide inputs on enterprise technology requirements and receive feedback on cutting-edge opportunities for further exploration.

Question. Given the leading role of commercial industry in developing cutting edge information technology, what is the CIO's role in identifying and adapting key commercially developed technology for the Department?

Answer. The DOD CIO should ensure open lines of communication with commercial engagement and open up new opportunities for industry partners to deliver new innovations and technologies to address DOD mission needs. The Department continues to make significant strides in its ability to leverage nontraditional partners and commercial solutions.

Question. What are the major emerging technologies and software development practices that you believe will have the greatest effect on the success of the Department's information enterprise into the future?

Answer. I believe that the speed that emerging technologies appear, mature, and impact operational environments is accelerating, and ubiquitous adoption of both cloud and DevSecOps enables success in tomorrow's information environment. Its greatest effect could come from unleashing the creativity of our civilian and military workforce, moving beyond the pockets of innovation that exist today to a widely accessible ecosystem. This is fundamentally important because it enables junior officers and civilians, who are digitally savvy and extremely innovative, easy access to virtual enclaves with appropriate cybersecurity guardrails.

BUDGET REVIEW AND STANDARDS-SETTING AUTHORITY

Question. Section 909 of the NDAA for fiscal year 2018 empowered the DOD CIO to exercise budget review and certification authority to ensure that the budgets of Department of Defense components with responsibilities associated with any activity specified in section 142(b)(1) of title 10, U.S. Code, are adequate for such activities.

In your experience, how has this budget review and certification authority been used to shape the modernization and prioritization of cybersecurity and information technology infrastructure? If confirmed, to what investments and objectives would you envision this authority being best put to use?

Answer. The DOD CIO budget review and certification authority has been invaluable in helping shape and influence proper investment in IT and cybersecurity capabilities that are critical to supporting the NDS and the DOD DMS.

If confirmed, I will use this authority to ensure that the Department resources critical IT and cybersecurity investments that support the NDS, DOD DMS, and emerging requirements such as Zero Trust architecture, 5G technologies, cloud computing, and enterprise solutions.

Question. What actions would you propose to take, if confirmed, to ensure that directives, policies, and standards originating from the Office of the DOD CIO are adopted and implemented consistently and rapidly throughout the Department? If confirmed, by what specific means and methods would you exercise your oversight responsibilities to assess other DOD Components' adherence to your directives?

Answer. If confirmed, I will work closely with the Military Department and DAFA CIOs to ensure they understand and are consistently implementing DOD CIO policies and directives. I will also use existing DOD governance forums, such as the Council on the Oversight of the National Leadership Command, Control, and Communications System; PNT Oversight Council; Command, Control, and Communications Leadership Board; CIO Resources Board; and Digital Modernization Infrastructure Executive Committee to support my oversight responsibilities. Finally, I will also continue to leverage the budget review and certification authority that Congress has provided to ensure compliance with DOD CIO policies and directives.

CYBERSECURITY ARCHITECTURE

Question. In your view, what are the major challenges facing the Department of Defense as regards its cybersecurity programs and capabilities?

Answer. DOD is a large organization that executes the budget in a decentralized fashion to achieve DOD-wide objectives in support of the warfighter. I believe that synchronization of those decentralized activities remains a key challenge. The Cybersecurity Reference Architecture enables organizations to align cybersecurity needs, goals, objectives to better integrate policies and acquisitions. Additionally, consistent application of the Cybersecurity Reference Architecture promotes adherence to common approaches and reuse of known, secured design patterns to repeatedly instantiate standardized, interoperable, and consistent solutions.

Question. In your view, how effective are the Department's cybersecurity programs, capabilities, and common infrastructure—at the perimeter, at the network layer, and across endpoints—in detecting and defeating advanced persistent threats in real-time?

Answer. In my view, the perimeter, network lawyer, and endpoint capabilities and DOD in-depth approach to cybersecurity has protected Department resources against the relatively unsophisticated tradecraft of the past. However, against well-resourced adversaries of increasing sophistication and insider threats, I believe DOD needs to do better. If confirmed, I would ensure the Department moves to a data-centric, Zero Trust concept based on micro-segmentation to better protect critical networks and information that will allow cyber defenders to detect and defeat advanced persistent threats (APTs).

Question. In the wake of multiple severe cybersecurity breaches across industry and government organizations, DOD's stated goal is to accelerate adoption of "Zero Trust" architectures and capabilities.

How should the transition to a "Zero Trust" architecture affect the Joint Regional Security Stack program for both unclassified and classified networks, and the Department's Internet Access Points?

Answer. I believe that the transition to Zero Trust will evolve the Department's approach with the Joint Regional Security Stack (JRSS) deployments. The JRSS Program Management Office is planning to phaseout JRSS, but will continue to maintain the 15 NIPRnet Joint Regional Security Stacks that supports approximately 1.5 million users until phase-out activities are complete. I understand there will be no deployment of JRSS on the SIPRnet due to DISA's implementation of its new "Thunder Dome" Zero Trust initiative.

Question. What are the most important features of the "Zero Trust" Architecture that should be fielded over the next several years? Does the Department have approved plans and resources to achieve this objective?

Answer. The DOD Zero Trust Reference Architecture was publicly released in May 2021 and is being incorporated into the Department's Cybersecurity Reference Architecture. In response to the Executive Order 14028 on Improving the Nation's Cybersecurity, the Department released the initial Zero Trust Plan in July 2021. This plan will be continually edited and updated. I believe the most important fea-

tures of the Zero Trust Architecture that will be fielded are end-point security technologies and an enterprise ICAM solution.

Question. The Military Departments, the Defense Agencies, and the combatant commands are migrating to standardized cloud-based capabilities provided by Office 365. However, only the Navy is acquiring the set of comprehensive cybersecurity applications and capabilities available as options under this program. These cybersecurity capabilities are integrated and interoperable, and enable automated orchestration of security operations. These capabilities are supported by artificial intelligence, and meet “Zero Trust” Architecture goals.

As DOD has been unable to achieve an integrated, interoperable, and automated security enterprise through decentralized acquisition of commercial products, do you intend to consider mandating that all DOD Components acquire and implement a standardized set of capabilities through the M365 program that would enable that goal?

Answer. The Department is steadfast in its commitment to advance Zero Trust capabilities across all facets of its Information Enterprise. While the Navy’s decisions to pursue a holistic solution from a single vendor meets their individual requirements, the DOD CIO, in partnership with USCYBERCOM, established a process for a cybersecurity baseline for DOD365 and minimum viable products to be tested by red teams, under the direction of DOT&E, to inform decision-based outcomes on both cybersecurity and affordability for the DOD365 cloud environment. Additionally, the DOD CIO office is in the process of establishing a Zero Trust Portfolio Management Office that will provide strategic guidance and oversight to ensure the Department adopts Zero Trust principals appropriately and in a timely fashion. This portfolio management office is a first major step to bring synergy and strategic oversight to a new and sophisticated cybersecurity architecture for the entire Department at scale.

Question. Does the DOD CIO have the authority to issue such a mandate, in your view?

Answer. In my view, DOD CIO indeed maintains the authorities for such a mandate. Current statutes (Title 44, Sec 3544) grant the DOD CIO authority to establish and enforce standards across all of DOD, to include the Military Departments and DAFA’s for capabilities to operate on defense networks. Similarly, DOD CIO responsibilities codified in Section 142 of Title 10 provide the DOD CIO with statutory authority over Military Department and DAFA procurements of information technology-based capabilities to ensure compliance with Department-wide standards established by the DOD CIO. Those authorities provide the basis for any mandates the DOD CIO may establish.

Question. Are Joint Force Headquarters-Department of Defense Information Networks and Defense Information Systems Agency Global Operations Command sufficiently resourced, manned, and equipped to serve as operational command and control hubs for the Department of Defense’s cybersecurity? In your assessment, to what extent do they link together the Department of Defense’s cybersecurity operators and capabilities at the perimeter, at the network layer, and across endpoints? In your assessment, to what extent do they provide real-time direction and orchestration of cybersecurity operations? If confirmed, what would you see as the next logical steps going forward in this regard?

Answer. JFHQ-DODIN serves to integrate, synchronize and direct the cyber activities of different DODIN areas of operation—across the Services and DISA. The scope and scale of the information cyber operations and security organizations need to perform their duties is vast and requires automation, big data analytics, and visualization to reach their full potential. The Department has been making significant investments to accelerate digital modernization, and are working toward real-time direction and orchestration in all areas. If confirmed, I would work with General Nakasone at USCYBERCOM to conduct a holistic assessment of our DODIN cyber command and control capabilities to ensure our ability to accurately and continuously assess the Department’s cyber readiness posture while improving the ability to respond in near real-time.

Question. How is the Department planning to implement and employ microsegmentation and software defined networking technologies to improve networking performance and cybersecurity? What prototyping and acquisition efforts are underway to incorporate microsegmentation and software defined networking into the Department’s computing and network architecture?

Answer. DISA is leading the efforts for the Department in actively developing and fielding Software Defined Networking (SDN) capabilities within its backbone, including efforts for automation of service delivery, and configuration normalization across backbone, data centers and managed local area networks. DISA is engaged in the development of Software Defined-Wide Area Networking (SD-WAN)-enabled

service delivery nodes to leverage modern technologies and delivery mechanisms. Project Thunder Dome will incorporate SD-WAN enabled application aware routing on existing, fielded Defense Information System Network (DISN) core infrastructure. DISA is actively working with DOD components to enable SD-WAN mission platforms to seamlessly integrate into larger DOD communications capabilities.

Question. The Military Departments, the Defense Agencies, and the combatant commands are migrating to standardized cloud-based capabilities provided by Office 365. However, only the Navy is acquiring the set of comprehensive cybersecurity applications and capabilities available as options under this program. These cybersecurity capabilities are integrated and interoperable, and enable automated orchestration of security operations. These capabilities are supported by artificial intelligence, and meet “Zero Trust” Architecture goals.

If confirmed, what policies would you plan to enact to help limit DOD’s attack surface and vulnerabilities—especially to persistent threat agents?

Answer. I believe that implementing Zero Trust requires rethinking how the Department utilizes existing infrastructure to implement security in a simpler and more efficient way while enabling unimpeded operations. If confirmed, I will adapt lessons-learned from pilot efforts across the Department to move DOD toward the rapid adoption of Zero Trust and SDN. It is my understanding that the Navy’s efforts have been coordinated with the office of the DOD CIO and are being used as a pathfinder to directly influence the Department’s cybersecurity requirements, policy, and architecture.

Question. Please share your thoughts on how DOD is addressing (or planning to address) the requirements for cybersecurity set forth in Executive Order 14028, Improving the Nation’s Cybersecurity? For example, among other things, DOD in collaboration with other agencies, including the Department of Homeland Security, is to jointly develop procedures for ensuring that cyber incident reports are appropriately shared among agencies. Can you provide us with the status of the procedures or any of DOD’s activities related to the cyber EO?

Answer. On July 7, 2021, the DOD and DHS signed a memorandum of agreement (MOA) to establish formal procedures to immediately share DOD Incident Response Orders or DHS Emergency Directives and Binding Operational Directives. I believe that sharing this information will raise the enterprise baseline cybersecurity posture across the entire Federal Government. DOD has also assisted with providing procedures for ensuring cyber incident reports are promptly and appropriately shared among agencies, drafted a national security memorandum (NSM) to improve the protection of NSS across the Federal Government, and holds a chair on the Cyber Safety Review Board.

Question. Please identify the report(s) and frequency of reports you receive on DOD’s cybersecurity posture. Do you believe that these report(s) you are sufficient? Overall, what grade would you give DOD’s cybersecurity posture?

Answer. The Department has used three scorecards to assess the DOD’s cybersecurity posture, which include the monthly Cybersecurity Hygiene Scorecard (CHS); quarterly Top 10 Scorecard; and monthly Network Cybersecurity Accountability Scorecard (NCAS). I believe these reports are sufficient and, if confirmed, would ensure the Department continues a laser focus on maintaining a proactive cybersecurity posture.

Question. Is it possible for DOD controlled unclassified information (CUI) information systems to have more than 50 percent of applicable security controls found to be “non compliant” and still allowed to operate on the DODIN? Is it possible for DOD CUI information systems to have less applicable security controls found to be “compliant” than a system that does not have CUI? If the answer to either of these questions is affirmative, and if CUI is supposed to be more important to protect than publically reliable information, why has DOD CIO not established minimum security controls for CUI systems?

Answer. Yes, it is possible. The Federal Information Security Modernization Act (FISMA) mandated the Risk Management Framework (RMF) process and does not establish compliance requirements for cybersecurity, but focuses efforts on managing cybersecurity risk in systems. I understand that the Department has a number of non-traditional systems that process CUI that, when compared to the security control baseline of a traditional IT system, have a high rate of non-compliant controls. The DOD is working with the National Archives and Records Administration (NARA) on ensuring all systems manage the cybersecurity risk to CUI data while meeting all requirements through a policy memo titled, “Requirement for Applying Baseline Controls for Controlled Unclassified Information Systems.”

Question. What is your perspective on harmonizing DOD CUI standards to support a whole-of-government approach with NIST 800–53, the recent Executive Order on Zero Trust, and other standards?

Answer. The DOD follows the security standards for CUI as established by the Executive Order. DOD CIO is ensuring systems processing CUI data meet these standards through a policy memo titled, "Requirement for Applying Baseline Controls for Controlled Unclassified Information Systems." DOD requires all systems processing CUI data meet the moderate-moderate threshold. If confirmed, I would support continued efforts to reinforce the whole of government approaches to harmonizing CUI standards. However, DOD has a number of non-traditional systems that process CUI (weapons systems, control systems, etc.) and the cybersecurity risk to CUI in these types of systems is fundamentally different. I believe that flexibility to manage cybersecurity risk is needed for these unique use cases.

Question. There are currently legislative proposals to require industry to report cyber incidents to Federal Government. DOD has had a cyber incident reporting requirement for years (DFARS 252.204-7012). To what extent has this cyber incident reporting requirement provided DOD any benefits? What does DOD do with this information? What challenges has it had in ensuring this acquisition requirement is complied with?

Answer. The DOD DIB Collaborative Information Sharing Environment (DCISE) serves as the single DOD focal point for receiving all cyber incident reporting affecting unclassified external networks (i.e., contractor or other government agency). Information shared between DOD and DIB Cybersecurity (CS) Program participants increases the Nation's knowledge of growing cyber threats, resulting in a greater capability to respond to and mitigate these risks. Reporting information is then used to identify and respond to adversary activity, identify vulnerabilities, provide mitigation and remediation strategies, and help improve overall network defenses of USG entities and DIB CS Program participants.

DEFENSE INDUSTRIAL BASE (DIB) CYBERSECURITY

Question. DOD CIO is supposed to be chairing the DIB Cybersecurity Executive Committee. How active is this committee? How often does it meet? What specific accomplishments has it achieved in the last 2 years?

Answer. As cybersecurity has matured within the Department and across US Government, the DIB Cybersecurity Executive Committee's mission has been addressed through the Government Coordinating Council (GCC). The GCC brings key leaders in cybersecurity across multiple USG components together, to collaborate and discuss all threats facing the DIB and USG, in addition to strategies to protect the warfighter. The GCC has a complimentary Industry council, called the Sector Coordinating Council (SCC), which discusses the same challenges from the perspective of Industry, and then convenes with the GCC to discuss areas of mutual concern and strategize on a way forward. Both councils meet monthly and additional meetings are scheduled as necessary. Two specific accomplishments include driving the mitigation and remediation strategies for SolarWinds and Microsoft Exchange vulnerabilities.

Question. The CMMC framework does not allow contractors to use corrective action plans (a.k.a. POA&Ms) for security controls that are applicable to the system but are found to be non-compliant. However, DOD relies extensively on POA&Ms.

In your opinion, should DOD establish a requirement for industry that it does not practice itself?

Answer. The DOD often has requirements in place that exceed industry practices, and industry often mirrors DOD requirements. I understand that DOD is reviewing CMMC, including its exclusion of POA&Ms, for the barriers to doing business with DOD that it may establish. If confirmed, I will quickly learn about the results of this review and help assess whether there should be areas for greater symmetry for POA&Ms and similar practices between DOD and industry.

ADOPTION OF COMMERCIAL CLOUD SERVICES

Question. The single-award acquisition strategy pursued in the first phase of the Joint Enterprise Defense Infrastructure (JEDI) initiative was intended to enable the Department to rapidly move workloads and data to an enterprise cloud without delays stemming from the need to compete each specific migration in task order-type multi-award contracts. This strategy was upended by continuous litigation, preventing DOD from making any significant progress on cloud migration. Now, years later, DOD plans to make multiple awards for general purpose enterprise clouds.

How does the Department now plan to allocate cloud migration workloads across multiple vendors rapidly? Will each discrete transition be competed among the multiple vendors receiving awards in the Joint Warfighter Cloud Capability program? Has the Department taken any steps to ensure that vendors fully understand the JWCC requirements?

Answer. The Department plans to have multiple cloud service providers compete for mission owner cloud requirements at the task order level by using streamlined, fair opportunity ordering procedures. I understand that a JWCC Ordering Guide is in development and will detail how to order cloud services from the JWCC Indefinite Delivery/Indefinite Quantity (IDIQ) contract. With this, the Department will be able to leverage an automated provisioning tool to expedite cloud resource allocation and allow mission owners to provision cloud resources within days of the task order award. Each mission owner will be able to acquire cloud services to meet their specific mission needs in accordance with the Federal Acquisition Regulation (FAR). The Department has taken measured steps to ensure that the U.S.-based hyper-scale cloud service providers (CSPs) fully understand JWCC's requirements. Initially, a Pre-Solicitation Notice that outlined high-level JWCC requirements was posted on SAM.gov. Next, the Department held multiple meetings with major U.S.-based hyper-scale CSPs to discuss their services and capabilities and determine how they aligned with JWCC requirements and timelines. Finally, following receipt of the solicitation, the vendors will be able to ask any clarifying questions about the requirements before final proposals are due to the Department. I further understand that the Department is confident these measured steps will help vendors fully understand the requirements.

Question. Commercial enterprise cloud providers have balked at requests from DOD officials to evaluate, including through Red Team testing, the security of their cloud provisioning, control plane, and hypervisor. The Office of the Director of Operational Test and Evaluation, in particular, has regularly voiced concerns that DOD has not generally been permitted to evaluate for itself whether these clouds are sufficiently secure.

What are your views on the need for DOD to be able to assess the foundational security of the commercial clouds on which DOD will increasingly depend?

Answer. I believe that it is critical that the DOD assesses the security of commercial cloud environments. Penetration testing is an existing requirement of the Cloud Computing Security Requirements Guide, which all cloud contracts are required to follow, per DFARS clause 252.239-7070. If confirmed, I welcome the opportunity to work with the DOT&E to strengthen and enhance our existing cloud cybersecurity policies to explicitly allow increased testing. DOD CIO recently collaborated with the testing and evaluation community to ensure their requested language for enabling DOD testing of cloud vendors is included in JWCC requirements. As the DOD transitions more workloads to the commercial cloud, it must ensure that it maintains the right level of assurance that DOD data is protected properly through the ability to perform cybersecurity assessments of commercial cloud infrastructure.

Question. When DOD initiated the JEDI program, DOD officials stated that a single initial award was sensible because: (1) the DOD workforce would have great difficulty in handling the technical integration challenges involved with multiple cloud vendors; and (2) interoperability and data portability across clouds was not mature in the commercial cloud industry.

Are you concerned that DOD personnel lack sufficient capacity and expertise to transition workloads to multiple clouds simultaneously?

Answer. Since the inception of the JEDI program several years ago, both the cloud ecosystem and the expertise of DOD personnel have evolved. Even so, it is my understanding that JWCC provides mission owners a great deal of flexibility—while they can transition their workloads to multiple cloud environments, they may also choose to pursue a single-cloud environment. Mission owners will make this decision based on their workforce expertise, mission, and operational requirements.

Question. Has industry made significant progress on cross-cloud interoperability since JEDI was initiated?

Answer. The Cloud Native Computing Foundation (CNCF) is developing a broad range of open technologies and standards that enable organizations to build and run modern applications across public, private, and hybrid clouds. These technologies, such as Kubernetes, micro-services, and service mesh form the backbone of the Department's DevSecOps environments, as seen in the US Air Force's Platform One and Kessel Run.

Question. In your view, what are the benefits and downsides associated with expediting the movement of DOD Components' data and networking functions to enterprise clouds?

Answer. As I learned firsthand in my experience leading the IC's IT ecosystem, cloud computing is a core component of a modern IT environment. It is critical to delivering enhanced DOD mission capabilities, expanding the use of AI and machine learning, and maintaining the Department's technical advantage. I agree that "Cloud Smart" rather than "Cloud First" is the correct strategy, which means that mission owners should rethink their approach to cloud by conducting inventories of

their systems to determine which systems can move to the cloud and which systems should be decommissioned. This methodical, upfront work is necessary to build both the strategic implementation plan and associated resourcing strategy to re-architect their systems when migrating to the cloud, rather than performing a pure “lift and shift” operation. Clouds provide a powerful foundation for modern applications but can be expensive and cumbersome when supporting older IT systems that have not been tailored to fully harness the power of the cloud environment.

Question. Given the lessons from JEDI, a variety of cloud instances are proliferating across DOD. What is your perspective on harmonizing various implementations of cloud instances from different cloud service providers to standardize deployment, information security posture, and cost management?

Answer. DOD continues to see consolidation of cloud contracts across its enterprise. Each of the Military Departments has created preferred contract vehicles, along with corresponding managed service provider organizations, to drive cloud migration and adoption. I believe that JWCC will provide a much-needed enterprise cloud solution through a multi-vendor, multi-cloud IDIQ contract. Moreover, JWCC will address the urgent, unmet cloud capability gaps needed to support JADC2 and the ADA Initiative. Regardless of cloud contract or cloud service provider, the DOD’s overall goal in the move to cloud computing should be to make it as simple as possible for a mission owner to purchase, secure, deploy, and maintain their cloud workloads.

ARTIFICIAL INTELLIGENCE

Question. In your view, what are the major challenges facing the Department of Defense relative to its efforts to leverage artificial intelligence capabilities to support defense missions?

Answer. The DOD continues to face significant difficulty in recruiting, training, and retaining a skilled AI technical workforce that is familiar with how to develop, manage, and utilize AI-enabled systems. Beyond core technical expert staff, many communities within the existing DOD workforce require additional training to execute their existing functions in AI contexts. In addition to workforce expertise, the primary barriers to DOD AI adoption include technical debt across the IT ecosystem and challenges associated with data quality and availability.

Question. The Joint Artificial Intelligence Center (JAIC) initiated the Joint Common Foundation (JCF) program. The price of entry for AI is large-scale computing infrastructure. Thus, it makes no sense for all the DOD Components seeking to develop AI applications to build such complex and expensive computing platforms. The JCF objective, therefore, is to provide common large-scale computing infrastructure, services, and applications to DOD Components so that they can rapidly apply their domain expertise to build AI solutions. There are multiple companies providing mature commercial platforms for this purpose. However, the JAIC appears to be pursuing a government-developed solution that could prove technically challenging, expensive, and time-consuming. Section 215 of S. 2792, the Senate Armed Services Committee enacted version of the NDAA for fiscal year 2022 would require DOD to acquire access to commercial platforms and services under part 12 of the Federal Acquisition Regulation for these purposes.

What are your views on the best approach to providing the infrastructure and services required to enable DOD Components to rapidly apply their domain expertise to develop AI solutions for their missions?

Answer. The Department must develop an enterprise approach in order to deliver AI solutions across multiple and diverse mission sets. To do this, it must use commercial, open source tools, and cloud computing environments.

Question. At this point in the maturity of AI, there is not a single-set of infrastructure services that will meet DOD needs. DOD requires a combination of commercial cloud, on premise, commercial tools, and open-source tools that each target unique requirements across the functional communities. This is the set of needs the DOD’s Joint Common Foundation (JCF) is filling. First, JCF integrates infrastructure and services from leading commercial providers. JCF is built on commercial infrastructure. This is available now to the Services, promulgating best practices and a centralized architecture that distributes capability throughout the enterprise. Second, the JCF effort is building a fabric between these commercial services and other DOD platforms to create a development environment that can support DevSecOps. This broad enterprise-wide approach will then support portability and integration of data and AI models to achieve true interoperability of data and insights at scale and ensures economies of scale and interoperability across the enterprise. If confirmed, I would work closely with the JAIC Director to continually evaluate the JCF approach, especially in light of new capabilities such as with JWCC.

Question. The National Security Commission on Artificial Intelligence recently completed its work and published its findings and recommendations.

What specific Commission recommendations do you believe the Secretary of Defense and the CIO should implement?

Answer. While there are many outstanding recommendations in the National Security Commission on Artificial Intelligence (NSCAI) final report, there are 11 that I believe would do the most to transform DOD into an AI-ready institution, if implemented.

- Build the technical backbone
- Define a joint warfighting network architecture
- Train and educate warfighters for AI
- Establish AI and digital readiness performance goals
- Accelerate adoption of existing technologies
- Tailor and develop Test, Evaluation, Verification, and Validation policies and capabilities
- Strengthen the Responsible AI (RAI) ecosystem
- Develop and deploy AI-enabled defenses against cyber attacks
- Invest in priority research and development areas to support future military capabilities
- Promote AI interoperability and adoption of critical emerging technologies among allies and partners
- Improve AI coordination and interoperability between DOD and the IC

These NSCAI recommendations offer the greatest return on Department investment in broad-scale AI readiness.

Question. If confirmed, what do you envision as the next steps in the process for Department use of machine learning and advanced statistical methods to improve its business, maintenance, and management practices? What improvements could result from these efforts, in your view?

Answer. The wholesale integration of business, maintenance, and management practices is an important mission. I believe that Advana and its integration of AI-enabled capabilities is an early example of what is possible when AI is integrated into enterprise platforms. The DOD CIO is both a user of Advana and an advocate and enabler for enhanced enterprise use of this powerful capability through the incorporation of additional data sources spanning the enterprise.

Question. In your view, should the Department fund academic, small business, and government lab research in artificial intelligence to support defense missions and the development of new AI-enabled systems and technologies?

Answer. Yes. The JAIC continues to implement methodologies for smaller and non-traditional innovation sources to leverage Department acquisition processes. Through consortium-based models like the Other Transaction Authority (OTA) called “Tradewind,” and Blanket Purchase Agreement models for Responsible AI and AI Test & Evaluation, procurement barriers can be reduced. The Department maintains mature relationships with multiple universities and their laboratories today, and these partnerships should continue. Advancing technologies to meet critical national security needs through innovative academic and commercial partnerships is a key component of DOD’s strategy.

Question. How can the Department of Defense use procurement and research activities to shape the direction of commercial sector artificial intelligence efforts and create incentives for the production of technologies that can support defense missions?

Answer. The DOD is consistently collaborating with industry to leverage best practices and technological innovations. The JAIC is utilizing the OTA called “Tradewind” to drive AI innovation at scale and foster collaboration with small business and non-traditional companies. I believe that the integration of mature commercial technology into growing Defense systems is a critical pipeline that must be maintained. The Department continues to steer commercial efforts into use-cases through broad partnerships and sharing of Defense challenges in a variety of forums, and I understand these relationships are vibrant. New AI companies are proliferating rapidly, many of them specifically in response to DOD demand signals.

Question. Where and how is the Department of Defense developing the operating concepts, plans, and capabilities relevant to future artificial intelligence battlefield systems?

Answer. The DOD needs to adopt, scale, and deliver AI solutions to warfighters. These concepts, plans, and capabilities come from a variety of sources. Service AI efforts are integrated through Joint warfighting concepts, exercises, and requirements developed by the Joint Staff and CCMDs. A key component of this effort is the ADA Initiative, directed by the Deputy Secretary of Defense and led by a partnership including the JAIC, CDO, CIO, USD(R&E), JS J6, DDS, and others.

Through ADA, the DOD will incentivize and accelerate a set of global, open architecture data and process solutions that embed modern data management and analytics capabilities to automate business and warfighting workflows.

Question. What structures, processes, and policies are needed, in your view, to ensure the ethical and safe application of AI technology to the warfighting missions of the Defense Department?

Answer. The governance of AI is a critical enabler of the ethical and safe application of AI technology to DOD's warfighting missions. The AI Executive Steering Group ensures accountability throughout the Department. In addition, the Deputy Secretary of Defense has directed the implementation of a RAI ecosystem throughout the Department. This guidance reaffirmed the five DOD AI Ethical Principles and outlined the contours of RAI governance. Through this effort DOD will cement a culture of ethical and safe application of AI in the Department.

Question. What steps should the Department of Defense be taking with international partners and the commercial sector to develop standards and norms for the ethical and safe application of AI technologies?

Answer. DOD has deep and ongoing engagements with our allies and partners on AI, including in the area of standards and norms for the ethical and safe application of AI. For example, the JAIC has conducted bilateral and multilateral engagements with approximately 40 allies and partners. Nearly all of these engagements included substantive discussions of RAI, ethics, and sharing of good practices to enable AI readiness and interoperability among allies and partners. The Department's "AI Partnership for Defense" brings together 16 nations based on a common ethical framework and responsible outcomes. This is a dynamic and effective environment for shaping global understanding of responsible and ethical AI application. Similarly, the development of the DOD AI ethical principles involved deep collaboration with leading commercial technology organizations and public policy non-profits. The DOD continues to solicit the advice and expertise of both groups as it implements its RAI Strategy.

Question. How are you integrating AI/ML capabilities into DOD's data architecture, and what investments do you think need to be made in order to ensure that decisionmakers have the right information at the right time?

Answer. Maturing the unique, Service-specific infrastructures and architectures into an integrated enterprise is an essential element of DOD's warfighting effectiveness and global competitiveness. Current efforts span a scaled data environment, an integrated AI development fabric, AI Test & Evaluation, and AI applications at the CCMDs and at the tactical edge. Commanders and decisionmakers across DOD require access to data and insights generated across components, domains, and network boundaries. Department AI/ML capabilities, and the investments made in them, only achieve their full potential through integration. This creates conditions necessary for implementing AI/ML capabilities at-scale. In my view, the Department needs to quickly and effortlessly discover, access, and utilize data, compute, and services so that individual components can leverage these Department-wide resources to build AI capabilities.

ELECTROMAGNETIC SPECTRUM POLICY AND OPERATIONS

Question. Based on information gleaned from internal DOD assessments and Committee oversight activities, it would appear that the Department's electronic warfare posture is dangerously inadequate.

Under the electronic warfare implementation plan announced in August 2021 the DOD CIO will assume the roles and responsibilities of the level 2 senior designated official under section 1053 of the fiscal year 2019 NDAA, and will now be responsible for overseeing the implementation plan of a cohesive electronic warfare strategy DOD wide. What makes you qualified to assume these roles and responsibilities?

Answer. Achieving spectrum superiority in all domains is critical to U.S. national security. The 2020 EMS3 provides the strategic direction and oversight to address identified gaps in U.S. posture and generate results. DOD CIO is at the nexus of Department's EMS policies, strategies, and international and national engagement. As the PSA for EMS to the Secretary and the newly assumed roles and responsibilities, the DOD CIO will ensure enduring enterprise focus on EMS strategy. If confirmed, I will work closely with the Joint Chiefs of Staff (JCS) and other stakeholders to ensure that the implementation plan supports the operational needs of our military forces.

Question. In a brief to congressional staff on August 5, 2021, five goals were outlined for the strategy and objectives of a cohesive DOD wide electronic warfare strategy. Please discuss each goal, what you envision to be the major hurdles associ-

ated with accomplishing each goal, and what you would do, if confirmed to overcome each such hurdle.

Answer. The EMS3's goals have a common hurdle. Historically, the Department has approached Electromagnetic Spectrum Operations (EMSO) in isolation. The Department has now focused on an enterprise-wide strategy to overcome the challenges caused by unique, isolated approaches. In my view, the Department now has the policy, governance, and people in place to address such challenges. The EMS3 sets DOD on a course to view EMSO in a more strategic and integrated manner. If confirmed, I will continue to drive this paradigm change.

Question. The DOD CIO's selection as the senior designated official in the DOD for electronic warfare renders the CIO responsible for "establish[ing] process and procedures to develop, integrate, and enhance the electronic warfare mission area and joint electronic spectrum operations in all domains across the Department of Defense." If confirmed as the DOD CIO, you would be responsible for certifying that the overall budget for electronic warfare is adequate and integrated as follows—

"(A) The development of an electromagnetic battle management capability for joint electromagnetic spectrum operations.

(B) The establishment and operation of associated joint electromagnetic spectrum operations cells."

Do you believe the DOD is making adequate progress in a joint battle management capability for spectrum operations? If not, how can these efforts be improved, in your view?

Answer. In my view, the DOD CIO will rely heavily on the best military advice of the Vice Chairman of the JCS and Commander, US Strategic Command, who remain responsible for Electronic Warfare (EW) matters.

The Department continues to make strong progress in a joint battle management capability for spectrum operations. As the Department continues the Electromagnetic Battle Management (EMBM) development effort, it is balancing lethality and joint interoperability with fiscal responsibility. Additionally, to ensure the appropriate data gets to the tactical edge requires the DOD to establish an EMSO architecture that connects with all relevant stakeholders. If confirmed, I will ensure that these efforts continue.

Question. Do you believe the DOD has successfully implemented joint electromagnetic spectrum operation cells? How can DOD's efforts in this regard be improved, in your view?

Answer. I believe that the DOD has successfully started to implement Joint EMSO Cells (JEMSOCs). Properly incorporating EMSO into operational plans and accounting for real-time activities requires the appropriate staffing of JEMSOCs in each CCMD. DOD is also evaluating the long-term home for EMSO responsibilities in the Department in accordance with FY21 NDAA Section 152 requirements.

To enable continued success, I believe DOD must ensure appropriate resource allocation, and that training requirements and that EMSO capabilities, such as EMBM, are developed and employed.

Question. If confirmed, how do you plan to integrate with the combatant commands who will be responsible for executing the cohesive electronic warfare strategy you are responsible for?

Answer. If confirmed, the DOD CIO will continue to work directly with the Joint Staff as a co-chair of existing governance bodies. Many of the Department governance forums also include direct engagement with CCMDs as well, ensuring awareness of and advocacy for CCMD requirements.

Question. On page 6 of the July 15, 2021, report entitled "Summary of Implementation Plan for 202 DOD EMS Superiority Strategy and Attached Roadmap," submitted to Congress pursuant to section 1053(d)(3)(E), DOD stated: "[a]dditionally, the Implementation Plan requires the Office of Undersecretary of Defense for Policy (OUSD(P)) to designate one of its Deputy Assistant Secretaries of Defense to advocate for and represent EMSO interests in OUSD(P)."

What assistance would you expect the USD(P) to provide you, if you are confirmed as the DOD CIO and vested with the authorities and responsibilities of the section 1953 senior designated official?

Answer. If confirmed, I would expect continued support from and close partnership with USD(P) in ensuring the EMS equities are captured in the Department's policy decisionmaking process.

Question. If confirmed, how would you expect to influence the Defense Planning Guidance?

Answer. If confirmed, I would look forward to influencing the Defense Planning Guidance (DPG) to elevate investment in capabilities that would digitally modernize the Department's EMS Enterprise; leverage more agile, adaptable, and survivable EMS capabilities; establish secure, responsive and integrated EMS infrastructure;

and further advance live, virtual, and constructive (LVC) capabilities. Altogether, these initiatives will enable enhanced testing and training in representative EMS environments against realistic threats.

Question. DOD conducts an annual Northern Edge exercise to assess the Joint Force capabilities in an electromagnetically contested spectrum environment.

In your view, how will this exercise influence your actions and decisions as the senior designated official? If confirmed what actions would you take to improve capabilities to provide realistic threat capabilities to the joint force?

Answer. If confirmed, in coordination with the JCS, I would leverage the Joint Pacific Alaskan Range Complex for exercises that include training, testing, and developing advanced electronic warfare capabilities in a realistic environment.

Question. In your view, what are the major challenges facing the Department of Defense as pertains to its electromagnetic spectrum operations (EMSO) programs?

Answer. The DOD has reorganized, improved governance structures, and implemented new policies to best ensure the Department can compete with near peer adversaries in an increasingly congested, contested, and constrained environment.

The DOD faces two main challenges, the first is outdated regulations and policies that have not evolved with the current environment. Second is the drive to share or vacate EMS to enable commercial mobile broadband technologies. While I absolutely support enabling commercial access to spectrum, the increasingly congested spectrum ecosystem is a challenge that, if confirmed, I would need to address.

Question. What is your assessment of DOD electromagnetic spectrum operations capabilities, as compared to the offensive and defensive capabilities of our adversaries?

Answer. All warfare domains, to include the EMS, are challenged by peer and near-peer adversaries. Recognizing US reliance on the EMS, our adversaries have spent decades studying, investing, and implementing policies, capabilities, and procedures with the absolute focus of gaining military advantage over US forces. These adversaries are developing and fielding advanced technology that targets US capabilities across the spectrum.

Through implementing the DOD EMS3, the Department is working to develop a spectrum enterprise that is fully integrated, operationally focused, and designed for great power competition.

Question. Please define your view of the appropriate sharing of spectrum between the DOD and non-Federal users.

Answer. I believe that DOD has been a national leader in thinking broadly about new solutions and has already participated in several spectrum-sharing initiatives. These have contributed to US leadership in enabling the use of mid-band spectrum for commercial 5G. Acknowledging that progress, I also believe that spectrum sharing (vice spectrum vacating) now needs to be the new normal. Such an approach offers Federal and non-Federal users a new paradigm by allowing simultaneous usage of a specific frequency band in a specific geographical area and time by a number of independent entities where harmful electromagnetic interference is mitigated.

To date, Federal policymakers have made unprecedented amounts of spectrum available for commercial use across large, contiguous spectrum ranges. Now, I believe the DOD must also develop spectrum sharing policies that enable the most efficient use of spectrum while still protecting and prioritizing mission critical functions.

Question. What are your views regarding the potential sharing of spectrum for both Federal and non-Federal bands? Do you believe the Department can adequately share spectrum in the band of 3.0–3.45 MHz and what actions must be taken, and by whom, before such sharing can occur? Please explain your answer.

Answer. I believe that sharing of spectrum for both Federal and non-Federal bands is the new normal. DOD is pursuing a range of possible solutions that improve access for military missions and enhance US economic competitiveness for 5G and other advanced technologies.

As such, I believe the Department can share the 3.1–3.45 GHz band. Technical and operational feasibility assessments are required to identify the best sharing framework for this band. These feasibility assessments will identify the amount of spectrum that could be made available, regulatory requirements needed to protect incumbent military operations, and the associated costs and timelines for implementation.

Upon completion of the assessments, I believe a whole-of-government approach is required to determine which sharing framework best meets the Nation's needs.

Question. Is the Department investigating and investing in technologies to enable: (1) simultaneous use of commercial wireless networks and DOD military systems in the same spectrum; (2) simultaneous transmit and receive capabilities; and (3) con-

tinuous operations through very high levels of interference and jamming? Could such technologies resolve competing demands for spectrum and help to meet the Department's EMSO warfighting objectives, in your view?

Answer. Yes, the Department is investing in and investigating these types of cutting-edge technologies for inclusion in future military capabilities. I believe they hold great promise for both addressing competing demands for spectrum, which are increasing across all users, and helping to meet the Department's EMSO warfighting objectives.

The vision of the EMS3 is the ability of our forces to enjoy freedom of action in the electromagnetic spectrum, at the time, place, and parameters of our choosing. To facilitate this outcome, I would, if confirmed, ensure that DOD CIO continues to partner with OUSD(R&E) and OUSD(A&S) to develop and integrate these types of capabilities to meet the warfighter's current and future requirements.

Question. How will you help ensure that DOD's execution of the spectrum IT modernization requirements in the FY21 NDAA are successfully implemented? In particular, how will you ensure that DOD's IT systems collect the necessary information to facilitate spectrum sharing where possible and are designed in such a way to enable rapid or real-time processing of spectrum assignment adjustments?

Answer. If confirmed, I will ensure that DOD CIO continues with development and implementation of a plan to successfully modernize and automate the spectrum IT infrastructure, per the requirements in Section 9203 of the NDAA for FY21. This modernization effort will be key to advancing agile spectrum management operations. I understand the intent is to develop a common spectrum IT architecture; improve data collection and aggregation; standardize analytical tools and methodologies; increase spectrum situational awareness, spectrum access and sharing; and establish integrated and standardized automation interfaces.

POSITIONING, NAVIGATION, AND TIMING (PNT)

Question. In your view, what are the major threats and technological challenges facing the Department of Defense as pertains to its positioning, navigation, and timing (PNT) programs and capabilities?

Answer. In my view, the Department relies heavily on the Global Positioning System (GPS) and our adversaries are well aware of this dependence and have developed extensive capabilities to deny our access to GPS. Additionally, while GPS has been critically beneficial over the last several decades, the PNT Enterprise is complex and the DOD should develop and field alternates and complements to GPS to address known threats.

Question. The Committee is concerned about the dependence of the Department, and indeed the country as a whole, on the Global Positioning System (GPS) given the very serious existing and anticipated threats to the system. Upgrades to GPS and user equipment are being acquired, but significant vulnerabilities remain and the expected implementation time is significant. Congress has mandated near-term measures to field more resilient alternative PNT solutions to complement and augment GPS.

What are your views on the need for reliable additional near-term and far-term augmentations to GPS? Is the Department adequately resourcing these needs?

Answer. In my view, the Department is aware of the vulnerabilities of GPS. I am a strong advocate for the Department to identify, invest in, and field alternate and complementary sources of PNT to enhance PNT now and in the future. In June 2021, the Department submitted a report on progress on alternative PNT capabilities in response to a tasking in Section 1611 of the fiscal year 2021 NDAA. While a "one-size-fits-all" solution is not feasible, the Department has made significant strides in fielding alternate and complementary capabilities in programs such as the GPS-Based Positioning Navigation and Timing Service (GPNTS), the Mounted Assured Positioning, Navigation and Timing System (MAPS), and the Dismounted Assured Positioning, Navigation and Timing System (DAPS). While progress is slower in the air domain, the Air Force is pursuing an open architecture-based Resilient-Embedded GPS/Inertial (R-EGI) that will enable the integration of existing capabilities and new PNT alternatives. If confirmed, I would continue to champion development of modernized receivers and fielding of the alternate PNT sources they will process to provide PNT resilience to the Joint Force.

Question. What is your assessment of DOD's ability to implement a timely strategy to provide Military Grade User Equipment (MGUE) navigation cards to the wide array of platforms and weapons the Department uses and how can DOD efforts in this regard be improved?

Answer. It my understanding that DOD CIO is working closely with the Joint Staff, Services, and USD(A&S) to monitor program progress and ensure that MGUE

development and fielding have required priority and associated resources. Longer-term, I believe that implementing a Modular Open System Approach (MOSA) will enable faster and more agile integration of additional GPS and alternative and complimentary PNT sources.

Question. What is your assessment of DOD's progress in providing alternate means for PNT to DOD platforms and weapons? If confirmed, what actions would you recommend be taken to accelerate DOD efforts in this regard?

Answer. I believe that the Department is making significant strides in testing and implementing effective alternate PNT capabilities. I support these efforts and, if confirmed, I will continue to push these efforts forward.

Question. What is your assessment of the effectiveness of the PNT Oversight Council authorized under section 2281 of title 10 U.S. Code? If confirmed, what actions would you take to improve the Council's effectiveness?

Answer. In my view, the PNT Oversight Council is effective in executing governance and providing oversight of the DOD PNT Enterprise. The Council has driven development and fielding of more resilient GPS and is now also focused on the delivery of alternative and complimentary PNT solutions. If confirmed, I would support continuation of these efforts as well as the incorporation of GPS and PNT data into the Advana platform, enabling enhanced tracking and oversight of the full scope of efforts across the Department.

FIFTH GENERATION WIRELESS NETWORKING (5G)

Question. 5G wireless networks are the foundation for future industrial transformations that will power the world economy via applications such as vehicle autonomy; the Internet of Things; telemedicine; smart factories, ports, and warehouses; and smart cities. It is widely recognized that U.S. national security and economic well-being would be jeopardized if Chinese companies such as Huawei dominate 5G global wireless infrastructure. DOD has robustly funded research and development in 5G technology and in the applications that will be enabled by the speed, low-latency, and capacity of 5G networks. Although the Office of the USD(R&E) is currently managing DOD's 5G program, Congress directed the Department to begin preparations to transfer that responsibility to the CIO as projects and technologies mature. The Committee is concerned that budget reductions would prevent the achievement of these objectives. Accordingly, the Committee has recommended authorization of an additional \$100 million for 5G-related technology in fiscal year 2022.

In your view, how would significant reductions in funding for DOD's 5G program affect U.S. industry's ability to compete with Huawei in the global 5G market?

Answer. In my view, significant reductions in funding for DOD's 5G programs would curtail the progress the Department has made in reducing Huawei's influence in establishing the technical specifications for commercial 5G user devices, network components, and cellular services, as well as significantly slow the development of verified and secure applications of 5G Technology in the transport layer of the department's mission-critical voice and data communications.

Question. In your view, how would budget reductions in the near term affect the ability of the DOD CIO and the Military Departments to transition successful 5G technology development projects?

Answer. In my view, budget reductions in the near term would significantly hamper the activities of the CFT legislated in the FY21 NDAA to oversee the implementation of the strategy developed under section 254 of FY20 NDAA. This strategy was coordinated across all relevant elements of the Department and will drive the adoption of commercially available, next-generation wireless communication technologies, capabilities, security, and applications by the Department and the DIB. If confirmed, I will continue to work with my counterparts in USD(R&E) to ensure a successful transition of these responsibilities.

Question. What are your views on the importance of rapidly maturing technologies to create modular 5G network architectures based on open standards, and to virtualize network functions through software, in enabling U.S. companies to compete with Huawei globally? Does DOD have a role to play in achieving that objective?

Answer. I believe that modular 5G network architectures, based on open standards and software-enabled virtualized network functions, are critical to promote the development and deployment of user devices and network components manufactured by US and allied nations' industrial bases, in lieu of Huawei. I understand that DOD is promoting these modular 5G network architectures through participation in international Standards Development Organizations, inclusion of modular 5G network architectures in the DOD's 5G pilot experimentation efforts, and the develop-

ment of supply chain standards and acquisition tools for the deployment of 5G technology across the Department. If confirmed, I would sustain focus and momentum on these activities.

COMMAND, CONTROL, AND COMMUNICATIONS

Question. In your view, what are the major challenges facing the Department of Defense as pertains to its command, control, and communications (C3) programs and capabilities?

Answer. In my view, modernization of our existing C3 systems is critical to maintaining our military advantage in multi-domain operations, given that adversaries have developed tactics and techniques to degrade, deny, and spoof our C3 systems.

Question. What is your assessment of the Department's C3 capabilities and resiliency in the face of near peer adversaries' capabilities?

Answer. I understand that the Department is addressing investment shortfalls as part of its digital modernization efforts, and I believe that DOD must ensure it continues to prioritize the C3 capabilities and resiliency needed for high-end conflict.

Question. What is your assessment of the effectiveness of the Council on Oversight of the National Leadership Command, Control, and Communications System (NLC3S) as authorized under section 1052(f)(3) of the fiscal year 2014 NDAA? How can the Council's effectiveness be improved?

Answer. The DOD CIO is a member and secretariat of the NLC3S co-chaired by the Vice Chairman of the Joint Chiefs of Staff and the USD(A&S). I believe the Council has been effective in ensuring that National Leadership Command Capability (NLCC) is able to meet the needs of the President and other senior leaders and raising critical issues to the Department's senior leadership. If confirmed, I will review how the effectiveness of how the Council might be improved.

Question. There has been much discussion about the importance of networking and connecting warfighting capabilities across air, land, and sea platforms through the Joint All-Domain Command and Control (JADC2) initiative.

What is the role of the CIO in developing and implementing solutions to JADC2 objectives?

Answer. The DOD CIO has been an integral member of the JADC2 effort and CFT since its inception. DOD CIO has collaborated with Department stakeholders on the conceptual design and development of the JADC2 Strategy and Implementation Plan, but the main DOD CIO role is as an enabler. Each JADC2 initiative relies on existing DOD CIO-led IT modernization efforts for success, such as JWCC, cybersecurity based on Zero Trust, and transport resiliency.

Question. What is being done to ensure that airborne data links are both resilient against peer competitors and interoperable—across all Military Services' platforms?

Answer. Tactical data links (TDLs) are foundational to the command and control (C2) of the Joint Force, our allies, and coalition partners. It is my understanding that the Department has three lines of effort to ensure that airborne data links are resilient: (1) advocating that Services expeditiously close identified gaps by rapidly fielding the Multifunctional Information Distribution System (MIDS) Program of Record for Link 16, (2) identifying legacy TDLs that are vulnerable or require replacement, and (3) accelerating the implementation of advanced capabilities to increase the resiliency, robustness, and capacity of tactical networks.

Question. If confirmed, specifically what would you do to facilitate development and implementation of JADC2 concepts?

Answer. If confirmed, I would leverage the DOD CIO statutory authorities to use the Budget Certification process, to include providing annual Capability Planning Guidance, to ensure the successful implementation of the JADC2 Strategy, ensuring the optimal delivery of capabilities to the Joint Forces. In addition, I would continue to drive JADC2 enablers including access to cloud compute and storage; resilient transport; and robust cybersecurity.

Question. How do you differentiate the role of the CIO with regard to warfighting networks that provide command and control of our armed forces at their platforms in an operational context, from the CIO's role with regard to infrastructure and networks that traditionally would be regarded as administrative or otherwise non-warfighting in nature? Does the CIO's authority extend to warfighting networks and systems in the Department? Is the CIO qualified and resourced to serve as the official with a fundamental role in the warfighting infrastructure of the Department?

Answer. In my view, networks are converging as we start focusing on data-centric architectures. Business and warfighting infrastructure are leveraging and implementing the same technologies and formats at the network transport, compute/store and cybersecurity layers, with the primary difference at the tactical edge in pro-

viding increased survivability. I believe the DOD CIO is sufficiently resourced to drive the modernization of warfighting infrastructure across the Department.

Question. Please describe your view of the CIO's role with respect to overseeing the cryptographic accounts at the National Security Agency and recent efforts to build new facilities or upgrade existing facilities and infrastructure at the NSA for cryptographic key and management infrastructure across the DOD?

Answer. DOD CIO is the PSA responsible for DOD cybersecurity and protection of NSS. In this capacity, DOD CIO collaborates with NSA, as the NSS National Manager, to modernize the key management infrastructure across DOD. NSA's tenets call for a Key Management Enterprise (KME) that permits a "person-out-of-the-loop" electronic crypto key distribution from the generation of the key through the key processor to the End Crypto Unit (ECU). Additionally, they require an inventory of cryptographic devices that are more robust, modular, scalable, capable, net-centric, and durable. These tenets enable more effective and efficient performance including reduced inventory, expanded data rates, simplified upgrades, lower life cycle costs, and ensured global information grid-compatibility in addition to eliminating current key vulnerabilities. Modernization of the KME is required to ensure cryptographic keying material and supporting data is protected at the highest level throughout the enterprise.

Question. How should these same efforts be applied to the development and distribution of nuclear command and control products, in your view?

Answer. I believe that modernization of nuclear command and control products is critical to ensure the highest levels of security. The same tool sets used to upgrade cryptographic key and management infrastructure should be used to modernize nuclear command and control products across the DOD. However, it must remain a separate and isolated activity from the overall enterprise modernization processes given its sensitivity.

INFORMATION TECHNOLOGY WORKFORCE AND THE CYBER EXCEPTED SERVICE

Question. The Chief Information Officer serves as the functional community manager for 18 civilian occupational specialties, accounting for approximately 52,000 civilian employees. Additionally, the CIO is one of the chairs of the Cyber Workforce Management Board, which oversees the management of the entire Department of Defense military and civilian cyber workforce. The CIO's diligent performance of these functions is critically important to the Department's ability to evolve its employment practices to attract and retain personnel with highly valuable information technology and cyber-related skillsets.

As you shape and guide the Department's cyber workforce, what factors would you apply to a determination as to whether a certain position should be filled by military, civilian, or contractor personnel?

Answer. I believe that USD(P&R) has established an effective policy and structure for the determination of workforce mix across the Department. This policy dictates that risk mitigation be given precedent over cost savings or other efficiencies. The ability to continually evaluate these decisions based on risk as the domain evolves is crucial to the Department's agility in this domain. To enhance and complement the USD(P&R) process of workforce determination, the Defense Cyber Workforce Framework and the DOD 8140 policy series provide a management framework and governance structure for the cyberspace workforce that can be leveraged to manage military, civilian, and those contracted to augment the force.

Question. What is your view of the appropriate mix between the uniformed cyber workforce and civilian employees?

Answer. I believe the current mix is appropriate. Current projections have this mix at approximately 45 percent military, 30 percent civilian, and 25 percent contractor across the full spectrum of the DOD cyber workforce. Overall, the current mix brings diversity of thought and experience, which I view as a strength of the Department.

Question. Each Military Department and DOD Component is competing for the same set of skilled and experienced employees—those who are highly skilled and experienced in cyber and information technology.

How does the Cyber Workforce Management Board de-conflict and prioritize personnel requirements across the Department to ensure the strategic allocation of manpower to the highest priority needs?

Answer. The Cyber Workforce Management Board provides the tools to successfully recruit, retain and develop members of the cyber workforce. The DOD Cyber Workforce Framework provides a more detailed focus than traditional civilian occupational series, and, based on its alignment with the National Initiative for Cybersecurity Education (NICE), it also provides a tool for Components to communicate

with partners across government, industry and academia. In addition, it enables very targeted recruitment and retention by location and specialty. The largest percentage of the DOD cyber workforce are military members, who are developed through established training pipelines, including best practice programs for some operational roles.

Question. Of the approximate 52,000 civilian employees under the DOD CIO's purview, how many should be included in the Cyber Excepted Service, in your view?

Answer. In my view, I believe most, if not all, of the DOD civilian cyber workforce should be eligible for Cyber Excepted Service (CES). Expanded eligibility would maximize the benefits of the enhanced recruitment, retention, and development flexibilities authorized under CES.

Question. In your view, how effective is the Cyber Excepted Service Workforce in meeting the requirements for a highly qualified and competent cyber workforce?

Answer. In my view, the Cyber Excepted Service is highly effective in meeting the requirements for a qualified and competent workforce. Further, effectiveness will continue to grow as the number of organizations leveraging CES is expanded. Even so, competition for this workforce is fierce and, if confirmed, training of the current workforce and enhanced recruitment and retention will be one of my priorities.

Question. What actions would you take, if confirmed, to mitigate any gaps between cyber workforce capacity and capability?

Answer. If confirmed, I would continue the current path of the DOD Cyber Workforce Framework (DCWF), DOD 8140 policy series and CES utilization. The foundation of these efforts, supported in cooperation with partners in USD(P&R), USCYBERCOM, and the Military Departments, are providing significant benefits. As implementation activities continue, the analytics capabilities of the Advana business intelligence platform will be used to better analyze overall workforce numbers against readiness. I will also pursue re-skilling of our current workforce, and ensure publication of a new Cyber Workforce Strategy.

Question. In your judgment, what additional authority does the Department need to recruit and retain talent for the Cyber Excepted Service?

Answer. If confirmed, I will review the current authorities and make the appropriate recommendations to Congress.

Question. Should management of the Cyber Excepted Service be transferred to the Under Secretary of Defense for Personnel and Readiness, in your view?

Answer. In my view, no. The DOD CIO works closely with USD(P&R) on program implementation. I understand that both organizations have agreed that the DOD CIO is the right functional lead for this area and, if confirmed, I will continue the strong partnership between CIO and USD(P&R).

Question. What quantitative and qualitative metrics should be established and tracked to determine the effectiveness of the Cyber Excepted Service, and to support decisions as to whether adjustments to existing authorities are required?

Answer. I understand that the DOD CIO currently tracks implementation metrics such as recruitment and retention data, combined with qualification and development information garnered from DOD 8140 policy implementation. I further understand that the DOD CIO is also developing and implementing an advanced analytics tool to enhance predictive analysis. As this capability continues to mature, I foresee this data being integrated with operational metrics such as readiness to provide a broader picture of force capabilities and gaps.

COMMAND CLIMATE SURVEY

Question. In the context of your service as Principal Deputy CIO, did you administer a command climate survey to the workforce under your leadership and management? If so, what were the results of that survey and what actions did you take or direct to address the survey results?

Answer. No, I did not administer a command climate survey during my tenure as PDCIO.

Question. If you have not administered such a survey, would you plan to do so, if confirmed? Please explain your answer.

Answer. Yes. In addition to encouraging my organization's participation in the annual Federal Employee Viewpoint Survey, if confirmed I would also work to develop and administer a DOD CIO-specific command climate survey at the earliest opportunity. I believe climate surveys are critical in identifying needs and concerns of the workforce, and help leaders identify areas that need improvement or adjustment to ensure an inclusive workplace environment that contributes to the organizational mission.

SEXUAL HARASSMENT

Question. In responding to the 2018 DOD Civilian Employee Workplace and Gender Relations survey, 17.7 percent of female and 5.8 percent of male DOD employees indicated that they had experienced sexual harassment and/or gender discrimination by “someone at work” in the 12 months prior to completing the survey.

What is your assessment of the current climate regarding sexual harassment, gender discrimination, and other harassment in the Office of the CIO?

Answer. I assess that the status on these areas is positive overall, but always meriting close supervision, as with any organization.

Question. If confirmed, what actions would you take were you to receive or become aware of a complaint of sexual harassment, discrimination, or other harassment from an employee of the Office of the CIO, or an employee of an organization over which the CIO exercises authority, direction, and control?

Answer. If confirmed, I would act quickly and thoroughly to address any complaints of sexual harassment, discrimination, or other forms of harassment. I would ensure that the individual’s chain of command is taking the complaint with the utmost seriousness, and will work closely with appropriate DOD authorities (Office of General Counsel, Washington Headquarters Service, etc.) to get advice and guidance. Additionally, I would ensure a positive, inclusive, and fair leadership climate, making clear that any sort of discriminatory or harassing behavior has no place in CIO or the DOD writ large.

CYBER READINESS REVIEW

Question. In March 2019, the Secretary of the Navy’s Cyber Readiness Review presented a scathing assessment of the Department of the Navy’s approach to cybersecurity and hi-lighted the urgent need for the Navy to modify its business and data hygiene processes to protect data as a resource.

In your view, would DOD writ large benefit from a “Cyber Readiness Review” similar to that of the Navy? Please explain your answer.

Answer. In my view, the Department is keenly aware of the cyber readiness issues identified in the Navy review as well as those problem areas highlighted in other studies such as the Cyberspace Solarium Commission’s report. As I understand it, the Department is now appropriately focused on the remediation and modernization efforts required to address these short-falls.

Question. If confirmed, specifically what measures would you take or direct to improve the cybersecurity culture across the DOD workforce—military, civilian, and contractor? How would you empower and hold key leaders accountable for improvements in DOD cybersecurity?

Answer. In my view, shaping and molding an effective cybersecurity culture among DOD members is an institutional process that must occur across all Components, from the forward-deployed servicemember to the civilian at a CONUS installation. Over the past decade, I understand that DOD has moved away from the idea that cybersecurity is just a DOD CIO responsibility, but the responsibility of every DOD member. To improve this trend, I expect that DOD will continue to educate and hold its entire workforce responsible for the proper employment of cybersecurity practices in the performance of their jobs, and where practical, the use of technology to enforce proper cybersecurity practices. In September 2020, the Department initiated an effort to empower and hold key leaders accountable for improvements in DOD Cybersecurity through a revision of its cybersecurity policy for the deployment of a cyber-systems and applications. No longer is it just the system’s operator, the component authorization official, or a program manager, but it is now the responsibility of all three to consult with each other to ensure any risks are appropriately mitigated. If confirmed, I would continue with this emphasis on ensuring that cybersecurity is a Department-wide responsibility, and not just for those in CIO or other IT organizations.

RELATIONS WITH CONGRESS

Question. What are your views on the State of the relationship between the Office of the CIO and the Senate Armed Services Committee in particular and with Congress in general?

Answer. In my view, it is critical that the DOD CIO maintain close coordination and consultation with Congress. If confirmed, I would commit to establishing and maintaining a close working relationship with the Members and their staffs.

Question. If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between Congress and the Office of the CIO?

Answer. If confirmed, I commit to working collaboratively with Congress and Department of Defense oversight committees and responding to congressional requests in a timely manner. This includes informing Members and their staffs of critical updates in a timely and transparent manner. I assure the Committee that I will serve as a partner with Congress.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise legislative and oversight responsibilities, it is important that this committee, its subcommittees, and other appropriate committees of Congress receive timely testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch.

Do you agree, without qualification, if confirmed, and on request, to appear and testify before this committee, its subcommittees, and other appropriate committees of Congress? Please answer yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to provide this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so in a timely manner? Please answer yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to consult with this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Please answer yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to keep this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Please answer yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, and on request, to provide this committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? Please answer yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this committee? Please answer yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, Federal employee, or contractor employee who testifies before, or communicates with this committee, its subcommittees, and any other appropriate committee of Congress? Please answer yes or no.

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JACK REED

CYBERSECURITY OF DEPARTMENT OF DEFENSE COMMERCIAL CLOUDS

1. Senator REED. Mr. Sherman, in your answers to the Committee's advance policy questions, you stated, "I believe that it is critical that the DOD [Department of Defense] assesses the security of commercial cloud environments. Penetration testing is an existing requirement of the Cloud Computing Security Requirements Guide, which all cloud contracts are required to follow, per DFARS [Defense Federal Acquisition Regulation Supplement] clause 252.239-7070. If confirmed, I welcome the opportunity to work with the DOT&E [Director, Operational Test and Evaluation] to strengthen and enhance our existing cloud cybersecurity policies to explicitly allow increased testing. DOD CIO [Chief Information Officer] recently collaborated with the testing and evaluation community to ensure their requested language for

enabling DOD testing of cloud vendors is included in JWCC [Joint Warfighting Cloud Capability] requirements.”

Will these JWCC requirements include assessments of the control plane and hypervisor?

Mr. SHERMAN. Yes. I understand that the Department has developed a cybersecurity plan for JWCC that supplements the Cloud Computing Security Requirements Guide and will enable DOD to conduct independent testing and evaluation of commercial cloud services and capabilities, from the application to the data layer, to include control planes and hypervisors. If confirmed, I would ensure that the Department works closely with its industry partners to address potential vulnerabilities and ensure that defensive capabilities are effective.

OPERATIONAL EXPERTISE OF CHIEF INFORMATION OFFICERS OF MILITARY DEPARTMENTS

2. Senator REED. Mr. Sherman, in your answers to the Committee’s advance policy questions, you expressed your opinion that it is advisable for the CIOs of the military departments and combat support agencies to have operational expertise, and provided two examples of methods for achieving that objective. One is to include such capabilities in position descriptions and vacancy notices; another is to make familiarity with military operations and technology requirements to support current operational doctrine and strategies a key consideration in hiring. If confirmed, will you make such recommendations to the Secretary of Defense?

Mr. SHERMAN. Yes, if confirmed, I would work with Departmental leadership to ensure that both operational and technical expertise are considerations in hiring decisions for Military Department and Combat Support Agency CIOs.

3. Senator REED. Mr. Sherman, do you think this issue is important enough for Congress to mandate such qualifications?

Mr. SHERMAN. No. I believe these are important characteristics that must be considered, but a mandate is unnecessary and might unduly restrict otherwise highly-qualified individuals from applying for such positions.

ELECTROMAGNETIC SPECTRUM OPERATIONS

4. Senator REED. Mr. Sherman, in your answers to the Committee’s advance policy questions, you stated that “multiple studies have revealed governance as a major challenge for DOD spectrum operations, including dispersed responsibilities across the Department at various organizational levels.” The Fiscal Year 2020 National Defense Authorization Act (NDAA) required the Secretary of Defense to designate a Principal Information Operations Adviser (PIOA) and to conduct a posture review and designate a joint force provider and joint force trainer. Two years later, the Secretary of Defense has designated the Under Secretary of Defense for Policy as the PIOA and has just kicked off the posture review. The Fiscal Year 2019 NDAA established the Vice Chairman of the Joint Chiefs as the “Senior Designated Official” in charge of the Electromagnetic Spectrum Operations Cross Functional Team (EMSO CFT). Congress also had previously created the position of Principal Cyber Adviser (PCA) to the Secretary of Defense to bring greater coherence and integration to the cyber mission in the Department. Congress recognizes that electronic warfare, cyberspace operations, military deception and psychological operations, military information support operations, as well as other disciplines are all part of information warfare, and must be well integrated. How do you think that the Department could best achieve an integrated information warfare enterprise able to compete with peer nation states at the strategic level?

Mr. SHERMAN. I believe the Department can best achieve an integrated information warfare enterprise by teaming across key organizations, leveraging the relationships codified in law, and ensuring leaders place appropriate high-level emphasis on successful EMSO modernization. If confirmed, I would be committed to all of these goals, and will work across the Office of the Secretary of Defense (OSD), the Joint Staff, and the Military Services to ensure the development and delivery of enhanced information enterprise capabilities to the force. Also, as the Joint Staff completes the Joint Warfighting Concept, I would work closely with USD(P) in its PIOA role and the other stakeholders to ensure EMSO is aligned and supports this foundational warfighting initiative.

SOFTWARE BILL OF MATERIALS

5. Senator REED. Mr. Sherman, in your answers to the Committee’s advance policy questions, you wrote that “understanding the composition of software through a software bill of materials is a mandatory first step in understanding and either mitigating or consciously accepting a degree of cybersecurity risk. It is also a pre-

requisite for responding to newly-discovered vulnerabilities to determine what software in our inventory are affected and need immediate attention. If confirmed, I will drive Department-wide policy and establish timely guidance for generating, ingesting, and analyzing these software bills of materials.”

What are the impediments or obstacles to achieving a broad mandate for a software bill of materials for custom software?

Mr. SHERMAN. While I believe there is broad support in concept in both government and industry for implementing mandates for a software bill of material (SBOM) for custom software, I also think there is not yet consensus on specific standards—and therein lies the first challenge that I would seek to overcome if confirmed. Implementing SBOM at scale would certainly strengthen cybersecurity in the Department, but it will require extensive engagement with many stakeholders—from USD(A&S) to USD(R&E) to the Services and many others—to gain buy-in and endorsement. While challenging, it’s a task worth undertaking, and I’m committed to doing so if confirmed.

6. Senator REED. Mr. Sherman, how difficult do you think it will be to work through these impediments and obstacles?

Mr. SHERMAN. As with any sort of standards development, this is an area that will take extensive and detailed work among experts and stakeholders. I estimate that it will require many months of ongoing focus within DOD CIO and through various governance forums, specifically in those dealing with software as well as cybersecurity. If confirmed, I would give my personal attention to progress on this area, with an eye to ensuring that the standards are attainable and not so burdensome as to hinder agility among the DOD components. Balance on that front will be key.

RESILIENT POSITION, NAVIGATION, AND TIMING

7. Senator REED. Mr. Sherman, in your answers to the Committee’s advance policy questions, in multiple places you cite your concern about the vulnerabilities of the Global Positioning System (GPS) and the need for DOD to develop and deploy alternative position, navigation, and timing (PNT) solutions that are robust and resilient. Will the modernization of GPS to the M-Code satellites and M-Code-enabled receivers resolve all the issues you see with GPS?

Mr. SHERMAN. I believe that modernizing the GPS enterprise to M-Code standards is a critical step towards ensuring PNT resiliency for the force. M-code replaces the legacy P(Y)-Code that DOD has used since GPS’ inception over 40 years ago, and M-Code will provide greater security and signal robustness to military GPS users in all mission areas and increased resistance to Navigation Warfare threats targeting the GPS signals in the near-term. However, I see the transition to M-Code as a necessary, but not sufficient, step to bolstering DOD’s PNT capabilities against peer and near-peer adversaries. In addition to keeping up the focus on the force-wide transition to M-Code, if confirmed I would also be a strong advocate for the continued development and deployment of alternative and complementary PNT sources. The threats are multi-faceted and the Department’s approaches to ensuring PNT must be as well.

8. Senator REED. Mr. Sherman, while the Military Services are developing modular systems to receive and process multiple PNT data sources, there are few actual alternative PNT data sources that are mature and in the process of being acquired or deployed by the Services, and yet near-term solutions need to be identified. What are your views about how to resolve this dilemma?

Mr. SHERMAN. I believe the Department is taking very seriously the need to identify, test, and deploy alternative and complementary sources of PNT. Strong partnerships within DOD’s PNT enterprise and the use of the modular open architecture approach (MOSA) are resulting in real capabilities that can help warfighters maintain mission even if GPS is jammed or spoofed. There is still much more to do on this front, however, and, if confirmed, I would work closely with the other stakeholders—to include USD(R&E), USD(A&S), the National Geospatial-Intelligence Agency, the Military Services, and others—to ensure that warfighters have diversity and resilience in their PNT suite of capabilities.

DOD365 PROGRAM

9. Senator REED. Mr. Sherman, as you noted in your answers to the Committee’s advance policy questions, the Department has chosen an enterprise-wide standard solution for cloud-based office functions through the Defense Enterprise Office Solution and Enterprise Software Agreement program (also known as the M365 pro-

gram). However, when it comes to the security of these functions, and the security of the overall network, the Department decided to economize, declining to procure the cybersecurity capabilities built into the M365 offering. The Navy is the only component in the Department that elected to buy most of the suite of capabilities offered as options on the contract. As a result, the other Services and the defense agencies will remain more vulnerable and will prolong DOD's efforts to implement a zero trust architecture and achieve an integrated, automated, and orchestrated cybersecurity posture. DOD will continue to be plagued by interoperability problems. Section 1612 of S.2792, the Committee's reported National Defense Authorization Act for fiscal year 2022, would require the Department to conduct a comparative analysis of the Defense Enterprise Office Solution and Enterprise Software Agreement with the current cybersecurity tools and capabilities across the enterprise. In your answers to the Committee's advance policy questions, there is the implication that the Navy's plan would serve as a sort of pilot or test of the relative benefits of each approach. Is that your intention, if confirmed?

Mr. SHERMAN. During the deployment of M365 in the Department, all tenant owners adhered to an effective cybersecurity baseline established by DOD CIO and US Cyber Command (USCYBERCOM). As part of this process, the Department of the Navy (DoN) chose to employ a higher-end option that they determined to be the best fit for their requirements and budget. If confirmed, I would ensure that the DoN's experiences, along with those of the other components, would all inform the work of moving the Department to a Zero Trust posture as well as any analyses directed in the Fiscal Year 2022 NDAA.

5G FUNDING

10. Senator REED. Mr. Sherman, in your answers to the Committee's advance policy questions, you indicated that substantial reductions to the Department's planned budget for 5G wireless network technology and applications would be detrimental across the range of DOD and national-level economic and security interests, including the transition of mature 5G and "next-G" technologies and applications developed under Research and Engineering auspices to CIO management. The Committee is concerned that DOD is not going to sustain previously planned investments. If confirmed, would you intend to promote robust 5G funding as a top priority?

Mr. SHERMAN. Yes. If confirmed, I would advocate for robust 5G funding to ensure DOD's capabilities in this area. I support the Department's research and development on secure applications of 5G that are crucial to mission-critical voice and data communication. In addition, I would coordinate smooth transitions of 5G technology developments from USD(R&E) to enterprise-wide adoptions overseen by DOD CIO as specified in Section 224 of the Fiscal Year 2021 NDAA.

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

OVERSIGHT OF SENIOR DOD OFFICIALS—SEXUAL ASSAULT AND SEXUAL HARASSMENT

11. Senator HIRONO. Mr. Sherman, as part of my responsibility as a member of the Senate Armed Services Committee and to ensure the fitness of nominees for appointment to senior positions within the Department of Defense (DOD), I ask the same two questions that I ask nominees to all of the committees on which I serve. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?

Mr. SHERMAN. No.

12. Senator HIRONO. Mr. Sherman, have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Mr. SHERMAN. No.

CYBER SECURITY PRIORITIES AND CHALLENGES

13. Senator HIRONO. Mr. Sherman, since you have had some experience in the position in an acting capacity, if confirmed what would be your top priorities as the Chief Information Officer?

Mr. SHERMAN. If confirmed, I would take steps to ensure the Department is postured to fight and win in a highly-contested, degraded, and high-threat environment against a sophisticated state adversary like China or Russia. One of my top priorities would be to implement Zero Trust, changing the cybersecurity paradigm from one of protecting perimeters to one that assumes adversary penetration of the net-

work and employs principles of micro-segmentation. Additionally, I would work with USD(A&S), the National Security Agency (NSA), the Military Services, the Joint Staff, and others to accelerate remediation efforts of cybersecurity vulnerabilities on key weapon systems—both fielded and those still in development—while also collaborating closely with USD(P&R) to recruit, train, and retain an increasingly diverse, agile, and capable workforce to meet the growing cybersecurity demands of the Department.

Additionally, I would prioritize the stand-up of JWCC, which is a priority requirement for Joint All-Domain Command and Control (JADC2), to provide a modern multi-cloud capability at all three security levels, from the Continental United States to the tactical edge. I would also accelerate the modernization and resiliency of critical PNT capabilities, to include GPS M-Code transition and development and deployment of alternate/complementary PNT sources. Finally, I would work with DOD components, Executive Branch departments, Congress, and industry to ensure warfighter access to critical electromagnetic spectrum capabilities, while also identifying opportunities to help strengthen US 5G advantage in ways that do not degrade or interfere with GPS and other vital means of PNT.

14. Senator HIRONO. Mr. Sherman, what are some challenges you see the Department facing as cyber security threats continue to arise from Russia, China, and other adversaries?

Mr. SHERMAN. In my view, one of the major issues that the Department must address immediately involves the remediation of known cyber vulnerabilities in key weapon systems that would be critical in operations against Russia, China, or other adversaries. Additionally, ensuring achievable cybersecurity in the Defense Industrial Base, particularly with small and medium-size companies—which are vital to DOD's success but often the first target for an adversary—must be a priority. This “whole of enterprise” approach must also extend to other parts of the DOD, especially in areas like industrial control/supervisory control and data acquisition (SCADA) systems, which can represent a vulnerable “back door” to an enterprise if not secured with the same thoroughness as other parts of the network. Finally, DOD's necessary move towards more managed services and the adversaries' resulting focus on commercial capabilities will require the Department to be even more diligent in pushing for holistic testing and evaluation of these technologies, both prior to deployment and during sustainment activities.

15. Senator HIRONO. Mr. Sherman, a senior Air Force information security official publicly resigned in September, citing what he described as the Pentagon's reluctance to make cybersecurity and artificial intelligence a priority—he described the Department's cyber defense ability as “kindergarten level” and no match for China's capabilities. How would you respond to that allegation?

Mr. SHERMAN. I respect the contributions and views of this former official, but strongly disagree with his assertion on this point. Although there will always be opportunities to bolster the Department's cybersecurity capabilities—such as through the implementation of Zero Trust, prompt remediation of weapon system cyber vulnerabilities, and rigorous testing of new technologies and services—DOD is a leader in the Federal government in terms of protecting its enterprise against cyber threats. If confirmed, I would move with alacrity in leading the push to even stronger cybersecurity through constant improvements, and by building upon the already robust partnerships between DOD CIO and USCYBERCOM/Joint Force Headquarters-Department of Defense Information Networks (JFHQ-DODIN), NSA, the Military Departments, the Director of Operational Testing and Evaluation (DOT&E), and many others.

In later comments, this official has also noted that the US must move with the utmost speed to stay ahead of the China pacing threat. I completely agree with that point and, if confirmed, plan to instill a sense of urgency in preparing the Department's IT and cyber capabilities to stand up to even the most sophisticated adversaries.

QUESTIONS SUBMITTED BY SENATOR TIM KAINE

SPECTRUM INTERFERENCE

16. Senator KAINE. Mr. Sherman, the Fiscal Year 2021 National Defense Authorization Act included a provision, section 1664, requiring DOD provide an estimate of damages associated with harmful interference resulting from Federal Communications Commission (FCC) Order 20-48 to the Global Positioning System of the

Department. Additionally, the Department—according to section 1661 of the Fiscal Year 2021 NDAA—was also expected to exchange technical information with Ligado Networks in an effort to identify specific receivers potentially requiring upgrading or replacement. If confirmed, could you provide an update on the status regarding the fiscal year 2021 provisions and ensure that the Department satisfies these Congressional mandates?

Mr. SHERMAN. Yes. If confirmed, I will ensure the Department is responsive and fulfills Congressional requirements. I understand that the Department is currently working towards ensuring these provisions are fulfilled.

17. Senator KAINE. Mr. Sherman, both Congress and the FCC envisioned and expected that the Department of Defense and Reston, Virginia-based Ligado Networks would engage toward efforts to resolve any technical issues regarding the Federal Communications Commission's Ligado approval. Have you or anyone within your office responded to Ligado requests to meet following the FCC's April 2020 Order?

Mr. SHERMAN. I have not met with Ligado and I understand that the Department has informed Ligado that the DOD and Ligado are unable to communicate on this topic while the National Telecommunications and Information Administration's (NTIA's) petition for reconsideration regarding FCC's Order 20–48 is pending. Of note, per Section 1662 of the Fiscal Year 2021 NDAA, DOD has funded a study by the National Academy of Sciences, Engineering, and Medicine to provide an independent technical assessment of FCC's Order 20–48.

QUESTIONS SUBMITTED BY SENATOR ANGUS S. KING, JR.

SPECTRUM

18. Senator KING. Mr. Sherman, there is considerable concern amongst some of my colleagues and I about the auction of the 3.10 to 3.45 megahertz band given the sheer number of critical Department of Defense systems currently utilizing it. I have been told the cost estimate is \$60 to 80 billion to either vacate or share within the band itself. But the main issue really is not the money, but the readiness impacts that it would cause across the Armed Forces. Even if it is possible, it would take many years to reconfigure the large radar systems currently in service at the depots for aircraft or dockyards for ships. Can you please tell us how serious this is and what actions you might do if confirmed to mitigate these concerns?

Mr. SHERMAN. I believe that ensuring spectrum availability for DOD needs in the mid-band, especially between 3.1 to 3.45 megahertz (MHz), is a critical priority and will require attention by all stakeholders to ensure both warfighting capabilities as well as advantages for US 5G dominance. With DOD's recent efforts to vacate other parts of the spectrum, such as with the activities of last year's America's Mid-Band Initiative Team (AMBIT), the criticality of the 3.1 to 3.45 MHz band has only increased given the number of DOD capabilities operating in that range. Accordingly, advocating for a spectrum sharing paradigm—vice one based on outright vacating—would be a priority of mine if confirmed, and I would look forward to working with Congress, Executive Branch stakeholders, other parts of DOD, and industry to enable this outcome.

QUESTIONS SUBMITTED BY SENATOR GARY C. PETERS

FEDERAL CONTRACTING

19. Senator PETERS. Mr. Sherman, I have heard from constituents that contracting with the Department is rather difficult for startups or companies that don't traditionally fit into the defense industrial base. How will you ensure that our war fighters receive the best technology and products in the market whether they are developed from the defense industrial base or two PhD computer scientists in a garage in Tulsa?

Mr. SHERMAN. I believe that small and medium-sized businesses are the backbone of our economy. If confirmed, I would work with my colleagues across the Department, especially in USD(A&S), to do whatever we can to reduce burdensome requirements that cause barriers of entry for small businesses. Innovation at every level is critical to ensuring that our warfighters receive the best technology possible, whether it's from a 25-person company in the Midwest or a corporation with thousands of employees elsewhere in the nation.

20. Senator PETERS. Mr. Sherman, for technology procurement in particular, I am told that requirements such as Cybersecurity Maturity Model Certification (CMMC), or Impact Level 4 or 5 are real barriers to small companies—how would you respond?

Mr. SHERMAN. The Department recently completed an internal review of CMMC that included the identification of opportunities to lower the cost of implementation for small businesses. Based on the conclusions of that review, the Department announced “CMMC 2.0,” which will streamline and simplify the CMMC framework, thereby significantly reducing costs for small businesses. If confirmed, I look forward to working with USD(A&S) and other stakeholders in implementing this updated CMMC approach, with an ongoing focus on how its requirements are impacting small and mid-size companies.

21. Senator PETERS. Mr. Sherman, many technology companies have to go through the General Services Administration’s (GSA) FedRAMP [Federal Risk and Authorization Management Program] process to be approved as a government information technology (IT) vendor, and then have to go through the DOD’s Impact Level process. Do you believe these processes should have reciprocity? Why or why not?

Mr. SHERMAN. I believe there should be reciprocity and symmetry wherever possible, to include between FedRAMP and the DOD Impact Level process. Put simply, I would always seek to streamline the Department’s ability to acquire cutting-edge technology—which will be so necessary for our warfighters to stay ahead of China and others—and would also work to ensure that cybersecurity standards are met. I’m confident the Department can do both, and, if confirmed, would press to ensure these processes both make sense for industry partners and preserve necessary cybersecurity for DOD systems and data.

PATHOLOGY DIGITIZATION EFFORTS

22. Senator PETERS. Mr. Sherman, on March 4, 2020, the Defense Innovation Board issued a report entitled, “Defense Innovation Board Joint Pathology Center (JPC) Repository Enhancement.” The report states that if the JPC’s repository is “leveraged to its fullest potential, it would advance diagnosis and treatment for thousands of illnesses, saving lives across the Department and the global population . . .” What is your plan to leverage the repository?

Mr. SHERMAN. From a data management and availability perspective, the JPC data repository represents an exciting opportunity for DOD to share this resource with US institutions and the world. If confirmed, I would engage with the Director of the JPC to determine how DOD CIO can help to ensure this repository is appropriately leveraged.

23. Senator PETERS. Mr. Sherman, in the DOD’s Joint Pathology Center, there are tens of millions of slides that could be digitized, and used to build an artificial intelligence (AI) model to more easily and accurately detect cancer. This would vastly improve the lives of our men and women in uniform, and in fact all of our citizens. This treasure trove of data would allow our country to take an important biotechnology leadership position on the world stage. Other than two small contracts that the Department has let that seem to be accomplishing nothing at any rapid rate, this vision is completely unfulfilled. What will you do to accelerate this, to rapidly realize the vision outlined in this report?

Mr. SHERMAN. If confirmed, I would work to ensure that the promise of JPC’s data to help detect cancer and other address other priorities would be fully realized. In this effort, I would build upon the work that I understand is already underway involving several components to field data management fundamentals critical for the implementation of AI capabilities. For example, the Joint AI Center (JAIC) and Defense Innovation Unit (DIU) have worked together to develop an augmented reality microscope for cancer detection on pathology slides, while the Defense Digital Service (DDS) has also been engaged with JPC on digitization of pathology samples. As CIO, if confirmed, I would bring all the entities together to ensure unity of effort and availability of the Department’s IT resources for projects involving JPC’s data.

QUESTIONS SUBMITTED BY SENATOR JACKY ROSEN

CYBERSECURITY

24. Senator ROSEN. Mr. Sherman, if confirmed, what are the proactive steps you will take to enhance the cybersecurity posture of the Department of Defense’s most critical systems, including through workforce investments?

Mr. SHERMAN. If confirmed, I would seek to strengthen and accelerate efforts with USD(A&S), NSA, the Services, Joint Staff, and USD(P)/PCA to ensure that weapon systems and defense critical infrastructure are capable of operating in a cyber-contested environment across the acquisition lifecycle. Further, I would drive the enterprise towards a Zero Trust footing by continued deployment of enterprise Identity, Credential, and Access Management (ICAM), and standing up a Zero Trust Portfolio Management office within DOD CIO.

To enhance the posture of the cyber workforce, including those responsible for cybersecurity activities, I would continue development and implementation of the DOD Cyber Workforce Framework (DCWF). The DCWF allows the Department to track and develop its cyber workforce based on skill requirements. This process, coupled with the Cyber Excepted Service (CES), allows for targeted recruitment and retention across the total force (civilian, military and contractors). I would also oversee the drafting and publication of a new Cyber Workforce Strategy that would focus on ways that the Department could better compete for and develop diverse and capable talent in an increasingly competitive environment.

25. Senator ROSEN. Mr. Sherman, if confirmed, how will you ensure DOD has access to the cyber personnel needed to defend its networks from attacks and launch offensive operations?

Mr. SHERMAN. The Department must focus on ensuring it has the right capabilities to achieve superiority when conducting defensive and offensive missions in the cyberspace domain. If confirmed, I would work with our OSD (especially USD(P&R)), USCYBERCOM, and Military Service partners to implement the DCWF. This, in conjunction with the DOD 8140 policy series and the CES, provides the policies and mechanisms needed to meet current missions along with the agility to adapt to future missions.

26. Senator ROSEN. Mr. Sherman, can you speak to the positive impact of a capable and nimble cyber workforce on readiness, and thus national security?

Mr. SHERMAN. I believe that traditional workforce models, where those in high-demand skillsets stay to work at DOD for a decades-long career, will be increasingly less applicable. Indeed, there might be instances in fields such as a data science where careers that include government service and private sector employment are not only desirable, but actually an imperative in order for specialists to keep their skills honed. If confirmed, I would ensure these considerations feature prominently in a new Cyber Workforce Strategy, which would be based on an overriding theme that successful cybersecurity will require different approaches on talent, recruitment sources, degree requirements, and other factors.

27. Senator ROSEN. Mr. Sherman, how might supplementing existing DOD personnel with additional cyber capacity be of value to the national security enterprise, especially when responding to a significant cyber incident?

Mr. SHERMAN. Additional capacity, such as from the National Guard and Reserves, has contributed and will continue to add to DOD's ability to respond to cyber incidents. If confirmed, I would work closely with GEN Paul Nakasone in his role as Commander, USCYBERCOM, to provide inputs to his oversight of the broad array of Cyber Operations Forces that are critical to proactive defense against cyber threats. Also, I would work closely with interagency partners, such as at the Department of Homeland Security, Intelligence Community, and elsewhere, to ensure effective teaming against national security cyber threats.

EMERGING TECHNOLOGIES

28. Senator ROSEN. Mr. Sherman, a recent report from the National Security Commission on Artificial Intelligence (AI) highlights the risks of the United States failing to compete in the AI era and presents a strategy to defend against AI threats, responsibly employ AI for national security, and win the broader technology competition. How can the Department leverage AI using this report's recommendations to support DOD's information enterprise?

Mr. SHERMAN. I commend the National Security Commission on Artificial Intelligence for their excellent report. One of the most important contributions in the report is its focus on the enterprise infrastructure and foundational IT required to integrate AI across the Department and help secure competitive military advantage. Developing, testing, and fielding AI at scale is not possible without that technical backbone in place, and the Commission has provided a number of recommendations to help us achieve this goal. Ideas such as a secure data architecture, packaged AI environments, a marketplace of shared AI resources, and modern governance struc-

tures and procedures will form the digital ecosystem that the Commission describes. I understand that DOD CIO has already taken a number of steps to provide the foundation upon which this ecosystem will be built, by pursuing the JWCC and by scaling network infrastructure across the enterprise. If confirmed, I would continue to be a leading voice in bringing the Commission's recommendations to fruition.

29. Senator ROSEN. Mr. Sherman, if confirmed, what other emerging technologies will you encourage DOD to prioritize in its research and development (R&D) and procurement activities?

Mr. SHERMAN. In addition to AI-empowered technologies, if confirmed, I would work closely with USD(R&E) and others to ensure DOD pursues a leadership position in the research and development of technologies that enable Zero Trust. I would also advocate for technologies that advance and increase network bandwidth, such as the integration of additional low-earth orbit (LEO) satellite communications to further complement terrestrial capabilities. As network traffic continues to increase, I believe that more research into improving data compression algorithms would also greatly benefit the information enterprise. Finally, I would advocate strongly for additional progress on capabilities to provide alternative and complementary PNT sources.

30. Senator ROSEN. Mr. Sherman, if confirmed, how would you work to identify commercial, off-the-shelf innovations that have potential national security applications, and how could you bring them to scale?

Mr. SHERMAN. If confirmed, I would leverage established processes and governance, such as the Software Modernization Senior Steering Group (SSG), to identify and scale commercial, off-the-shelf (COTS) technology. The Software Modernization SSG is a cross-functional team chaired by senior leaders in DOD CIO, USD(A&S), and USD(R&E) charged with establishing technical and non-technical guidelines to accelerate adoption of modern software development technologies and cloud capabilities. The SSG is well-positioned to identify emerging technologies and identify roadblocks to adoption across the enterprise, and I believe it is an effective fulcrum for finding and deploying COTS software capabilities.

31. Senator ROSEN. Mr. Sherman, as part of the Department's Digital Modernization Strategy, how should DOD work to quickly replace vulnerable, outdated equipment with modern alternatives?

Mr. SHERMAN. In order to replace vulnerable and outdated equipment with modern alternatives, I believe that the Department should continue with its efforts to transition capabilities to the cloud, embrace a software-as-a-service (SaaS) model, and implement software-defined networking. DOD should also continue to update acquisition strategies with a revised software acquisition pathway to enable acceleration of modernization efforts.

32. Senator ROSEN. Mr. Sherman, what would funding information technology modernization do to reduce vulnerabilities and improve our response to cyber-attacks?

Mr. SHERMAN. I believe that funding IT modernization would allow the Department to accelerate adoption of a Zero Trust architecture and provide a quick reaction capability to respond to cybersecurity vulnerabilities and attacks. IT modernization also allows the Department to transition from historic software development models to a development, security, and operations (DevSecOps) model, which allows for agile system iterations.

33. Senator ROSEN. Mr. Sherman, in your view, how can DOD reform its budgeting, programming, and acquisition process to accelerate IT acquisition?

Mr. SHERMAN. I believe that the Department's budgeting, programming, and acquisition processes are well-aligned overall to meet the Department's mission. One area that I think merits consideration involves greater latitude to utilize the current Research, Development, Test and Evaluation (RDT&E) Budget Activity (BA) 8 Software and Digital Technology Pilot to provide enhanced financial flexibility for digital modernization activities.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

CLOUD AND INFORMATION TECHNOLOGY CAPABILITIES

34. Senator INHOFE. Mr. Sherman, how will the Department quickly stand up a secure, classified outside of the Continental United States (OCONUS) cloud capability, which is critical to meeting the Department's Joint All-Domain Command and Control (JADC2) objectives?

Mr. SHERMAN. I believe the Department will be able to quickly stand up secure, classified cloud capabilities in overseas settings by implementing the objectives outlined in the recent DOD OCONUS Cloud Strategy, which puts the strategic focus of the DOD's cloud computing on supporting forward-deployed units in tactical settings. This strategy recognizes the challenges of operating at the tactical edge, which has been a challenge for traditional cloud ecosystem. It includes three major tenets: (1) the modernization of in-theater communication networks; (2) the deployment of cloud compute at the edge; and, (3) the recruitment, retention, and training of talent to employ these technologies. If confirmed, I would ensure implementation of these objectives so that our warfighters have the technological capabilities, especially modern cloud computing, required to fulfill their OCONUS missions.

35. Senator INHOFE. Mr. Sherman, how will the Department address data sovereignty issues surrounding OCONUS cloud?

Mr. SHERMAN. Data sovereignty remains a challenging issue with regards to the OCONUS cloud way-ahead, given that DOD data must remain under US legal jurisdiction. Other countries have laws in place that allow their governments to require cloud service providers (CSPs) to disclose customer data, and, in some cases, CSPs are legally barred from notifying the customer that their information has been provided to an outside entity. I believe the best course of action is to ensure that OCONUS cloud data is hosted within the boundaries of the United States, US territories, or geographic locations where there is US jurisdiction, and this data hosting requirement will need to be squared with cloud computing capabilities at the tactical edge. A tall order to be sure, but one that I'm committed to addressing with the DOD Chief Data Officer (CDO) and others.

36. Senator INHOFE. Mr. Sherman, how will DOD drive Department-wide adoption of Identity Credentialing and Access Management (ICAM)?

Mr. SHERMAN. Implementation and adoption of enterprise ICAM services is critical for the Department to achieve modernization and security goals, especially Zero Trust. If confirmed, I would ensure that enterprise ICAM is affordable and available across the DOD to all components. Further, I would ensure any federated ICAM architectures, which will likely be required while an enterprise capability is being tested and rolled out, will be effectively integrated and interoperable. This is a topic on which I spent much time during my three years as the Intelligence Community CIO, with extensive engagement on standards and buy-in due to ICAM's criticality for security in the broader enterprise. If confirmed, I plan to leverage this experience to ensure that DOD is able to implement ICAM successfully and at scale.

37. Senator INHOFE. Mr. Sherman, how will the Department leverage ICAM to drive to a Zero Trust Architecture?

Mr. SHERMAN. Identity management, multifactor authentication, and dynamic access are foundational ICAM capabilities needed to implement a Zero Trust architecture. ICAM is the first line of defense to confirm identity, verify need, and authorize access to data. Zero Trust will actively incorporate and employ DOD ICAM services. For example, if an enterprise credential is stolen or compromised, revocation of the credential will prevent its use, minimizing or eliminating loss or degradation of our systems and networks. Continuous authentication, one of the key elements of a Zero Trust architecture, relies on the ability to link an authenticated user to that individual's identity attributes to support real-time access decisions, enabling secure information sharing.

38. Senator INHOFE. Mr. Sherman, in the context of initiatives to consolidate information technology (IT) contracts, which are critical to lower costs, what other DOD IT consolidation efforts are planned to realize similar savings?

Mr. SHERMAN. I understand that DOD CIO is leading two major IT consolidation efforts. These include the Fourth Estate Network Optimization ("4ENO"), which is targeted to Defense Agencies and Field Activities, and the Data Center Optimization Initiative, which is being implemented across the full DOD enterprise. While 4ENO consolidates service desks and networks, driving efficiencies and increased perform-

ance, the Data Center Optimization is intended to drive efficiency, performance, security, and affordability in the domain of data storage and compute. In addition to these DOD CIO-led activities, I'm aware of Military Department-led initiatives, such as the DoN's "Operation Cattle Drive," which also aims to increase efficiency by eliminating older and/or redundant systems. If confirmed, I would not only keep up the focus on the successful DOD CIO-led projects, but also seek to capitalize and build upon worthy initiatives being undertaken in the Military Departments and elsewhere.

QUESTIONS SUBMITTED BY SENATOR THOM TILLIS

END POINT SECURITY

39. Senator TILLIS. Mr. Sherman, what is the overall strategy and timeline for delivering next-generation endpoint security across the .mil domain?

Mr. SHERMAN. It is my understanding that the Department is finalizing the DOD Endpoint Security Strategy, which outlines a new approach for endpoint security, leverages industry advancements, and protects endpoints from evolving threats. The overall goal of the strategy is to provide operational flexibility to enable agile, interoperable and resilient cyber endpoint defenses via a data-centric approach for endpoint security solutions. The Strategy describes the goals and high-level architecture of the desired endpoint security end state to be achieved by fiscal year 2025.

SECURITY OPERATIONS CENTERS AND CYBERSECURITY SERVICE PROVIDERS PILOT PROGRAM

40. Senator TILLIS. Mr. Sherman, recall section 1733 of the Fiscal Year 2021 NDAA, which tasks the Office of the Chief Information Officer (CIO) to "conduct a pilot program to assess the feasibility and advisability of developing and using speed-based metrics to measure the performance and effectiveness of security operations centers and cyber security service providers in the Department of Defense." Do you commit to meeting obligations and reporting deadlines outlined in that requirement?

Mr. SHERMAN. Yes. If confirmed, I will ensure the Department is responsive and fulfills Congressional requirements. I understand that the Department is currently working towards ensuring these provisions are fulfilled.

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

CYBER VULNERABILITIES

41. Senator BLACKBURN. Mr. Sherman, some of our development of next-generation weapons systems vehicles involve an interconnectedness between two or more platforms that is truly unprecedented. How are we going to ever harden them, defend them, and even instrument them, from a cyber-standpoint?

Mr. SHERMAN. In my judgement, every military capability must include within its requirements a cyber-survivability performance parameter, which will be addressed during research, design, development, test, and in all subsequent modernization, upgrades, and sustainment activities. Cybersecurity of the systems is a key focus for both developmental and operational testing, which includes adversarial-level penetration testing, or red-teaming. If confirmed, I would work with USD(A&S), the Military Services, DOT&E, and others to ensure these considerations remain front and center with regards to weapon systems cybersecurity.

42. Senator BLACKBURN. Mr. Sherman, are we adequately assessing weapons platforms and relevant systems holistically (i.e. from an enemy or red-cell perspective)?

Mr. SHERMAN. Yes, I believe that DOD is adequately assessing weapon platforms and relevant systems. Both the Defense Intelligence Enterprise and Military Services conduct assessments, and the Services are currently implementing mitigations for cyber vulnerabilities on critical weapon platforms and systems. Moreover, it is my understanding that the Department prioritized mitigation for critical warfighting systems to ensure that cyber-hardening efforts meet the needs of Combatant Commanders.

43. Senator BLACKBURN. Mr. Sherman, do you believe there is legitimacy along the procurement path to task qualified individuals to "disrupt," "exploit," or "sabotage" any joint force or service procured weapons systems to fully understand the vulnerabilities of the networks that underpin these assets?

Mr. SHERMAN. Yes. I believe there are benefits to be gained during the procurement of a DOD system to have a red team actively seek cyber vulnerabilities. If confirmed, I would support DOT&E's use of cyber red teams to discover vulnerabilities both through operational testing of acquisition programs and in assessments conducted during training exercises.

JOINT WARFIGHTER CLOUD CAPABILITY

44. Senator BLACKBURN. Mr. Sherman, do you have a plan to solve the Disconnected, Disrupted, Intermittent and Delayed (DDIL) environments?

Mr. SHERMAN. If confirmed, addressing DDIL challenges would be among my top priorities given how important it will be for US military operations in distant, highly-contested combat environments. Given DDIL's complexity, I believe that solving it should involve a mix of capabilities and approaches, to include mitigation, redundancy, architectural resiliency, and the adoption of advancements in technology. Evaluation of CSP global network fabrics with advanced tactical edge cloud capabilities will also be critical. I'm aware of the work that the DoN (especially the Marine Corps) has done in this area to push vendors to think more holistically about solutions for DDIL. If confirmed, I would seek to build on these engagements, and further press CSPs and others to come up with solutions—many of which might have applicability in several industry sectors as well—to answer DOD's needs in this critical space. Finally, I'm confident that USD(R&E)/DARPA, DIU, and other DOD research and engineering centers can help solve this challenge, and I plan to enlist their help accordingly.

45. Senator BLACKBURN. Mr. Sherman, can you identify potential pitfalls created by these DDIL environments?

Mr. SHERMAN. I believe that DDIL environments will create significant challenges that DOD must solve to ensure effective Joint Warfighting operations. The outgoing Vice Chairman and others have noted that US and Coalition warfighters must be prepared to fight "disconnected" at times in areas like the Indo-Pacific, and then "reconnect" to the network when possible. If confirmed as CIO, I see my job as providing solutions to significantly reduce (or even eliminate) the amount of time that units must fight disconnected. New solutions, to include modern mesh networks, LEO constellations, 5G/Next-G, resilient terrestrial transport, and cybersecurity based on Zero Trust, all must be priorities to provide redundancy and resilience. Put another way, data-informed decision advantage will be critical in operations against a peer or near-peer adversary. Our adversaries know this and will do whatever they can to disrupt this information flow, and hindering their ability to do so must be a top priority for CIO and partners in the rest of the DOD digital enterprise.

QUESTIONS SUBMITTED BY SENATOR JOSH HAWLEY

CONCERN WITH CONCENTRATING MARKET POWER IN THE INDUSTRIAL BASE

46. Senator HAWLEY. Mr. Sherman, the Department of Defense has long struggled with consolidation in the industrial base, and we're seeing this problem now with emerging technologies, where just a few large companies own a lot of the technology or can buy it up. Do you agree that concentrating market power in just a handful of companies like Google, Microsoft, Facebook, and Amazon makes it harder for competition to occur and spur innovation, especially as it relates to information technologies?

Mr. SHERMAN. I believe that the US technology sector, from the largest companies to some of the smallest, represent a national advantage vis-à-vis China and other nations. Having said that, too much consolidation in any one sector can be a cause for concern. If confirmed, I would work with USD(A&S), USD(R&E), and others to ensure that we hear from the broadest range of voices and ideas, especially to include small and medium-size business, which I believe are the ultimate backbone of the US economy. There are certain capabilities that only larger companies can bring to bear at the scale needed by DOD, but I strongly believe there is impressive innovation occurring all across US industry that the Department must leverage.

47. Senator HAWLEY. Mr. Sherman, how can we ensure a robust and competitive market for emerging technologies—especially in the information space—that isn't dominated by a few big firms?

Mr. SHERMAN. I believe that maximizing DOD's investment and engagement with small business must remain a top priority to inspire innovation. Intentional support of innovative small businesses and cutting-edge academic research drives a robust

market for emerging technologies. The DOD must prioritize access to emerging innovations, with a constant focus on ideas emerging across the entire spectrum of sources—from the 25-person company to the well-established CSP. If confirmed, I would work to ensure we keep the door open to all.

[The nomination reference of Mr. John B. Sherman, follows:]

NOMINATION REFERENCE AND REPORT

PN1152

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 20, 2021.

Ordered, That the following nomination be referred to the Committee on Armed Services:

John Bradley Sherman, of Texas, to be Chief Information Officer of the Department of Defense, vice Dana S. Deasy.

_____, 2021.
(Date)

Reported by Mr. Reed _____
(Signature)

with the recommendation that the nomination be confirmed.

☐ The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

[The biographical sketch of Mr. John B. Sherman, which was transmitted to the Committee at the time the nomination was referred, follows:]

Bio
John B. Sherman

Education:

- University of Houston
 - May 1995 to December 2006
 - Master's in Public Administration
- Texas A&M University
 - August 1988 to December 1992
 - Bachelor of Arts in History

Employment Record:

List all jobs held since college including title or description of job, name of employer, location of work, and dates of employment.

- U.S. Army
 - Air Defense Artillery officer
 - Fort Bliss, El Paso, TX, and Fort Stewart, Hinesville, GA
 - January 1993 to April 1995
- Central Intelligence Agency (CIA)
 - Imagery analyst, branch chief, Korea Issue Manager (detailed to National Geospatial Intelligence Agency, NGA) and White House Situation Room duty officer (detailed to National Security Council)
 - CIA HQ, McLean, VA, Washington Navy Yard, and White House
 - January 1997 to August 2004
- Office of Director of National Intelligence (ODNI) (initially detailed from CIA/NGA, and then briefly as ODNI cadre)
 - Deputy National Intelligence Office for Military Issues
 - CIA HQ, McLean, VA
 - August 2004 to April 2007
- NGA (staff)
 - Deputy Director, Office of International Affairs and Policy; Director, Source Operations; Director, Office of the Americas; Deputy Director, Analysis Directorate; Director, Strategic Operations
 - NGA HQ, Bethesda, MD; Fort Belvoir, VA
 - April 2007 to August 2014
- CIA (initially as on detail from NGA, and then converted back to CIA staff)
 - Deputy Director, Open Source Enterprise
 - Reston, VA
 - August 2014 to September 2017

- ODNI (on detail from CIA)
 - Intelligence Community Chief Information Officer (CIO)
 - Bethesda, MD
 - September 2017 to June 2020
- Department of Defense (on detail from CIA)
 - DoD Principal Deputy CIO and Acting CIO
 - The Pentagon, Arlington, VA
 - June 2020 to September 2021

Honors and Awards:

- Military Awards: Army Commendation Medal, Army Achievement Medal
- Federal Civilian Awards: Distinguished Presidential Rank Award, Meritorious Presidential Rank Award, DIA Director's Award, CIA Intelligence Medal of Merit, Secretary of Defense Medal for Meritorious Civilian Service, NGA Meritorious Civilian Service Medal
- Academic Awards: N/A
- Other Awards: Canadian Chief of Defence Intelligence Medallion (for fostering cooperation between NGA and Canadian counterpart organizations)

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Mr. John B. Sherman in connection with his nomination follows:]

117th CONGRESS, 2020 -- 2021
UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES
ROOM SR-228
WASHINGTON, D.C. 20510-6050
(202) 224-3871

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE
INFORMATION REQUESTED OF CIVILIAN NOMINEES

INSTRUCTIONS TO THE NOMINEE: Answer all questions and provide all requested information. If more space is needed, attach an additional sheet of paper to the Questionnaire and cite the part of the Questionnaire and the question number (e.g., A-9, B-4) to which the continuation of your answer applies. Unless otherwise required, an answer of "yes", "no", or "not applicable" is appropriate.

QUESTIONNAIRE, PART A

NOTE: Information furnished in this part of the Questionnaire will be made available in Committee offices for public inspection prior to the hearing, if any, and will be entered in the hearing record, also available to the public.

BIOGRAPHICAL INFORMATION TO BE MADE PUBLIC

1. **Name (Include any former names you have used):** John Bradley Sherman
2. **Position to which nominated:** Department of Defense Chief Information Officer
3. **Date of nomination:** 20 September 2021
4. **Education (List names of secondary and higher education institution attended, type of school [vocational, technical, trade school, college, university, military college, correspondence, distance, extension, and on-line], dates attended, degree received, and date degree granted):**
 - Bachelor of Arts in History, Texas A&M University (December 1992)
 - Master's of Public Administration, University of Houston (December 1996)

5. **Employment record (List all jobs held since college, or in the last 10 years, whichever is less, including the title or description of the job, name of employer, location of work, and dates of employment. If the employment activity was military duty, show each change of military duty station as a separate period of employment):**
 - Department of Defense (DoD) Acting Chief Information Officer, January 2021-September 2021
 - DoD Principal Deputy Chief Information Officer, June 2020-January 2021
 - Intelligence Community Chief Information Officer, Office of Director of National Intelligence, September 2017-June 2020
 - Deputy Director, Central Intelligence Agency Open Source Enterprise, August 2014-September 2017
 - Director, National Geospatial-Intelligence Agency (NGA) Strategic Operations, June 2013-August 2014
 - Deputy Director, NGA Analysis Directorate, April 2012-June 2013
 - Director, NGA Office of the Americas, May 2011-April 2012
6. **Government experience (List any advisory, consultative, honorary, and other part-time service or positions with Federal, State, or local governments, other than those listed in response to question 5, above):**
Please see above
7. **Business relationships (List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, and of any educational or other institution):** N/A
8. **Memberships (List all memberships and offices that you currently hold, as well as any memberships and offices you have previously held in professional, fraternal, scholarly, civic, business, charitable and other organizations):** N/A
9. **Political affiliations and activities:**
 - a. **If you have ever been a candidate for, or have been elected or appointed to a political office, list the name of the office(s); whether you were a candidate/elected/appointed; the year(s) during which you were a candidate, or in which the election was held or the appointment was made; and the term of office (if applicable):** N/A
 - b. **List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years:** N/A

c. Itemize all individual political contributions of \$100 or more to any individual, campaign organization, political party, political action committee, or similar entity during the past 5 years. List each individual contribution (not the total amount contributed to the person or entity) over this period: N/A

10. **Honors and awards (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition received for outstanding service or achievements):**
 - Distinguished Presidential Rank Award (2019)
 - Meritorious Presidential Rank Award (2016)
 - Defense Intelligence Agency Director's Award (2020)
 - CIA Intelligence Medal of Merit (2003)
 - Secretary of Defense Medal for Meritorious Civilian Service (2020)
 - NGA Meritorious Civilian Service Medal (2014)
 - Canadian Chief of Defence Intelligence Medallion (2010)
11. **Published writings (List the titles, publishers, and dates of books, articles, reports, or other published materials that you have written or for which you served as co-author or editor, including articles and blogs published on the internet):** N/A
12. **Speeches (Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years—of which you have copies—in which you addressed matters relevant to the position to which you have been nominated).** Attached.

COMMITMENTS IN FURTHERANCE OF CONGRESSIONAL OVERSIGHT

NOTE: In order to exercise their legislative and oversight responsibilities, it is important that this Committee, its subcommittees, and other appropriate committees of Congress timely receive testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch. A simple “yes” or “no” response is appropriate.

13. **Do you agree, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate Committees of Congress?** Yes
14. **Do you agree, if confirmed, to provide this Committee, its subcommittees,**

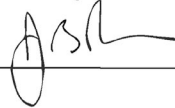
other appropriate Committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so timely? Yes

15. Do you agree, if confirmed, to consult with this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Yes
16. Do you agree, if confirmed, to keep this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Yes
17. Do you agree, if confirmed, and on request, to provide this Committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? Yes
18. Do you agree, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this Committee? Yes
19. Do you agree, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress? Yes

[The nominee responded to Parts B-F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B-F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed Parts A and B of the foregoing Senate Armed Services Committee Questionnaire, and that the information provided therein and in any document appended thereto, is, to the best of my knowledge and belief, current, accurate, and complete.



This 15th day of OCTOBER, 20 21

[The nomination of Mr. John B. Sherman was reported to the Senate by Chairman Reed on December 8, 2021, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on December 14, 2021.]

[Prepared questions submitted to Mr. Ashish S. Vazirani by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSESDUTIES AND QUALIFICATIONS

Question. Section 137a of title 10, U.S. Code, establishes the position of the Deputy Under Secretary of Defense for Personnel and Readiness (DUSD(P&R)) and provides broad guidance as to the DUSD's duties and powers.

If confirmed as DUSD(P&R), what do you believe would be your most critical duties and responsibilities?

Answer. I believe the most critical duties and responsibilities are to ensure that we are meeting our obligations with respect to servicemembers, their families, and the civilian workforce of the Department. In particular, the Department must be focused on Secretary Austin's commitments to build a ready, diverse, and resilient force reflective of the Nation it serves. As Under Secretary Cisneros said when he appeared before the committee in July, "Caring for the people who make up the Department of Defense's total force is a sacred responsibility." I agree wholeheartedly and if confirmed, I plan to fully support the leadership in taking care of the people, which is the most critical factor to our readiness and national security.

Question. What is your understanding of the role of the DUSD(P&R) as "first assistant" to the Under Secretary of Defense for Personnel and Readiness (USD(P&R))?

Answer. If confirmed, as the first assistant to the Under Secretary for Personnel and Readiness, I believe my roles is to support and discharge the statutory and policy responsibilities of the office, promote and advance the Administration's values, the Secretary of Defense's priorities, and the Under Secretary's focus on recruiting and retaining a diverse force; cultivating an inclusive environment free of sexual assault, sexual harassment, prohibited discrimination, and other problematic behaviors; and promote through policy, oversight, and resource advocacy a ready and resilient force prepared to answer the national security challenges of today and the future. If confirmed, I commit to providing the Under Secretary and other Department leaders informed, candid, and pragmatic perspectives, recommendations, and advice as the first assistant, and be prepared to assume the duties of the USD(P&R) should I be called upon to do so.

Question. What leadership and management experience do you possess that you would apply to your service as DUSD(P&R), if confirmed?

Answer. I bring 35 years of leadership, management, progressive learning and increasing responsibility in the military, the private and non-profit sectors.

Foundational to my career are the seven years of Active military service I spent in the United States Navy, where I gained valuable leadership and management experience as a submarine officer, community manager and detailee.

Following graduate education in management and industrial design, I further developed management capabilities while leading organizations through significant transformations. I assisted global technology and pharmaceutical companies improve commercial (marketing and sales) planning and execution. I have significant expertise in strategic planning, having helped organizations identify their growth priorities and levers for growth, and then facilitating the prioritization of the most critical levers to drive impact. Driving change requires perspective to craft a vision, a willingness and capacity to make decisions informed by data and rigorous analysis, and the ability to form and motivate teams that can drive change; capabilities that I have developed. I have significant experience in organization design (structure and operations) developed through supporting my clients and through building consulting teams and organizations where I had responsibility for the people as well as profit and loss.

I translated my experience in the private sector to drive change and impact in the non-profit sector with a focus on supporting military families, a commitment I would maintain if confirmed. At the Armed Services YMCA I developed programs and partnerships to improve the well-being of junior enlisted military families. As the Executive Director and CEO of the National Military Family Association I led an organization focused on standing up for, supporting, and enhancing the quality of life for every military family through bold advocacy, innovative programming, and dynamic and responsive solutions. These experiences provided me with perspective regarding the opportunities and challenges of military life and the collaboration required to develop more complete solutions. I also served as a member of the National Academy of Sciences, Engineering and Medicine's Committee on the Well-Being of Military Families.

Question. Please provide an example of a situation in which you led and brought to conclusion a management improvement/change initiative in a large, complex organization.

Answer. An example of the application of these skills was an engagement with the world's leading software company. During the engagement, I led a client and consulting team that collaborated to craft the strategy and implement a global agency model to transform the company's direct marketing efforts. My team was responsible for the development of the 5-year relationship marketing strategy and supporting agency model, management of the agency selection process, and design and implementation of the operating model. The global agency model created more than \$100 million in savings in the first year, and the relationship marketing strategy improved marketing effectiveness as measured by campaign metrics and customer satisfaction.

Question. Specifically, what background and experience do you have that qualify you to provide advice and assistance to the USD(P&R) on military and civilian personnel matters in the DOD?

Answer. During my Active Duty service, I served as a personnel manager (detailee) for the Submarine and Nuclear Power community of the United States Navy. I would bring a warfighter's and community manager's mindset to the areas of military personnel matters. Following my career in the Navy, I worked in the professional services sector building teams of motivated, educated, and driven individuals to solve complex problems through use of data and analytics. As DOD works to build and sustain a Total Force that is ready to address threats in emerging warfare domains, I will be able to support the USD(P&R) on issues related to recruiting, training, education, health care, professional development, and retention.

Question. Specifically, what background and experience do you have that qualify you to provide advice and assistance to the USD(P&R) on matters of military readiness?

Answer. Military readiness has several critical components—defining readiness based on the requirements of the national defense strategy, developing force readiness, readiness evaluation, and readiness reporting.

I have worked with global organizations to assist them with definitions of readiness for their commercial organizations (sales and marketing) based on growth and profitability objectives, organization design, professional development programs, and the measurement of commercial readiness and productivity. If confirmed, I would translate this capability with a focus on military readiness to support the USD(P&R).

Question. Specifically, what background and experience do you have that qualify you to provide advice and assistance to the USD(P&R) on matters of health services?

Answer. During the early portion of my consulting career, I advised companies in the health care market. Providing impactful and actionable advice required me to understand the dynamics of the healthcare market place—prevalence of disease (acute and chronic), providers, payors, and patient populations. That experience will help me to advise the USD(P&R) and the ASD(HA) on issues related to health services for the military community (Active and Reserve components, retirees, and their families).

During the time I spent working with military service organizations (MSOs), I represented those organizations to the Defense Health Agency to provide the perspective of the military families.

Question. Specifically, what background and experience do you have that qualify you to provide advice and assistance to the USD(P&R) on Reserve component matters in the DOD?

Answer. My background and experience on Reserve component matters is limited to issues related to Reserve component military families and access to benefits based on Title 32 and Title 10 order status. If confirmed, this is an area that would require study to assist the USD(P&R).

Question. Are there any actions you would take to enhance your ability to perform the duties and exercise the powers of the DUSD(P&R)?

Answer. Education, learning and curiosity have been enablers of my success. An engineering background helped me develop a structured problem-solving approach and advanced analytic skills. Naval Nuclear Power and submarine training required that I develop a disciplined approach to learning to comprehend volumes of information at a rapid pace, and an ability to quickly diagnose complex operational issues. While the engineering background has equipped me with technical capabilities and skills, a graduate education in business and industrial design enabled me to apply my analytical expertise to a broader set of problems, thus allowing me to address strategic and management issues with a rigorous and disciplined approach.

If confirmed, to enhance my ability to perform the duties and exercise the powers of the DUSD(P&R) I would start by learning from experts within the Department, as well as experts outside the Department, including this Committee and other Committees, in both chambers of Congress. Based on those learnings, I would work with the USD(P&R) to prioritize areas for action and those for greater study.

Question. If confirmed, what specific duties might you expect the USD(P&R) to prescribe for you, particularly in light of the lines of effort set forth in the 2018 National Defense Strategy (NDS)?

Answer. I understand that the next National Defense Strategy is currently being developed, but the common thread in our nation's defense strategy and posture is our people—the soldiers, sailors, airmen, marines, guardians, their families, and the civilians that support them—who have committed to upholding the values and principles of our country. If confirmed, I look forward to helping the Under Secretary in his capacity as the principal advisor to the Secretary on all matters related to the health, welfare, and resiliency, of our personnel, and the readiness of our forces to fight not only today's wars, but also to be best positioned to respond to the threats of the future.

Question. If confirmed, are there any specific duties and powers you would recommend that the Under Secretary delegate to you, as his/her deputy?

Answer. Currently, I do not have enough familiarity with the distribution of duties and resources within the Office of the Under Secretary for Personnel and Readiness to speculate on the delegation of any specific duties. If confirmed, I look forward to garnering an appreciation of resource allocation and workload distribution in the organization, and will offer the Under Secretary candid advice and recommendations on the delegation of duties based on my professional expertise and management experiences.

MAJOR CHALLENGES AND PRIORITIES

Question. What do you consider to be the most significant challenges you would face if confirmed as the DUSD(P&R), and how would you address each of those challenges?

Answer. The contemporary challenges to readiness are significant—sexual assault, harassment, suicide, military spouse unemployment, COVID, and military family financial and food insecurity. We face challenges in recruitment and retention—shaping a defense community that reflects America and is comprised of diverse, effective teams with a range of skills in emerging domains, prepared for tomorrow's fight.

To meet these challenges and support the Total Force will require innovation: a willingness to ask and answer tough questions, rapidly test and learn, and scale so-

lutions. If confirmed, I will work closely with the USD(P&R), Service Secretaries and Secretary, and Congress, to care for the Total Force and our military families, to meet readiness requirements and achieve the President's national security objectives.

Question. What plans do you have for addressing each of these challenges, if confirmed?

Answer. As stated above, if confirmed I would work with experts and leaders within the Department, Congress, and external stakeholders to define a set of priorities—areas for further evaluation and areas for action. Developing plans at this point would be presumptive and I have not developed specific plans for addressing these challenges.

CIVILIAN CONTROL OF THE MILITARY

Question. If confirmed, how would you adhere to and further the fundamental principle of civilian control of the armed forces?

Answer. I have a strong conviction that civilian control of the armed forces is a necessity and understand the role and responsibility of the Under Secretary and his office as the principal civilian advisor to the Secretary of Defense for all matters related to the readiness of our forces, and the health and resiliency of the personnel that make up the Department's Total Force. As such, if confirmed, I will always provide the best possible, candid and informed advice I can to the Under Secretary, the Deputy Secretary, and the Secretary of Defense in order ensure civilian control of the armed forces.

Question. If confirmed, specifically how would you ensure your inclusion in the discussion, debate, and resolution of U.S. defense and national security issues?

Answer. Our personnel are our most important and critical asset and are inextricably tied to our national security and defense posture. As such, if confirmed, I will strive to make sure that personnel considerations, readiness matters, and other workforce considerations are an integral part of the decision making and governance of the Department. I will endeavor to work with my counterparts across the Office of the Secretary of Defense, the Joint Staff and Combatant Commands, and the Military Departments and Services to inform deliberative process and decision making, particularly when it comes to strategic posture and policy and resource allocation.

PERSONNEL POLICY IMPLEMENTATION

Question. If confirmed, what specific changes to personnel policies and processes would you recommend to improve the efficiency and effectiveness of human resources management—both military and civilian—across the Department?

Answer. People are the greatest asset to any organization, and the personnel policies and processes established to manage the workforce must be efficient and effective. While I am not aware of specific changes that should be made, if confirmed, I will work with senior leaders across the Department to identify policy and process deficiencies and lead necessary changes to improve or enhance human resources management programs.

Question. What is your understanding of your responsibility, if confirmed, to inform and consult with this Committee and other appropriate committees of Congress, on the implementation of personnel policies directed by law?

Answer. I understand Congress' critical and Constitutionally prescribed roles in providing oversight of the Executive Branch, and in enacting legislation and appropriating funds. If confirmed, I understand that as the Department implements policies and procedures related to the personnel of the Department it has an obligation to inform and consult with this and other Committees, in both chambers, to ensure we are meeting the spirit and intent of the laws the Congress enacts.

Question. What is your understanding of the timeframe in which personnel policies directed by law must be implemented by the Department?

Answer. I understand the obligation to implement statutory requirements pursuant to the law. However, I am also aware that resource constraints and bureaucratic process delays are a fact of life for the Department, just like any other organization. If confirmed, I commit to promoting timely action and implementation, and as noted above, informing and consulting with this and other Committees as appropriate if there are delays.

OVERSIGHT

Question. The USD(P&R) prescribes policies and establishes programs across the domains of personnel and readiness. Responsibility for executing these policies and programs vests primarily in the Military Departments and Services, elements of the

Office of the Secretary of Defense, and the Defense Agencies and Activities, subject to oversight by the USD(P&R).

What is your view of the scope and importance of the USD(P&R)'s oversight duties and powers?

Answer. I believe that the USD P&R's oversight duties and responsibilities are extremely significant and broad, impacting all aspects of the Department's personnel and readiness requirements. While I recognize that the Military Departments have the authority to organize, train, and equip, I believe that P&R has an obligation and responsibility to ensure the Military Department's actions are in compliance with both the spirit and letter of the law and the policies of the Department.

Question. If confirmed, specifically what would you do to assist the USD(P&R) in the exercise of his/her oversight duties and powers?

Answer. If confirmed I will always provide the USD(P&R) with candid, pragmatic, and informed recommendations and advice, and assist him in executing the Administration's, the Secretary's, and the USD's priorities.

Question. If confirmed, how would you recommend that OUSD(P&R) resources be allocated to ensure rigorous oversight of the implementation and execution of personnel and readiness policies and programs across the DOD?

Answer. If confirmed, I believe stewardship of P&R resources will be a critical responsibility for me as the DUSD(P&R). I will work to enhance the efficiency and effectiveness of P&R's policy and oversight role by assessing the allocation and balance of human capital and resources across the P&R portfolio and providing the USD with recommendations that will best align those resources with his priorities and the workload of the office. I will do so in alignment with intent and guidance from the Under Secretary and leveraging the institutional knowledge and background of the P&R Senior Career Official and other leaders across P&R.

OVERALL READINESS OF THE ARMED FORCES

Question. How would you assess the overall readiness of the armed forces, specifically their readiness to execute the National Defense Strategy (NDS) and associated operational plans?

Answer. I believe our armed forces are manned, trained, and equipped to execute the strategic objectives in the President's Interim National Security Strategic Guidance and the National Defense Strategy. While our Military Services are prepared to meet today's operational missions, ensure U.S. competitive advantage, and mitigate undue risks to our warfighters, their readiness to meet future challenges, particularly with regard to

China and Russia, must remain a priority. If confirmed, I will work closely with my colleagues in the Office of the Secretary of Defense, the Military Departments and Military Services, and the Joint Staff to ensure readiness policies, processes, methodologies, and systems are effectively implemented and tailored so that we can keep pace with evolving threats. Our readiness policies underpin our goal to provide our senior leaders with the best information to assess the way our forces generate and sustain readiness to meet both immediate and future demands.

Question. If confirmed, what specific actions would you recommend to improve personnel readiness, including with regard to the health of the force?

Answer. If confirmed, I will focus efforts on growing, developing, managing, and caring for the talent in our force that underpins the U.S. competitive advantage. This includes building a resilient and ready force, and fostering an environment that holds DOD leaders at every level appropriately accountable for building a safe and collaborative workplace. I will also support the Military Departments in these areas in order to reduce any potential impacts to readiness, because our people are the foundation of our readiness to confront the challenges of today and tomorrow. As Secretary of Defense Austin made clear in his March 4, 2021, Message to the Force, "Our most critical asset as a Department is our people and we remain the preeminent fighting force in the world because of our personnel."

Question. If confirmed, what actions would you take to oversee compliance by the Military Services with such timelines to ensure that personnel and training readiness goals are met?

Answer. As the lead office for readiness policy and oversight, it is USD(P&R)'s responsibility to set the conditions that enable the Services to meet readiness requirements. To do so, OSD must work closely with Service counterparts not only to ensure their understanding and compliance with requirements, but also to advocate for the removal of barriers that may inhibit the Service's ability to meet their personnel and training readiness goals. If confirmed, I will also ensure that there is awareness of specific readiness risk areas, and timely solutions to address them across the Services.

Question. In your view, is the OUSD(P&R) the most appropriate organization under which to align the Office of the Assistant Secretary of Defense for Readiness? If so, why do you believe this alignment best serves the DOD? If not, under which Principal Staff Assistant to the Secretary of Defense should the Assistant Secretary of Defense for Readiness be aligned for greatest efficacy, and why?

Answer. Based on my understanding of the responsibilities of the ASD(Readiness), I do believe that they are properly aligned under the OUSD(P&R). People are the foundational building block of readiness, and the more I look at and understand readiness, the clearer it is that the recruiting, retention, development, education, training, and management of people and their knowledge, skills, and abilities to execute the mission are the principal generator of ready forces.

Question. How do the functions of the Office of the Assistant Secretary of Defense for Readiness integrate with the readiness functions of the Military Departments, the Joint Staff, and the Under Secretary of Defense for Policy?

Answer. ASD(Readiness) must work seamlessly with the Military Departments, the Joint Staff, and the Under Secretaries of Defense, including Policy, to set the conditions for readiness across the force. As members of the Secretary's staff, the Office of the USD(P&R) must ensure that DOD is generating the trained and educated force we need, that those forces and civilians across the Department are properly protected, and that the force is prepared to meet the nation's challenges today and in the future. OSD must work together to provide guidance to the Joint Staff, Military Departments, and Military Services to ensure they have the tools and strategic direction to build and sustain readiness to meet national defense objectives.

ASD(Readiness) is then responsible for the oversight of these activities to ensure the right policies, processes, and authorities are in place to sustain readiness under current and future conditions, as well as to develop, refine, and track readiness metrics in order to inform leadership decision-making.

MEASURING READINESS

Question. What is your understanding of how the Department of Defense and the Military Services measure and track readiness? Do you believe the current metrics used to measure and track "readiness" are appropriate, particularly in light of the 2018 NDS?

Answer. The Defense Readiness Reporting System—Strategic (DRRS-S), the Department's authoritative operational readiness database, provides a means to manage and report the readiness of DOD and its subordinate Components to meet immediate national requirements. It does so by providing a comprehensive assessment of a unit's operational readiness at a specific point in time. This is important but insufficient to understand the Department's long term ability to meet national strategic objectives. If confirmed, I will focus on the need to capture comprehensive readiness data with the goal of ensuring the DOD has an informed view of how decisions made today may impact the readiness of the future force.

Question. If confirmed, what changes would you recommend to engage the OUSD(P&R) more directly in tracking readiness across the force? In prescribing efforts to remediate or mitigate identified deficiencies in readiness?

Answer. I believe the Department is at a critical technological inflection point, where data-driven modeling and predictive analytics can provide a fuller understanding of how decisions made today may impact the readiness of the current and future force. In order to harness this data, the Department also requires a comprehensive framework for assessing forces across a broader strategic readiness spectrum. If confirmed, I will work with my partners across the Department to realize this shift so we can deliver actionable insights that provide senior leaders with timely and more objective analysis of readiness risks and tradeoffs.

Question. Does OUSD(P&R) have the analytic tools and expertise to assist you, if confirmed, in evaluating DOD personnel and training readiness across the spectrum of challenges presented by the strategic environment—from low intensity, gray-zone conflicts to protracted, high-intensity fights with major-power rivals? Please explain your answer.

Answer. I believe the OUSD(P&R) has both the highly skilled workforce as well as the analytical underpinnings to guide the decision of the USD(P&R) and my decisions if I am confirmed. I understand that the Department-wide focus on enhanced data analytics driven by the Deputy Secretary of Defense has created an environment where the innovative application of best-in-class analysis techniques are partnered with expertise of the military, civilians, and contracted workforces to provide decision support to leaders across the Department. I believe this ongoing effort will improve the Department's performance in evaluating the readiness of our force.

NON-DEPLOYABLE SERVICEMEMBERS

Question. In your view, should servicemembers who are non-deployable for more than 12 consecutive months be subject either to separation from the service or referral to the Disability Evaluation System, as is current Department policy?

Answer. My current understanding is that all servicemembers are expected to be deployable and if a servicemember is non-deployable for more than 12 consecutive months, the Military Department concerned is required to make a retention determination. If confirmed, in order to maintain force readiness and prevent impediments to fulfilling deployment requirement, I will review current policies to ensure they are geared towards maintaining a mission-ready force while still providing for individualized review of cases to determine if their continued service is appropriate.

Question. Under what circumstances would the retention of a servicemember who has been non-deployable for more than 12 months be “in the best interest of the service”?

Answer. I would expect these evaluations by the Secretaries of the Military Departments to be highly individualized. Secretaries of the Military Departments should consider the probability the servicemember's condition or reason for the non-deployable status will be resolved as well as their ability to execute necessary military duties consistent with the member's grade and responsibilities.

Question. In your view, how should this policy be applied to servicemembers with HIV? To servicemembers who identify as transgender?

Answer. In my view, servicemembers should receive fair and equitable treatment, irrespective of the medical condition involved.

Question. In your view, should a servicemember's readiness to perform the required specific missions, functions, and tasks in the context of a particular deployment also be considered in determining whether that servicemember is deployable?

Answer. Yes. I am aware that the Military Departments and Services consider specific deployment criteria as they assign individuals to fulfill these requirements in order to maximize the readiness, lethality, and capability of the deployed force.

Question. What are your recommendations for addressing the challenges of medical non-deployability in the Reserve components?

Answer. Although I do not currently have enough information to assess the challenges faced by the Reserve Component related to medical non-deployability, if confirmed, I will work with the Military Departments on this issue.

COLLABORATION BETWEEN THE DEPARTMENTS OF DEFENSE AND VETERANS AFFAIRS

Question. In your view, how effective has DOD/VA collaboration been to date, and what would you do to enhance it?

Answer. The DOD and VA serve an overlapping population, and it's critical that these two Departments partner and constantly seek improvements to support our servicemembers. If confirmed, I will support continued efforts to strengthen the Joint Executive Committee and its activities to facilitate collaboration between the two Departments. We must continue to frequently work with one another, maintain constant communication, address any obstacles, and ensure our efforts show positive outcomes.

Question. If confirmed, how would you improve the seamless transition of each servicemember as they move from servicemember to veteran status?

Answer. Military to civilian transition is an ever-evolving, complex, and multi-faceted process. The Transition Assistance Program (TAP) must remain innovative, responsive, transparent and collaborative as we work with our servicemembers, Military Departments and Services, interagency partners, and non-governmental organizations to continuously improve transition services and support. If confirmed, I will champion transition programs and collaborate with private and public supporters to build upon current successes, achieve ever-improving outcomes, and provide our transitioning servicemembers with the resources they need both before and after transition to empower and enable them to become successful, visible, Active Veterans equipped to reach their full potential and strengthen their communities.

Question. What is your view of the effectiveness of the Transition Assistance Program (TAP), and how might it be improved?

Answer. I believe TAP works, and like any program needs to evolve and continuously improve to meet the dynamic and varied requirements of transitioning servicemembers. TAP provides comprehensive, holistic, timely and personalized transition support. It is my understanding that the support TAP currently provides reflects work over the past 10 years of continuous assessment, evaluation, collaboration, and improvements to the program. If confirmed, I will work with the Services to build upon current successes and achieve ever-improving outcomes for TAP eligible servicemembers by addressing barriers that could prevent successful transition

to civilian life and by increasing interagency data-sharing to improve TAP evaluation and assessment.

Question. Should military spouse transition preparation be better inculcated in the TAP? Please explain your answer.

Answer. I absolutely agree that spouse participation and spouse-focused transition support and services are critical to successful transition. I understand that currently military spouses are invited and encouraged to attend all TAP modules. If confirmed, I will review how we can better incorporate support to spouses in the program.

Question. What is your assessment of the efficacy of TAP services and support to members of the Reserve components as they transition from federalized/mobilized status back to civilian life and participation in their assigned reserve and guard units or positions?

Answer. It is my understanding that the Department integrated TAP and Yellow Ribbon Reintegration Program (YRRP) curriculum, evaluation, and assessment to ensure transition and reintegration resources are available to all servicemembers, spouses, and caregivers all the time. If confirmed, I will ensure TAP and the YRRP work in tandem to provide support and services to all our servicemembers, to include TAP eligible members of the Reserve components, and their spouses and eligible caregivers.

Question. In your view, how can TAP be improved to provide better support to members of the Reserve components?

Answer. While TAP is a valuable program that works for all components, we must continue to evolve TAP to best meet all transitioning servicemembers needs and requirements. If confirmed, I will continue building and expanding the transition and reintegration suite of resources and services to achieve ever-improving outcomes for TAP eligible servicemembers, spouses and caregivers by addressing barriers that could prevent successful transition to civilian life and increasing interagency data-sharing to improve TAP evaluation and assessment.

Question. If confirmed, what problems would you recommend be submitted to the Joint Executive Committee for review and resolution?

Answer. If confirmed, my first step would be to listen to our subject matter experts and collect as much data and information to understand where we are, where gaps may be, and how we can most efficiently and appropriately move forward. It is my understanding that DOD and VA recently signed their most recent Joint Strategic Plan, to include several goals in the areas of health care collaboration, benefits, transition, business operations, and strengthening interoperability and benefits. If confirmed, I would look to ensure that the Department is moving forward as quickly and effectively in these areas to drive needed improvements.

Question. What progress have the DOD and VA made in implementing their respective Electronic Health Records? Is each agency's EHR system fully interoperable with the system of the other? How would any delays in the VA's EHR implementation impact DOD's progress towards full implementation of its EHR? Please explain your answers.

Answer. It is my understanding that the Departments of Defense (DOD) and Veterans Affairs (VA) purchased a common Electronic Health Record (EHR) system, a Commercial-off-the-Shelf product delivered by Cerner, which is interoperable between the two organizations. Even though they are using the same EHR system, the DOD's progress toward full implementation is independent of the VA's implementation. If confirmed, I will work with the DOD and VA to ensure both agencies continue on a successful path toward full implementation of the system and that the selected contractor meets their obligations.

EXTREMISM

Question. What is your view of the prevalence and effect of extremism within the armed forces?

Answer. It is my understanding that extremist activities in the ranks are limited. Unfortunately, extremist activities have an outsized effect and thus must be addressed appropriately to ensure the long-term safety and security of the Force.

Question. If confirmed, what recommendations would you have to eliminate extremism within the ranks?

Answer. I understand Secretary Austin directed a review of this issue this past summer and may be considering additional recommendations and actions. If confirmed, I will work with my colleagues to put any recommendations approved into action to further increase the stability and security of our servicemembers, civilian workforce, contractors and their families.

DIVERSITY AND INCLUSION

Question. In general, what is your assessment of the diversity of each of the Department of Defense military and civilian workforces?

Answer. It is my understanding that while the Department has made progress in some areas, there remains work to be done. We need to ensure that the DOD, the Services, and our civilian workforce appropriately reflect the Nation we serve. Our diversity and inclusion efforts must help us drive real progress and change. Ensuring opportunity is not only about who we are as people, but it also ensures that we are doing more to fully leverage the varied strengths of all our people.

I understand that the Deputy's Workforce Council is working to address many of the most critical people-related efforts, including improvements for diversity, equity, inclusion, and accessibility. More must be done in these areas, and if confirmed I will closely engage with the Department's subject matter experts to support strong progress.

Question. If confirmed, how would you increase diversity and inclusion in the armed forces, and work toward the goal of ensuring that the nation's military, at all levels, especially within the senior officer ranks, reflects the broad diversity of the nation eligible for service in the armed forces?

Answer. If confirmed, my first steps would be to collect information, identify specific areas of concern, work with subject matter experts to increase our understanding of these areas of concern, and ensure that our oversight and governance frameworks are set up to support comprehensive, long-term and sustained progress on these issues.

Question. If confirmed, how would you increase diversity and inclusion within the Department's civilian workforce, especially at the senior General Schedule and Senior Executive Service levels?

Answer. I support the Administration's focus on strengthening diversity and inclusion in the Federal workforce, and I believe efforts should include a focus on the senior levels, including the Senior Executive Service. If confirmed, I will work closely with other DOD leaders to promote diversity of talent and remove barriers to equal opportunity in the Department's senior ranks.

Question. How would you increase geographical diversity in the armed forces, especially from areas of the country and local communities that are currently underrepresented in the force?

Answer. I believe geographic diversity is important and if confirmed I will work with the Military Departments and Services to help ensure they have fully leveraged technology in an effort to improve recruiting in these local and underrepresented communities. I believe sustained investment in developing a value proposition that resonates with underrepresented communities, virtual recruiting and digital marketing will be critical to improving diversity and expanding outreach in all communities across the Nation.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. In your view, how adequate and effective have the policies, programs, and training been that DOD and the Military Services have put in place to prevent and respond to sexual assault?

Answer. In a zero tolerance environment, if even one sexual assault occurs that means current policies, programs and training are falling short. I am aware that over the past several years, DOD has substantially updated and issued new policies, established new programs, and generally expanded the infrastructure in place to prevent and respond to sexual assault. While there are, to my understanding, numerous reporting options and support services for victims, we absolutely must also prevent these crimes from occurring in the first place. I understand that the Department is working through an implementation roadmap for the recommendations related to the Independent Review Commission on Sexual Assault in the Military (IRC). If confirmed, I will work to support Secretary Austin's vision in this area and ensure we do everything possible to appropriately address sexual assault. These behaviors cannot be tolerated.

Question. If confirmed, specifically what would you do to increase DOD-wide focus on the prevention of sexual assaults?

Answer. If confirmed, I will support implementation of the approved IRC recommendations in support of Secretary Austin's vision. The Department must hold itself to the highest standard. The Military Departments and Services in particular have the tools and ability to shape behaviors, and they must do all they can to prevent sexual assaults, as must we all. We need increased focus on this issue and identification of the most promising practices, tools, and efforts that can help reduce—and eliminate—sexual assaults.

Question. What is your assessment of the Department's implementation of protections against retaliation—most notably social ostracism and reputation damage—for reporting sexual assault?

Answer. Retaliation is completely unacceptable and must be eliminated. If confirmed, I will work to evaluate our policies and efforts to prevent retaliation and, in particular, social ostracism and reputational damage. It is my understanding that the Department's goal of eliminating retaliatory behaviors will help lead to an environment where victims feel comfortable coming forward to report allegations of sexual assault, which will, in turn, lead to increased reporting and greater accountability of alleged offenders.

SEXUAL HARASSMENT IN THE ARMED FORCES

Question. What is your assessment of the effectiveness of the sexual harassment programs of the Department, including those of the Military Departments?

Answer. This is a critical area. My understanding is that the Department published new or updated policies in recent years to prevent sexual harassment. Nonetheless, sexual harassment remains a challenge and I know DOD can do better to prevent this unacceptable behavior that undermines unit cohesion, degrades victims, and can be a precursor to sexual assault.

If confirmed, I will prioritize review of the Department's recent and ongoing efforts in the prevention area. This is not only an issue that must be addressed to ensure our people are treated with dignity and respect, but it is also critical for our military's readiness.

Question. In your view, do methods for tracking the submission and monitoring the resolution of informal complaints of harassment or discrimination provide DOD leaders, supervisors, and managers with an accurate picture of the systemic prevalence of these adverse behaviors in the military force?

Answer. My understanding is that the Department leverages surveys and data to measure the prevalence of harassment and discrimination. This approach assesses data on experiences to measure rates rather than depending only on reports received about these adverse behaviors.

Data from surveys helps leaders and organizations understand the total scope of an issue—its prevalence—and better ensure specific actions to address areas that need to be addressed.

Informal reports are another option, and at the same time it is absolutely critical that all leaders throughout DOD take immediate and appropriate action when they receive an informal report. They also must track them to understand prevalence.

Question. If confirmed, what actions will you take to improve the quality of investigations into allegations of sexual harassment in the force?

Answer. The Department's leaders must always be held appropriately responsible for addressing sexual harassment complaints. To improve the quality of investigations, if confirmed I will fully support efforts to improve leadership engagement in this area, including the implementation roadmap for IRC recommendations, including investigation of all sexual harassment cases by an independent, well-trained body that is outside the chain of command. Addressing issues of sexual harassment is critical to put a stop to this readiness-detracting behavior.

Question. Does the Department's method for recording the outcomes of informal complaints of harassment or discrimination provide DOD leaders, supervisors, and managers with a means of identifying repeat perpetrators in the military?

Answer. If confirmed, I will closely examine this issue. I would closely examine anti-harassment and equal opportunity policies to ensure they are robust and support efforts in this space. We must ensure that any repeat offenders are identified.

DOMESTIC VIOLENCE AND CHILD ABUSE IN MILITARY FAMILIES

Question. What is your understanding of the extent of domestic violence and child abuse and neglect in the armed forces, and, if confirmed, what actions would you take to address these issues?

Answer. Domestic abuse, and child abuse and neglect are fundamentally incompatible with military values and negatively impact mission readiness. However, these issues do exist in our military, and if confirmed, I commit to prioritizing solutions and resources to support productive prevention and appropriate response efforts.

Question. In your view, what more can the Department do to prevent child abuse and neglect and domestic and intimate partner violence?

Answer. It is my understanding that the Department is attacking this serious issue by focusing on an integrated primary prevention approach. If confirmed, I will ensure that the collaborative efforts in this area remain a priority.

Question. Do you believe that the Department's Family Advocacy Program strikes the right balance between healing families and holding individuals accountable for acts of domestic violence and child abuse and neglect?

Answer. If confirmed, I commit to thoroughly review the program and evaluate how well it addresses prevention, support of those impacted, and appropriate accountability for those engaged in these actions. It is my understanding that these are all essential components of the Department's approach to this issue.

DEPARTMENT OF DEFENSE EDUCATION ACTIVITY, DOD SCHOOLS, AND DEPENDENT
EDUCATION

Question. What is your assessment of the overall quality of education provided by DOD schools?

Answer. It is my understanding that overall satisfaction with DODEA schools is extremely high and standardized test scores are on par with the finest public school systems in the country. If confirmed, I will continue to support excellence in our schools for military families.

Question. What lasting impacts, if any, do you believe the COVID-19 pandemic will have on the way DOD schools are run and how DOD dependents who attend those schools learn?

Answer. It is my understanding that DODEA operated very effectively during the COVID-19 pandemic, especially when compared with other public school systems. If confirmed, I will support the continued incorporation of adaptive curriculum and technology to not only to prepare for future pandemics, but also to provide individualized instruction to meet students' learning needs no matter their location.

Question. Do you believe DODEA should further expand its capabilities to deliver online education going forward? Please explain your answer.

Answer. Although I do not know all of the details, I recently read that DODEA is conducting a pilot program to expand access to its virtual school. If confirmed, I will be sure to assess the results of that pilot and work with DODEA to continue focusing resources and education tools to reach its students whether in the classroom or in a remote setting.

Question. What is your assessment of the preparedness of DOD schools to respond and react appropriately to active shooter emergencies?

Answer. In today's world, all schools must prepare for active shooter situations and the DOD schools are no different, even though they are on military installations. Keeping awareness of procedures through regular training and drills is vital to ensure preparedness. I am aware that DODEA partners with installation commands to evaluate its drills, and if confirmed I will continue any and all support to ensure student safety.

Question. How do you assess current class sizes (student to teacher ratios) throughout DODEA schools, and do you recommend they be adjusted? If so, why?

Answer. Because I am not an educator, if confirmed, this is an issue I want to learn more about from the Department's subject matter experts at DODEA. We must continue to invest in our military families through our schools and this includes suitably staffing teaching requirements.

Question. In your view, how, if at all, should the quality and availability of local public education factor into Departmental and Military Service basing decisions?

Answer. As an advocate who worked closely with military families, I know how much our military readiness is dependent upon family readiness and I have spent my time in the non-profit sector supporting military families—particularly young military families with children. I understand that the Military Services are beginning to include the quality and availability of local education in basing decisions, and if confirmed I will support this effort as well as implement and advocate for improvements that may be needed.

Question. Are you confident that DODEA has in place the policies and processes to ensure that:

Allegations of sexual assault or sexual harassment by a student in locations under the jurisdiction of DODEA are properly investigated?

Answer. If confirmed, I will work to ensure the policies and procedures are in place to respond to allegations of sexual assault or sexual harassment. As with all Executive Branch agencies, DODEA must take reasonable steps to eliminate unlawful discrimination in its schools, programs, activities, and workplaces, as required under Executive Order 13160, "Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs," June 30, 2000. If confirmed, I will ensure that requirement is followed.

Question. Information documenting such misconduct, if substantiated, is recorded in the permanent record of the offending student and that any school to which that student subsequently transfers is made aware of that information, as appropriate?

Answer. I believe information on substantiated misconduct should be included in a student's record and transferred if and when that student enrolls in a new school and, if confirmed, I will review DODEA's policies and take appropriate action as necessary.

Question. If confirmed, what actions would you direct to ensure that DODEA takes all appropriate actions to hold its teachers, other employees, and students accountable for acts of sexual assault, sexual harassment, and unlawful discrimination?

Answer. We must continually work to end discrimination, harassment, and assault of any kind everywhere in the Department, including its schools. If confirmed, I will review the training and resources available to DODEA teachers, staff, and students and ensure that the systems in place are being properly used to address inappropriate behaviors and take appropriate action as warranted.

JUVENILE PROBLEMATIC SEXUAL BEHAVIOR

Question. What is your assessment of DOD and Military Service programs to respond to, investigate, adjudicate, and document allegations of juvenile problematic sexual behavior?

Answer. I am aware that the Department has no jurisdiction to adjudicate such cases. Therefore, it is important for DOD to work with partners in the Department of Justice, State and local governments to ensure the behaviors that reach a criminal threshold are appropriately adjudicated. If confirmed, I will commit to providing the focus on this issue and will make sure the team has the resources and support necessary.

Question. How can these programs be improved, in your view?

Answer. I believe that the Department has taken a multi-disciplinary approach to respond to these behaviors that ensures this issue is appropriately addressed. If confirmed, I will focus on continued improvements to processes and policies for this program.

MILITARY SERVICE ACADEMIES

Question. Over the last year, each of the Military Service Academies experienced significant violations of their respective honor codes, which prohibit lying, cheating, or stealing.

In your view, how should the Military Service Academies handle honor code violations?

Answer. As I understand, the Service Academies' academic standards are designed to prepare cadets and midshipmen in part for the responsibilities they will take on as commissioned officers. These high standards are important to developing the integrity and character required of our military leaders. If confirmed, I will how the honor system contributes to leader development and ensure it is implemented in a manner that meets the desired intent.

Question. What is your assessment of the diversity of cadets and midshipmen enrolled in each of the Military Service Academies? What measures can be taken to increase diversity in the Academies?

Answer. Diversity within our services is critical. The Military Service Academies produce future leaders of our military; therefore, it is essential the cadets and midshipmen represent the diversity of our great country. If confirmed, I will work with the Military Departments and Services to improve communication of the value proposition, explore new marketing, recruiting, and community partnering methods to increase the diversity of Military Service Academy applicants.

Question. What is your assessment of the efficacy of the policies and processes in place across the Military Service Academies to prevent sexual assault and sexual harassment, and to ensure that cadets and midshipmen who do report assault or harassment are not subject to retaliation—social ostracism and reputation damage—in particular?

Answer. Any form of sexual assault or harassment is unacceptable, particularly at the Military Service Academies, institutions among the top colleges and universities in the country. If confirmed, I will work with Military Department and Service leadership to make sure that they monitor such behavior to ensure the Military Service Academies properly address all forms of problematic behaviors, to include any retaliation, ostracism, or reputational damage.

Question. What is your assessment of the efficacy of the policies and processes in place at each Military Service Academy to ensure cadets' and midshipmen's free ex-

ercise of religion—to include no religion at all—and the accommodation of religious practices?

Answer. I am confident in the policies and process in place to protect and enable the free exercise of religion, or no religion at all, at the Academies. If confirmed, I will work to ensure the Department continues to protect and provide for the free exercise of religion, or no religion at all, as well as the spiritual readiness of all our cadets, midshipmen, and servicemembers.

Question. What is your assessment of the efficacy of suicide prevention programs at each Military Service Academy?

Answer. I am aware of recent media reports and understand the Department and Services take this tragic issue very seriously. If I am confirmed, I will assess the efficacy of efforts taken to date, and engage with the Military Departments and Services to seek ways to advance suicide prevention programs.

Question. Do you believe the current five-year minimum Active Duty service commitment for Military Service Academy graduates is sufficient return on investment for the U.S. military and the American taxpayer?

Answer. I do not currently have enough information to provide an informed assessment. However, if confirmed, I will examine the costs and benefits if the Military Service Academies and work to ensure our Nation is receiving a high return on its investment.

Question. In your view, do the Military Service Academies contribute to the pool of military officer accessions commensurate with their attendant costs? Why or why not?

Answer. Although I am unfamiliar with costs of the Military Service Academies, especially in comparison to other accession programs, I am familiar with the excellent reputation of the Military Service Academies and the high caliber officers and citizens they produce. If confirmed, I look forward to assessing the educational costs relative to the contributions of this particular pool of officers.

Question. Given the provisions of title 10, U.S. Code, applicable to each of the Military Service Academies, under what conditions would you deem it appropriate, if confirmed, to permit a military officer to play professional sports prior to completing at least two consecutive years of commissioned service following graduation from an Academy?

Answer. From recent news reports, I am generally aware of a few Military Service Academy cadets and midshipmen approved to play professional sports prior to serving at least two consecutive years as a commissioned officer. If confirmed, I look forward to examining this issue in detail.

SENIOR RESERVE OFFICERS' TRAINING CORPS (SROTC)

Question. In your view, does the Senior Reserve Officers' Training Corps (SROTC) program remain a viable source of officer accessions?

Answer. SROTC units are geographically spread across the nation. Not only do they provide a diverse source of officers, but also, as I understand it, are the largest source of commissioned officers. If I am confirmed, I will assess the Department's current programs to ensure efficiencies are maximized.

Question. What is your assessment of the diversity in our ROTC programs? What measures can be taken to increase diversity in the ROTC?

Answer. I am not currently well-versed in the diversity of ROTC programs. If confirmed, I will review the ROTC programs and ensure the Department continues to focus on increasing the diversity of the officer corps.

Question. In your view, should the Military Services continue to operate SROTC units at colleges and universities that fail to meet their minimum annual commissioning requirements? If not, please explain the factors you believe should be used to determine which units should be terminated.

I am interested in reviewing the circumstances surrounding those SROTC units facing viability and commissioning challenges. If confirmed, I will work alongside the Military Departments and Services and Congress to ensure maximum efficiency without the loss of cultural and geographical representation.

Question. How would you modify the SROTC scholarship program to attract the top talent that our armed forces need?

Answer. SROTC scholarship programs should be designed and located at the best colleges and universities to allow the Services to recruit and commission the top talent they require. If confirmed, I look forward to working with the Military Departments and Services and Congress to review current efforts and to leverage technology to attract the skills and talent the armed forces need.

HEALTH CARE QUALITY AND ACCESS

Question. If confirmed, what specific actions would you take with respect to each of the following:

Eliminating performance variability throughout the Military Health System (MHS).

Answer. If confirmed, I will ensure the MHS uses performance measures to monitor key performance goals for medical readiness, quality, clinical outcomes, safety, access, patient experience and satisfaction and other vital indicators. I will ensure the MHS determines why that variability may exist, whether due to circumstances unique to geography, size of medical facility, resourcing decisions, or leadership challenges and also to identify leading practices for implementation across the enterprise.

If confirmed, I will ask that MHS leaders implement performance improvement plans and milestones for areas where variability is high, and performance is poor. I also will ensure the Defense Health Agency codifies validated standard processes in official guidance and establishes accountability processes to eliminate unwarranted performance variability across the MHS. I understand that reducing variability requires continuous assessment and probing questions. If confirmed, I will hold regular management reviews of MHS performance as part of my oversight responsibilities.

Question. Improving health outcomes and the experience of care for all of the Department's beneficiaries—in both the direct and purchased care components of the MHS.

Answer. If confirmed, I will ensure the MHS continues its plans to enhance clinical outcomes and patient experience. It is my understanding that, in the direct care system, the MHS is prioritizing implementation of patient-friendly, patient-facing processes in military medical treatment facilities (MTFs) and markets to reduce administrative burdens on patients and enhance customer service. In support of great clinical outcomes, if confirmed, I will ensure the MHS remains focused on accountability for patient safety and quality and also leverages the expertise of our MHS clinical communities to establish evidence-based care pathways and practice guidelines to improve health outcomes. Finally, if confirmed, I will ensure the MHS establishes standard processes to enhance patient experience including centralized appointing, integration with the TRICARE network, and implementation of industry-standard virtual health and patient engagement capabilities.

Question. Creating a value-based MHS—ensuring the delivery of accessible, high-quality health care at a reasonable cost to both the Department and its beneficiaries.

Answer. It is my understanding that the MHS is implementing standard processes in the direct care system to improve resource utilization, eliminate waste, reduce unnecessary variation and enhance clinical outcomes and improve readiness of the force. If confirmed, I will ensure the MHS moves toward a value-based care model based on quality of care rather than quantity in both the direct care and private sector care components of the MHS. I will ensure the health care teams are accountable for delivering high-quality care supportive of the overall DOD mission while ensuring effective use of taxpayer resources.

In the private sector care component, if confirmed, I will support on-going work to reduce the provision of low-value care and to enhance the use of high-value health care services. I will ensure incorporation of alternative payment models and value-based benefit and insurance design where supported by evidence. These efforts should directly contribute to patient outcomes, readiness, access to care, and represent good stewardship of taxpayer dollars.

MILITARY HEALTH SYSTEM REFORM

Question. Do you support the implementation of the Military Health System (MHS) reforms mandated by the NDAA's for FYs 2017, 2019, 2020, and 2021?

Answer. Yes, I support implementation of the MHS reforms and, if confirmed, will work with the various stakeholders within the Department and Congress to implement the reforms. As I understand the reforms, they will focus the MHS on readiness and provide opportunities to enhance the quality of health care while improving overall mission effectiveness and efficiency. I recognize challenges come with significant change, however, with the reform goals as stated, if confirmed, I will work closely with all stakeholders, internal and external, to understand the issues and move forward on implementing the reforms to enhance future MHS capabilities and mission support.

Question. If confirmed, specifically what would you do to change the culture within the Military Services to prompt them to embrace fully the changes necessary to improve the readiness of the medical force?

Answer. If confirmed, I will work closely with the Military Departments and Services to understand their requirements and listen to their concerns. Recognizing the importance of our mutually reinforcing mission to maintain a Medically Ready Force and a Ready Medical Force, I am confident we can move forward together to enhance this critical mission for the Department of Defense.

Question. In your view, are the Military Departments' medical forces properly sized to meet the joint medical requirements set forth in operational plans implementing the 2018 NDS and in the recent Joint Medical Estimate?

Answer. If confirmed, I will work with the Joint Staff and Military Departments to understand their medical requirements and advocate for those needs while helping them balance and prioritize those needs within the Department's budget guidance and resourcing processes.

Question. In your view, is DOD's current education, training, and career development approach sufficient to ensure a military trauma care workforce that is ready to deliver expert health care (including combat casualty care) in support of the full range of military operations, domestically and abroad?

Answer. If confirmed, I will work with the MHS leadership to fully understand the requirements and any issues inhibiting our ability to provide world class military trauma care. It is my understanding that it is a very challenging area, but obviously essential to our continued, future mission success. I plan to advocate where needed for adequate resourcing and leverage career development opportunities to address any limitations in fielding a ready highly capable medical force across the range of military operations.

MENTAL AND BEHAVIORAL HEALTH CARE

Question. If confirmed, what actions would you take to ensure that sufficient mental and behavioral health resources are available to servicemembers in theater and to servicemembers and families at home station locations, including members and families of the Reserve components?

Answer. If confirmed, I will ensure DOD continues to provide accessible, high quality mental and behavioral health resources to our military servicemembers and their families. This includes inpatient, outpatient, deployment embedded health care services, child and family behavioral health care, and tele-behavioral health, non-medical counseling, supplemented by family programs such as the Military Crisis Line, providing confidential, immediate help 24/7 at no cost to Active Duty, Guard and Reserve members, and their families.

Question. In your view, how could the Department better integrate the provision of mental and behavioral health care services and non-medical counseling?

Answer. If confirmed, I will seek to support mental health professionals that are positioned to provide the best possible care based on evidence-based best practices, and improve whole health of patients through compliance with current standard of care clinical practice guidelines, including recommendations for non-medical counseling and social context support systems.

Question. If confirmed, what would you do to improve the delivery of behavioral health services in the MHS through telehealth? How would you expand such capabilities in both the direct and purchased care components of the MHS?

Answer. If confirmed, I will work with MHS leaders to enable tele-behavioral health services that are leveraged for mental health assessments, ongoing behavioral health treatment, and surge support for pre-deployment evaluations, and work to expand services to include continued beneficiary care through consistent and stable patient/provider relationships. Further, if confirmed, I will seek to promote collaborative efforts across the direct and purchased care components, addressing IT, network, system, and patient/provider challenges to expand capabilities and enable a patient-centric approach to promote tele-behavioral health.

SUICIDE PREVENTION

Question. If confirmed, how would you strengthen the Department's suicide prevention programs to reduce the number of suicides among servicemembers, including in the Reserve components, and their families?

Answer. We must do everything possible to prevent suicides. Preventing these tragedies must remain a top priority for the Department of Defense. If confirmed, I will work to ensure that prevention efforts leverage the most promising evidence-informed strategies and best practices. Science and research are key. It is my understanding that the Department has focused its prevention efforts on reducing risk

factors and enhancing protective factors. This includes addressing relationship, financial, or mental health challenges, encouraging help-seeking, reducing stigma, and helping with the resources and skill building that can enhance an individual's ability to more effectively work through challenging events or stressful times.

I also recognize the need to ensure collaboration—both with the Department of Veterans Affairs and other stakeholders.

Question. If confirmed, what specific steps would you take to provide additional suicide prevention programs in rural and isolated locations, such as Fort Wainwright, Alaska and on naval ships underway?

Answer. Suicide prevention is personal to all of us, particularly for me since my family has experienced suicide; I take this issue very seriously. It is my understanding that the Department is employing a public health approach to address these tragedies. This broad approach recognizes that suicide can be a result of factors that exist at the individual as well as the community/societal levels.

If confirmed, I will support the broadest possible approaches that the evidence and research indicate hold promise to prevent suicide. We must ensure we are constantly learning about underlying factors that contribute to suicide. That means we also take actions to understand why there could be an increase or concentration of suicides in a given area and what circumstances might be occurring in remote areas that we can better address.

OFFICER PERSONNEL MANAGEMENT SYSTEM

Question. In your view, what actions can be taken to improve permeability between the Active and Reserve components?

Answer. As I understand it, permeability between the Active and Reserve components will allow the Military Departments flexibility in personnel management and allow them to make quicker talent management-based decisions. If confirmed, I pledge to learn more about this issue and will work with the Military Departments to improve permeability between the Active and Reserve components.

Question. Do you believe current DOD and Military Service procedures and practices for reviewing the records of officers pending the President's nomination for promotion or assignment, especially those with adverse or reportable information, are sufficient to enable fully-informed decisions by the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and the President?

Answer. Yes. As I understand it, there are extremely thorough processes in place to properly evaluate officer qualifications, to include any available adverse or reportable information, to ensure the decisions made by senior leaders are well informed. If confirmed, I will work to make sure the necessary information to make fully informed decisions is available.

Question. Recent NDAA's provided significant flexibility to the constraints imposed by the Defense Officer Personnel Management Act (DOPMA). In your judgment could the Military Departments benefit from additional authorities or flexibilities, better to achieve the talent management objectives associated with implementing the NDS?

Answer. First off, I must offer my appreciation to this Committee specifically for providing the Department with modernized laws in this space that contribute to enhancing the readiness of the Services. If confirmed, I look forward to working with the Congress in order to identify other potential authorities or flexibilities as the Department looks to recruit and retain the talent it needs to implement the National Defense Strategy.

JOINT OFFICER MANAGEMENT

Question. In your view, do the requirements associated with becoming a Joint Qualified Officer (JQO), and the link between attaining joint qualification and eligibility for promotion to General/Flag Officer rank, continue to be consistent with the operational and professional demands of military service line officers?

Answer. It is my understanding that the requirements associated with becoming a Joint Qualified Officer (JQO) and the link between attaining eligibility for promotion to General/Flag Officer are consistent with operational and professional demands. If confirmed, I will review the joint qualification requirements to confirm they are aligned with the Department's needs.

Question. What additional modifications, if any, would you recommend to JQO prerequisites to ensure that military officers are able to attain both meaningful joint and Service-specific leadership experience, as well as adequate professional development?

Answer. If confirmed, I am committed to partnering with Department leadership to evaluate JQO prerequisites in order to maintain our competitive advantage by developing strategically minded joint warfighters with critical thinking skills and innovative approaches to applying military power to the national strategy that will allow for adaptability to fight under changing conditions and execute worldwide operations.

Question. What are your ideas for improving the JQO system better to meet the needs of Reserve component officers?

Answer. I am aware that the current Joint Qualification System (JQS) is a Total Force system allowing the Department to have a common standard that ensures all joint qualified officers are qualified to work in the joint environment. If confirmed, I commit to evaluating and, as necessary, transforming the system for the Total Force, including those critical Reserve component officers.

Question. In your view, should the requirement to be a JQO be eliminated as a consideration in selecting officers for promotion and assignment?

Answer. No, I strongly believe we need officers across the Total Force to be JQO and, if confirmed, I will work with the Joint Staff and the military leaders to ensure that the JQO requirements continue to meet the Department's needs and objectives. The requirement to be a JQO recognizes that the Department needs leaders who are critical thinkers and can execute worldwide unified operations, and are able to fight during fluctuating circumstances.

PROFESSIONAL MILITARY EDUCATION

Question. What changes or reform would you recommend to the professional military education system to ensure that tomorrow's leaders have the tools necessary to ensure the Department is able to meet the national defense objectives of the future?

Answer. My understanding is that the Department's professional military education has been achieving its core functions of developing our servicemembers. If confirmed, I intend to evaluate how the professional military education system is educating servicemembers to meet not just today's threats but tomorrow's as well. I would also ensure that opportunities for professional military education are accessible to all those who meet the educational requirements.

NUCLEAR FORCES

Question. If confirmed, what would be your role in ensuring that the military services sustain efforts to improve the training, readiness, morale, welfare, and quality of life of servicemembers charged to execute and support the Department's nuclear mission?

Answer. DOD must support the servicemembers carrying out one of our highest priority mission—nuclear deterrence. If confirmed, I will work with the Military Departments to better understand the specific challenges their nuclear forces face and ensure their servicemembers have the training, readiness, and support required to execute our Nation's most critical national defense mission.

SPACE FORCE

Question. In your view, how should the Reserve components be structured to support to the U.S. Space Force?

Answer. In my view, Space is critical to national security, and like all other warfighting domains, the Reserve component plays an essential role in the ability to surge to meet emerging threats. If confirmed, I will work with other DOD leaders to ensure the seamless integration of the Reserve component as part of the Total Force.

MILITARY COMPENSATION

Question. Do you agree that the primary purpose of a competitive military pay and benefits package is to recruit and retain a military of sufficient size and quality to meet national defense objectives?

Answer. Yes. The pay and benefits provided to servicemembers and their families must be as competitive as possible with the private sector for DOD to be able recruit and retain top-quality individuals for military service.

Question. What is your assessment of the adequacy of the current military pay package in achieving this goal?

Answer. From my time as CEO of NMFA, I am aware that military members are paid well and that the current military compensation package is very competitive with the private sector. However, I also believe the Department's leaders must re-

main vigilant to ensure the full range of pay and benefits remains effective, particularly since most American families require dual incomes.

Question. What changes, if any, would you recommend to the current military pay and benefits package, if confirmed?

Answer. While I don't have specific recommendations to offer at this time, if I am confirmed, I would be open to considering changes to military compensation. I believe that Secretary Austin was absolutely right when he made "taking care of our people" his top DOD priority. Therefore, in my view, any significant change to current military pay and benefits must be carefully considered to ensure we do not jeopardize readiness while we enhance our recruitment and retention efforts..

Question. What specific recommendations do you have for controlling rising military personnel costs, including entitlement spending?

Answer. I understand there are concerns regarding growth in military personnel costs over time. I believe we need to control those costs and should search for improved processes and greater efficiencies that will do so. If confirmed, I will work with the USD(P&R) and DOD's leaders, as well as the Armed Services Committees in both chambers of Congress, to ensure any future military compensation and benefits changes are cost-efficient, and contribute to maintaining a Total Force composed of the highest quality individuals that are properly trained and equipped to meet our national defense goals.

END STRENGTH AND PERSONNEL REQUIREMENTS

Question. In your judgment, what role should the USD(P&R) play in ensuring responsible management of military manpower across both the Active and Reserve components?

Answer. If confirmed, I commit to prioritizing compliance with all applicable laws in this area. I will review actions taken so far, and ensure an action plan is in place to address any outstanding issues.

Question. Is the current military end strength sufficient to meet national defense objectives? If not, what end strength is necessary?

Answer. I confirmed, I commit to fully understanding the Department's operational plans and requirements in order to conduct a review of current military end-strength policies. Under the leadership of Secretary Austin and Under Secretary Cisneros, I will work with the Chairman of the Joint Chiefs of Staff and other uniform and civilian leadership to address personnel and readiness matters that would inform future deliberations on the size and composition of our military force levels to meet the National Defense Strategy and other objectives.

RECRUITING AND RETENTION

Question. In your view, what are the main reasons that less than 30 percent of 17 to 24-year-olds are eligible for military service, and how would you propose to increase the size of that pool?

Answer. It is my understanding that the low-eligibility rate for military service of today's youth candidates is primarily due to obesity and other medical conditions. To improve the recruiting pool, I believe the Department must work to expand messaging and outreach to overcome the limited interest (low propensity rate) for military service and to highlight the value and opportunities offered by military service to those that meet the standards but are not interested in military service.

Question. The propensity of youth to serve in the armed forces continues to drop and is at its lowest level (about 10 percent of all youth, according to DOD data) in years. What do you believe to be the root cause of this disturbing phenomenon?

Answer. I believe a variety of factors, such as lack of knowledge regarding service options, the shrinking military footprint in many parts of our country, the declining Veteran presence, recent social unrest, and the influence of military-related messaging by external organizations contribute to the low propensity of today's youth, as well as society's misperception and understanding of military service.

Question. Do you believe that non-native English speakers are disadvantaged by the current testing process in qualifying for military service? Please explain your answer.

Answer. I believe that all military operations are conducted in English; therefore, the ability to communicate and understand English, in oral and written form, especially in stressful situations, is necessary for mission success. Recruiting efforts are targeted to identify and access the widest possible eligible population. If confirmed, I will continue the efforts to modernize the Department's assessment tools, ensuring today's youth are provided with the widest opportunities for Military service.

Question. How would you address any such disadvantages to increase the pool of youth eligible for and interested in military service?

Answer. If confirmed, I will work to ensure the Department uses best practices in marketing, advertising, and assessment approaches to maximize its ability to reach and access an inclusive, and qualified pool of eligible prospects. I believe our eligibility standards should optimize the match between expanding needs of the Services and member abilities.

Question. In your view, should existing medical and other qualification standards be reconsidered to accommodate youth willing to enlist for service in certain high-demand specialties, such as remotely piloted aircraft pilots or the cyber workforce?

Answer. Although I am not familiar with the specific qualification standards for military service, if confirmed, I will work with my colleagues in OSD and the Military Departments and Services to ensure qualification standards are sufficiently broad enough to ensure servicemembers can complete their required training, achieve the standards commensurate for each role, and are able to deploy worldwide so that we maintain a ready, agile, and lethal military force.

Question. The recently revised DOD Instruction 6130.03 Volume 1, Medical Standards for Military Service: Appointment, Enlistment, or Induction, provides that a “history of cross-sex hormone therapy associated with gender transition is disqualifying unless the individual has been stable on such hormones for 18 months . . .”

What recognized independent medical authority recommends 18 months as an appropriate timeframe to assess a patient’s “stability” on cross-sex hormones?

Answer. I understand that the Department released updated standards in April 2021 that reestablished the stability period at 18 months for cross-sex hormone therapy. If confirmed, I will work with the OUSD(P&R) staff to understand the recommendations of the different recognized medical authorities regarding the appropriate timeframe required to determine if a patient can be considered stable when treated with cross-sex hormones.

Question. What criteria would a licensed medical provider use to make a determination that a potential servicemember is “stable” on cross-sex hormones?

Answer. If confirmed, I will work with the OUSD(P&R) staff to review and understand the criteria that a medical provider uses to determine stability regarding the use of cross-sex hormone therapy.

RESERVE COMPONENTS

Question. In your judgment, what has been the effect of increased operational tempo on Reserve component recruiting and retention?

Answer. I am aware that the Reserve component continues to contribute to the Total Force across a spectrum of categories to include domestic emergencies and in support of operational requirements across the globe. If confirmed, I will work with the Military Departments to understand the impact of this operational tempo on Reserve component recruiting and retention to ensure they have the needed tools to reach end strength objectives.

Question. In your view, do the Reserve components serve as an operational reserve, a strategic reserve, or both? In light of your answer, should the Reserve components be supported by increased training, improved equipment, and higher levels of overall resourcing for readiness?

Answer. The Reserve component has evolved beyond just a strategic force and is now routinely used as an operational reserve that is regularly employed. If confirmed, I will work with the Military Departments to ensure the Reserve component is supported with the training, equipment, facilities, and resources needed to maintain an appropriate level of readiness.

MILITARY LENDING ACT AND SERVICEMEMBERS’ CIVIL RELIEF ACT

Question. What is your view of the efficacy of the Military Lending Act (MLA)? If confirmed, what specific steps would you take to ensure the act is fully implemented and enforced?

Answer. It is my understanding that the MLA is working as intended. If confirmed, I intend to monitor the MLA, in coordination or consultation with the financial regulators, to ensure protections currently afforded to servicemembers and their families remain in place. During the seven years that I was an Active Duty Naval Officer, I saw first-hand the negative impacts financial issues could have on the well-being of servicemembers, their families, and ultimately mission readiness.

Question. What is your view of the value and efficacy of the servicemembers’ Civil Relief Act (SCRA)? In your judgement, does the SCRA require any updates to improve protections for military personnel and their families?

Answer. The Servicemembers’ Civil Relief Act (SCRA) is an extremely valuable set of statutory protections. Without the SCRA our military personnel and their families would suffer extreme financial hardships associated with their military

service commitments. The SCRA protects our personnel from issues with rental agreements, security deposits, prepaid rent, evictions, installment contracts, credit card interest rates, mortgage interest rates, mortgage foreclosures, civil judicial proceedings, automobile leases, life insurance, health insurance, and income tax payments. If confirmed, I will review the SCRA for any potential deficiencies or shortcomings, and, if necessary, collaborate with Congress to amend the SCRA to improve protections for military personnel and their families.

MILITARY QUALITY OF LIFE

Question. If confirmed, what quality of life and morale, welfare, and recreation (MWR) programs would you consider to be a priority?

Answer. I fully support a robust portfolio of quality of life programs. I believe these programs are integral to mission readiness and contribute to the well-being and resilience of servicemembers and their families. Programs that directly support resilient families, including military family life counseling, fitness opportunities, MWR and resale, spouse education and employment support, and access to quality and affordable child care will be prioritized. These programs are key contributors to both military family and mission readiness, and as such must be sustained.

Question. What metric would you apply in determining which MWR and quality of life programs should be sustained or enriched and which should be eliminated or reduced in scope as ineffective or outmoded?

Answer. If confirmed, I will review MWR and quality of life programs to sustain those programs that have the greatest impact on readiness, retention, and resiliency, while ensuring good stewardship of public funds and appropriate return on investment. I will review key metrics and measurements for existing programs to validate success in these areas.

MILITARY FAMILY READINESS AND SUPPORT

Question. What do you consider to be the most important family readiness issues for servicemembers and their families?

Answer. I firmly believe that military family readiness ultimately impacts the success of the mission. Child care and spouse employment are two of the main issues that I hear about regularly that have direct impacts on family readiness. In the current climate, these issues can be major stressors on the family. If confirmed, I commit to supporting the Department's efforts in these areas, and others that impact the military family.

Question. If confirmed, what specific actions would you take to ensure that military families are provided with accessible, high-quality childcare, at an appropriate cost?

Answer. Without quality child care, military families are unable to work, not to mention its effects of family readiness and retention of our servicemembers. If confirmed, I would support ongoing efforts to improve recruitment and retention of child care staff, evaluate child care fee assistance, and collaborate with the Military Departments and Services to maximize child care capacity. Ensuring affordable, quality care is accessible to our military families will be one of my priorities.

Question. If confirmed, what specific actions would you take to support military spouse employment?

Answer. Supporting military spouse education and employment is a personal priority of mine. It is my understanding that the Department of Defense supports military spouse employment by providing robust resources and advocating for military spouse licensure portability. If confirmed, I would review current resources to ensure military spouses receive the individualized support and robust tools they require to plan and finance their education, define and pursue a job or career and grow their professional and personal networks to suit their needs.

Question. Military spouses that work in licensed or credentialed career fields, like teachers or medical professionals, often face challenges becoming re-licensed or re-credentialed after a Permanent Change of Station.

If confirmed, specifically what steps would you take to support the work of the Council of State Governments to create of interstate compacts to enhance for military spouse license and credential portability?

Answer. I am aware that States continue to make improvements to their licensing laws to support military spouses, and that many States have approved licensure compacts to create reciprocity for military spouses. If confirmed, I will support the Department's existing efforts with the Council of State Governments in this area.

SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS

Question. What is your view of the overall effectiveness of the exceptional family member program (EFMP)?

Answer. If confirmed, I will evaluate how the Department is meeting the needs of these important members of our military community. I will be committed to providing the resources and support to meet the unique needs of military families who have family members with special needs.

Question. If confirmed, how would you incentivize servicemember enrollment in EFMP?

Answer. If confirmed, I will assess the effectiveness of current incentives as well as address any obstacles to enrollment in EFMP. I will also encourage the team to explore innovative incentives to further encourage enrollment for those servicemembers and their families who need this support, no matter where they are serving.

Question. If confirmed, how would you enhance support to a servicemember in navigating the TRICARE system to obtain the medical services and support required by a family member with special needs, regardless of where that family member is located?

Answer. If confirmed, I will work with Department stakeholders to improve communication, collaboration, and coordination between families, the direct care system and the TRICARE system customer services representatives to assist in obtaining and understanding medical services and support needed. In recognition of the transient nature of our military community, if confirmed, I will work with the Military Services to improve communication, collaboration, and coordination between the losing and gaining locations prior to the beneficiaries' arrival at the new duty station.

I believe early notification of movement will allow for better coordination of both primary and specialty care for beneficiaries in the Exceptional Family Member Program (EFMP), who have special needs. If confirmed, I will ensure the MHS implements established standard processes for all MTFs, which include enhanced care coordination with the TRICARE regional contractors and MTFs to support our EFMP families, wherever they may be located and to facilitate the transition when they move to a new location to ensure continuity of care.

Question. If confirmed, how would you work with Military Housing Privatization Initiative partners and military commanders to ensure that the needs of servicemembers with an exceptional family member are considered in the military housing assignment process?

Answer. Collaborating with the Military Services and Military Housing Privatization Initiative partners to ensure families with special needs have access to housing that supports their specialized requirements is crucial. If confirmed, I commit to working with appropriate DOD officials to review existing procedures and policies to make sure they are meeting the mark, and explore methods to strengthen procedures, if needed.

Question. If confirmed, what specific steps would you take to prioritize the implementation of section 582 of the NDAA for FY 2021, which mandates improvements and standardization of the EFMP across the Department?

Answer. If confirmed, I commit to prioritizing compliance with all applicable laws in this area. I will review actions taken so far, and ensure an action plan is in place to address any outstanding issues.

DEPARTMENT OF DEFENSE CIVILIAN WORKFORCE MATTERS

Question. How would you describe the current state of the Department's civilian workforce, including its morale and the Department's ability to successfully recruit and retain top civilian talent?

Answer. Although I do not have access to the Department's data regarding the current state of the civilian workforce's morale, or the Department's ability to successfully recruit top talent, I recognize that the civilian workforce is a critical element of the DOD total force. If confirmed, the recruitment, retention, and sustainment of a high quality civilian workforce will be one of my top priorities.

Question. In your judgment, what are the biggest challenges facing the DOD in effectively and efficiently managing its civilian workforce?

Answer. I cannot speak to the specific challenges facing the DOD in managing its civilian workforce; however, for many complex organizations, the fight for high quality talent, particularly technical talent, is an issue. If confirmed, I will work closely with other Department leaders to identify recruitment, retention, and other workforce challenges, and develop strategies to address each, as appropriate.

CYBER WORKFORCE

Question. What is your view of the appropriate mix between the uniformed and civilian components of the cyber workforce?

Answer. I believe that rather than a specific workforce mix, we must look at the nature of work and the mission requirements, as well as the broader market conditions to include labor supply and cost considerations. If confirmed, I will commit to reviewing and if necessary, changing, the Department policies to allow leaders the ability to achieve appropriate total force mix and meet the mission.

Question. In your view, how effective is the Cyber Excepted Service Workforce authority under section 1599f of title 10, U.S. Code, in meeting and sustaining the Department's requirements for a highly qualified and competent cyber workforce?

Answer. The authority provided by Congress to build a cyber capability to meet emerging threats in this warfare domain are critical and I applaud the Committees leadership in this area. I understand that, if confirmed, I will collaborate with the DOD Chief Information Officer (CIO) on cyber workforce matters. At this time, I cannot speak to the effectiveness of this alternative personnel system in meeting the Department's current and emerging cyber workforce needs but, if confirmed, I commit to working with the DOD CIO to ensure the Department is making best use of the authorities provided by Congress and has a highly qualified and competent cyber workforce.

Question. What actions would you take, if confirmed, to mitigate any gaps between cyber workforce capacity and capability?

Answer. If confirmed, I will work with my colleagues in the Office of the DOD CIO to mitigate cyber workforce capacity and capability gaps. Based on my understanding of the report from the Cyberspace Solarium Commission, I anticipate actions may include identifying staffing requirements and talent gaps, and developing strategies and policies to increase workforce capacity and ensure the skillsets necessary to meet cyber workforce mission needs.

TECHNICAL WORKFORCE

Question. In your view, what are the pros and cons of having Active Duty military personnel—as opposed to civilian employees—trained and working as scientists, engineers, software coders, and in other technical positions across the DOD research, development, and acquisition enterprise?

Answer. In an era of emerging threats and warfare domains that have become increasingly technical, I believe it is crucially important that the Department seeks to recruit and retain the best technical and digital workforce across the total force, including Active military duty personnel. This includes looking at how we train and assign our servicemembers to support them in their ability to maintain currency in constantly changing fields. In addition to balancing the Active Duty and civilian workforce, I believe we need to assess how we best utilize the talent of our Reserve component personnel.

Question. If confirmed, how would you ensure that the directors of national labs under the purview of DOD have the civilian workforce management tools they need to shape their science, technology, and engineering workforces?

Answer. If confirmed, I will work with my colleagues in the Office of the Under Secretary of Defense for Research and Engineering and the Military Departments to ensure the directors of the national labs have, to the greatest extent possible, the tools necessary to recruit, retain, and shape their science, technology, and engineering workforces.

SENIOR EXECUTIVE SERVICE

Question. Given that competent and caring leadership is one of the most significant factors in shaping a high-performing DOD civilian workforce, if confirmed, what factors and characteristics would be most important to you in selecting candidates for appointment to the Senior Executive Service?

Answer. If confirmed, I will focus on selecting members of the Senior Executive Service who are capable of managing complex systems and organizations, who are exceptional collaborators and team builders, and who can be innovative in their leadership of a high-performing and globally relevant DOD civilian workforce.

Question. If confirmed, how would you ensure that SES under your authority are held accountable for both organizational performance and the rigorous performance management of their subordinate employees?

Answer. If confirmed, I will ensure SES members under my authority have clear and measurable performance expectations that include standards for organizational performance as well as leadership of a high performing subordinate workforce.

Question. Are you satisfied with the subject matter and rigor of SES professional development programs currently available across DOD? If not, what changes would you make to these programs, if confirmed?

Answer. I am aware that SES professionals participate in development programs but do not have specific details to speak to the subject matter and rigor. If confirmed, I will assess these programs to identify changes that may be needed and develop strategies to achieve these changes, as appropriate.

SAFETY

Question. What is your understanding of the role of the OUSD(P&R) in matters of operational safety and occupational health?

Answer. It is my understanding that the USD(P&R) chairs the Defense Safety Oversight Council (DSOC), the Department's senior leader safety forum, and serves as the Principal Enterprise Safety Official (PESO). The PESO is the senior policy advisor to the Secretary of Defense and lead for integrated safety assessment, reporting, trend analysis, and mishap and accident reduction and mitigation activities related to aviation, ground, motor vehicle, afloat, space, and risk management in the workplace. I am also aware that the ASD(Readiness) is the Department's Designated Agency Safety and Occupational Health Official. If confirmed, operational and occupational safety and health will be among my top priorities for me. For leaders of the Department, no responsibility is more important than to protecting the people, military and civilian, who serve our country.

Question. If confirmed, specifically what more would you do to establish OUSD(P&R) leadership in the domains of operational safety and operational health?

Answer. Leaders at the highest levels must set the tone for the Department's safety culture.

Our people are our most important asset. If confirmed, I will commit to promoting a culture of safety for our personnel while simultaneously preserving operational capabilities. I will support the OUSD(P&R) in managing the Defense Safety Oversight Council (DSOC) and ensure we use this forum, and other available resources, to instill a culture where safety is paramount in both high-risk situations and daily operations and activities. Safety must be an ever-present standard in all we do.

DRUG DEMAND REDUCTION

Question. What role does the OUSD(P&R) play in ensuring that each of the Military Services—including their respective Reserve components—maintains an effective military personnel drug abuse testing program?

Answer. This is a critical area, as impairment can impact not only and individual's performance but endanger lives of others while performing military duties. The OUSD(P&R) role in this area must be to ensure oversight and thorough policy for drug testing, identifying emerging threats through surveillance; and working with the Military Departments and Services on new testing procedures as well as prevention.

If confirmed, I will work with experts throughout DOD to continue deterrence of prohibited and impairing substances.

Question. In your view, how could the DOD drug demand reduction program be modernized while maintaining or enhancing the program's role in deterring the unlawful use of controlled substances?

Answer. If confirmed, this is an area that I will closely evaluate. It is my understanding that a comprehensive, yet agile drug testing program helps deter and detect drug abuse. If confirmed, I will work to ensure that the program is robust and can quickly adjust to identify, test for, and deter emerging drug threats that can negatively impact our people and our military missions.

VOLUNTARY EDUCATION PROGRAMS

Question. Do you believe DOD's Voluntary Education Programs contribute to military recruiting and retention, and to military readiness? By what metrics does DOD assess and evaluate the contribution of such programs to recruiting, retention, and readiness? Do you believe such metrics are adequate to discern a causal relationship between these programs and desired recruiting and retention outcomes?

Answer. Yes, I believe that educational opportunities contribute to readiness as well as recruiting and retention. It is my understanding that this causation is hard to determine. Therefore, if confirmed, I will review the metrics used to evaluate the contributions to voluntary education programs to ensure the Department is achieving the desired outcomes.

Question. Does DOD receive adequate return on its investment in Tuition Assistance?

Answer. It is my understanding that the opportunity to receive additional educational opportunities while in the military is cited as a key reason for enlistment, and also plays a role in retention decisions. If confirmed, I will ensure that DOD has the information necessary to assess and evaluate the return on investment for these programs.

Question. What is your view of the adequacy of the Department's mechanisms and processes for protecting servicemembers seeking to make use of Tuition Assistance Program funding from marketing by educational institutions that offer academic programs of dubious rigor and applicability?

Answer. It is my understanding that the Department has procedures and mechanisms to help to mitigate these risks. If confirmed, I am committed to ensuring that servicemembers continue to be protected from predatory practices.

Question. What is your assessment of the Department's policies and procedures for reviewing and adjudicating servicemember complaints against educational institutions that have allegedly failed to comply with the obligations on which their eligibility for receipt of Tuition Assistance funding is contingent?

Answer. It is my understanding that the Department takes such complaints seriously and uses the procedures and policies at its disposal to address aggressive or misleading marketing. If confirmed, I will ensure that the Department continues to take servicemember complaints seriously and protect servicemembers from non-compliant educational institutions.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise legislative and oversight responsibilities, it is important that this committee, its subcommittees, and other appropriate committees of Congress receive timely testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch.

Do you agree, without qualification, if confirmed, and on request, to appear and testify before this committee, its subcommittees, and other appropriate committees of Congress? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to provide this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so in a timely manner? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to consult with this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to keep this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, and on request, to provide this committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this committee? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this committee, its subcommittees, and any other appropriate committee of Congress? Please answer with a simple yes or no.

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

OVERSIGHT OF SENIOR DOD OFFICIALS – SEXUAL ASSAULT AND SEXUAL HARASSMENT

1. Senator HIRONO. Mr. Vazirani, as part of my responsibility as a member of the Senate Armed Services Committee and to ensure the fitness of nominees for appointment to senior positions within the Department of Defense (DOD), I ask the same two questions that I ask nominees to all of the committees on which I serve. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?

Mr. VAZIRANI. No.

2. Senator HIRONO. Mr. Vazirani, have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Mr. VAZIRANI. No.

IMPLEMENTING SEXUAL ASSAULT AND HARASSMENT INDEPENDENT REVIEW COMMITTEE RECOMMENDATIONS

3. Senator HIRONO. Mr. Vazirani, if confirmed, you both will have important roles in the implementation of the Sexual Assault and Harassment Independent Review Committee (IRC) Report recommendations. I am concerned about Secretary of Defense Lloyd Austin's tentative timeline for implementation, which in some cases goes out to 2028 or later. If confirmed, how do each of you plan to support the Department's efforts to implement the IRC recommendations?

Mr. VAZIRANI. I share your concerns about achieving progress as soon as possible. We owe this to our servicemembers. If confirmed, I will work as expeditiously as possible to ensure implementation of these recommendations. It is my understanding that timelines in the roadmap are a conservative estimate, and in many cases account for the time to fully implement the recommendations across the Reserve Components. If confirmed, I will fully engage with all stakeholders within the Department, as appropriate, to support implementation while ensuring that we are thorough in our planning to set a durable foundation for efforts to stop sexual assault and harassment.

4. Senator HIRONO. Mr. Vazirani, do you have any ideas that might help to speed up the implementation process?

Mr. VAZIRANI. Leadership engagement will be critical. If confirmed, I will work with all appropriate DOD entities, and push forward the implementation within the Office of the Under Secretary of Defense for Personnel and Readiness. I believe the approach in the Secretary's roadmap allows for continuous evaluation, which may enable the Department to make potential modifications that could facilitate faster progress. The Department needs to get this right. I am committed to moving as quickly as possible to achieve real change and I understand that Tier 1 focuses on building a foundation for other efforts; we must be thorough as we build this foundation to get this right from the start since we are not only creating process, but we are also changing culture. If confirmed, I am committed to assessing implementation efforts and supporting faster progress whenever possible.

EXTREMISM IN THE RANKS

5. Senator HIRONO. Mr. Vazirani, in April, Secretary of Defense Lloyd Austin directed several immediate actions to counter extremism in the ranks—one tasks Under Secretary of Defense for Personnel and Readiness Gilbert Cisneros with reviewing and updating the definition of "prohibited extremist activities" for uniformed personnel. If confirmed, how would you approach this matter given the sensitive First Amendment freedom of association issues involved and the need to maintain good order and discipline in the ranks?

Mr. VAZIRANI. As a former servicemember, I understand that good order and discipline within the military is critical to readiness. At the same time, the freedom of speech and association rights of all Americans are liberties that our servicemembers and our great military fight to protect. However, by focusing on defining prohibited activities, I do not believe the approach outlined by Secretary Aus-

tin inhibits First Amendment rights; rather this will focus attention to harmful actions that threaten our common values of respect, duty, and honor. If confirmed, I will continue to commit to ensuring that we maintain a united and ready force that will continue to stand for and protect the Constitutional rights of all individuals.

DIVERSITY AND INCLUSION

6. Senator HIRONO. Mr. Vazirani, I am interested in making sure the Services are providing a level playing field to ensure women and minorities have the same opportunities to assume senior positions within the officer and enlisted ranks. If confirmed, will this be one of your priorities?

Mr. VAZIRANI. Yes. If confirmed, I will work with all stakeholders across the Department to ensure that all servicemembers have the same opportunities to assume senior positions with the enlisted and officer grades. I understand that this is one of the highest priorities of the Administration, and particularly for Secretary Austin and Under Secretary Cisneros, and if confirmed, I will fully and enthusiastically support and lead any efforts that allow our military to better reflect the diversity of this great nation.

7. Senator HIRONO. Mr. Vazirani, creating opportunities for underrepresented groups in our civilian DOD workforce is also important to me. How would you recommend DOD grow diversity in areas like STEM [science, technology, engineering, and math], intelligence, and national security?

Mr. VAZIRANI. The Department of Defense must continue to increase diversity in its STEM, intelligence, and national security workforces by taking advantage of technology and social media platforms to expand recruitment outreach and using all available hiring authorities to target a diversity of groups, as appropriate. While technology will be an enabler, we must also have active, personal engagement in communities that are underrepresented. I am aware that DOD has been successful in using internship and fellowship programs to bring in new technical and specialized talent, including in partnership with Historically Black Colleges and Universities and Minority Serving Institutions and professional organizations for minorities and women to diversify the future talent pipeline. If confirmed, I will work with USD Cisneros to continue these programs, actively engage in these programs, and work with the Department leadership to look for more opportunities to recruit and retain this critical talent.

QUESTIONS SUBMITTED BY SENATOR JACKY ROSEN

HOUSING ISSUES

8. Senator ROSEN. Mr. Vazirani, our lowest paid servicemembers with the least amount of time in the service are being ordered to move off base to private housing in an accelerated manner. While DOD recommends that servicemembers reside in unaccompanied housing for their first 3 years, airmen living at Nevada's Nellis Air Force Base—among other bases across the country—are averaging only 12 months in on-base unaccompanied housing due to insufficient capacity. Some of the affected individuals are too young and financially unprepared at the time they are ordered to move out, particularly given rising rents and home prices, which is why I have worked with the Committee to address this issue through the National Defense Authorization Act. If confirmed, how do you plan on tackling this issue and ensure that our youngest servicemembers have an adequate amount of development and time on base before they are ordered to move out?

Mr. VAZIRANI. The housing and financial readiness issues are personally important to me, and I have expressed my concerns in various forums in my previous roles. We owe it to our servicemembers and their families to ensure they are supported and empowered with the necessary resources to have appropriate housing and financial means, as well as educated as to how to make the best use of those resource. I believe this is a readiness and retention issue because we cannot ask these servicemembers to remain mission-ready when they are financially struggling. If confirmed, I will closely review and identify root causes of these issues, which may include resources or other challenges, and work with my counterparts to take appropriate actions to resolve these types of situations.

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

MILITARY FAMILY READINESS

9. Senator BLACKBURN. Mr. Vazirani, if confirmed, how will you work with the services to ensure that the Fiscal Year 2021 NDAA required standardization of the Exceptional Family Member Program (EFMP) is completed in a timely fashion?

Mr. VAZIRANI. I believe standardization of the EFMP Program is necessary to provide support to military families with special needs. If confirmed, I will work in coordination with the Military Departments and Services, through the established EFMP working group, to develop policies and procedures that support the standardization of the EFMP. My understanding is that the Department is committed to performing the necessary actions to complete the standardization by implementing program improvements, policy development, and oversight. If confirmed, I will ensure that the support and services provided to military families with special needs minimizes the challenges they experience and improves the EFMP across DOD.

10. Senator BLACKBURN. Mr. Vazirani, if confirmed, specifically what role would you assign to yourself in expanding services essential to military family readiness?

Mr. VAZIRANI. If confirmed, I see my role as a staunch advocate and defender of programs that enhance the well-being and resilience of servicemembers and their families. I will make data informed decisions to ensure that policy, strategy, and planning for programs and services supporting military servicemembers and families are adequately funded, resourced, and that programs are properly delivered and thoroughly measured. Family readiness is an essential part of maintaining mission readiness and Total Force fitness, because these programs and policies impact the readiness, recruitment, and retention of personnel and lead to increased military family health and well-being.

11. Senator BLACKBURN. Mr. Vazirani, if confirmed, how will you improve continuity of care for families enrolled in the EFMP?

Mr. VAZIRANI. I understand that the EFMP Family Support working group is refining processes to improve the continuity of family support services, and the Defense Health Agency is working diligently to implement measures to improve the continuity of medical care for families enrolled in the EFMP when they move to a new location. If confirmed, I will ensure that that Department has fully implemented the standardized processes and policies across the DOD to improve access to care and continuity of services for military families with special needs during a move. If confirmed, I will also ensure that the Department examines the impact of frequent moves on military families, particularly those with special needs, and explores alternatives that promote family stability and military readiness.

MILITARY FITNESS STANDARDS

12. Senator BLACKBURN. Mr. Vazirani, do you believe that gender-neutral military physical fitness standards benefit our force and quantifiably increase the lethality of our military?

Mr. VAZIRANI. I understand that gender-neutral military occupational fitness standards specific to each military occupation is current practice, and that the intent of this practice is to ensure all military professions are prepared for combat. If confirmed, I look forward to working with health and fitness experts within DOD, including the Service Departments, to make certain these standards achieve their stated aims.

13. Senator BLACKBURN. Mr. Vazirani, what impact do you assess non-binary standards implemented across DOD would have on female recruitment, retention, and promotion?

Mr. VAZIRANI. The health and well-being of servicemembers is paramount to readiness. A key contributor to the health and readiness of the force is physical fitness, which is one of many important measures to determine if recruits meet the entry standards for the military and qualification for military occupations. I am not familiar with the impact these standards have had on female recruitment, retention and promotion.

QUESTIONS SUBMITTED BY SENATOR JOSH HAWLEY

SEXUAL ASSAULT PREVENTION PROGRAMS

14. Senator HAWLEY. Mr. Vazirani, I am a strong advocate for improving the Sexual Assault Prevention programs within DOD. If confirmed, you will have oversight over military service sexual assault prevention and response programs. How do you believe the Department should improve in this area?

Mr. VAZIRANI. The Department must constantly evolve its efforts if we're going to reduce sexual assault in the military with an ultimate objective to eliminate sexual assaults and harassment from Department. This includes coordinated and effective programs to prevent these crimes from occurring in the first place. More importantly we must change culture and improve command climates to create a positive environment in which we regain the trust and confidence of those who serve, and servicemembers meet our expectations to treat all with dignity and respect. If confirmed, I will support the Department in advancing these efforts.

[The nomination reference of Mr. Ashish S. Vazirani, follows:]

NOMINATION REFERENCE AND REPORT

PN1185

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 27, 2021.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Ashish S. Vazirani, of Maryland, to be a Deputy Under Secretary of Defense, vice Laura Junor, resigned.

_____, 2021.
(Date)

Reported by Mr. Reed _____
(Signature)

with the recommendation that the nomination be confirmed.

☐ The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

[The biographical sketch of Mr. Ashish S. Vazirani, which was transmitted to the Committee at the time the nomination was referred, follows:]

Bio
Ashish S. Vazirani

Education:

- Georgia Institute of Technology
 - 1982 - 1983
 - Transferred to Vanderbilt University
- Vanderbilt University
 - 1983 – 1986
 - Bachelor of Engineering in Mechanical Engineering
- Northwestern University, Kellogg Graduate School of Management / McCormick School of Engineering – MMM Program
 - 1993 – 1995
 - Master of Business Administration
 - Master of Engineering
 - Concentrations in manufacturing and operations, finance, and health services management

Employment Record:

- United States Navy
 - Ensign to Lieutenant, Submarine Force
 - May 1986 – September 1993
 - Naval Surface Weapons Center (Temporary Duty), Silver Spring, MD: May 1986 – August 1986
 - Naval Nuclear Power School, Student, Orlando, FL: September 1986 – February 1987
 - Naval Nuclear Prototype Training Unit, Student, Idaho Falls, ID: March 1987 – August 1987
 - Submarine Officer Basic Course, Student, Groton, CT: September 1987 – December 1987
 - USS Groton (SSN 694), Division Officer, Groton, CT: January 1988 – March 1991
 - Bureau of Naval Personnel, Submarine Officer Detailer, Arlington, VA: April 1991 – September 1993
- Merck & Co.
 - Merck Manufacturing Division Operations Improvement Team, MBA Summer Intern, West Point, PA: June 1994 – August 1994
- ZS Associates: ZS is a business services firm specializing in sales and marketing analytics, operations, and strategy

- Consultant (Pharmaceutical Sector), Princeton, NJ: July 1995 – January 1997
- Hoffman-La Roche, Roche Laboratories: Roche Labs was the US Subsidiary of Hoffmann-La Roche (Roche). Roche is a pharmaceutical and biotechnology company that develops healthcare solutions across a wide range of therapeutic categories and treatment regimens
 - Regional Business Manager, Princeton, NJ: February 1997 – August 1999
- Analytika, A Division of Dendrite International (now Cegedim): Dendrite was the leading provider of CRM systems to the pharmaceutical industry
 - Director, Consulting Services, Raleigh, NC and Morristown, NJ: September 1999 – August 2002
 - Analytika was acquired by Dendrite in 2000
- MarketBridge: MarketBridge is a sales and marketing professional services firm that helps B2B companies acquire new customers, cross-sell/upsell into existing accounts, and retain customers.
 - Principal, Vice President and Senior Vice President
 - Bethesda, MD: September 2002 – August 2006, September 2009 – October 2010
 - San Francisco, CA: September 2006 – August 2009
- ZS Associates: ZS is a business services firm specializing in sales and marketing analytics, operations, and strategy
 - Principal, Managing Principal / Leader of High Technology Practice, San Francisco, CA: November 2010 – June 2017
- Armed Services YMCA: The Armed Services YMCA (ASYMCA) provides innovative, specialized programs and support services to military service members and their families with a focus on junior-enlisted service members.
 - Senior Vice President Programs, Woodbridge, VA: June 2017 – May 2018
 - Chief Development Officer, Woodbridge, VA: June 2018 – September 2019
- National Military Family Association: National Military Family Association is a leading nonprofit dedicated to serving the families who stand behind the uniform.
 - Executive Director and CEO, Alexandria, VA: September 2019 – February 2021
- A2O Strategies, LLC: A2O Strategies provides advisory services to high growth, mid-size, and large enterprises, commercial and non-profit, on the development, implementation, and execution of growth strategies
 - Principal (Self Employed), Silver Spring, MD: May 2017 - Present

Honors and Awards:

- Military Awards
 - United States Navy
 - Navy Commendation Medal: 2 Awards - USS Groton (SSN 694), Bureau of Naval Personnel
 - Navy Achievement Medal: 1 Award - USS Groton (SSN 694)
- Academic Awards
 - Vanderbilt University
 - Summa Cum Laude - Deans Award for Outstanding Scholarship
 - Tau Beta Pi - National Engineering Honor Society
 - Mortar Board - National Honor Society for College Seniors
 - Naval Reserve Officers Training Corp, 4 year scholarship

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Mr. Ashish S. Vazirani in connection with his nomination follows:]

117th CONGRESS, 2020 -- 2021
UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES
ROOM SR-228
WASHINGTON, D.C. 20510-6050
(202) 224-3871

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE
INFORMATION REQUESTED OF CIVILIAN NOMINEES

INSTRUCTIONS TO THE NOMINEE: Answer all questions and provide all requested information. If more space is needed, attach an additional sheet of paper to the Questionnaire and cite the part of the Questionnaire and the question number (e.g., A-9, B-4) to which the continuation of your answer applies. Unless otherwise required, an answer of "yes", "no", or "not applicable" is appropriate.

QUESTIONNAIRE, PART A

NOTE: Information furnished in this part of the Questionnaire will be made available in Committee offices for public inspection prior to the hearing, if any, and will be entered in the hearing record, also available to the public.

BIOGRAPHICAL INFORMATION TO BE MADE PUBLIC

1. Name (Include any former names you have used): Ashish Sunder Vazirani
(Nickname: "Ash")
2. Position to which nominated: Deputy Undersecretary of Defense for
Personnel and Readiness
3. Date of nomination: 27 September 2021
4. Education (List names of secondary and higher education institution
attended, type of school [vocational, technical, trade school, college,
university, military college, correspondence, distance, extension, and on-
line], dates attended, degree received, and date degree granted):

Please see attached

5. Employment record (List all jobs held since college, or in the last 10 years, whichever is less, including the title or description of the job, name of employer, location of work, and dates of employment. If the employment activity was military duty, show each change of military duty station as a separate period of employment):

May 2017 – Present
A2O STRATEGIES, LLC (Self-Employed) Silver Spring, MD

Principal (Sole Proprietor): Business owner. A2O Strategies, LLC does not have any employees other than the sole proprietor.

September 2019 – February 2021
NATIONAL MILITARY FAMILY ASSOCIATION Alexandria, VA

Executive Director & Chief Executive Officer: Provided strategic and operational oversight and direction for all aspects of NMFA's work.

June 2017 – September 2019
ARMED SERVICES YMCA Woodbridge, VA

Senior Vice President, Programs & Strategy (June 2017 – July 2018): Responsible for the development, implementation, delivery, and measurement of standardized programs.

Chief Development Officer (July 2018 – September 2019): Accountable for the ASYMCA's financial growth and development and for managing relationships with the ASYMCA's largest organizational donors.

November 2010 – June 2017
ZS ASSOCIATES San Francisco, CA

Managing Principal, High Tech Industry Leader: Established the high tech industry vertical with responsibility for all aspects of practice.

6. Government experience (List any advisory, consultative, honorary, and other part-time service or positions with Federal, State, or local governments, other than those listed in response to question 5, above):

NATIONAL ACADEMIES OF SCIENCES, ENGINEERING and MEDICINE 2018 – 2020
Washington, DC

Committee Member: Committee on the Well-Being of Military Families

UNITED STATES NAVY, SUBMARINE FORCE 1986 – 1993

BUREAU OF NAVAL PERSONNEL 1991 – 1993
Washington, D.C.

Lieutenant - Assignment Officer, Submarine/Nuclear Propulsion Division, 1991-1993

USS GROTON (SSN 694) 1986 – 1991
Groton, CT

Ensign to Lieutenant - Division Officer

7. **Business relationships** (List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, and of any educational or other institution):

GLOBAL WAR ON TERRORISM MEMORIAL FOUNDATION April 2021 - Present
Member, Board of Advisors gwotmemorialfoundation.org

STONE RIDGE SCHOOL OF THE SACRED HEART May 2021 - Present
Member, Board of Trustees stoneridgeschool.org

8. **Memberships** (List all memberships and offices that you currently hold, as well as any memberships and offices you have previously held in professional, fraternal, scholarly, civic, business, charitable and other organizations):

Shearwater Condominium Homeowners Association
Office: Architectural Committee, Co-Chair (Volunteer)

St. Bernadette Catholic Church, Silver Spring, MD
Dates: 1999 – 2006, 2009 – Present

St. Vincent de Paul Catholic Church, San Francisco, CA
Dates: 2006 - 2009

Military Officers Association of America
Dates: July 2018 – Present (expires in 2068)
Nature of Membership: Regular Life Membership

Vanderbilt University NROTC Alumni Association
 Dates: 2017 – Present
 Nature of Membership: Member

Vanderbilt University Alumni Association
 Dates: 1986 – Present
 Nature of Membership: Member and Reunion Volunteer

Congressman Jamie Raskin Service Academy Nomination Panel
 Dates: 2018 – Present
 Nature of Membership: Panelist

Unbound (<https://www.unbound.org/OurImpact/WhoWeAre>)
 Dates: 2003 – Present
 Nature of Membership: Sponsors (both Ashish & Deborah)

9. Political affiliations and activities:

- a. If you have ever been a candidate for, or have been elected or appointed to a political office, list the name of the office(s); whether you were a candidate/elected/appointed; the year(s) during which you were a candidate, or in which the election was held or the appointment was made; and the term of office (if applicable):

N/A

- b. List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years: N/A
- c. Itemize all individual political contributions of \$100 or more to any individual, campaign organization, political party, political action committee, or similar entity during the past 5 years. List each individual contribution (not the total amount contributed to the person or entity) over this period: N/A

10. Honors and awards (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition received for outstanding service or achievements):

Vanderbilt University
 Summa Cum Laude – Deans Award for Outstanding Scholarship
 Tau Beta Pi – National Engineering Honor Society

Mortar Board – National Honor Society for College Seniors
Naval Reserve Officers Training Corp, 4 year scholarship

United States Navy
Navy Commendation Medal: 2 Awards – USS Groton (SSN 694), Bureau of Naval Personnel
Navy Achievement Medal: 1 Award – USS Groton (SSN 694)

11. **Published writings (List the titles, publishers, and dates of books, articles, reports, or other published materials that you have written or for which you served as co-author or editor, including articles and blogs published on the internet):**

National Academies of Sciences: The Well-Being of Military Families:

- o Study Website: <https://www.nationalacademies.org/our-work/the-well-being-of-military-families>
- o Report: Strengthening the Military Family Readiness System for a Changing American Society:
 - <https://www.nap.edu/read/25380/chapter/1>
 - <https://www.ncbi.nlm.nih.gov/books/NBK547612/>

OpEds:

- o Military.com: Our Call to the New Administration: Put Military Families First (<https://www.military.com/daily-news/opinions/2021/01/27/our-call-new-administration-put-military-families-first.html>)
- o Military.com: Congress Must Act Immediately for Military Families Facing Hunger (<https://www.military.com/daily-news/2020/05/06/congress-must-act-immediately-military-families-facing-hunger.html>)

Articles and Letters on National Military Family Association Website
(www.militaryfamily.org)

- o LOOKING AHEAD: NMFA'S NEXT 50 YEARS: A Message from Our Executive Director and CEO, Ashish Vazirani (<https://www.militaryfamily.org/looking-ahead-nmfas-next-50-years/>)
- o IT'S TIME TO REMOVE BAH FROM SNAP CALCULATIONS (<https://www.militaryfamily.org/its-time-to-remove-bah-from-snap-calculations/>)

Articles and Publications from ZS (see attached)

Articles posted on LinkedIn: <https://www.linkedin.com/in/ashishsvazirani/detail/recent-activity/posts/>

12. Speeches (Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years—of which you have copies—in which you addressed matters relevant to the position to which you have been nominated).

Please see attached: NMFA 50th Anniversary Gala

COMMITMENTS IN FURTHERANCE OF CONGRESSIONAL OVERSIGHT

NOTE: In order to exercise their legislative and oversight responsibilities, it is important that this Committee, its subcommittees, and other appropriate committees of Congress timely receive testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch. A simple “yes” or “no” response is appropriate.

13. Do you agree, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate Committees of Congress? Yes
14. Do you agree, if confirmed, to provide this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so timely? Yes
15. Do you agree, if confirmed, to consult with this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Yes
16. Do you agree, if confirmed, to keep this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Yes
17. Do you agree, if confirmed, and on request, to provide this Committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? Yes

18. Do you agree, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this Committee? Yes
19. Do you agree, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress? Yes

[The nominee responded to Parts B-F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B-F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed Parts A and B of the foregoing Senate Armed Services Committee Questionnaire, and that the information provided therein and in any document appended thereto, is, to the best of my knowledge and belief, current, accurate, and complete.



This 12th day of October, 2021

[The nomination of Mr. Ashish S. Vazirani was reported to the Senate by Chairman Reed on December 8, 2021, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 12, 2022.]

[Prepared questions submitted to Ms. Carrie F. Ricci by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES AND RESPONSIBILITIES

Question. Section 7019 of title 10, U.S. Code, establishes the position of the Army General Counsel and provides that the General Counsel shall perform such functions as the Secretary of the Army may prescribe.

What is your understanding of the current duties and functions of the Army General Counsel?

Answer. Section 7019 of Title 10 provides that the General Counsel of the Army shall perform such functions as the Secretary of the Army may prescribe. Pursuant to this section of Title 10, the Secretary has prescribed the General Counsel's duties through various general orders, regulations, and memoranda. Under these authorities, the General Counsel serves as legal adviser to the Secretary of the Army and is the chief legal officer of the Department of the Army. As such, the General Counsel provides legal advice to the Secretary of the Army, the Under Secretary, the Assistant Secretaries, and other officials within the Army Secretariat; coordinates legal and policy advice for all other members of Army headquarters; and determines the controlling legal position of the Department. The General Counsel's responsibilities extend to any matter of law, and to other matters as directed by the Secretary, including: (1) providing professional guidance to the Army's legal community; (2) overseeing matters in which the Army is involved in litigation; (3) serving as the Designated Agency Ethics Official for the Department; (4) exercising the Secretary's oversight of intelligence and counterintelligence activities; (5) monitoring sensitive activities and investigations for legality and propriety; (6) taking final action on certain claims filed against the Army; and (7) working with The Judge Advocate General to oversee criminal and administrative investigations.

Question. If confirmed, what additional duties and functions would you expect the Secretary of the Army to prescribe for you, particularly in light of the lines of effort comprising the 2018 National Defense Strategy (NDS)?

Answer. If confirmed, I anticipate that the Secretary of the Army will expect me to lead and manage the Office of General Counsel efficiently and effectively to ensure that the office provides timely and accurate legal advice that assists the Army to comply with both the spirit and letter of the law while it executes the National Defense Strategy. I am prepared to advise Army leadership and assist in their efforts to modernize the force to ensure a resilient and rapidly innovating force that will compete, deter, and win in the current operating environment. I anticipate that the Secretary will expect me to build strong, collaborative relationships with The Judge Advocate General and members of the Secretariat and Army staff, as well as

the General Counsels of the Department of Defense, the service branches, and other Federal agencies.

Question. If confirmed, specifically what would you do to ensure that your tenure as Army General Counsel epitomizes the fundamental requirement for civilian control of the

Armed Forces embedded in the U.S. Constitution and other laws?

Answer. If confirmed, I would ensure that the final decision on all questions of law and policy are made by members of the civilian Secretariat after close cooperation and consultation with the uniformed Department of the Army staff. Also, I would work to ensure that Headquarters, Army Senior Leaders know that Office of General Counsel advises the Secretary of the Army and the Secretariat. I would likewise ensure that no confusion exists regarding the chains of command between the attorneys working for the Office of the General Counsel versus those working for The Judge Advocate General of the Army.

Question. In your opinion, who is the "client" of the Army General Counsel?

Answer. The General Counsel's client is the Department of the Army, acting through its authorized officials, including, but not limited to, the Secretary, the Under Secretary, the Assistant Secretaries, and other principal officials within the Army Secretariat and the Army Staff.

Question. What is your view of the responsibility and authority associated with the Army General Counsel's designation as the Chief Legal Officer of the Department of the Army?

Answer. In my view, the General Counsel and Office of General Counsel attorneys serve as legal counsel for the Department of the Army, the Secretary, and other Secretariat officials. As a team, the Office of General Counsel coordinates legal and policy advice for Headquarters, Department of the Army; determines the Army's position on all legal questions and procedures; provides legal advice on Army acquisition, logistics, and technology programs; gives final Army legal clearance on all legislative proposals and comments thereon of interest to the Department; establishes and administers the Army's policies concerning legal services; exercises technical supervision over, and professional guidance to, all Department of the Army attorneys and legal offices; oversees compliance with the Freedom of Information Act and the Privacy Act within the Department; oversees the Army Ethics Program and exercise final authority within the Army for all ethics matters; exercises the Secretary of the Army's oversight of intelligence activities and monitor those activities for legality and propriety; serves as the point of contact for legal matters between the Department of the Army and other departments and agencies; and takes final action on claims filed against the Army.

Question. If confirmed, how would you view your role as the Army General Counsel with respect to the General Counsel of the Department of Defense (DOD) in her role as the DOD Chief Legal Officer?

Answer. The General Counsel of the Department of Defense is the chief legal officer and final legal authority for all legal issues facing the Department of Defense, to include the Department of the Army. If confirmed, I look forward to continuing to cultivate the strong working relationships that I am accustomed to from my time as a Judge Advocate in the Army, in DODEA, and the Department of Agriculture. I am committed to working collaboratively on matters of mutual interest to the Department of the Army and the Department of Defense.

QUALIFICATIONS

Question. What background and experience do you possess that qualify you to serve as the General Counsel of the Department of the Army?

Answer. I served as an Army officer for just short of 22 years, first as a personnel officer, then as a Judge Advocate, retiring at the rank of Lieutenant Colonel. Every day, I had the immense privilege of watching soldiers put their team, mission, and country first, taking great risks and making personal sacrifices to achieve our shared goals. Should I be confirmed, my experiences in the Army have prepared me well to assume the duties of General Counsel and to do right by our soldiers, civilians, and family members. As a Judge Advocate, I worked on a broad spectrum of legal issues including military justice, equal opportunity, fiscal law, and operational and administrative law. I deployed to the Middle East twice, first to OPERATION DESERT STORM in 1992 and then in support of OPERATIONS IRAQI FREEDOM and ENDURING FREEDOM in 2004. I have served in operational and intelligence units, service and combatant command staffs, and in the Office of the Judge Advocate General and the Office of the General Counsel. I understand the importance of the collaborative relationship that must exist between these offices and have been fortunate to work with many of the lawyers presently serving in both offices, includ-

ing the current Judge Advocate General of the Army, an extraordinary leader with whom I served at Fort Hood. Since retiring from the Army, I have worked as a Federal civilian lawyer, and I am currently leading a dynamic team of attorneys in the Office of the General Counsel at the Department of Agriculture. In this role I have further honed the leadership skills instilled in me daily during my Army service, and I am committed more than ever to exceed expectations as a servant leader for our country. Last year, I was privileged to serve the Army as a civilian member of the Fort Hood Independent Review Committee, where our five-member team completed a comprehensive review of the Fort Hood command climate and culture that has been the impetus for great change at Fort Hood and across the Army and DOD. I am well qualified and honored to be considered for this position.

Question. Do you believe that there are any actions you need to take to enhance your ability to perform the duties of the Army General Counsel?

Answer. Based on my background and experience, I am confident I have the requisite knowledge, skills, abilities, and temperament to serve as the Army General Counsel. If confirmed, I will work closely with the talented attorneys in the Office of the General Counsel, as well as in the Office of the Judge Advocate General to further my understanding of the legal challenges facing the Army. I will work with Army leadership to assess and prioritize their legal needs and quickly calibrate how I can be most effective in the position.

MAJOR CHALLENGES AND PRIORITIES

Question. If confirmed, what would be your vision for the OGC of today? For the OGC of the future?

Answer. If confirmed, my current vision for OGC is to continue to provide well-coordinated, timely, and accurate legal and policy advice within the HQDA and to clearly articulate the Army's position on all legal matters. OGC lawyers will continue to carry out the responsibilities of OGC as enumerated in HQDA General Orders No. 2020-01, as well as play a key role in supporting Secretary Wormuth's culture of innovation and experimentation, particularly in implementing acquisition reforms to streamline processes and promote efficiency within the parameters of the law. Finally, Army lawyers will be instrumental in the implementation of both the DOD and the Fort Hood Independent Review Committee's recommendations, particularly those regarding the prevention of and response to sexual assault and sexual harassment within the Army.

For the OGC of the future, I envision that Army lawyers will add to their already diverse portfolios with well-developed expertise in cybersecurity, intellectual property, artificial intelligence, public-private partnerships, and the law of modern warfare that reflects the transformation on which the Army is embarking today.

Question. In your view, what are the most significant legal issues facing the Army today?

Answer. The Secretary of the Army has established the Army's significant priorities, with the focus on People, Readiness, and Modernization. If confirmed, I look forward to supporting these Army priorities by addressing the legal issues that currently exist, and may arise, as those national security priorities are achieved. I have shared nine of the most significant legal issues that I am aware of in the answer that follows.

Question. What do you consider to be the most significant challenges you will face if confirmed as Army General Counsel?

Answer. To confront the significant challenges ahead, the Office of General Counsel must have the training and expertise required to provide timely and expert legal advice regarding modernization and acquisition reforms, while ensuring the vital focus on its people and military readiness. The Army will require attorneys knowledgeable in cybersecurity, intellectual property, and the challenges posed by artificial intelligence. If confirmed, the legal and policy issues and challenges that I expect to confront, at a minimum, are: (1) the Army's ongoing efforts to ensure diversity and promote fairness for all who serve the Nation in the United States Army; (2) prevent and respond appropriately to incidents of domestic violence, sexual harassment, and sexual assault; (3) suicide prevention; (4) the continuing integration of women into previously closed combat positions and occupations; (5) the implementation of recent legislative reforms in military justice and health care; (6) compliance with environmental laws; (7) continued focus on senior leader accountability; (8) oversight of Army intelligence activities; and (9) acquisition and modernization efforts.

Question. What plans do you have for addressing each of these challenges, if confirmed?

Answer. If confirmed, I intend to work closely with the Secretary of the Army, the Army Secretariat, the Chief of Staff of the Army, the Army Staff, and the Office of The Judge Advocate General to provide legal support and advice to confront the challenges facing our Army. I will ensure the attorneys in the Office of General Counsel (OGC) have access to training and development opportunities necessary to gain any additional expertise required to confront these challenges. I will also work with The Judge Advocate General and other Army attorney qualifying authorities to identify resources as well as training and development opportunities for attorneys throughout the Army to develop the skills necessary to confront these challenges. Regarding the legal and policy challenges I have identified, I will ensure OGC attorneys—always standing point—are fully engaged with our clients, ready to provide legal advice and find the legal solutions necessary to facilitate mission success.

Question. If confirmed, what broad parameters would you establish as to the types of legal and policy issues on which you and the OGC must be consulted?

Answer. If confirmed, I intend to support the Secretary, Under Secretary, and the Assistant Secretaries on all material and substantive matters being worked by the Army Secretariat. I believe that attorneys who are problem solvers are essential to shaping the legal and policy landscape. As an organization, I believe that the attorneys who comprise OGC must be participants in all stages of decisionmaking. It would be my duty to ensure that OGC attorneys have the training and professional skills necessary to provide sound legal advice and are fully integrated into the Army's decisionmaking process.

Question. If confirmed, are there specific matters on which your predecessor Army General Counsels have issued legal opinions that you would expect to reconsider and possibly revise? If so, which opinions, in which practice areas, do you believe might merit reconsideration?

Answer. There are no legal opinions that I am aware of at this time that need to be reconsidered or revised.

Question. If confirmed, what innovative ideas would you consider providing to the Secretary of the Army to improve the organization and operations of Army OGC? To improve the delivery of legal services Army-wide?

Answer. If confirmed, I would undertake a review of the legal support to Army modernization efforts. In particular, I would review legal support related to cyber security, information law, and intellectual property. If confirmed, I would also evaluate the applicability of the Defense Legal Services Agency structure at the Military Department level, and consider the opportunities that could be realized with a new Department of Army Legal Services Organization.

Question. If confirmed, how would you use organizational climate surveys to enhance your leadership and management of the OGC?

Answer. I would read every word of the organizational climate surveys and take note of any recommendations for improvements, as well as positive feedback, to inform my decisions and ensure continued success. Should there be any negative feedback, I would seek to immediately analyze and identify the root cause and work to address the issue immediately and transparently.

Question. If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between Congress and the Department of the Army?

Answer. The Army cannot expect to succeed without the support of Congress, and particularly this Committee. It would be my goal to maintain transparent and continuing communication with the Congress to facilitate oversight. If confirmed, I will maintain a productive relationship through my words and actions, proceeding with complete integrity and positive collaboration.

RELATIONSHIP WITH THE JUDGE ADVOCATE GENERAL OF THE ARMY AND OTHER ARMY SENIOR COUNSELS

Question. How are the responsibilities and authorities for providing legal services to the Department of the Army allocated between the General Counsel of the Army; The Judge Advocate General of the Army; the Command Counsel, U.S. Army Materiel Command; and the Chief Counsel, U.S. Army Corps of Engineers?

Answer. It is my understanding that the Judge Advocate General of the Army (TJAG), the Command Counsel for U.S. Material Command, and the Chief Counsel for the U.S. Army Corps of Engineers provide legal counsel to the Commanding General of their organization, or in the case of the TJAG, to the Chief of Staff of the Army and the members of the Department of the Army Staff. The General Counsel (GC) of the Army is the final legal authority for the Department of the Army and has overall responsibility for providing legal counsel to the Secretary of the Army, the Under Secretary of the Army, the Assistant Secretaries of the Army, and all

other members of the Army Secretariat. The GC's legal opinions are controlling within the Department of the Army. The GC also serves as the overall qualifying authority for all lawyers in the Department of the Army, although I understand that qualifying authority has been delegated to the TJAG, Command Counsel for AMC and the Chief Counsel for the COE. However, I also understand that under Title 10 section 7037, the TJAG is also a legal advisor to the Secretary on issues where his or her expertise is crucial to the success of the mission—such as military justice, international or operational law, and other uniquely “military” areas of the law.

Question. What is the role of the Army General Counsel and other Army Senior Counsels in ensuring that attorneys under their supervision adhere to the Attorney Rules of Professional Conduct? If confirmed, how would you approach this critical supervisory duty with regard to Army OGC?

Answer. The Army General Counsel is the senior qualifying authority for all attorneys in the Department of the Army. While The Judge Advocate General, the Army Materiel Command Chief Counsel, and the U.S. Army Corps of Engineers Chief Counsel are all qualifying authorities for the attorneys that practice under their supervision, the Army GC has overall responsibility for the ethical practice of law and the adherence to the Attorney Rules of Professional Conduct for all attorneys in the Department of the Army. If confirmed, I would review current Professional Conduct training for all Army attorneys, as well as current oversight protocols within the Army to ensure the Army attorneys are employing sound ethical practices.

Question. If confirmed, how would you employ the forum provided by the Department of the Army Professional Conduct Council?

Answer. If confirmed, I would use the forum to ensure that my responsibilities as the Qualifying Authority for all attorneys in the Department of the Army are thoroughly and professionally executed. As I understand, along with the Standards of Conduct Office at OSD OGC, the Professional Conduct Council is another resource to ensure that the Department of the Army legal community maintains the highest professional standards for the practice of law. I am completely committed to not only the ethical practice of law, but to the education of counsel on the necessity of always choosing the harder right instead of the easier wrong.

Question. What role, if any, does the Army General Counsel play in evaluating the performance of other Army Senior Counsel?

Answer. I believe the Army General Counsel provides input to the rater of every Army Senior Counsel on their annual performance evaluation.

Question. What is your understanding of the unique role and authority of The Judge Advocate General of the Army vis-a-vis the General Counsel of the Army?

Answer. The Judge Advocate General (TJAG) and the General Counsel of the Army are partners, both dedicated to the advancement of the Army mission and to the legal support of their respective clients—the Chief of Staff of the Army for TJAG and the Secretary of the Army for the General Counsel. I also understand that under Title 10 section 7037, the TJAG is authorized to give independent legal advice to the Secretary or the Chief of Staff of the Army.

Question. What is your view of the authority of The Judge Advocate General of the Army, particularly as regards the provision of independent legal advice to the Secretary of the Army and the Chief of Staff, Army?

Answer. Under Title 10 section 7037, the TJAG is authorized to give independent legal advice to the Secretary and the Chief of Staff. This is particularly important where his or her expertise is crucial to the success of the mission—such as military justice, international or operational law, and other uniquely “military” areas of the law.

Question. What is your view of the responsibility of Army judge advocates to provide independent legal advice to military commanders and other Army officials and employees?

Answer. Under Title 10 section 7037, Army Judge Advocates are entitled to give independent legal advice to military commanders. The statute prohibits any officer or employee of the Department of Defense from interfering with these duties. In my view, Judge Advocates must be empowered to provide independent legal advice to commanders and their staff, supported by appropriate guidance from their supervising attorneys. It is critical that commanders have access to timely, accurate, and candid legal advice and counsel as they execute their missions.

Question. How do you view the role and responsibility of the Army General Counsel in the supervision and oversight of military justice matters vis-&-vis The Judge Advocate General of the Army?

Answer. I view the Army General Counsel's role as complementary to that of The Judge Advocate General, who is charged statutorily with supervision and oversight

of military justice. While providing independent views and advice to the Secretary of the Army and Army Senior Leaders, the Army General Counsel and The Judge Advocate General must work together to ensure appropriate policies are in place; those working within the military justice system have the requisite training, experience, and resources; victims receive the support they deserve; and the military justice system is fair and properly holds military personnel accountable for their actions.

Question. If confirmed, would you propose any changes in the current relationships between the Army General Counsel and The Judge Advocate General of the Army?

Answer. I am not aware of any changes that are currently needed. It is my understanding, that the Army General Counsel and The Judge Advocate General have a close and collaborative relationship. If confirmed, I would seek to build upon and strengthen that relationship to ensure that the civilian and military lawyers leverage their expertise and perspectives to provide informed and comprehensive legal and policy advice to Army Senior Leaders.

Question. If confirmed, would you propose any changes to the current relationships and/or allocation of responsibilities between attorneys in the OGC and uniformed Army judge advocates?

Answer. I am not aware that any changes are currently needed. I understand that the Army Office of the General Counsel and the Office of The Judge Advocate General have a close and collaborative relationship. If confirmed, however, I will take a careful look at this relationship and assess if any adjustments are necessary.

Question. Are the legal opinions of the Army General Counsel binding on all Army attorneys?

Answer. Yes. It is my understanding that the Army General Counsel is the chief legal officer for the Department of the Army and is empowered to determine the Department's position on any legal question or procedure. Legal opinions issued by the Army General Counsel are, therefore, controlling throughout the Department of the Army. It is my understanding, partially informed by my experience as an active duty judge advocate in Office of the Army General Counsel, that there is a close and collaborative relationship with the Office of the Judge Advocate General in formulating those opinions. If confirmed, I will continue to ensure that legal opinions are informed by the expertise of both the civilian and uniformed members of the Army's legal community.

Question. If confirmed, how would you ensure that controlling legal opinions of your office are available to all Army attorneys, including judge advocates?

Answer. It is my understanding that written opinions authored by or coordinated with the Office of the General Counsel for the Department of the Army are generally distributed in the ordinary course of business, using normal departmental distribution processes. If confirmed, this practice will continue and I will be sure to evaluate its effectiveness. In addition, I will ensure that the Office of the Army General Counsel makes its legal opinions appropriately available upon request to other Army attorneys, including judge advocates.

Question. Section 548 of the National Defense Authorization Act required the Secretary of Defense shall carry out a program to provide legal counsel to victims of domestic violence offenses who are otherwise eligible for military legal assistance.

In your view, how do the needs of victims of domestic violence offenses differ from the needs of victims of sexual assault? How should any such differences affect the parameters of a legal counsel program established for domestic violence victims?

Answer. In my view, due to the nature of the relationship a victim of domestic violence has with the offender, victims may need legal support to help them leave an unsafe domestic situation. A primary goal of any legal program intended to support these victims should focus first on providing the victim with the legal tools necessary to safely leave a dangerous relationship. This assistance likely requires a legal subject matter expert in family law—a case area covered by the Army's Legal Assistance program. In addition to family law advocacy, victims of domestic violence deserve the victim advocacy that Army Special Victims' Counsel (SVC) attorneys can provide. Because these victims have these two unique legal needs, my view is that any program that seeks to support and protect victims of domestic violence must provide both types of support—victim advocacy and family law advocacy.

Question. If confirmed, what role would you establish for yourself in assisting the Secretary of Army conducting the program required by section 548?

Answer. If confirmed, I would assist in evaluating the effectiveness of the Army's recent efforts to meet this challenge. As this is a new program, training, resourcing, or focus may require adjustments as the program matures.

Question. In your view, how do the needs of military child victims of sexual abuse differ from the needs of adult victims of sexual assault and from those of domestic

violence victims? How would any such differences affect the parameters of a legal counsel of guardian ad litem program established for military child victims of sexual abuse?

Answer. I am aware that Special Victims' Counsel, Special Victim Prosecutors, and Trial Defense Services attorneys all receive training on how different traumas and different stages of development impact the support needed by victims. I understand that Special Victims' Counsel can only represent those victims capable of understanding the process and of making independent decisions. In cases where victims, due to their young age, are not competent to make those legal decisions, I understand that a guardian ad litem may be assigned. In these instances, the guardian ad litem makes decisions on behalf of the victim that are in the victim's best interests.

INFORMATION LAW AND PRACTICE

Question. The Army General Counsel serves as the Army's appellate authority for appeals of denials of the release of information requested under the Freedom of Information Act (FOIA).

What is the current backlog of FOIA appeals in Army OGC?

Answer. I am informed that, as of October 1, 2021, when the Army Office of General Counsel compiled its annual report, the appeal backlog was 57.

Question. If confirmed, what actions would you take to address this backlog?

Answer. If confirmed, I would devote an appropriate number of personnel to addressing and reducing the backlog, including the use of Army Reserve Judge Advocates assigned to Army OGC.

Question. If confirmed, what factors would you consider in determining whether or not to recommend the invocation of Executive Privilege in regard to a request from the Senate Armed Services Committee for information under the cognizance of the Department of the Army?

Answer. If confirmed, my recommendation about whether to invoke Executive Privilege would be made in close coordination with the Department of Defense Office of the General Counsel and would be based on applicable law and established executive branch policy regarding accommodation of congressional oversight requests.

Question. How does the Army address or mitigate privacy concerns associated with the Commander's Risk Reduction Dashboard? Given the sensitivity of the personal information aggregated in the Dashboard, should the Army's approach to compliance with privacy laws and regulations be adjusted in any way, in your view?

Answer. I am informed the Army mitigates privacy concerns by imposing extensive administrative and technical safeguards to protect the information on the Commander's Risk Reduction Dashboard. In addition, Dashboard users receive privacy training to ensure they are good stewards of the information and understand applicable law and policy. I do not know, at this time, if adjustments are necessary.

Question. How does the Army navigate the requirements of the Health Information Portability and Accountability Act and a soldier's desire for confidentiality in determining what information about a soldier's mental or behavioral health—including treatment for a mental or behavioral health condition—can and should be provided to the chain of command? Should the Army's approach to this matter be revised in any way, in your view?

Answer. In my judgment, the Army must ensure the safety and confidentiality of all soldiers' medical conditions and treatment in accordance with the Health Information Portability and Accountability Act. It is important that soldiers continue to seek care and, as such, it is appropriate to limit the amount of information conveyed to the chain of command to only that necessary to convey the risk to the soldier and to the mission. If confirmed, I will provide the Secretary my best advice, in coordination with the Surgeon General, on the right balance between confidentiality and ensuring the command is informed in order to effectively assess risk, maintaining full compliance with the law and Department of Defense policy.

CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS AND INTELLIGENCE OVERSIGHT

Question. Per Army General Order 2020-01, Assignment of Functions and Responsibilities Within Headquarters, Department of the Army, the Army General Counsel is responsible for overseeing criminal and administrative investigations, in coordination with The Judge Advocate General.

If confirmed, what role would you establish for yourself in providing advice to the U.S. Army Criminal Investigation Command (CID), including acting on requests for consensual or nonconsensual interceptions of wire, electronic, and oral communications, and pen register operations?

Answer. My understanding is the Army General Counsel (GC) coordinates with the Judge Advocate General to provide advice to CID on the development and execution of criminal investigation policy and has delegated approval authority to the Director of CID for consensual interceptions of wire, electronic, and oral communications and pen register operations. The GC oversees the use of these sensitive investigative techniques and is the approval authority for any exceptions to the policy for conducting them. The GC also approves or denies CID requests to seek Attorney General or judicial authorization for nonconsensual interception of wire, electronic, oral communications, and pen register operations. If confirmed, I would ensure that the use of consensual or nonconsensual communications intercepts are not only consistent with the law, but also necessary to the conduct of law enforcement activities.

Question. In light of the holding in *U.S. v. Dreyer*, what legal standard does Army CID apply in determining whether to authorize its special agents to participate in investigations of Internet Crimes Against Children (ICAC) in which the suspected perpetrator's military affiliation has not yet been established with certainty? If confirmed, would you recommend any changes to this standard?

Answer. I understand that the Army applies a reasonable basis standard, considering information related to the military location, the military persona, or the connection to the individual's DOD duties, when determining the investigative authority of the Army's criminal investigators. If confirmed, I will work with the new CID Director to ensure Army investigators continue to be involved in ICAC investigations and work closely with their civilian counterparts to ensure these crimes are thoroughly investigated while not running afoul of *U.S. v. Dreyer*.

Question. In your view, do Army CID special agents have adequate authority and resourcing to participate in multi-jurisdictional law enforcement task forces related to the investigation of ICAC offenses?

Answer. My general understanding is that CID agents currently have the appropriate authorities, and with the transformation of CID, will have the proper resourcing to participate more effectively in multi-jurisdictional task forces. If confirmed, however, I will assist the Department in assessing CID's resourcing and authorities.

Question. Recent reports by the Government Accountability Office and by private organizations have raised significant questions about racial disparity in the military justice system—most notably at the investigation stage.

If confirmed, what steps would you take to address potential racial disparity in the context of Army investigations—whether such investigations are criminal or administrative in nature?

Answer. If confirmed, I am committed to assisting Army leadership in addressing racial disparities identified by the GAO in military investigations. I understand that, in June 2020, the Secretary of the Army directed The Judge Advocate General and The Provost Marshal General to conduct a holistic evaluation of racial disparities in the military justice system. If confirmed, I will look forward to working with these two Army leaders to evaluate, identify and advise the Secretary as to how best to address the causes of racial disparities throughout our system, from the accessions process, to investigations, prosecutions, sentencing, and clemency and parole.

Question. What progress have DOD and the Army made in developing and implementing the process and policy required by section 545 of the NDAA for fiscal year 2021?

Answer. Personally, I am unaware of the progress DOD or the Army has made in developing and implementing a policy and process through which any covered person may request that the person's name, personally identifying information, and other information pertaining to the person be expunged from law enforcement records. If confirmed, I will ascertain DOD and the Army's progress in developing and implementing these policies and processes and ensure the Office of General Counsel is supporting this effort.

Question. When can the Committees on Armed Services expect to receive the report required by section 545(e) of the NDAA for fiscal year 2021?

Answer. Personally, I am unaware of the status of the Secretary of the Army's report on the actions taken to carry out the requirements of section 545 of the NDAA for fiscal year 2021. However, if confirmed, I would ascertain the status of the report and work to ensure its submission to the Committees on Armed Services as rapidly as possible.

Army General Order 2020-01 further provides that in coordination with The Judge Advocate General and the Deputy Chief of Staff, G-2, the Army General Counsel is responsible for developing and overseeing policies and programs for Army intelligence and counterintelligence. Further, together with The Judge Advocate General, the General Counsel is charged to oversee sensitive activities and counterintelligence investigations.

Question. What is the role of the Army General Counsel in ensuring that Army sensitive activities—at all levels of classification—are consistently conducted in accordance with standards of legality and propriety?

Answer. I understand the Army General Counsel, together with the Judge Advocate General and the Director of the Army Special Programs Directorate, identifies sensitive Army intelligence and other activities based on the potential for limited organizational oversight, and negative impacts to public confidence should the activities not be conducted consistent with law and policy. The Secretary of the Army has established specific enhanced oversight requirements for these activities, especially those that are highly classified. I also understand the Army General Counsel is provided unfettered access to all sensitive activities and conducts in-depth reviews of them either prior to approval, or after approval and then quarterly or annually to ensure they are conducted consistent with law and policy. The Army General Counsel is also directed by the Secretary of the Army to bring any sensitive activity to her attention if there is any doubt about the propriety of conducting it.

Question. In your view, what limiting practices should guide Army intelligence organizations in determining the types and amount of information that can be collected about U.S. citizens?

Answer. Army intelligence organizations may only collect U.S. person information (USPI) if the information sought is reasonably believed to be necessary for the performance of an authorized intelligence mission or function assigned to the component. I am informed that Executive Order 12333, DOD Manual 5240.01, and Army Regulation 381-10 place limits on USPI that Army intelligence organizations may collect. These policies forbid the collection of USPI solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights guaranteed by the Constitution and laws of the United States. These policies balance civil liberties and privacy interests with the need to conduct lawfully authorized intelligence missions. If confirmed, I would expect that attorneys at all levels of Army intelligence organizations review the collection of USPI to ensure it is consistent with law and policy.

Question. If confirmed, what would be your approach to ensuring that senior Army leaders, including the Secretary of the Army, are fully informed of, and personally engaged in critical decisions associated with Army sensitive activities?

Answer. If confirmed, it is my intention to continue to promote the Army's longstanding policy of having the Secretary of the Army review and approve the most sensitive activities and to withhold approval of other sensitive activities to the Under Secretary of the Army, or Deputy Chief of Staff for Intelligence. I also will continue to collaborate with The Judge Advocate General to exercise broad discretion in elevating the review or approval of any sensitive activity that I believe should have the attention of the Secretary of the Army to ensure that she and other Army senior leaders remain engaged in the command and control of these activities.

Question. How does OGC fit into the established Army Intelligence Oversight structure, and how does OGC engage with the President's Intelligence Oversight Board?

Answer. I understand that the Secretary of the Army has directed that the Army General Counsel exercise day-to-day oversight of Army intelligence activities on her behalf. A senior-level attorney in Army OGC office performs this mission in coordination with The Judge Advocate General and the Army Inspector General. One level of intelligence oversight at HQDA involves the requirement to report Questionable Intelligence Activities and Significant or Highly Sensitive Matters through the chain of command to the Army Inspector General. I believe the Army General Counsel provides the final review of these reports prior to them being forwarded to the DOD Senior Intelligence Oversight Officer (SIOO). I am informed the DOD SIOO is responsible for reporting relevant Questionable Intelligence Activities and Significant or Highly Sensitive Matters through the Secretary of Defense to the President's Intelligence Oversight Board (PIOB). Army OGC engages with the PIOB through the DOD General Counsel and the DOD SIOO.

Question. What is the role of Army OGC in reviewing requests for the provision of DOD physical protection and personal security services to retired DOD officials and the family members of certain DOD personnel, as contemplated by section 1074(b) of the NDAA for fiscal year 2008? If confirmed, would you concur in the provision of DOD protective services to such persons in the absence of an imminent and credible threat to their safety?

Answer. Army OGC conducts a legal review of nominations involving current or former DOD officials or their family members for the provision of physical protection and personal security services to ensure the requests address the criteria in law and policy required to justify providing such support. If confirmed, I would continue to oversee the conduct of these legal reviews to provide the Secretary of the Army the

legal input she needs to determine whether to forward a nomination to the Deputy Secretary of Defense for approval.

Question. If confirmed, what would be your approach to ensuring that Army counterintelligence investigations—including investigations of cyber intrusions—properly take into account both law enforcement and national security interests?

Answer. I understand that all Army Counterintelligence (CI) investigations are conducted jointly with the FBI. The Army CI organizations and the FBI work together to balance law enforcement and national security interests. Army CI investigations seek relevant information to develop national security criminal cases including potential cyber intrusions by foreign actors that could be prosecuted by the Army under the Uniform Code of Military Justice, or the Department of Justice in Federal court. In CI investigations, I believe the Army develops national security cases to protect DOD personnel, resources, and critical information as well as to protect individual constitutional, privacy, and civil rights. There may be times when a CI investigation does not result in a judicial prosecution due to insufficient evidence or to protect CI sources and methods. In these and all other cases, Army CI provides intelligence obtained from the investigations to appropriate DOD Components to address national security threats to DOD personnel, facilities, and information technology networks.

COMPREHENSIVE REVIEW OF DEPARTMENT OF THE NAVY UNIFORMED MILITARY LEGAL COMMUNITIES

Question. On January 10, 2020, the Department of the Navy released its Comprehensive Review of the Navy and Marine Corps Uniformed Legal Communities. In commenting on the importance of the review, the Vice Chief of Naval Operations stated, “[i]t is precisely because our legal communities provide vital services [that] are necessary to promote the readiness of the force and successful mission accomplishment, that a review of this nature was warranted. . . . This comprehensive review was an opportunity for us . . . to reflect on how we conduct ourselves and do business, in terms of military justice and legal support to our sailors, marines, and their families.”

Have you reviewed the report of the Navy’s Comprehensive Review?

Answer. Yes. I am familiar with it.

Question. Did the Navy’s Comprehensive Review yield any findings or recommendations that you believe may be applicable and/or useful to the Army legal community? Please explain your answer.

Answer. The review found that the Navy JAG Corps’ organizational structure and processes did not foster a culture of continuous self-assessment focused on professional performance and accountability. The review recommended the Navy JAG Corps implement changes to refocus its culture and put in places self-assessment mechanisms, rapid feedback of lessons learned, and accountability. These recommendations are a good reminder for the Army legal community to ensure it emphasizes the importance of maintaining a learning culture throughout the Army legal community. If confirmed, I will work with The Judge Advocate General to ensure we do so.

COVID-19 RESPONSE

Question. What is your view of the legality of the Secretary of Defense’s directive that requires all servicemembers, including members of the National Guard and Reserves, to be vaccinated for the coronavirus?

Answer. Commanders at all levels are responsible and accountable for the health of their commands, which includes maintaining medical readiness. As part of this responsibility, commanders ensure the immunization of their personnel as required by Army Regulation 40-562 or other legal directives. With full FDA approval of the vaccine, I support the Secretary of Defense’s actions in this matter, which ensure military readiness.

Question. What guidance has the Army given to commanders regarding precautions to limit the spread of COVID-19, and what role has the Office of the Army General Counsel played in generating and reviewing such guidance?

Answer. My understanding is that the Army has provided commanders with extensive guidance throughout the COVID-19 pandemic to promote the safety, health, and welfare of their commands. Since the beginning of the pandemic response, I believe the Army has fully implemented all DOD directives and guidance for mitigating the risk posed by COVID-19, while empowering Army commanders to implement additional safeguards based on mission requirements, community transmission data, or other unique factors. I am informed that these measures have included the use of personal protective equipment, social distancing, and increased

telework flexibility. The Office of the Army General Counsel has reviewed all such guidance and will continue to play an important role in advising the Department on COVID-19 related matters.

CIVILIAN ATTORNEY RECRUITING AND RETENTION

Question. In your view, does the Department of the Army have a sufficient number of military and civilian attorneys to perform its many missions?

Answer. I am not currently in a position to judge the adequacy of attorney manning levels. If confirmed, in coordination with The Judge Advocate General, I will evaluate and make any appropriate recommendation on what manning levels need to be adjusted for the Army to perform its many missions with proper legal review. I believe the increased complexity and pace of multi-domain operations has expanded the role of both civilian and uniformed attorneys in areas such as cyber law, intelligence law, space law, international law, and acquisitions. Furthermore, recent legislation requiring additional legal services for domestic violence victims and expected legislation reforming military justice requires additional military attorneys to ensure the fair and expeditious adjudication of misconduct critical to maintaining good order and discipline, readiness levels that supports the warfighting mission, and soldier and family well-being. I am also informed that civilian attorneys have, on occasion, been forced to surge expertise to address emerging needs. When those requirements become enduring, I believe an assessment must be made on whether current civilian end strength is appropriate.

Question. Army judge advocates benefit from an established career progression format, substantial mentoring and training opportunities, and exposure to a broad spectrum of legal practice areas and leadership responsibilities. By contrast, Army civilian attorneys normally do not have established career programs and may do the same type of legal work for many years, with promotions based solely upon longevity and vacancies that may arise.

If confirmed, what specific actions would you take to recruit, hire, and retain high quality civilian attorneys, and provide sufficient opportunities for their development and advancement through positions of increasing responsibility and leadership in the career civilian component of the Army legal community?

Answer. If confirmed, I would make recruitment, hiring, and retention of highly qualified attorneys a top priority. In order to remain competitive in the legal labor market, it is crucial that the Army renew its commitment to funding current recruiting and retention incentive programs. It is also important to encourage innovative recruiting and retention strategies to develop tools to compete with the private sector and other Federal employers. If confirmed, I will study the viability of additional incentives to attract and retain the highest quality attorneys, as I am convinced these efforts and programs are needed to maintain the tradition of superior legal services within the Department of the Army. In addition, I will seek to establish a formal professional development program in the Office of General Counsel and consider reestablishing the Army General Counsel Honors Program intended to recruit a rich demographic of young legal talent.

Question. Do you foresee that in the coming years, the Department of the Army's demand for civilian attorneys with certain technical-legal expertise (e.g., cyber, space, and intellectual property law) will increase, commensurate with the Department's evolving missions and the 2018 NDS? If so, in what technical-legal specialties would you expect the Army's requirements to increase, and why?

Answer. Yes, I think it is highly likely that demands for technical-legal expertise will increase in the coming years. If confirmed, I intend to become more fully informed of potential deficiencies in these legal practice areas and would work diligently to ensure the Army's legal capabilities match the Department's mission requirements.

Question. Do you believe the Army, including Army OGC, needs additional incentives and talent management tools to recruit, develop, sustain, and retain a 21st century career civilian attorney workforce? If so, what sort of incentives and tools do you perceive would be helpful?

Answer. If confirmed, sustaining the career civilian attorney workforce would be one of my highest priorities. It is my current understanding there are several options already in place that the Army can leverage for recruiting and retention of the career civilian attorney workforce, such as telework/remote work, the ability to hire using excepted service authorities, and the student loan repayment program. If confirmed, I would look for additional ways to improve the Army's ability to recruit, develop, sustain, and retain talent such as developing a Scholarship-for-Service program similar to the Cyber Corps Scholarship-for-Service and considering whether to reestablish the Army General Counsel Honors Program.

Question. How is “Qualifying Authority” allocated among Army Senior Counsels?

Answer. The Army General Counsel has the authority to approve the qualifications of all civilian Army attorneys but has delegated the qualifying authority for GS-15 level civilian attorneys and below to the Chief Counsel of the U.S. Army Corps of Engineers; the Command Counsel for Army Material Command, and The Judge Advocate General. The General Counsel retains qualifying authority for all SES and SL attorney positions Army-wide. While the authority is delegated to these senior attorney officials, the General Counsel maintains oversight responsibility.

Question. If confirmed, would you make any adjustments to Army legal community Qualifying Authority designations or processes? Please explain your answer.

Answer. No. I am not aware of any need for changes or adjustments to qualifying authorities at this time, but if confirmed, I would remain receptive and listen to reasons that might suggest otherwise.

The Army General Counsel serves as the qualifying authority for all Army civilian Senior Executive Service (SES) attorney positions.

Question. What factors would you consider in determining whether to qualify a candidate for appointment to an attorney’s position in the career SES?

Answer. I understand that when the Army seeks to hire an attorney for a career SES position, the Executive Resources Board (ERB) appoints a panel to review qualifications and interview qualified candidates. Important factors in this process include professional education, training, and work experience. If confirmed, I would also look at temperament and character for these top legal leadership positions.

Question. What do you view as the most important executive competencies of an SES attorney and how would you assess these in deciding whether to recommend a particular candidate for selection and appointment to an attorney’s position in the career SES?

Answer. I understand that the General Counsel, as the principal legal advisor to the Executive Resources Board (ERB), is not a voting member, and therefore, I am informed, is not in a position to recommend particular candidates for selection or appointment. I understand, however, the Office of General Counsel ensures that ERB members recommend candidates who are best qualified for the civilian senior executive position because: 1) they have demonstrated the ability to lead change; 2) they have demonstrated the ability to lead people; 3) they have demonstrated an ability to deliver results; 4) they have a history of sound business acumen; and 5) they have successfully built coalitions.

Question. If confirmed, how would you hold Army SES attorneys accountable for both organizational performance and the rigorous performance management of their subordinates?

Answer. Every year, Army senior leadership convenes a performance review board (PRB) focused on holding each SES, to include attorneys, accountable for their work. Instructed by the Secretary of the Army, the PRB ensures each SES meets performance objectives. If confirmed, I would take appropriate corrective action in cases where individual SES attorneys fail to meet performance objectives and standards.

Question. What role does the Army General Counsel play in the Department of the Army Executive Resources Board (ERB)? Would you recommend any changes to the Charter of the ERB, if confirmed?

Answer. The Army GC provides independent legal advice and support to the ERB as a non-voting member. At this time, and based on my current understanding of the ERB, I am unaware of any changes that need to be made to the ERB Charter.

Question. What role does the Army General Counsel play in the Department of the Army SES Talent and Succession Management process? Would you recommend any changes to the process, if confirmed?

Answer. The Office of the Army General Counsel serves as an advisor to the ERB and the Talent and Succession Management Boards (TSMB). Based on my current understanding of the ERB, I am unaware of any changes that need to be made to the SES Talent and Succession Management process.

Question. What role do mobility and the objective of joint experience play in the Army SES program, including with regard to SES attorneys?

Answer. I believe the Senior Executive Service is a national asset. Mobility is typically required of all SES employees. Mobility involves using a full range of assignment authorities to leverage the skills of executives to enable greater mission accomplishment and to prepare them for higher levels of service, whether within the agency, or elsewhere in Government. I believe our Nation is best served when agencies and executives work together strategically to field the strongest and most agile executive corps possible. Mobility encompasses both temporary and permanent job assignments involving changes from previous assignment patterns (for example, to different business lines, disciplines, program areas, components, regions, headquarters, or other divergent environments). I understand that joint experience is

also a component of the Army SES program, as the Army participates inside the DOD Enterprise allowing SES employees to maneuver into different environments within DOD, enabling SES employees to gain broader experience and perspective within the Department of Defense.

Question. The American Bar Association's Standing Committee on Pro Bono and Public Service asserts that "[w]hen society confers the privilege to practice law on an individual, he or she accepts the responsibility to promote justice and to make justice equally accessible to all people. Thus, all lawyers should aspire to render some legal services without fee or expectation of fee for the good of the public."

If confirmed, would you favor the creation of a program to permit civilian attorneys in Army OGC to engage in pro bono work? If not, why not? If so, what would be the parameters of such a program?

Answer. Yes. I fully support the principles articulated by the ABA regarding pro bono services and, if confirmed, I will explore the feasibility of such a program within the Army Office of General Counsel. However, I think caution is advisable because many attorneys' State bars have guidelines regarding pro bono work, as well as rules governing the practice of law outside of the jurisdiction in which an attorney may be licensed.

Question. Former Secretary of Defense Esper and Army Chief of Staff, General McConville, prioritized initiatives to employ military spouses in Army civilian jobs. In 2014, the Army Judge Advocate General's Corps created the Military Spouse Attorney Hiring Program.

What role can the Army General Counsel play in expanding the Military Spouse Attorney Hiring Program across the Army legal community?

Answer. I understand that the Army Judge Advocate General's Corps' Military Spouse Attorney Hiring Program has been very successful, with well over 200 appointments of spouse attorneys since its inception in 2014—with most appointments being within the Judge Advocate General's Corps. Since that time, the Air Force has implemented its own program, patterned after the Army's. If confirmed as General Counsel, I would intend to broadcast the quality of the attorneys recruited through this program and emphasize the overall value of the program amongst each of the Qualifying Authorities and the rest of the Army and DOD legal community leaders.

Question. In your view, can the tenets of the Military Spouse Attorney Hiring Program be expanded to military spouses in other professions?

Answer. Yes. In my assessment, many of the tenets that make the Army's Military Spouse Attorney Hiring Program so successful would apply to any profession. While I understand this particular program benefits from excepted service hiring flexibilities, the success of the program is fundamentally based on the ready, able, and extremely motivated pool of high quality talent that exist in the Services' military spouses.

DETENTION AND INTERROGATION

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2-22.3, issued in September 2006, and in DOD Directive 2310.01E, The Department of Defense Detainee Program?

Answer. Yes. I firmly believe that all detainees must be treated humanely.

Question. If confirmed, what role will Army OGC play in the ongoing triennial review and revision of FM 2-22.3 mandated by the NDAA for fiscal year 2016?

Answer. I understand that Section 1045 places primary responsibility for reviewing FM 2-22.3 with the Secretary of Defense, in consultation with the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence. To ensure the field manual complies with U.S. legal obligations, however, the Army General Counsel should provide an independent voice regarding any proposed revision to the interrogation standards contained in FM 2-22.3 and the interpretation of those specified in Section 1045 of the FY2016 NDAA. If confirmed, I would provide that independent voice, and would work with the DOD General Counsel, and The Judge Advocate General of the Army to ensure that the standards of treatment in the manual are in accordance with applicable law and policy.

Question. Section 2441 of title 18, U.S. Code, defines grave breaches of common Article 3 of the Geneva Conventions, including torture and cruel and inhuman treatment.

In your view, does section 2441 define these terms in a way that provides U.S. detainees in the custody of other nations, as well as foreign detainees in U.S. custody, appropriate protections from abusive treatment?

Answer. In my view, the definitions of "torture" and "cruel and inhuman treatment" as contained in United State Code, Title 18, Section 2441, provide clear and

appropriate guidance regarding the treatment of U.S. detainees in foreign custody and foreign detainees in U.S. custody. The articulated standards criminalize specific “war crimes,” regardless of whether the offense is committed by or against a member of the Armed Forces or a national of the United States, and serve as safeguards to ensure appropriate protection from abusive treatment.

MILITARY COMMISSIONS ACT

Question. In your view, have military commissions constituted pursuant to the Military Commissions Act of 2009 provided an effective forum for trying violations of the law of armed conflict in the context of the global war on terrorism? Please explain your answer.

Answer. In my view, yes. The military commissions constituted pursuant to the Military Commissions Act of 2009 have provided an effective forum designed to address the unique nature of offenses committed in violation of the law of armed conflict.

Question. Does the extensive duration of pretrial procedures in ongoing commission cases give you any cause for concern that the commission system may not be effective? Please explain your answer.

Answer. Based on my present understanding, no they do not. Pretrial procedures are a critical part of the commissions—or any criminal judicial—process, and are required by the Military Commissions Act of 2009, the Rules for Military Commission, the Regulation for Trial by Military Commission, and the Military Commissions Rules of Court. I understand that the length of time that the pretrial process takes is specific to the factual issues of each case, many of which bear directly on due process and national security considerations.

Question. What changes to the Military Commissions Act of 2009 would you propose, if confirmed, to improve the efficiency and effectiveness of the military commission system and process?

Answer. At this time, I do not have any recommended changes to the military commission system and process. However, if confirmed, I will continue to assess the efficiency and effectiveness of this system and its processes.

Question. In your view, could the Article III court system serve as a suitable, if not preferable alternative for the trial of persons charged with violations of the law of armed conflict in the context of the global war on terrorism? Please explain your answer.

Answer. Although the Federal court system has successfully tried many terrorists, my current view is that some cases are more appropriate for trial by military commission. Military commissions, as established by the Military Commissions Act of 2009 and governed by the associated rules and regulations, provide a just process for trying offenses against the law of war and other offenses triable by a military commission consistent with U.S. and international law.

ETHICS

Question. If confirmed, what actions would you take to effectuate your duties as the Designated Agency Ethics Official for the Department of the Army?

Answer. If confirmed, as the Army’s Designated Agency Ethics Official (DAEO), I would have the primary responsibility for developing and overseeing the policies and programs for the Army’s ethics program, and for ensuring effective and open communication with the Office of Government Ethics. I would coordinate with subject matter experts in the Office of the General Counsel and with officials in relevant agency components to ensure the Army had established effective communication relationships regarding matters related to the agency’s ethics program. I would also perform all duties required of me under Federal and DOD regulations, which include providing accurate and timely ethics advice and counseling and ensuring the appropriate resolution of conflicts of interest and the appearance of conflicts of interest.

Question. What do you see as the role of the Army General Counsel in setting an “ethical tone” for all Army personnel, military and civilian?

Answer. In my view, the strength of the Army’s ethical culture should come from leadership at every level. I share President Biden’s, Secretary Austin’s, and Secretary Wormuth’s commitment to restoring and maintaining public trust in government, and in the Army in particular. If confirmed as the senior legal official in the Army, I would play an important role in not only advising the Army’s most senior leaders, but also in providing training and legal practice resources to all Army legal professionals. By ensuring all Army leaders get prompt and accurate legal advice as well as continual ethics training, I would provide them the skills and tools to be ethical leaders and ensure they are able to personally set the highest ethical

standards. I will also take steps to ensure the Army's financial and operational processes, reporting, systems, and data are accurate, reliable, and secure, further enhancing public trust in the Army.

Question. How is responsibility for providing ethics advice to senior officials allocated among Army Senior Counsel?

Answer. If confirmed, I would personally provide ethics advice, and also delegate responsibility for providing certain advice to an Alternate Designated Agency Ethics Official, to several Deputy Designated Agency Ethics Officials, and to Ethics Counselors throughout the Army.

Question. What actions has the Army taken over time to ensure that its military officers and other Army personnel are trained—throughout their careers—on objective ethics and the Army's core values?

Answer. I am informed that all new Army members—soldier and civilian alike—must receive ethics training within 3 months of appointment. Interactive or in-person annual ethics training is mandatory for all senior Army officials and members whose duties involve the exercise of significant independent judgment over matters that will have a substantial impact on the integrity of Army operations and relationships with non-Federal parties. Army members also receive ethics training at their command preparation courses and their professional advancement courses, and many commands offer ethics training aimed specifically at post-government employment restrictions to departing officials. Additionally, The Judge Advocate General Legal Center and School (TJAGLCS) provides government ethics training to both legal and non-legal personnel. The Army also provides government ethics training materials that are used throughout the Army for initial entry training, command courses, and other training courses throughout soldiers' careers in the Army.

Question. What role does the Army General Counsel play in ensuring that Department of the Army personnel—military and civilian—timely identify and disclose potential personal and organizational conflicts of interest and take all appropriate steps to avoid or mitigate them?

Answer. The General Counsel, as the Designated Agency Ethics Official, is responsible for the Army's ethics program to prevent conflicts of interest in order to maintain the public trust. Timely submission of the appropriate financial disclosure report for both new and annual filers is the first step toward minimizing these conflicts. It is my understanding that the Army General Counsel and subordinate ethics offices work closely with human resource officials so that when new employees in-process, they are provided with notices of filing requirements. The cognizant ethics official provides advice and counsel to both the employee and his/her supervisor to navigate and/or remedy any actual or potential conflicts of interest. If confirmed, I will also ensure that the Department's business practices are designed to prevent personal and organizational conflicts of interest and that this effort is one of the Army's highest priorities. If confirmed, I will work closely with senior Departmental officials to promote an organizational climate that is vigilant about preventing conflicts of interest and reacts appropriately when specific issues arise.

Question. What training do Army lawyers receive to ensure they are competent to provide effective, accurate, and timely guidance to Army personnel in need of such counsel?

Answer. All Army uniformed lawyers receive specific instruction on government ethics throughout their career progression, starting with the basic Judge Advocate Officer Basic Course, and progression to refresher ethics training, including at the Judge Advocate Graduate Course and the Reserve Component Judge Advocate Officer Advanced Course. Those lawyers designated, in writing, as ethics counselors receive an additional multi-day comprehensive course on ethics and standards of conduct. My understanding is that the Office of the General Counsel provides in-person and web-based presentations on recent developments in ethics and legal practice to the Army legal community. Furthermore, Army uniformed and civilian attorneys regularly participate in multi-day ethics courses and conferences offered by the Army, other services, and the Department of Defense Office of General Counsel. If confirmed, I will work closely and collaboratively with The Judge Advocate General of the Army and other senior legal officials to address training needs for all uniformed and civilian attorneys and legal support personnel within the Department and continue to strengthen the Army's ethical climate and culture.

Question. What resources has the Army made available to provide its GOs and SESs the legal advice, and assistance they need to adhere to ethical and legal standards in complying with travel regulations, and ensuring that government resources, including the official time of their military and civilian subordinates—are used only for official purposes? Please explain your answer.

Answer. It is my understanding that the Army provides multiple resources to GOs and SESs to ensure they have access to legal advice regarding government ethics

issues. I am informed that The Judge Advocate General's Legal Center and School (TJAGLCS) provides training directly to GOs, and that new Army GOs are required to attend Army Strategic Education Program (ASEP) courses that include ethics training. Additionally, the TJAGLCS has a General Officer Legal Orientation Course (GOLO) that is optional for GOs (O-7 and O-8s), which includes a mandatory 1-hour block of instruction on government ethics issues to include conflicts of interest, use of resources (e.g., the use of subordinates' time), gifts, travel regulations, post-government employment restrictions, and relations with non-Federal entities. In addition to these training requirements, I understand that GOs and SESs have access to trained ethics counselors who have been delegated the authority to advise on ethics issues from the General Counsel of the Army, the Army Designated Agency Ethics Official, through The Judge Advocate General of the Army. These ethics counselors provide direct support to GOs and SESs to assist them with identifying ethics issues and addressing them in accordance with all statutory and regulatory requirements. Finally, because all Army GOs and SESs are mandatory filers of Public Financial Disclosure reports as required by the Office of Government Ethics, these individuals are required by Federal regulations to receive annual ethics training. Topics covered in the annual training include financial conflicts of interest, impartiality, misuse of position, gifts, and any other agency regulations determined to be relevant by the Designated Agency Ethics Official. I understand that the agency regulations included in this training are the Joint Travel Regulation and the use of government resources in accordance with the Joint Ethics Regulation.

Question. What is your understanding of the actions required of a Department of the Army civilian attorney or Judge Advocate who becomes aware of improper activities by a Department of the Army officer or official who has sought, but failed to follow that attorney's legal advice?

Answer. My understanding is that, except when representing an individual client, an Army lawyer represents the Department of the Army. If a lawyer for the Army knows that any person associated with the Army is engaged in action that is a violation of a legal obligation they owe to the Army that is adverse to the legal interests or obligations of the Army, or that is a violation of law that reasonably might be imputed to the Army, then that lawyer must take appropriate action for the best interests of the Army. This would include asking that person to reconsider or elevating the matter to a higher authority. If, despite the lawyer's efforts, the highest authority that can act concerning the matter insists upon or fails to address, in a timely and appropriate manner, the violation, the lawyer, in my view should consult with senior Army lawyers at the same or higher levels of command, advise them of the lawyer's concerns, and discuss available alternatives to address the situation.

Question. In your view, is Army OGC adequately resourced—in people, money, technology, and expertise—to execute its FDM-related duties on behalf of the Secretary of the Army?

Answer. I have no knowledge at this time if the Army Office of General Counsel is appropriately resourced to execute its Financial Disclosure Management responsibilities, but will look into the Army Office of the General Counsel's resourcing, if confirmed, to ensure the Army can meet this key requirement.

Question. In March 2016, the DOD Inspector General issued its report, Section 847 Requirements for Senior Defense Officials Seeking Employment with Defense Contractors. The report concluded that the After Government Employment Advice Repository (AGEAR), administered by Army OGC, was "unreliable."

Have all of the AGEAR-related deficiencies identified in the DOD Inspector General's report—including deficiencies under the purview of Army OGC, and those for which other DOD Components were responsible—been corrected? Please explain your answer.

Answer. My understanding is that all AGEAR-related deficiencies have been corrected, as evidenced by the DOD Inspector General's 2019 report conclusions. The DOD Inspector General found no deficiencies and made no recommendations in the 2019 report.

ENVIRONMENTAL CONTAMINANTS

Question. GAO advises that as of August 2017, the Army had identified known or suspected releases of perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) in drinking water at or near 61 of its installations.

What "lessons learned" will OGC incorporate—going forward—in its practice relating to environmental remediation in support of the redevelopment of military bases closed under BRAC—including as regards the remediation of PFOS and PFOA?

Answer. I believe, the Defense Environmental Restoration Program is a mature effort throughout the Army for both active and BRAC sites, and most installations closed under BRAC have been remediated. However, I think the Office of General Counsel needs to be proactive and responsive to Army leaders regarding the potential for emerging contaminants to impact property disposal of BRAC sites due to the risk to redevelopment by local communities. If confirmed, I will ensure the Office of General Counsel educates Army leaders and stakeholders about existing or proposed legal requirements for PFOS/PFOA, and other emerging contaminants, and will ensure that the Army remains cognizant and flexible as both the law and science related to contaminants continue to develop.

Question. To date, what has been the role of OGC in the Army's efforts to address environmental and soldier and family health concerns associated with PFOS, PFOA, and other potentially harmful contaminants at active Army installations? If confirmed, what role would you establish for yourself in ongoing efforts in this regard?

Answer. If confirmed, I will work closely with the DOD Office of General Counsel in supporting the DOD's per- and poly fluoroalkyl substances (PFAS) Task Force. I will also assist the Army Secretariat in their efforts to address novel issues that are raised through the Army's PFAS Working Group to ensure the protection of human and environmental health. The Army is fully engaged with the other services to proactively and conscientiously address PFAS concerns and develop a coordinated and holistic DOD approach.

Question. What factors would you consider in providing legal advice to Army officials regarding the role the Army should take in funding and overseeing PFOS and PFOA-related environmental cleanup and restoration activities at Reserve locations and in communities adjacent to or near military bases, installations, and operational platforms?

Answer. If confirmed, I would consider recent NDAA provisions that have focused on PFAS-containing materials at DOD installations and operational platforms as well as considering existing law including the Defense Environmental Restoration Program to provide accurate and proactive legal advice to Army officials regarding the Army's role with respect to PFOS and PFOA-related environmental cleanup and restoration activities. I am aware of the challenges posed in conducting investigations and remediation related to PFOS and PFOA releases. If confirmed, I am committed to working transparently with all stakeholders to develop mutually acceptable solutions.

ENERGY SECURITY AND RESILIENCE

Question. The range of threats against which Army installations must maintain resiliency is ever-growing.

In your view, how can OGC assist the Army in better integrating energy security and resilience as standard components of its Military Construction (MILCON) programs?

Answer. If I am confirmed, I would ensure the Office of the General Counsel assists the Assistant Secretary of the Army for Installations, Energy and Environment in determining how best to integrate recently enacted and amended energy resilience authorities—to include the Energy Resilience and Conservation Investment Program (ERCIP)—with existing MILCON authorities as the Army builds its Future Year Development Plans (FYDPs). The Office of the General Counsel can also help identify gaps in statutory authority that may benefit from additional legislation to enable the Army's MILCON program to appropriately prioritize energy resilience measures in the construction design and project authorization process. Further, as General Counsel, I would advocate for additional MILCON funding in the budget process to fully support Army priorities, Army facilities investment strategies, and the National Defense Strategy, to include those aspects dealing with energy security and resilience.

Question. A number of unique authorities enable the Army's pursuit of distributed energy projects that improve installation resilience, increase readiness and mission assurance, and offer long-term cost savings. These authorities include: Inter Governmental Support Agreements, Other Transaction Authority, Utility Privatization, Energy Savings Performance Contracts, Utility Energy Service Contracts, Enhanced Use Leases, and the Defense Community Infrastructure Program.

What is the role of the OGC in advising on the use of these authorities? Has the Army's use of one or more of these authorities yielded outcomes of particular promise?

Answer. I believe the Office of General Counsel advises the Army Secretariat on legal issues associated with policy formulation and implementation, including those related to distributed energy projects to improve installation resilience. With regard

to the use of 10 U.S.C. 2679 to enter into Inter-Governmental Support Agreements (IGSAs), for example, I am informed that Army Installation Management Command (IMCOM) reported the Army saved approximately \$25.3M by obtaining installation support services through IGSAs compared to obtaining those same services through Federal Acquisition Regulation (FAR)-based contracts.

ENCROACHMENT ON MILITARY INSTALLATIONS

Question. Encroachment on military installations by commercial and residential development can negatively impact ongoing operations and significantly delay or halt the construction of new testing and training facilities vital to generating readiness.

What would be your role, if confirmed, in engaging with communities surrounding Active Army and Reserve Component training ranges, to address and resolve community concerns, while ensuring the resilience of range capabilities?

Answer. It is my understanding the Army, in conjunction with the Office of Local Defense Community Cooperation, conducts compatible use studies at installations. These studies are co-sponsored by the community and include input from surrounding county and State officials to ensure all future plans are known and incorporated into the study. If confirmed, I will ensure the Office of the General Counsel is fully engaged in the process of obtaining compatible use buffers to protect Army training missions.

ENVIRONMENTAL STEWARDSHIP AND CONSERVATION

If confirmed to be the Army General Counsel, how would you educate Army leaders and the force at large about the imperative of complying with environmental protection laws and regulations, as well as with guidance from the Environmental Protection Agency?

Answer. I am aware of some of the environmental challenges that DOD and the Army face. If confirmed, I will work with the Army's subject matter experts to address these challenges in order to protect human health and the environment, and to ensure support of the Army's warfighters.

Question. If confirmed, how would you work with the Department of the Interior and the U.S. Fish and Wildlife Service to promote environmental stewardship and conservation on and around Army installations, while ensuring military readiness?

Answer. If confirmed, I will ensure the Army continues to work closely and cooperatively with the Department of the Interior and the U.S. Fish and Wildlife Service to remain good stewards of our Nation's most valuable natural resources, while maintaining sufficient land to train for the Army's warfighting mission.

Question. What are your ideas as to how the process associated with generating an Environmental Impact Statement (EIS) could be streamlined, with a view to completing any future EIS in 2 years or less, from start to finish?

Answer. If confirmed, I will work with the Army's subject matter experts and with other stakeholder Federal agencies to explore ways to update and refine the Army's National Environmental Policy Act (NEPA) regulation and procedures in an effort to streamline NEPA requirements Army-wide.

MILITARY HOUSING PRIVATIZATION INITIATIVE (MHPI)

Question. If confirmed as Army General Counsel, what would be your role in establishing accountability inside the Army for sustaining the high quality housing that soldiers and their families deserve?

Answer. If confirmed, I would ensure Army leadership is kept fully aware of all legal mechanisms available to hold the Army's housing privatization partners to their legal obligation to provide high-quality housing to soldiers and their families. If Army leadership deems it appropriate to take action to hold a partner accountable, I will ensure the Office of the General Counsel provides the necessary legal advice and support to effectively implement the available accountability measures.

Question. If confirmed, specifically what would you do to improve business operation constructs and vest accountability in MHPI "contractors" for strict compliance with the terms of their public-private partnership agreements with the Army?

Answer. Ensuring that soldiers and their families have high quality housing is exceptionally important. I believe it is critical that the Army set defined metrics and enforce performance standards with the MHPI partners. I understand the Army established common performance metrics for MHPI project company incentive fees. If confirmed, I will support the refinement of existing tools to allow leaders to assess project company performance and hold them accountable by enforcing contractual obligations, including any penalty provisions when appropriate. As stated above, if confirmed and if Army leadership deems it appropriate to take action to hold a part-

ner accountable, I will ensure the Office of the General Counsel provides the necessary legal advice and support to effectively implement the available accountability measures.

Question. What progress has the Army made in creating a “Tenant Bill of Rights” and enumerating “Tenant Responsibilities” applicable to soldier and military families who reside in privatized housing?

Answer. I understand the Army recently implemented all 18 tenant rights at all 44 privatized housing locations and issued a complementary document of tenant responsibilities. If confirmed, I will provide Army leadership the necessary legal support to protect soldiers and their families across a wide range of privatization initiatives, including implementation of the Tenant Bill of Rights.

Question. The installation or regional commander in charge of the oversight of privatized housing units will serve as the “deciding authority” in the dispute resolution and payment-withholding processes established pursuant to section 2894 of the NDAA for fiscal year 2020.

What role will OGC play in training commanders, their legal counsel, and other participants in the dispute resolution and payment withholding processes?

Answer. My understanding is the dispute resolution and payment withholding process is being implemented by Army Installation Management Command (IMCOM). If I am confirmed, the Office of the General Counsel will continue to advise the Army Secretariat on policy and legal issues resulting from implementation of the Army’s dispute resolution and payment withholding processes, including issues indicating a need for additional training of process participants.

Question. Recently, the Air Force Inspector General undertook an assessment of actual progress in implementing MHPI reforms at a sampling of installations across the Department of the Air Force.

Has the Department of the Army implemented any like objective assessment? If so, what did that assessment find? If not, would you recommend that the Secretary of the Army direct such an assessment? In your view, are there other ways in which the Secretary can assess effectively whether the reports of progress he receives from Army officials responsible for MHPI are congruent with improvements on the ground?

Answer. I have been told that the Department of the Army Inspector General is in the process of conducting a similar assessment, as is the Department of Defense Inspector General and the Government Accountability Office. If confirmed, I will review the assessments, once they are completed, and make recommendations to Army leadership as to how best to correct any outstanding deficiencies. I will also ensure that the Office of the General Counsel provides legal support to aid the MHPI program in making improvements in compliance with all applicable laws and policies.

ACQUISITION

Question. In successive NDAs beginning in fiscal year 2013, Congress enacted sweeping reforms of the defense acquisition system and organizational structure. These reforms expanded the acquisition-related functions of the Service Chiefs and incorporated measures designed to reduce the cost and development timelines of major systems.

What is your understanding of the role of the Army General Counsel in ensuring that Army acquisition programs are executed in accordance with the law and DOD and Army acquisition policy?

Answer. The Army General Counsel is responsible for advising both the Secretary of the Army and the Assistant Secretary of the Army for Acquisition, Logistics and Technology (ASA(ALT)) to ensure Army acquisition programs are executed in accordance with law and policy. If confirmed, I would stay directly involved in this area and would ensure the Office of the General Counsel continues to provide sound legal and business advice to help Army acquisition programs achieve their cost, schedule, and performance objectives consistent with the principles of acquisition reform.

Question. How does the Army General Counsel ensure that the acquisition-related responsibilities of the Chief of Staff of the Army are synchronized with those of the Secretary of the Army and the Assistant Secretary of the Army for Acquisition, Logistics and Technology (ASA(ALT))?

Answer. The Secretary of the Army and the Chief of Staff of the Army are the customers of the Army acquisition system, which is responsible for balancing resources against priorities on acquisition programs. The Army’s acquisition system must ensure that appropriate tradeoffs are made among cost, schedule, technical feasibility, and performance objectives on a continuing basis throughout the life-

cycle of the program. The Army General Counsel advises Army leaders on the legal aspects of acquisition matters to help ensure their involvement with individual programs remains synchronized and fully support the Secretary's responsibility to equip the Army.

Question. What are your views on the overall effects on the Army of defense acquisition reform to date?

Answer. The objective of the defense acquisition system is to deliver decisive capabilities to soldiers in a timely manner while ensuring that taxpayer resources are utilized appropriately and efficiently. My understanding is that the Army has implemented a series of acquisition reforms directed by Congress in recent years, which provide greater flexibility in the development of new capabilities and that reduce timelines to field them to soldiers. These reforms appear to be benefiting the Army's efforts to modernize its weapon systems. If confirmed, I would support the Secretary of the Army and the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) in ensuring the Army continues to implement recent reforms expeditiously, in accordance with law and policy, and in a manner consistent with congressional intent.

Question. If confirmed, how would you ensure that Army acquisition officials understand and leverage the flexibilities provided by Congress in the context of acquisition reform?

Answer. Given the rapid pace of technological change and evolving threats in an increasingly complex security environment, it is critical that the Army leverages all of the flexibility and authority provided in law. If confirmed, I would work to ensure that Army acquisition officials understand the full range of these authorities and how they can be implemented in specific acquisition programs. I would also work closely with Army acquisition leaders to ensure that these authorities are exercised in a manner consistent with congressional intent and promote public confidence and trust in the acquisition process.

Question. Do you perceive benefit to the Army in establishing major acquisition programs under Section 804 authority? What are the risks of doing so? Please explain your answer.

Answer. My understanding is that Section 804 authority enables the Army to rapidly prototype and field new capabilities to respond to rapidly changing technology and evolving threats outside of the formal defense acquisition system. These authorities enable the Army to inform requirements and incorporate soldier feedback throughout the process, thereby increasing successful program outcomes. As I understand it, there are potential risks associated with the use of this authority, particularly when transitioning new technologies and prototypes into production. If confirmed, I would work with the Assistant Secretary of the Army (Acquisition, Logistics and Technology) to ensure that Section 804 programs appropriately address these considerations while effectuating congressional intent in this area within applicable law and policy.

Question. Do you believe the Army should exploit non-developmental or commercial off-the-shelf solutions to meet Army requirements? Would this put capabilities into the hands of soldiers more quickly, in your view?

Answer. Yes, my view is that the Army should leverage existing commercial and non-developmental technologies where appropriate. In doing so, the Army can more effectively invest resources in developing unique capabilities and encourage investment by a broader cross-section of the industrial base. If confirmed, I commit to working with the Assistant Secretary of the Army (Acquisition, Logistics and Technology) to support such efforts.

Question. What is your assessment of the legal issues attendant on the identification, evaluation, and management of risk in the Army's organic and commercial defense industrial base, including the munitions industrial base?

Answer. I understand that the organic and commercial defense industrial base, including the munitions industrial base, is vital to the Army's success, however, I am not currently aware of specific legal issues related to the industrial base. If confirmed, I would become fully informed in this area and would advise the Secretary the Army and the Assistant Secretary of the Army for Acquisition, Logistics and Technology on the associated legal and business considerations.

ARMY FUTURES COMMAND

Question. The Secretary of the Army indicated to the committee that a holistic review of Army Directive 2020-15, relating to Army Futures Command authorities and relationships, would be conducted.

What is the status of the holistic review and what are the findings and outcomes of the review to date?

Answer. I am not familiar with the details of the Army's internal discussions on this matter. If confirmed, however, I will make it a priority to ensure that any deliberations are fully informed by thorough legal analysis of related statutes and policy.

Question. Will you commit that, if confirmed, you would ensure that any way forward on this Directive comports with the principles of civilian control and with governing laws?

Answer. Yes. If confirmed, I commit to ensuring that any actions taken following the authorities derived from Army Directive 2020-15 comport with the principles of civilian control of the military and with governing law.

SECURITY ASSISTANCE

Question. The U.S. Army Security Assistance Command is the one-stop focal point for Army Foreign Military Sales, providing materiel, training, education, and other services to more than 140 allies and friendly countries and multinational organizations—all designed to improve security cooperation and foster interoperability and preparedness.

In your view, is the current structure for the provision of legal services to U.S. Army Security Assistance Command, sufficiently expert, efficient, and effective? Please explain your answer.

Answer. I am informed that the U.S. Army Security Assistance Command legal services are sufficiently expert, efficient, and effective. I understand that the attorneys whose practice involves Foreign Military Sales (FMS) possess significant experience in procurement law and litigation, are appropriately resourced, and are exceeding the standard for delivery of routine opinions. If confirmed, however, I commit to evaluating the provision of legal services to this command, and all commands for that matter, and I will make recommendations for improvement where necessary.

Question. What progress has the Army made in standardizing security assistance reporting so as to leverage comparisons of security cooperation spending across countries, regions, and programs to enable informed future prioritization and resourcing decisions?

Answer. I understand that the Army has developed a data base that tracks and measures statistics for all Army FMS cases, which allows for the sorting of data by country, region, status, and type of case. I also understand that this data base, combined with other existing Army financial management tools, provides the Army with a holistic overview of all FMS cases and is transferable into systems developed for the Secretary of Defense. These improvements ensure that Army FMS cases are properly prioritized and aligned with U.S. strategic interests.

Question. What progress has the Army made in developing an expert and effective security cooperation workforce? What skill and competency gaps remain, in your view?

Answer. I understand that the Army implemented the DOD Security Cooperation Workforce Certification Program into all training, personnel, and force management policies and procedures, and this program ensures that the security cooperation workforce has the necessary knowledge and skills to be effective in executing security missions and functions. I also understand that the Army Security Assistance Enterprise Training Initiative is being implemented to address skill and competency gaps in Army FMS development, implementation, and closure actions. If confirmed, I commit to assessing the expertise and effectiveness of the security cooperation workforce, to include identification of any skill or competency gaps, and seeking improvements where necessary.

ROLE IN THE ARMY OFFICER PROMOTION AND CONFIRMATION PROCESS

Question. What is your understanding of the role of the Army General Counsel in ensuring the integrity and propriety of the statutory officer promotion selection board process?

Answer. My understanding is that the Office of General Counsel, in conjunction with the Office of The Judge Advocate General, reviews all promotion board memoranda of instruction, promotion board results, and documentation for officer promotions to ensure that they are properly convened and conducted, any potentially adverse or reportable information is properly considered, and the Secretary is able to certify the exemplary conduct required for promotion.

Question. Do you perceive any need for change in this role? Please explain your answer.

Answer. I am unaware of any specific changes needed at this time, but if confirmed I will take a careful look at the Army's policies and procedures and make any necessary adjustments.

Question. In your view, are the current policies and procedures governing review of the records of Army officers whose selection for promotion or assignment requires Presidential or Secretary of Defense approval or Senate confirmation sufficient to enable informed decisions by the Secretary of the Army, the Secretary of Defense, the President, and the Senate? Please explain your answer.

Answer. Yes. In my view, it is essential that the Army promote only the most qualified and exemplary officers. I understand current statutes and policy require a thorough review of each officer's record, including an examination of any potential adverse or reportable information that might make their promotion inappropriate.

Question. In your view, are these policies and procedures fair to the individual Army officers proceeding through the promotion or assignment processes?

Answer. Yes. My understanding is that officers with potentially adverse information or reportable information are given an opportunity to rebut that information and have that rebuttal fully considered so that the information can be explained or put into proper context.

Question. What is the role, if any, of the General Counsel of the Department of the Army in advising senior Army and DOD officials on the implications of adverse or reportable information pertaining to a military officer nominated for promotion to General Officer grades or for appointment to a position of "importance and responsibility."

Answer. My understanding is the Army General Counsel, in conjunction with The Judge Advocate General, provides advice to the Secretary of the Army and other senior Army leaders on nominations with potentially adverse or reportable information to ensure that the information is properly evaluated, considered, and reported to the Office of the Secretary of Defense and the Senate Armed Services Committee.

Question. If confirmed, what will be your role in ensuring the Army's strict compliance with section 502 of the NDAA for fiscal year 2020 and section 505 of the NDAA for fiscal year 2021, as regards the conduct of boards for the selection of officers for promotion to General Officer grades?

Answer. If confirmed, I would work with The Judge Advocate General to ensure strict compliance with these statutory requirements. As discussed above, I would also ensure that the Office of General Counsel, in conjunction with the Office of The Judge Advocate General, reviews all memoranda of instruction, promotion and advisory board results, and documentation to ensure that they are properly convened and conducted, and any potentially adverse or reportable information is properly considered.

Question. What is your level of confidence that adverse information derived from Army administrative investigations, including those conducted pursuant to Army Regulation 15-6, Procedures for Administrative Investigations and Boards of Officers, is recorded and tracked across an individual soldier's career, and properly considered by promotion selection boards?

Answer. Based on my current understanding, adverse information derived from Army administrative investigations is recorded in accordance with Army Regulation 15-6, tracked across an individual officer's career, and properly considered by promotion selection boards, as required by 10 U.S.C. 615 and 14107. I understand that the Army Adverse Information Program (AAIP) data base was created to record adverse findings against Regular Army field grade officers and higher ranks to comply with the general officer screening requirements in 10 U.S.C. 615. Understanding statutory changes and Congress' intent to provide adverse information to all Senate confirmed promotion boards, I am aware that the Army is in the process of updating and expanding AIPP to record adverse administrative investigation findings on all commissioned officers, regardless of rank or component, in the data base. If confirmed, I would review this matter carefully in coordination with The Judge Advocate General.

OFFICER PERSONNEL MANAGEMENT SYSTEM REFORMS

Question. The John S. McCain NDAA for fiscal year 2019 contained several provisions to modernize the officer personnel management system. These reforms were designed to align officer career management with the priorities outlined in the 2018 NDS.

How is the Army implementing these authorities today and to what effect?

Answer. The modernization of the Army's personnel system is a necessary priority in order to recruit and retain the best talent in the Army. I understand that the Army People Strategy communicates this emphasis, and the Army Talent Management Task Force is implementing needed reforms in officer commissioning, promotion, and retention. If confirmed, I commit to reviewing the efforts underway to

ensure they are fully informed by thorough legal analysis of related statutes and policy.

Question. If confirmed, what would be your role in advising and assisting the Army in further leveraging these new authorities?

Answer. If confirmed, I will advise the Department's leadership regarding any issues related to these authorities provided in the FY2019 NDAA and ensure that application of the authorities is consistent with Title 10, United States Code, and relevant Department of Defense and Department of Army Regulations.

Question. Are there other authorities that the Army needs in order to modernize the management of its officer personnel?

Answer. If confirmed, I commit to reviewing the authorities concerning officer management and providing my legal assessment to the Secretary of the Army. My view is that modernization of the officer personnel system is an important component of readiness, and, if confirmed, I commit to working closely with Army leaders and this Committee to ensure that authorities are in place to maximize talent-based promotions throughout all components—Active, National Guard, and the Army Reserve.

NON-DEPLOYABLE SERVICEMEMBERS

Question. In July 2018, DOD published Department of Defense Instruction (DODI) 1332.45, Retention Determinations for Non-Deployable Servicemembers. DODI 1332.45 provides that the Secretaries of the Military Departments may “retain . . . those servicemembers whose period of non-deployability exceeds the 12 consecutive month limit . . . if determined to be in the best interest of the Military Service.”

What factors would you consider in advising the Secretary of the Army that the retention of a soldier who has been non-deployable for more than 12 months is “in the best interest of the Service”?

Answer. If confirmed, I will ensure that each soldier's case is evaluated based on its individual merits, while remaining mindful of the Army's vital mission and the service's demanding requirements. Unique skill sets, the ability to perform critical duties in a non-deployed environment, medical recovery timelines, and personal circumstances are all factors that I would consider in advising the Secretary. I understand that this case-by-case approach ensures that the best interests of the soldier and the Army are appropriately considered in the waiver determination process.

Question. In your view, what legal and legal policy parameters govern how this policy should be applied to soldiers with HIV and to soldiers who identify as transgender?

Answer. As a standards-based organization, I believe that all soldiers must be treated with dignity and respect. If confirmed, I commit to following all law and DOD policy concerning the deployability of HIV-positive and transgender soldiers. I further commit to evaluating such cases according to the same factors pertinent to any other soldier. If confirmed, I will always provide the Secretary a legal analysis informed by a soldier's individual circumstances and guided by Army equities.

SUICIDE PREVENTION

Question. Mindful of the U.S. Constitution, Amendment II, and related statutes, what ideas would you offer to the Secretary of the Army for preventing suicides by curtailing the misuse of lethal means by soldiers and their families?

Answer. I believe that in many cases suicide is a preventable tragedy that harms not only the soldier, but also families, communities, and teams. If confirmed, I would fully support the Secretary's initiatives concerning suicide awareness and intervention, to include training on the importance of limiting access to lethal means. Above all, if confirmed, I would support efforts that increase leader involvement, community engagement, and enable rapid access to critical services.

SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION AND RESPONSE

Question. You recently served as a member of the Fort Hood Independent Review Committee that found that the Army's Sexual Harassment/Assault Response and Prevention (SHARP) program at Fort Hood “appeared to be compliant on the surface, but was hollow and lacking in leadership attention, day-to-day implementation, broad acceptance by the enlisted soldiers, and full inculcation into the culture and character of the Fort Hood Community.”

What is your view of the adequacy of Department of Army-level oversight of the implementation of policies for the prevention of and response to sexual assaults and sexual harassment in the Army?

Answer. It is my understanding that there are adequate oversight procedures established for the Army's Sexual Harassment/Assault Response and Prevention (SHARP) program. However, I understand and appreciate that the Army continues working to enhance its programs and policies. For example, I am aware that the Army recently conducted an assessment of organizational compliance with sexual harassment, sexual assault, and integrated violence prevention policies. If confirmed, I commit to assisting the Secretary and the Army leadership in assessing the adequacy of HQDA-level oversight of the implementation of the law and policy governing the prevention of, and response to, sexual assault and sexual harassment.

Question. In your view, what can the Army General Counsel do ensure improvements in such oversight?

Answer. It is my understanding that the Army is undertaking a transformational change in its approach on prevention of and response to sexual assault and sexual harassment. The Army's redesigned SHARP program will look out for the best interest of our soldiers and civilians by focusing on prevention, survivor support, and holding leaders at all echelons accountable. If confirmed, I will work with the Army's leadership to ensure appropriate oversight of these new programs by emphasizing that sexual assault/harassment prevention and response is a high priority and by monitoring the implementation of prevention and cultural reforms proposed by the Independent Review Commission and accepted by Secretary Austin. Sexual harassment and assault do not have any place in the Army.

Question. The Army has recently made changes to the structure and operations of the Army Criminal Investigation Command. In light of these changes, what is your view of the adequacy of the human resources the Army has in place to investigate and prosecute allegations of sexual assault and of the training provided to such investigators and prosecutors?

Answer. As I understand the ongoing transformation of CID, the Army is working to ensure that it has the appropriate level of trained and experienced agents to investigate and support the prosecution of reports of sexual assault and other serious crimes. If confirmed, I would assist in the Army's efforts to transform CID.

Question. What is your view of the value of the Army's Special Victims' Counsel program? In your view, has this program had any effect on the reporting and prosecution of allegations of sexual assault in the armed forces?

Answer. In my view, the greatest value of the Army's Special Victims' Counsel Program is that it has helped numerous victims over the last 5 years to be heard. When victims understand the justice process, they are empowered to describe what justice looks like for them and their case. The SVC program helps ensure this critical information is known by prosecutors and commanders before they make important decisions about each case. While I am not in a position to assess directly the effect on reporting and prosecutions, I understand that the overwhelming feedback from victims is that the SVC program increased their confidence in the military justice system.

Question. DOD reports on sexual assault and sexual harassment in the military generally, and at the Military Service Academies more specifically, consistently document the correlation of incidents of sexual harassment and incidents of sexual assault.

What is your view of the Army's program to prevent and respond to sexual harassment in the force?

Answer. In my view, sexual harassment, sexual assault, and associated retaliation have no place in the Army. I believe, these harmful behaviors are contrary to the Army values, harm soldiers, destroy teams, and negatively impact the readiness of the force. I understand that the Army is continually working to enhance its programs and policies in this critical area. If confirmed, I will support the Secretary and the Chief of Staff of the Army as they implement the approved recommendations from the Fort Hood Independent Review Committee and the DOD Independent Review Commission.

Question. If confirmed, what role would you establish for yourself, in addressing the problem of sexual assault and sexual harassment in the force?

Answer. Having served on the Fort Hood Independent Review Committee (FHIRC), I am intimately familiar with its recommendations to improve sexual assault/harassment prevention and response, and I will utilize this insight to provide my best legal advice in support of Secretary Wormuth's efforts to implement the FHIRC recommendations, as well as Secretary Austin's efforts to effectuate the DOD-level Independent Review Commission recommendations across the Department of the Army.

Question. In your view, does the Army's method for tracking the submission and monitoring the resolution of informal Equal Employment Opportunity complaints of harassment or discrimination provide Army leaders, supervisors, and managers,

with an accurate picture of the systemic prevalence of these adverse behaviors in the civilian workforce?

Answer. It is my understanding that the Army's methods for tracking these complaints provides an accurate picture, which is necessary for understanding adverse behavioral trends. I am informed that EEO Officials are responsible for reviewing, monitoring, and assessing EEO complaint activity and informing supervisors of trends. The Army Complaints Tracking System, I am told, has the capability to query by a variety of data fields and specific information. If confirmed, I will review the Army's tracking of harassment and discrimination complaints to see if any gaps exist.

Question. Does the Army's method for recording the outcomes of informal Equal Employment Opportunity complaints of harassment or discrimination provide Army leaders, supervisors, and managers with a means of identifying repeat perpetrators in the civilian workforce?

Answer. Yes, I understand that the Army's method for recording outcomes of informal EEO complaints provides a means of identifying repeat offenders and to track the disposition of any discrimination complaints against them. Further, I understand the Army is establishing a separate anti-harassment program for civilians, which similarly will identify repeat perpetrators. If confirmed, I would support the establishment of the separate Anti-Harassment Program for Civilians and the exploration of additional ways to prevent harmful behaviors in the workplace.

Question. Does the Army's method for responding to complaints of harassment or discrimination in the civilian workforce provide appropriate care and services for victims?

Answer. Counseling, advice, and referrals are an essential part of any complaint process including within the Army workforce. As I understand, the Army has a history of compliance with law, regulation, and policy that ensures commitment to providing care and full due process for victims alleging EEO harassment and/or discrimination. If confirmed, I would work to ensure continued accountability for offenders, compliance with law and policy, and that reports of harassment are kept confidential to the fullest extent possible without impeding fact-finding into such allegations. I would ensure that Army management officials investigate allegations and take appropriate corrective or disciplinary action, if warranted.

Question. If confirmed, what role would you play in shaping policies and processes for the prevention of harassment and discrimination in the Army's civilian workforce?

Answer. I am familiar with the Government-wide equal employment opportunity processes available to the civilian workforce as well as the existence of civilian employee assistance programs. I also understand that the Department of the Army recently implemented a new SHARP policy that grants additional SHARP victim services to Army civilian employees. If confirmed, I will assist Army leadership in supporting these EEO processes and victim services, and will emphasize the high priority to ensure support of all victims, including those within our civilian workforce.

IDENTIFICATION OF POTENTIAL EXTREMIST VIEWS

Question. Press reports document the involvement of a small number of active duty military personnel, retired military officers, members of the National Guard, and military veterans in events at the U.S. Capitol on January 6.

In your view, are the Department's policies adequate to address, document, and track extremism in the Army, including in the Army civilian workforce?

Answer. In my view, the Department's policies are adequate to address, document, and track extremist activities in the Army, but they can always be refined, particularly with respect to Civilian and Contractor employees. In my experience, the Army takes reports and indicators of extremism very seriously and has been proactive in reviewing its policies to counter extremism. I understand the Army takes an enterprise approach to counter extremism and other unwanted behaviors, including accessions screening, insider threat monitoring, suitability screening, and law enforcement programs. I am told that the Army also benefits from Department of Defense security clearance background investigations, expedited screening, and continuous evaluation process to detect and counter extremism in its ranks. If confirmed, I would review the current policies to identify any potential mechanisms to better enable the tracking of extremism activity within the Department.

Question. What is your understanding of how the Army balances the need to identify and respond to potentially harmful extremist views held by soldiers and civilian employees against individual privacy and respect for the rights of soldiers and civilians to hold and express personal beliefs?

Answer. In my view, public service as a uniformed or civilian member of the Army is a privilege. It begins by taking an Oath of Office, and comes with the responsibility to maintain public trust, safeguard sensitive information, and maintain good order and discipline within the ranks. While soldiers and civilian employees have a right to express personal beliefs and maintain individual privacy, these rights must be balanced against the special trust that public service demands. Extremist or dissident behaviors within the ranks are an existential threat to that trust and pose an unacceptable risk to military readiness. I believe the Army must balance individual rights against the need to maintain readiness and discipline by ensuring diligence and due process in investigations, conducting disciplinary processes that consider the unique facts of each case and focus on activities and behavior, and maintaining workplaces free of harassment, retaliation and reprisal.

Question. Do you see a need for a change in this balance?

Answer. No. My understanding is that the Army focuses on participation in extremist activities and not on beliefs. As such, I think the Army is properly striking the balance between soldier's and civilian's First Amendment rights, and the need to protect the morale, good order, and discipline of the force.

Question. In your view, do current DOD and Army policies limit the ability to include information about an individual's extremist views in official records that may assist in the identification of potential insider threats? Please explain your answer.

Answer. I am not aware of any specific DOD and Army policies that limit the documentation of information related to extremist views in official records when obtained in the conduct of a criminal investigation related to extremist activity, or in an administrative investigation for a violation of Army policy or regulations. However, if confirmed, I will determine if there are any such limitations and seek to address them as appropriate.

Question. In your view, do current DOD and Army procedures hinder the ability to share this same type of information with other Federal and State agencies charged with identifying and monitoring potential extremist activities? Please explain your answer.

Answer. I am not aware that any current DOD or Army procedures hinder the Army's ability to share information about criminal investigations of extremist activities with outside law enforcement agencies. The Army Criminal Investigation Division has assigned personnel to the National Joint Terrorism Task Force, the FBI Domestic Terrorism Operations Unit and the National Gang Intelligence Center to ensure information is rapidly shared among these law enforcement organizations. I understand that this system reinforces and enables the information sharing that occurs locally through the conduct of joint investigations between Army law enforcement and civilian law enforcement partners. However, if confirmed, I would assess whether there are barriers to information sharing related to extremist activity and if so, address how those might be overcome.

MEDICAL MALPRACTICE CLAIMS

Question. Section 731 of the NDAA for fiscal year 2020 authorizes the Secretary of Defense to consider, settle, and pay claims against the United States for personal injury or death incident to the service of a member of the uniformed services that was the result of medical malpractice caused by a DOD health care provider.

In your view, what should be the role of the Army General Counsel in adjudicating and approving claims under section 731?

Answer. If confirmed, I will ensure that Army attorneys, both uniformed and civilian, are properly resourced and trained to support the implementation of the rules promulgated by the DOD. In my view, the Army General Counsel's role in adjudicating claims under section 731 should be to ensure that Army attorneys making the initial determinations are trained and resourced to apply uniform standards of law and render sound decisions.

DISTRICT OF COLUMBIA NATIONAL GUARD (DCNG)

Question. What is the role of the Secretary of the Army with respect to the DCNG?

Answer. I understand that, since 1969, the President, through the Secretary of Defense, has delegated to the Secretary of the Army the authority to "supervise, administer, and control" the DCNG. The Secretary of the Army exercises command, through the Commanding General of the DCNG, over DCNG operations when it is operating in a militia status to aid civil authorities. When in a militia status (under Title 32, U.S. Code), the Secretary of the Army is third in the chain of command of the DCNG after the President and the Secretary of Defense.

The Secretary of the Army has broad authorities under Title 32, U.S. Code, over the DCNG including organization (32 U.S.C. § 104b), inspections (32 U.S.C. § 105), Federal recognition (32 U.S.C. § 301 and § 307), enlistments (32 U.S.C. § 302), and training (32 U.S.C. § 501).

Question. How does the Army General Counsel assist the Secretary of the Army in executing this role, particularly as regards activating members of the DCNG in response to severe weather events, in support of National Security Special Events, and to address civil disturbances?

Answer. It is my understanding that a request from the civil authorities of the District of Columbia, normally from the District of Columbia Homeland Security Emergency Management Agency (DCHSEMA), is transmitted directly to the DOD Executive Secretary who then transmits that request to the Army and the DC National Guard (DCNG). The DCNG is responsible for conducting a mission analysis to determine whether it can provide the requested support. If DCNG determines they can support the request, the Commanding General of the DCNG asks the Secretary of the Army to approve the support. I understand that attorneys in the Army's Office of the General Counsel work closely with DCNG legal advisors to determine the legality and parameters of the support requested. Army Office of General Counsel attorneys also coordinate with DOD General Counsel attorneys and the office of the Deputy Attorney General (DAG) in the Department of Justice for the support requested, because the DAG must concur with any request for civil support. For National Special Security Events or other Federal requests for support, it is my understanding that these are treated differently and typically are communicated from the Federal agency requesting support directly to the Department of Defense and not the Secretary of the Army and there is also no DAG coordination requirement for Federal requests for support.

Question. What is the role of the Secretary of the Army with respect to National Guard from other States in a Title 32 status who are called in to augment the DCNG?

Answer. I understand that the Secretary of the Army does not have direct authority with respect to out-of-State National Guard forces who are mobilized to augment the DCNG, however, she may exercise tasking authority through the DCNG Commanding General. I further understand that the Secretary of Defense may designate the Secretary of the Army to oversee and coordinate the mission performed by these augmenting National Guard forces.

Question. How does the Army General Counsel assist the Secretary of the Army in executing this role?

Answer. The Army General Counsel provides legal advice to the Secretary of the Army, working closely with attorneys from the Joint Chiefs of Staff, the DOD Office of the General Counsel, the National Guard Bureau Office of the General Counsel and the Department of Justice.

JUVENILE PROBLEMATIC SEXUAL BEHAVIOR

Question. A 2018 media expose asserted that the U.S. military frequently fails to "protect or provide justice to" the children of servicemembers who are sexually assaulted by other children on a military installation.

What actions has the Army taken to regularize policies and programs for responding to, investigating, adjudicating, and documenting allegations of juvenile problematic sexual behavior on Army installations?

Answer. I am generally aware that the Army recently published an Army directive that requires Installation Commanders to ensure the investigation of major juvenile misconduct. I understand the directive also requires the referral of allegations of problematic sexual behavior of children and youth to Family Advocacy for assessment, treatment, and victim assistance. The most serious cases may be referred to civilian authorities for further investigation or appropriate disposition. I am also aware that CID has updated its policy to require that all investigative personnel properly document CID's notifications to installation commanders and civilian legal authorities. If confirmed, I intend to gain a more thorough understanding of the Army's policies and programs in this important area.

Question. How does the Army ensure that the victims of juvenile problematic sexual behavior receive the care, treatment, support, and advocacy services they need?

Answer. I understand that the Army has recently published a new policy on problematic sexual behavior in children and youth. The policy requires Army installations to respond to each report of such behavior and establish multi-disciplinary teams to address safety, medical, and behavioral health of the children, youth, and families involved. I understand that the policy also requires the Army to provide trauma-informed assessment, care, support, rehabilitation, and treatment to eligible

beneficiaries impacted by this behavior. The policy also requires the Army to provide appropriate resource and referral information to persons who are not eligible beneficiaries, but who are affected by these incidents reported to the Army.

Question. In your view, does the Army have a mechanism to hold accountable, as appropriate, and provide treatment to juveniles who engage in problematic sexual behavior?

Answer. Yes. My understanding is that Army policy requires the investigation of each case of major juvenile misconduct and provides mechanisms to hold those juveniles who engage in problematic sexual behavior accountable. The most serious cases may warrant referral to the appropriate civilian authority for further investigation or appropriate disposition.

Regarding treatment, I understand that Army policy requires that the Army provide trauma-informed assessment, care, support, rehabilitation, and treatment to eligible beneficiaries who are affected by this behavior. I also understand the policy requires the Army to provide appropriate resource and referral information to persons who are not eligible beneficiaries, but who are affected by these incidents. If confirmed, I intend to review these mechanisms for accountability and treatment.

Question. In your view, is retrocession of jurisdiction over juvenile offenses committed on Army installations, to the State or territory in which that installation is located, the most effective way to ensure the accountability of juveniles who engage in acts of delinquency, including problematic sexual behavior? Please explain your answer.

Answer. I understand that retrocession is a lengthy process and a State may decline it or, after obtaining jurisdiction, decline to accept a referral. In my view, the most effective way to ensure the accountability of juveniles who engage in acts of delinquency, which may include problematic sexual behavior, is to ensure that each allegation of misconduct is investigated, reviewed by the command for appropriate action, and if appropriate, referred to the controlling civilian authority to determine disposition.

Question. Does the Army require any additional authorities to establish and maintain the centralized data base on child and youth problematic sexual behavior required by section 1089 of the John S. McCain NDAA for fiscal year 2019?

Answer. At this time, I am not aware that additional authorities are required and I understand that the Army is working closely with the Department of Defense to implement this data system, which will aid in tracking this important information. If confirmed, I would want to ensure that the Office of General Counsel assists key stakeholders in the implementation of this legal requirement.

WHISTLEBLOWER PROTECTION

Question. Section 1034 of title 10, U.S. Code, prohibits taking or threatening to take an unfavorable personnel action against a member of the armed forces in retaliation for making a protected communication. Section 2302 of title 5, U.S. Code, provides similar protections to Federal civilian employees.

If confirmed, what role would you perform in ensuring that soldiers and civilian employees of the Department of the Army who report fraud, waste, and abuse, or gross mismanagement are protected from reprisal and retaliation, including from the very highest levels of the Army, DOD, and the executive branch?

Answer. The law prohibits taking or threatening to take an unfavorable personnel action against an individual in retaliation for making a protected disclosure. I understand that for reprisal allegations from military personnel, the Department of Defense (DoD) Inspector General investigates or oversees such investigations undertaken by DOD Component IG offices, and forwards to the Service Secretary investigation outcomes for appropriate action. If confirmed, I would be responsible for advising the Secretary of the Army on such investigations.

Regarding civilian employee allegations of whistleblower reprisal, if confirmed, I would monitor the Army's program and investigation processes. These processes include referrals from the Office of Special Counsel and the Office of the Inspector General, as well as non-referral allegations such as an employee raising the matter within his or her management chain. If confirmed, I would ensure that the Army has in place effective programs and processes to protect our military and civilian personnel from reprisal and provides for avenues of relief. I would support taking appropriate corrective action in substantiated cases.

Question. What role does the Army General Counsel play in ensuring compliance with Office of Special Counsel requests to the Army for investigations, and in ensuring the legal sufficiency of any such investigation the Army conducts?

Answer. It is my understanding that the Army General Counsel is responsible for providing overall guidance on all issues concerning the Army's cooperation with the

Office of Special Counsel (OSC). This primarily relates to investigation of alleged prohibited personnel practices and allegations of improper or illegal conduct. If confirmed, I would ensure that the Office of the General Counsel has a robust program in place to facilitate this mission. This includes: rapid relay of referrals to commanders in the field and their servicing legal advisors; informal Office of the General Counsel coordination with both servicing legal advisors and OSC attorneys throughout the process of a given investigation; and prioritized Office of the General Counsel review of such investigations prior to final action.

SUPPORT TO THE ARMY INSPECTOR GENERAL

Question. What is the relationship between the Army General Counsel and the Army Inspector General?

Answer. I believe that as members of the Army Secretariat, the General Counsel and the Inspector General should have a strong working relationship to help the Secretary of the Army identify, investigate, and resolve important matters impacting the service. These include individual misconduct by senior officials, systemic non-compliance with law and regulation, or any other matter of sufficient magnitude. The Inspector General furthers this mission by being the eyes, ears, and voice of the Secretary through inspections, assistance, investigations, and teaching and training functions. I believe the Army General Counsel facilitates this mission by ensuring that the Office of the General Counsel stands ready to provide legal advice regarding these processes.

Question. In your view, what role, if any, should the Army General Counsel have in reviewing and rendering opinions on the legal sufficiency of the investigations and recommendations of the Army Inspector General?

Answer. In my view, the role of the Office of the General Counsel in reviewing and rendering opinions on the legal sufficiency of investigations and recommendations of the Army Inspector General is appropriately limited to cases with substantiated findings regarding senior officials or otherwise brought to the attention of the General Counsel. I am told attorneys assigned to the Office of the Army Inspector General provide legal sufficiency reviews for all investigations that the Inspector General conducts involving senior officials, both military and civilian. As these investigations can have significant impacts on senior members of the Army, the Army General Counsel has an interest, on behalf of the Secretary, to ensure the sufficiency of the investigations.

LITIGATION INVOLVING THE DEPARTMENT OF THE ARMY

Question. What is your understanding of the relationship between the Department of the Army and the Department of Justice with respect to litigation involving the Army?

Answer. I understand that the Department of Justice (DOJ), under the direction of the Attorney General, has the responsibility to represent the Department of the Army and its officers in civil litigation. However, I understand that DOJ requires the assistance of Army attorneys to defend litigation involving the Army, and throughout the course of the litigation Army attorneys work with DOJ attorneys to ensure the Army's interests are represented by collaborating on litigation strategy and defenses. If confirmed, I would continue to work collaboratively with The Judge Advocate General and the Department of Justice to protect the Army's interests in litigation.

Question. In your view, should the Department of the Army have the independence and resources to conduct its own litigation?

Answer. I understand that the Judge Advocate General's Litigation Division has a strong, longstanding, and collaborative relationship with the Department of Justice. If confirmed, I will work with The Judge Advocate General to ensure this working relationship endures, and that the Army has the litigation resources necessary to properly protect the Army's equities and interests.

Question. If confirmed, what factors would you consider in determining whether official Department of the Army information should be released in litigation? How would your analysis of Touhy requests differ in cases in which the United States or the Army is a party as compared to cases in which the United States or the Army is not a party?

Answer. I understand that when the Department of the Army is a party to litigation, it complies with the Federal Rules of Civil Procedure and provides information in discovery, as would any other party. I further understand that the Department of the Army regulation that implements Touhy applies only to litigation in which the Army is not a party and where official information is requested. When the Army is not a party and does have an interest in the litigation, I understand that the

Army's policy is to make official information reasonably available in litigation in an impartial manner by providing equal access to official information and fact witnesses (but not expert or opinion witnesses) to litigants. If confirmed, I would collaborate with The Judge Advocate General, in coordination with the Department of Defense General Counsel and the Department of Justice, to ensure the Army's approach is consistent with other agencies' approaches to this issue.

Question. How is the authority to waive attorney/client privilege allocated within the Department of the Army? If confirmed, would you make any changes to this allocation of authority or to policies governing the release of information potentially subject to the privilege?

Answer. I understand that by Army regulation, the authority to waive attorney/client privilege belongs to the responsible official acting for the Army on a given matter. For example, when the Office of General Counsel provides legal advice to an Assistant Secretary of the Army on a matter within his or her purview, waiver of the privilege on this matter belongs to that Assistant Secretary. A more senior authority may overrule a subordinate official's decision on waiving or invoking the privilege. The Secretary of the Army is the ultimate responsible official for invoking and waiving the privilege.

If confirmed, I do not anticipate changing the current allocation of authority for this privilege. Army regulations currently scope the privilege authority properly so that decisionmaking occurs at a reasonable level. I would, however, keep an open mind if circumstances warrant a potential modification to the current structure.

Question. If confirmed, what factors would you consider in approving a request for the representation of an Army official or employee by Department of Justice attorneys or by private counsel furnished by the Department, in civil, criminal, or congressional proceedings in which an Army employee is sued, subpoenaed, or charged in their individual capacity?

Answer. I am aware that the Attorney General has the authority to approve representation by the Department of Justice, or by private counsel furnished by the Department of Justice. It is my understanding that Army attorneys use the factors outlined in applicable implementing regulation as the framework to analyze whether individual representation is appropriate and warranted when making a recommendation to the Department of Justice. Specifically, those factors are: (1) whether the official or employee was acting within the scope of employment at the time of the incident, and (2) whether representation is in the best interest of the Army. If confirmed, I intend to follow the current policy in coordination with the Department of Defense and the Department of Justice.

THE ARMY CIVILIAN WORKFORCE

Question. In your judgment, what is the biggest challenge facing the Army in effectively and efficiently managing its civilian workforce?

Answer. I am informed, the biggest challenge facing the Army in managing its civilian workforce is ensuring sustained access to high-demand talent such as engineers, scientists, software coders, cybersecurity analysts, data scientists, and other technical positions. I believe the Army, now more than ever, has a significant demand for these skills to meet current and future mission and readiness requirements. If confirmed, I would support policies that allow the Department to quickly and efficiently acquire, develop, employ, and retain a sustainable bench of top talent possessing current and emerging high demand skill sets.

Question. Would there be value, in your view, to establishing a unified DOD civilian workforce, as opposed to separate civilian workforces segregated by DOD Component? Please explain your answer.

Answer. It is my understanding the DOD civilian workforce is diverse across a number of mission sets that are specific to each DOD Component. In my view, there is value in recognizing both the unique mission of the Army and how Army civilians support that mission and Army readiness.

However, it is also my understanding that there are multiple civilian personnel systems and authorities that are applied across the DOD civilian workforce, which create complexities in each Component being managed. If confirmed, I would support further review and analysis of the benefits of establishing a unified civilian personnel system, with streamlined authorities.

Question. It is not uncommon for contractor employees—particularly those contracted to provide knowledge-based or administrative services—to work in the same offices, serve on the same projects and task forces, and perform many of the same functions as Department of the Army military personnel and civilian employees.

In your view, does the Department of the Army have in place adequate processes to ensure that contractor employees do not perform inherently governmental func-

tions and that contractor performance of “closely associated” and critical government functions is minimized? Please explain your answer.

Answer. Yes, my understanding is that there is an adequate process in place for ensuring that the Army does not contract for inherently governmental functions. I understand that functions currently performed by contractors are reviewed at every iteration or logical inflection point of a contract to ensure that requiring activities are not entering into inappropriate or unauthorized personal services contracts or those involving inherently governmental functions.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise legislative and oversight responsibilities, it is important that this committee, its subcommittees, and other appropriate committees of Congress receive timely testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch.

Do you agree, without qualification, if confirmed, and on request, to appear and testify before this committee, its subcommittees, and other appropriate committees of Congress? Please answer yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to provide this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so in a timely manner? Please answer yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to consult with this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Please answer yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to keep this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Please answer yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, and on request, to provide this committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? Please answer yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this committee? Please answer yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, Federal employee, or contractor employee who testifies before, or communicates with this committee, its subcommittees, and any other appropriate committee of Congress? Please answer yes or no.

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

OVERSIGHT OF SENIOR DOD OFFICIALS – SEXUAL ASSAULT AND SEXUAL HARASSMENT

1. Senator HIRONO. Ms. Ricci, as part of my responsibility as a member of the Senate Armed Services Committee and to ensure the fitness of nominees for appointment to senior positions within the Department of Defense (DOD), I ask the same two questions that I ask nominees to all of the committees on which I serve. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?

Ms. RICCI. No.

2. Senator HIRONO. Ms. Ricci, have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Ms. RICCI. No.

RENEWAL OF HAWAII'S TRAINING LAND LEASES

3. Senator HIRONO. Ms. Ricci, the Army is negotiating renewals for several training area land leases in Hawaii that are set to expire in 2029, including the Pohakuloa Training Area (PTA), which is critical to joint and partner nation military readiness. It's important for the Army to conduct respectful engagement with local community leaders, especially the Native Hawaiian population. If confirmed, how would you go about ensuring these leases are negotiated fairly and respectfully with leaders in Hawaii?

Ms. RICCI. I understand that the Army continues to engage with State leaders, the Native Hawaiian population, and other local leaders as it seeks to retain the leased military training areas in Hawaii. In my experience, this dialog is vital, as it promotes a relationship of trust and credibility and clarifies misunderstandings. If confirmed, I will work to ensure that the Army continues such efforts throughout the process, that the Army remains committed to negotiating openly and honestly to reach fair and equitable terms with the State of Hawaii, and that my team provides the Department timely legal advice throughout the process.

IMPLEMENTING SEXUAL ASSAULT AND HARASSMENT INDEPENDENT REVIEW COMMITTEE RECOMMENDATIONS-STRONGLY SUPPORTING SEC AUSTIN'S LEG PROP.

4. Senator HIRONO. Ms. Ricci, if confirmed, you both will have important roles in the implementation of the Sexual Assault and Harassment Independent Review Committee (IRC) Report recommendations. I am concerned about Secretary of Defense Lloyd Austin's tentative timeline for implementation, which in some cases goes out to 2028 or later. If confirmed, how do each of you plan to support the Department's efforts to implement the IRC recommendations?

Ms. RICCI. In my view, the Secretary of Defense has appropriately prioritized the prevention of sexual assault, sexual harassment, gender discrimination, and associated retaliation within the Department of Defense (DoD), and I strongly support DOD's legislative proposal on military justice reform. I understand that the majority of Independent Review Commission (IRC) recommendations will be implemented within the next one to 4 years. The DOD IRC implementation timeline is scheduled in tiers because some recommendations must build on the work done in prior tiers. If confirmed, I will actively support Army leadership in executing the DOD implementation of the IRC's recommendations in a thoughtful, deliberate, and timely manner designed to ensure a focus on prevention while providing victims with compassionate care and support.

5. Senator HIRONO. Ms. Ricci, do you have any ideas that might help to speed up the implementation process?

Ms. RICCI. Based on my understanding, the Secretary of Defense is acting expeditiously. Some of the recommendations prescribe considerable changes to existing policies and organizational constructs, requiring significant time to implement across the Department of Defense and the Army. If confirmed, I intend to support the Secretary of the Army and the Army's leadership in executing the recommendations of the Independent Review Commission and the decisions of the Secretary of Defense as quickly as possible while ensuring victims of sexual assault, sexual harassment, gender discrimination, and associated retaliation receive prompt, professional, and compassionate care.

QUESTIONS SUBMITTED BY SENATOR GARY C. PETERS

HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLE ROLLOVERS

6. Senator PETERS. Ms. Ricci, the Government Accountability Office (GAO) released a report in July detailing actions the Army should take to prevent and mitigate training accidents in tactical vehicles. The Army can do more to prevent High Mobility Multipurpose Wheeled Vehicle (HMMWV) rollover fatalities, as these were involved in more reported accidents than any other type of tactical vehicle. I am concerned that this vital issue is not being taken seriously. I have asked the Army to ensure it fully funds the HMMWV rollover mitigation program and was able to secure language in this year's NDAA calling on the Army develop a plan to retrofit all of its HMMWVs with rollover prevention kits.

As General Counsel, would you advise the Army to install proven rollover mitigation safety measures on legacy vehicles that they will continue to use in the fleet for the next 20 years?

Ms. RICCI. Generally speaking, if confirmed, I would support acquisitions that enhance Soldier safety. While I am not familiar with the details of the Army's installation of rollover mitigation measures on legacy vehicles, including the HMMWV, it is my understanding that the Army is committed to equipping all HMMWVs with Anti-lock Brake System/Electronic Stability Control (ABS/ESC) kits as quickly as fiscally possible. If confirmed, I would become familiar with the details of the HMMWV rollover mitigation program and appropriately advise the Secretary of the Army and the Assistant Secretary of the Army for Acquisition, Logistics, and Technology on this matter.

7. Senator PETERS. Ms. Ricci, in your legal opinion, is it a liability to the Army if it does not take action to prevent accidents when a proven and fielded HMMWV rollover solution exists?

Ms. RICCI. I am not presently familiar with the GAO report referenced in the previous question or the details of the HMMWV mitigation program. As such, it would be inappropriate to offer a definitive legal view at this time. As a general matter, it is important, from both a liability and Soldier safety standpoint, for Army leaders to implement all reasonable safety measures. If confirmed, I would become familiar with the details of the HMMWV rollover mitigation program and appropriately advise the Secretary of the Army and the Assistant Secretary of the Army for Acquisition, Logistics, and Technology on this matter.

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

SEXUAL ASSAULT IN THE ARMY

8. Senator BLACKBURN. Ms. Ricci, if confirmed, how specifically would you address prevention of sexual assault and harassment in the Army?

Ms. RICCI. Based on my experience, I believe the prevention of sexual assault, sexual harassment, gender discrimination and associated retaliation in the Army starts with commanders. These leaders are responsible and accountable for setting the conditions and enforcing the standards that lead to healthy organizational climates. If confirmed, I will advise the Army's leadership to continue their efforts to prevent these harmful behaviors through the implementation of the recommendations from both the Fort Hood Independent Review Committee and 90-Day Independent Review Commission. In addition, if confirmed, I will ensure that the Office of General Counsel provides sound and timely legal advice regarding efforts to prevent sexual assault and harassment in the Army. Finally, if confirmed, I will support, and provide advice regarding continued Army investments in research on culture, climate, and unit cohesion to advance a holistic prevention approach.

9. Senator BLACKBURN. Ms. Ricci, do you believe that giving prosecutorial decisions on sexual assault, domestic violence, most crimes against children, and other special victim related offenses to independent military prosecutors will address the prevention of sexual assault and harassment in the Army?

Ms. RICCI. I understand the Department of Defense continues to provide technical assistance to Congress on proposed legislation to remove commanders from making prosecution decisions on cases involving special victims, and other offenses as defined by the proposed legislation. I strongly support the legislative proposal submitted by the Department to enact military justice reform that will enable specialized, independent special victim prosecutors who report to the Secretary of each Service, to make decisions on these complex cases. In my view, while accountability is essential, it is not the whole solution. The Army must continue its prevention efforts through the implementation of the recommendations of both the Fort Hood Independent Review Committee and the Department of Defense Independent Review Commission, and through the Army's People First Task Force, to build a stronger culture and ensure a safe environment that decreases the prevalence of sexual assault, sexual harassment, and other corrosive behaviors. If confirmed, I look forward to assisting the Secretary and the Army's leadership in striving to prevent sexual assault and sexual harassment in the Army.

DEPARTMENT OF THE ARMY COVID POLICY

10. Senator BLACKBURN. Ms. Ricci, based on the guidance outlined in Army Regulation 600-20, 40-562 as well as the new Army Directive 2021-33, what is your un-

derstanding of least favorable discharge and characterization of service a soldier can receive for refusing the COVID-19 vaccine?

Ms. RICCI. I understand the Army is currently in the initial implementation phase of the COVID-19 vaccine policy. In this initial phase, commanders are not authorized to initiate separation proceedings based solely on a Soldier's refusal to receive the vaccine. I am informed that, upon transition to the next phase, commanders, at a minimum, will initiate an administrative separation action against Soldiers who, without a pending or approved exemption, refuse vaccination. I understand that the Army's regulatory due processes would apply to these administrative separation proceedings, and initiation of separation proceedings does not necessitate actual separation. Based on my experience with Army administrative separations, Soldiers can be discharged with uncharacterized service (for entry-level separations), or be assigned a characterization of service of honorable, general, or other than honorable. If confirmed, I will ensure that the Office of General Counsel provides robust legal advice regarding the Army's implementation of the Department of Defense vaccine policy.

11. Senator BLACKBURN. Ms. Ricci, what is the Army's authoritative document regarding the vaccination requirements, timelines, and exemption procedures for civilian personnel? Please include references for both contractors and GS [general schedule] employees.

Ms. RICCI. I am aware that Executive Order (EO) 14043, "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees," applies to all Federal employees, and Executive Order 14042, "Ensuring Adequate COVID Safety Protocols for Federal Contractors," applies to all Federal contractors. These are the authoritative documents regarding the vaccination of Federal civilian employees and contractors of the Department of Defense (DoD) and the Army. Subsequent to the issuance of EOs 14042 and 14043, the Department of Defense issued "Force Health Protection Guidance (Supplement 23) Revision 2—Department of Defense Guidance for Coronavirus Disease 2019 Vaccination Attestation, Screening Testing, and Vaccination Verification," which provides guidance regarding COVID-19 vaccine attestation and screening testing for unvaccinated personnel. It also provides updated guidance for implementing force health protection and workplace safety measures directed by the White House Safer Federal Workforce Task Force to reduce transmission of the virus that causes coronavirus disease 2019 (COVID-19). Additionally, I anticipate that the Secretary of the Army will issue guidance that implements the EOs and applicable DOD guidance. These documents, taken together, would provide the authority, timelines, and exemption procedures for civilian personnel. If confirmed as General Counsel, my role would be to ensure that the Army guidance complies with the applicable law, Executive Orders, and DOD policy.

12. Senator BLACKBURN. Ms. Ricci, what is the protocol for personnel, originating from the other military branches, who are assigned to Army commands and refuse the vaccine?

Ms. RICCI. I am informed that the Army's current policies implementing the COVID-19 mandate do not address this specific issue. In my experience, in situations like this, commands ordinarily follow any applicable agreements between the Services and, if no agreement is in place, coordinate directly with the parent Service.

13. Senator BLACKBURN. Ms. Ricci, how will the Army address foreign military personnel—such as those studying U.S. professional military education courses—if they refuse the vaccine for religious reasons?

Ms. RICCI. Whether vaccination requirements should apply to foreign military personnel is an issue that I would need to examine further. In my view, religious exemptions should be considered on a case-by-case basis and initiated by an appropriate request from the foreign military service member through their partner nation military service.

[The nomination reference of Ms. Carrie F. Ricci, follows:]

NOMINATION REFERENCE AND REPORT

PN1184

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 27, 2021.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Carrie Frances Ricci, of Virginia, to be General Counsel of the Department of the Army,
vice James E. McPherson, resigned.

_____, 2021.
(Date)

Reported by Mr. Reed _____
(Signature)

with the recommendation that the nomination be confirmed.

☐ The nominee has agreed to respond to requests to appear and testify before any
duly constituted committee of the Senate.

[The biographical sketch of Ms. Carrie F. Ricci, which was trans-
mitted to the Committee at the time the nomination was referred,
follows:]

**Bio Carrie F.
Ricci**

Education:

- George Washington University School of Law, Washington, DC
 - August 2004 – May 2005
 - Master of Laws (LL.M) Intellectual Property
- The Judge Advocate General's Legal Center and School, Charlottesville, VA
 - July 1999 – May 2000
 - LL.M, International Law Specialty
- The University of Maryland School of Law, Baltimore, MD
 - July 1993 – May 1996
 - Juris Doctor
- Georgetown University, Washington, DC
 - August 1984 – May 1988
 - B.S., Finance and International Management, minor in Spanish, 1988

Employment Record:

- Fort Hood Independent Review Committee, Department of the Army, (Detail)
 - Committee Member
 - July 2020 – December 2020
- Office of the General Counsel, US Department of Agriculture, Washington, DC
 - Associate General Counsel, Marketing, Regulatory, and Food Safety, Senior Executive Service (SES)
 - November 2013 – Present
 - Assistant General Counsel, Marketing Practice Group, SES
 - June 2012 – October 2013
- Office of the General Counsel, Department of Defense Education Activity (DoDEA) Arlington, VA
 - Assistant General Counsel, GS-15
 - February 2010 – June 2012
- Office of the General Counsel, US Army, Washington, DC
 - Assistant General Counsel, Lieutenant Colonel (LTC)
 - July 2007 – January 2010
- US Army Intelligence and Security Command, Fort Belvoir, VA
 - Deputy Staff Judge Advocate, LTC
 - June 2005 – June 2007

- US Central Command (USCENTCOM), MacDill Air Force Base, FL
 - Chief, International Law, LTC
 - June 2003 – August 2004
- Office of the Judge Advocate General, US Army, Washington, DC
 - Administrative Law Attorney, Major
 - May 2000 – May 2002
- Office of the Staff Judge Advocate, 4th Infantry Division (Mech), Fort Hood, TX
 - Trial Counsel/Operational Law Attorney, Captain
 - October 1996 – June 1999
- 902d MI Group, CS/CI Battalion, Fort Meade, MD
 - S1/Adjutant, Captain
 - September 1992 – September 1993
- 566th Postal Company, Schweinfurt, Germany
 - Platoon Leader/Executive Officer
 - December 1988 – March 1992

Honors and Awards:

- Military Awards:
 - Legion of Merit
 - Joint Service Commendation Medal
 - Meritorious Service Medal (x4)
 - Army Commendation Medal (x2)
 - Army Achievement Medal
 - Army Superior Unit Award
 - National Defense Service Medal (x2)
 - Southwest Asia Service Medal with Bronze Service Star (x3)
 - Global War on Terrorism Medal (x2)
 - Army Service Ribbon
 - Overseas Service Ribbon (x2)
 - Kuwait Liberation Medal (Saudi Arabia) (Kuwait)
 - Parachutist Badge
 - Army Staff Identification Badge
- Federal Civilian Awards: Distinguished Civilian Service Medal
- Other Awards: League of United Latin American Citizens (LULAC) Presidential Medal of Honor

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Ms. Carrie F. Ricci in connection with her nomination follows:]

117th CONGRESS, 2020 -- 2021
UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES
ROOM SR-228
WASHINGTON, D.C. 20510-6050
(202) 224-3871

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE
INFORMATION REQUESTED OF CIVILIAN NOMINEES

INSTRUCTIONS TO THE NOMINEE: Answer all questions and provide all requested information. If more space is needed, attach an additional sheet of paper to the Questionnaire and cite the part of the Questionnaire and the question number (e.g., A-9, B-4) to which the continuation of your answer applies. Unless otherwise required, an answer of "yes", "no", or "not applicable" is appropriate.

QUESTIONNAIRE, PART A

NOTE: Information furnished in this part of the Questionnaire will be made available in Committee offices for public inspection prior to the hearing, if any, and will be entered in the hearing record, also available to the public.

BIOGRAPHICAL INFORMATION TO BE MADE PUBLIC

1. Name (Include any former names you have used): Carrie Frances Ricci;
Maiden name: Ricci-Smith
2. Position to which nominated: Army General Counsel
3. Date of nomination: 27 September 2021
4. Education (List names of secondary and higher education institution attended, type of school [vocational, technical, trade school, college, university, military college, correspondence, distance, extension, and on-line], dates attended, degree received, and date degree granted):

University of South Florida Muma College of Business 3/2021-5/2021. Online Certificate in Diversity, Equity, and Inclusion in the Workplace. Certificate awarded 5/2021.

George Washington University School of Law, Washington, DC 8/2004-5/2005
Degree: LL.M., Master of Laws in Intellectual Property awarded 5/1995

US Army Command and General Staff College, Fort Leavenworth, KS 6/2002-5/2003, Diploma awarded 5/2003

US Army Judge Advocate General's Legal Center and School, Charlottesville, VA 7/1999-5/2000
Degree: LL.M., Master of Laws in Military Law

The University of Maryland School of Law, Baltimore, MD, 8/1993-5/1996,
Degree: Juris Doctor awarded 5/1996

University of Minnesota Law School, Summer Program in European Union Law, 6/1995-8/1995, at Complutense University of Madrid, Spain, credit transfer (non-degree program)

Georgetown University, Washington, DC, 8/1984-5/1988
Degree: B.S., dual major in Finance and International Management, minor in Spanish

Southern Methodist University Semester Abroad program, 7/1986-12/1986, at Center for International Studies, Madrid, Spain, credit transfer (non-degree program)

Lakewood High School, Lakewood, NJ, 9/1980-5/1984, Diploma awarded 1984

5. **Employment record (List all jobs held since college, or in the last 10 years, whichever is less, including the title or description of the job, name of employer, location of work, and dates of employment. If the employment activity was military duty, show each change of military duty station as a separate period of employment):**

Office of the General Counsel, US Department of Agriculture, Washington, DC
Associate General Counsel, Marketing, Regulatory, and Food Safety, Nov 2013 – Present
Assistant General Counsel, Marketing Practice Group, Jun 2012 – Oct 2013, SES

Fort Hood Independent Review Committee, Department of the Army, Jul – Dec 2020 (Detail)
Selected and appointed by the Secretary of the Army and the Army Chief of Staff to a five-member committee of experts to perform and onsite review of the command climate, soldier safety, missing soldier protocols, and effectiveness of the Sexual Harassment/Assault and Prevention program of Fort Hood, Texas. Assisted in drafting a 140+ page report providing significant findings and recommendations to chart a better

path forward for both the Army and Fort Hood.

**Office of the General Counsel, Department of Defense Education Activity (DoDEA)
Arlington, VA
Assistant General Counsel, Feb 2010 – Jun 2012, GS-15**

**Office of the General Counsel, US Army, Washington, DC,
Assistant General Counsel, Judge Advocate General's (JAG) Corps Jul 2007 –
Jan 2010**

6. **Government experience (List any advisory, consultative, honorary, and other part-time service or positions with Federal, State, or local governments, other than those listed in response to question 5, above):**

**Government Member American Conference of the United States (ACUS),
2012-present, committee chair Fall 2021**

7. **Business relationships (List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, and of any educational or other institution):**

None

8. **Memberships (List all memberships and offices that you currently hold, as well as any memberships and offices you have previously held in professional, fraternal, scholarly, civic, business, charitable and other organizations):**

Girl Scouts of the United States – Troop Leader, 2011 - present

Delta Sigma Theta Sorority, 1996-present, lifetime member

**American Bar Association, Member, 2000-present
Legal Opportunities Scholarship Committee, 3 years estimated 2012-2015
Council Member, Administrative Law Section, Appointed 7/29/2021**

**Hispanic National Bar Association (HNBA). 2005-present, Member.
HNBA Latina Commission 3/2009-6/2018; Co-Chair 2011-2012, 2015-2017**

Fellow of the American Bar Foundation 2/2018-Present

Fairfax Community Church, Church of God in Christ – member 2018-present

American Constitution Society – member, 2020-present

League of United Latin American Citizens – member 2020 – present

Board Member, Buffalo JAGs Mentorship Group 2020-present

Member, JAG Hispanic Mentorship Group, 2020-present

Senior Executive Association 2017 - Present

9. Political affiliations and activities:

- a. If you have ever been a candidate for, or have been elected or appointed to a political office, list the name of the office(s); whether you were a candidate/elected/appointed; the year(s) during which you were a candidate, or in which the election was held or the appointment was made; and the term of office (if applicable): N/A
- b. List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years: N/A
- c. Itemize all individual political contributions of \$100 or more to any individual, campaign organization, political party, political action committee, or similar entity during the past 5 years. List each individual contribution (not the total amount contributed to the person or entity) over this period: None

10. Honors and awards (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition received for outstanding service or achievements):

Recipient of the League of United Latin American Citizens Presidential Medal of Honor, February 2021

Department of the Army, Distinguished Civilian Service Medal, 10/21/2020

11. Published writings (List the titles, publishers, and dates of books, articles, reports, or other published materials that you have written or for which you served as co-author or editor, including articles and blogs published on the internet):

Report of the Fort Hood Independent Review Committee, November 5, 2020

12. Speeches (Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years—of which you have copies—in which you addressed matters relevant to the position to which you have been nominated).

None

COMMITMENTS IN FURTHERANCE OF CONGRESSIONAL OVERSIGHT

NOTE: In order to exercise their legislative and oversight responsibilities, it is important that this Committee, its subcommittees, and other appropriate committees of Congress timely receive testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch. A simple “yes” or “no” response is appropriate.

13. Do you agree, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate Committees of Congress? Yes
14. Do you agree, if confirmed, to provide this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so timely? Yes
15. Do you agree, if confirmed, to consult with this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Yes
16. Do you agree, if confirmed, to keep this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Yes
17. Do you agree, if confirmed, and on request, to provide this Committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? Yes
18. Do you agree, if confirmed, to respond timely to letters to, and/or inquiries

and other requests of you or your organization from individual Senators who are members of this Committee? Yes

19. Do you agree, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress? Yes

[The nominee responded to Parts B-F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B-F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed Parts A and B of the foregoing Senate Armed Services Committee Questionnaire, and that the information provided therein and in any document appended thereto, is, to the best of my knowledge and belief, current, accurate, and complete.

Carrie F. Ricci

This 13 day of October, 20 21

[The nomination of Ms. Carrie F. Ricci was reported to the Senate by Chairman Reed on December 8, 2021, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on December 14, 2021.]

