

**THE NOMINATIONS OF: HONORABLE ROBERT P.
STORCH TO BE INSPECTOR GENERAL OF THE
DEPARTMENT OF DEFENSE; DR. LESTER MAR-
TINEZ-LOPEZ TO BE ASSISTANT SECRETARY
OF DEFENSE FOR HEALTH AFFAIRS; MR. CHRIS-
TOPHER J. LOWMAN TO BE ASSISTANT SEC-
RETARY OF DEFENSE FOR SUSTAINMENT; AND
MR. PETER J. BESHAR TO BE GENERAL COUN-
SEL OF THE DEPARTMENT OF THE AIR FORCE**

HEARING

BEFORE THE

**COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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FEBRUARY 15, 2022
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CONTENTS

FEBRUARY 15, 2022

	Page
THE NOMINATIONS OF: HONORABLE ROBERT P. STORCH TO BE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE; DR. LESTER MARTINEZ-LOPEZ TO BE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS; MR. CHRISTOPHER J. LOWMAN TO BE ASSISTANT SECRETARY OF DEFENSE FOR SUSTAINMENT; AND MR. PETER J. BESHAR TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE	1
MEMBERS STATEMENTS	
Reed, Senator Jack	1
Inhofe, Senator James	3
WITNESS STATEMENTS	
Storch, The Honorable Robert P., Nominee to be Inspector General of the Department of Defense	4
Advance Policy Questions	58
Questions for the Record	95
Nomination Reference and Report	107
Biographical Sketch	108
Committee on Armed Services Questionnaire	111
Signature Page	117
Martinez-Lopez, Dr. Lester, Nominee to be Assistant Secretary of Defense for Health Affairs	7
Advance Policy Questions	117
Questions for the Record	135
Nomination Reference and Report	144
Biographical Sketch	145
Committee on Armed Services Questionnaire	149
Signature Page	157
Lowman, Christopher J., Nominee to be Assistant Secretary of Defense for Sustainment	10
Advance Policy Questions	157
Questions for the Record	172
Nomination Reference and Report	177
Biographical Sketch	178
Committee on Armed Services Questionnaire	180
Signature Page	184
Beshar, Peter J., Nominee to be General Counsel of the Department of the Air Force	12
Advance Policy Questions	184
Questions for the Record	203
Nomination Reference and Report	204
Biographical Sketch	205
Committee on Armed Services Questionnaire	207
Signature Page	218

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

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TUESDAY, FEBRUARY 15, 2022

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

The Committee met, pursuant to notice, at 9:32 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, Hirono, Kaine, King, Warren, Peters, Manchin, Duckworth, Rosen, Kelly, Inhofe, Wicker, Fischer, Cotton, Rounds, Ernst, Tillis, Sullivan, Cramer, Scott, Blackburn, Hawley, and Tuberville.

OPENING STATEMENT OF SENATOR JACK REED

Chairman REED. I will call the hearing to order.

The committee meets this morning to consider the nominations of Mr. Robert Storch to be the Inspector General of the Department of Defense, Dr. Lester Martinez-Lopez to be Assistant Secretary of Defense for Health Affairs, Mr. Christopher Lowman to be Assistant Secretary of Defense for Sustainment, and Mr. Peter Beshar to be General Counsel of the Department of the Air Force. On behalf of the committee, I want to thank each of you for your willingness to return to public service.

I would also like to welcome the guests and family members who are with us today. Mr. Storch, I welcome your wife Sara and daughter Hannah.

Dr. Martinez, I welcome your son, Lucas.

Mr. Lowman, I welcome your wife Tracey, daughter Shayne, and son Ian.

Mr. Beshar, I welcome your wife Sarah, son Henry, and daughter Sophie.

I know each of the nominees have family members who are proudly watching from home, and I thank them for their support of your service as well.

Mr. Storch, you are well-qualified to be Inspector General of the Defense Department. In addition to your current role as the IG for the National Security Agency, you served as the Deputy IG of the Department of Justice from 2012 to 2018.

There are a number of important duties that will require your attention within the Department. It will be your responsibility to conduct and supervise audits and investigations relating to the Department, provide efficiency and effectiveness in the administration of the Defense Department, and lead the combatting of fraud, waste, and abuse. You will also assist the Secretary of Defense in addressing extremism in the military.

While we continue to believe that the number of extremists in the ranks remains very, very small and does not represent a systemic issue, even one is too many. The DOD IG has an important role to play in assessing the extent of this challenge. During your testimony I would ask for your views on the issue and your objectives for this position.

Dr. Martinez, you are nominated to be the Assistant Secretary of Defense for Health Affairs, or the ASD(HA). I would note your extensive record of service in military healthcare, both in and out of uniform, as having prepared you well for this position.

The ASD(HA) is the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Personnel and Readiness for the all of the Department's force health protection policies, programs, and activities. The ASD(HA) is also responsible for execution of the Department's medical mission, including the readiness of medical services during military operations and for ensuring the health of the members of the military services, their families, and other eligible beneficiaries.

In addition, you will govern the management of Defense Department health and medical programs, the sponsorship and oversight of medical research and development, and medical education and training.

If confirmed, you will need to address a number of pressing challenges for the Department, including the implementation of COVID-19 vaccinations across the force, improving the staffing of Walter Reed, and providing medical support to the combatant commanders. I hope you will address these challenges in your testimony.

Mr. Lowman, you are nominated to be the Assistant Secretary of Defense for Sustainment. You bring more than 30 years of service as a marine and Army civil servant to this position; experience that will be invaluable given the complex scope of responsibilities before you.

One of the most pressing issues for the Defense Department is reducing its contested logistics vulnerabilities. The "tyranny of distance" challenge is often referenced in potential Pacific conflict scenarios, and we saw it proven true during our combat operations in Iraq and Afghanistan. Although there have been several studies and table top exercises on this topic, the GAO found the Defense Department has still failed to implement more than 50 rec-

ommendations from a recent review. I would like to know your perspective on how the Department can better navigate a contested logistics environment.

Additionally, maintaining the operational readiness of the force has always been expensive. Given the rising costs of new platforms like the F-35, coupled with supply chain impacts from the pandemic, I hope you will share your plans for tackling these challenges.

Finally, Mr. Beshar, you are nominated to be General Counsel of the Department of the Air Force. This position has a broad scope of responsibilities, including serving as legal adviser to the Secretary of the Air Force and other offices within the Department, as well as to the Chiefs of the Air Force and Space Force and their staffs. If confirmed, you will be tasked with providing legal services throughout the entire Department in a variety of disciplines, including fiscal law, ethics, dispute resolution, environmental law, labor law, and litigation.

In addition, the General Counsel exercises oversight of intelligence and other sensitive activities and investigations. These are wide-ranging and complex challenges that will require astute legal guidance. I would ask that you share how you plan to approach these issues and what objectives you have for this important position.

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

Chairman REED. Now, let me now recognize the ranking member, Senator Inhofe.

STATEMENT OF SENATOR JAMES INHOFE

Senator INHOFE. Thank you, Mr. Chairman.

Thanks to our witnesses for being with us and for their willingness to serve additionally.

We have got quite a few challenges facing us, including in your areas of responsibility. While the world is watching Beijing host the Olympics and whitewash an ongoing genocide, China has also accelerated its economic and military aggression.

The Russians are using their military might to try to redraw the borders of a sovereign country, and they are using energy as a weapon to try to split NATO. Putin's ambitions won't stop in Ukraine, and we learned this firsthand when we spent some time in Romania just a few weeks ago, and it is very clear: it maybe be Ukraine, but Romania is next, and so, this is not something that just is some speculation.

Last week, we heard from General Kurilla that Iran is the number one destabilizing threat in the Middle East, and about the risks of Iran using sanctions relief to support proxies that attack United States forces in the region.

North Korea fired more missiles in the recent months than ever before and apparently they are only pausing now because of the Olympics that are taking place, and they don't want to make China angry.

The 2018 Defense Strategy provides that it is still good today, and it provides a roadmap to tackle these challenges, but we need to stay focused, and we will need your help to do so in the positions

that you will be assuming, if you are confirmed, and you will be confirmed.

At the same time, historic inflation is hitting every part of the Pentagon, from servicemember benefits to maintenance. It will make your jobs much, much more difficult.

Lastly, Afghanistan, and on Afghanistan, I am sure you all read the Washington Post reporting about the military's own investigation of the withdrawal. It seems like this review can teach us some really valuable lessons.

We are the committee of jurisdiction over the Department of Defense. My colleagues and I have been asking for weeks to see the reviews that they have made. It is unacceptable for us to be finding out about these documents in the Washington Post before they are shared with us. I can't really say that in as strong of terms as I would like to.

The last NDAA established a bipartisan commission to investigate what happened in Afghanistan, and I supported that, but this committee also has the duty to conduct its own oversight. I think we will need to hear from some of the folks involved with this after-action report very soon, in open and closed sessions.

So, we need strong civilian leadership at DOD who will work with Congress. So I look forward to hearing from you all this morning.

Thank you, Mr. Chairman.

Chairman REED. Thank you very much, Senator Inhofe.

Now let me call on Mr. Storch for your testimony, please.

STATEMENT OF THE HONORABLE ROBERT P. STORCH, NOMINEE TO BE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

Mr. STORCH. My apologies.

Chairman REED. No problem.

Mr. STORCH. Thank you.

Chairman Reed, Ranking Member Inhofe, members of the committee, thank you for the opportunity to appear before you today with regard to my nomination to be the Inspector General at the Department of Defense.

The work of OIGs necessarily reflects that of the departments and agencies we oversee. The DOD, of course, has a critical mission of securing our national defense, a core function of government, and given the tremendous size and scope of the Defense enterprise, the Department, in one way or another, does essentially everything that government does. This requires its OIG to have all the tools in the oversight tool belt functioning well to effectively oversee these critical and diverse efforts.

I am truly humbled to have been nominated to lead the team at the DOD OIG and believe that I am well-positioned to do so. I currently am in my fifth year serving as the presidentially appointed, Senate-confirmed Inspector General at the National Security Agency, within the Department of Defense, and so I am familiar with both, the duties and functions generally applicable to a PAS IG, and with carrying out those responsibilities at an agency within the DOD where there is important integration between civilian and

uniformed personnel, and under the rules and policies applicable across the Department.

I am very proud of the efforts that my team and I have made to enhance the independence and the impact of our oversight work at NSA OIG, where I have emphasized getting to the root causes of the issues we uncover and holding agency leadership accountable for addressing them. I am also proud of the strides we have made to enhance the transparency of our work, including the launch of our independent public website, where we now regularly post unclassified versions of our Semiannual Reports to Congress, and unclassified versions or summaries, of a number of our underlying reports.

I also have emphasized the importance of engagement with the Congress, which helps us to understand its concerns and to provide oversight that may be helpful to inform its constitutional, legislative, and oversight functions.

As the NSA IG, and before that as the Deputy IG and Whistleblower Ombudsperson working with, and for, IG Michael Horowitz at the Department of Justice, I have worked to advance whistleblower rights and protections, which is something that I believe is fundamentally important for the operations of OIGs and, indeed, for good government.

Employees and others perform an important service when they bring forward evidence of what they reasonably believe to be wrongdoing, and they should never suffer reprisal for doing so.

Of course, none of this work is possible without people. As the NSA IG, and before that as the Deputy IG at DOJ, I have been actively engaged in promoting diversity, equity, inclusion, and accessibility, and in ensuring that we provide a positive working environment for our team. I am very proud of the efforts we have made in this regard at NSA OIG, and if confirmed as the DOD IG, I will bring all of these areas of emphasis and approaches to leading that very important office.

Prior to joining the OIG community, I spent some two dozen years as a Federal prosecutor at two U.S. Attorney's Offices and between them at the Public Integrity Section of the Criminal Division, here in Washington.

I believe that being an IG and a prosecutor are similar in important respects; both fundamentally call for doing what is right and both call for the analysis of complex fact patterns and the exercise of independent judgment to reach that result.

Also, as a former federal prosecutor, and now as an IG, I understand the importance of ensuring that my office's work not be influenced or even perceived as being influenced in any way by partisanship. I am honored to have been nominated to be an IG by Presidents of both political parties, and if confirmed, I shall continue to be true to the principle of nonpartisanship that is a hallmark of the IG system.

I have been actively involved in working across the IG community over the past decade, founding and leading the CIGIE Whistleblower Ombuds Working Group when I was at DOJ OIG, and serving for several years now as Vice Chair of the CIGIE Tech Committee, and as Chair of its Emerging Technology Subcommittee.

As for the latter, I think it is essential that we, as IGs, be prepared to conduct meaningful, impactful oversight over the increasing use of new technologies within the government and that we be able to use them ourselves appropriately in our work.

I also was honored to be named, in 2020, to serve as one of four IGs on the CIGIE Integrity Committee, and recently to be named Vice Chair of the Committee, which has the important role of considering allegations of misconduct made against IGs and their senior staffs. If I am confirmed, I believe that all these experiences will serve me well in leading the diverse operations of the Defense oversight community and coordinating with other IGs, as appropriate.

I will end with what is most important to me, and recognize and thank my brilliant and wonderful wife, who somehow will have put up with me for 30 years of marriage this May, and my two spectacular daughters. As I always say, they are the center of the universe.

I would also like to thank my family and friends, who are watching online, for their support.

Thank you, and I look forward to your questions.

[The statement of Mr. Storch follows:]

PREPARED STATEMENT BY THE HONORABLE ROBERT P. STORCH

Chairman Reed, Ranking Member Inhofe, Members of the Committee:

Thank you for the opportunity to appear before you today with regard to my nomination to be the Inspector General at the Department of Defense. The work of OIGs necessarily reflects that of the departments and agencies we oversee. The DOD, of course, has the critical mission of securing our national defense—a core function of government—and given the tremendous size and scope of the defense enterprise, the Department, in one way or another, does essentially everything that government does. This requires its OIG to have all the tools in the oversight toolbelt functioning well to effectively oversee those critical and diverse efforts.

I am truly humbled to have been nominated to lead the team at DOD OIG, and believe that I am well positioned to do so. I currently am in my fifth year serving as the Presidentially appointed Senate-confirmed Inspector General (PAS IG) at the National Security Agency, within the Department of Defense, and so am familiar with both the duties and functions generally applicable to a PAS IG, and with carrying out those responsibilities at an Agency within the DOD where there is important integration between civilian and uniformed personnel, and under the rules and policies applicable across the Department.

I am very proud of the efforts that my team and I have made to enhance the independence and the impact of our oversight work at NSA OIG, where I have emphasized getting to the root causes of the issues we uncover and holding Agency leadership accountable for addressing them. I am also proud of the strides we have made to enhance the transparency of our work, including the launch of our independent public website, where we now regularly post unclassified versions of our Semiannual Reports to Congress, and unclassified versions or summaries of a number of our underlying reports, putting us in the forefront in this area within the intelligence community. I also have emphasized the importance of engagement with the Congress, which helps us to understand its concerns and to provide oversight that may be helpful to inform its constitutional legislative and oversight functions.

As the NSA IG, and before that as the Deputy IG and Whistleblower Ombudsperson working with and for IG Michael Horowitz at the Department of Justice, I have worked to advance whistleblower rights and protections, which is something that I believe is fundamentally important for the operations of OIGs and, indeed, for good government. Employees and others perform an important service when they bring forward evidence of what they reasonably believe to be wrongdoing, and they should never suffer reprisal for doing so.

Of course, none of this work is possible without people. As the NSA IG, and before that as Deputy IG at DOJ, I have been actively engaged in promoting diversity, equity, inclusion, and accessibility, and in ensuring that we provide a positive working

environment for our team. I'm very proud of the efforts we've made in this regard at NSA OIG and, if confirmed as the DOD IG, I will bring all of these areas of emphasis and approaches to leading that very important office.

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I have been actively involved in working across the IG Community over the past decade, founding and leading the CIGIE Whistleblower Ombudsperson Working Group when I was at DOJ OIG, and serving for several years now as Vice Chair of the CIGIE Technology Committee, and as Chair of its Emerging Technology Subcommittee. As for the latter, I think it is essential that we as IGs be prepared to conduct meaningful, impactful oversight over the increasing use of new technologies within the government, and that we be able to use them appropriately in our own work. I also was honored to be named in 2020 to serve as one of the four IGs on the CIGIE Integrity Committee, and recently to be named Vice Chair of the Committee, which has the important role of considering allegations of misconduct made against IGs and their senior staffs. It is a significant responsibility, but it is essential that the community effectively answer the question of who watches the watchdogs, and I have learned a great deal about the operations of the IG community in the process. If I am confirmed, I believe all of these experiences will serve me well in leading the diverse operations of the defense oversight community and coordinating with other IGs as appropriate.

I'll end with what's most important to me, and recognize and thank my brilliant and wonderful wife, who somehow will have put up with me for thirty years of marriage this May, and my two spectacular daughters. As I always say, they are the center of the universe. I'd also like to thank my family and friends who are watching online for their support.

Thank you and I look forward to your questions.

Chairman REED. Thank you very much.
Dr. Martinez-Lopez, please?

**STATEMENT OF DR. LESTER MARTINEZ-LOPEZ, NOMINEE TO
BE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AF-
FAIRS**

Dr. MARTINEZ-LOPEZ. Good morning, Chairman Reed, Ranking Member Inhofe, and distinguished committee members.

Thank you for allowing me to speak with you today. I am extremely honored and humbled to be here today as President Biden's nominee for Assistant Secretary of Defense for Health Affairs. I am thankful for the trust placed in me by President Biden, Secretary Austin, and Under Secretary Cisneros.

I was raised in Maricao, a small town in the mountains of Puerto Rico. Not in my wildest dreams would I have thought I would be here, in front of you today.

During medical school, I was blessed to receive the Health Professions Scholarship. The financial support allowed me to dedicate myself to my studies and to excel. I was driven by an interest in saving lives through medicine and serving the United States.

Upon graduation, I joined the Active Duty Army at Fort Bragg, North Carolina, where I completed my family practice residency. My plan was to fulfill my service obligation and return to Puerto Rico, but after volunteering for the first Multinational Force and

Observers deployment to the Sinai, I got hooked. I loved serving with the Army in the field.

My service led me to command soldiers for 12 years, at home and abroad, serve with field units for 7 years, become the Chief Medical Officer of the United Nation's mission in Haiti, and serve as the senior medical officer during our Hurricane Mitch Response in Central America. My final assignment led me to command the United States Army Medical Research and Development Command at Fort Detrick, Maryland, where we worked on all aspects of medical research.

Working with soldiers willing to risk their health and lives for our country inspired me to continue serving alongside them and to deliver them the best medical care possible. Those same factors would motivate me to care for our Active Duty servicemembers, retirees, and their families if I am lucky enough to be confirmed.

After retiring from the Army, I was fortunate to lead a successful and fulfilling civilian life. I was the administrator of the Lyndon B. Johnson Hospital, part of an integrated governmental system that provides critical healthcare service to the residents of Harris County, Texas; thereafter, I became the first Chief Medical Officer for an over 400-bed, acute care hospital in Brandon, Florida. I learned a lot about patient safety, quality of care, and efficient health care management.

One of my favorite experiences was being a member of the Army Science Board where I participated in a multitude of studies. Through these experiences, I quickly learned that you don't need to wear a military uniform to serve the country and our communities.

If confirmed, I believe that my previous military and civilian experiences will serve me well as the Assistant Secretary of Defense for Health Affairs. I will be honored to have the opportunity to continue to serve our servicemembers, their families, and our retirees.

I will strive for the highest level of force medical readiness and the readiness of the medical force. The future may bring difficult missions abroad and at home. To face these challenges, it is vital that we have a medically ready force. There must be a focus on prevention of injuries; however, if injured, we owe our servicemembers the best medical response we can muster as a Nation. We must continue to improve our care, develop solutions for new and old challenges, and work closely with our interagency friends and commercial partners to accomplish our mission. Our servicemembers deserve no less.

I understand the military health care system is very large and complex, but if confirmed, I will do my best to improve the quality of the care, the quality of the service, and the value proposition to all those served by the Military Health System. I will work hard to complete the Military Health System Reform in a way that will strengthen the medical readiness of the Armed Forces and the readiness of the medical personnel, by improving health care benefits and services to millions of beneficiaries composed of servicemembers, military retirees, and family members.

If confirmed, I commit to do my best for those serving our Nation, and I also commit to work with this committee and Congress

in a transparent and responsive way to meet the health care needs of our servicemembers and their families and our retirees.

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

[The statement of Dr. Martinez-Lopez follows:]

PREPARED STATEMENT BY DR. MARTINEZ-LOPEZ

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

I am extremely honored and humbled to be here today as President Biden's nominee for Assistant Secretary of Defense for Health Affairs. I am thankful for the trust placed in me by President Biden, Secretary Austin, and Under Secretary Cisneros.

I was raised in Maricao, a small town in the mountains of Puerto Rico. Not in my wildest dreams would I have thought I would be in front of you today. During medical school, I was blessed to receive the Health Professions Scholarship Program. The financial support allowed me to dedicate myself to my studies and excel. I was driven by an interest in saving lives through medicine and serving the United States.

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If confirmed, I commit to do my best for those serving our Nation. I also commit to work with this Committee and Congress, in a transparent and responsive way, to meet the health care needs of our servicemembers, their families, and our retirees.

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

Chairman REED. Thank you.
Mr. Lowman, please?

**STATEMENT OF CHRISTOPHER J. LOWMAN, NOMINEE TO BE
ASSISTANT SECRETARY OF DEFENSE FOR SUSTAINMENT**

Mr. LOWMAN. Good morning, Chairman Reed, Ranking Member Inhofe—

Chairman REED. Your microphone, please.

Mr. LOWMAN. Good morning, Chairman Reed, Ranking Member Inhofe and committee members. I am deeply honored to come before you today as President Biden's nominee for Assistant Secretary of Defense for Sustainment.

I would like to thank the President for nominating me and Secretary Austin and Deputy Secretary Hicks for their confidence in me. If confirmed, I am excited for the opportunity to continue serving our Nation in this critical role during these extraordinary times.

I want to start off by acknowledging my wife Tracey, who is here with me today and has been by my side for the last 25 years. Tracey is the bedrock of our family, whose support has made my career and service to this Nation possible. Our greatest joy are our four children; two of which are here today with me, Shayne, a graduate of Virginia Commonwealth University, and Ian, a high school senior.

Our other two children, Rhyane and Addison, are currently students at the University of Virginia and are watching virtually; in fact, my daughter Addison is currently enrolled as a Navy intern with a focus on computer science, and so she will continue the tradition of service.

I am also grateful to my immediate and extended family for their sustained and honorable service to this country. We are a multi-generational, multi-service family, representing every service, and the Coast Guard, going back 80 years. My family's legacy of service has been a guiding force during my 36-year career, which began in 1984 on the well-known, yellow footprints at Parris Island. I started my post-Marine Corps life with the Army as a young GS-5, never in my wildest dreams did I imagine that I would, one day, be a nominee for the Assistant Secretary of Defense.

I have served alongside both, women and men, soldiers and civilians, who dedicated their lives helping to sustain the readiness of our forces. I could not be more proud to call them colleagues and friends, and if confirmed, I will continue to serve at their side.

The purpose of the Department of Defense is to provide military forces needed to deter war and ensure our Nation's security. To accomplish this mission, we must posture our sustainment capabilities to enable the readiness and meet the Nation's requirements when needed. Sustainment is most effective when integrated with the joint force and in coordination with our allies and industry partners. I appreciate the importance of sustainment and throughout my career I have learned that resilient sustainment is critical to enhancing our military's effectiveness.

The role of the Assistant Secretary of Defense for Sustainment is to ensure the resources needed to execute the Department's mission are readily available, while maximizing execution and affordability. The Assistant Secretary must ensure the services have the policies and processes necessary to succeed, and the Department has the proper oversight to ensure our strategic readiness posture is sufficient. The ultimate goal is to provide our servicemembers with the most modern, capable, and sustainable military equipment and supplies necessary to deter or defeat our adversaries.

Secretary Austin has laid out clear priorities in his March 2021, Message to the Force: defend the Nation; take care of our people; and succeed through teamwork. To that end, and if confirmed, my priorities will be to ensure our supply chain is resilient and defended; our civilian workforce is trained and equipped with the necessary analytical skills and tools needed to sustain a military in a complex, multi-domain environment; that our organic industrial base is modernized and fortified to meet the challenges of sustaining technologies required on a modern battlefield; and finally, that our modernization programs account for life-cycle and sustainment costs early in the acquisition process.

I will work towards sustainment strategies that balance readiness requirements with cost in order to produce the maximum amount of combat power. There are numerous challenges in each of these areas, but with the help of the members of this committee and Congress, we will make the necessary improvements to ensure sustained readiness far into the future.

If confirmed, I pledge to work with Congress, the services, industry, our partners and allies, and other stakeholders to enhance and sustain military readiness. The heavy responsibility and demands of this position are evident. Given the critical nature of the role and the importance of the mission I would dedicate myself fully to this task.

Thank you, and I look forward to your questions.
[The statement of Mr. Lowman follows:]

PREPARED STATEMENT BY CHRISTOPHER J. LOWMAN

Good morning, Chairman Reed, Ranking Member Inhofe, and Committee members. I am deeply honored to come before you today as President Biden's nominee for Assistant Secretary of Defense for Sustainment. I would like to thank the President for nominating me and Secretary Austin and Deputy Secretary Hicks for their confidence in me. If confirmed, I am excited for the opportunity to continue serving our Nation in this critical role during these extraordinary times.

I want to start off by acknowledging my wife, Tracey, who is here with me today and has been by my side for the last 25 years. Tracey is the bedrock of our family, whose support has made my career and service to this Nation possible. Our greatest joy are our 4 children, two of which are here today, Shayne, a graduate of Virginia Commonwealth University, and Ian, a high school senior. Our other two children, Rhyane and Addison are currently students at the University of Virginia and are watching virtually. In fact, my daughter, Addison, is currently enrolled as a Navy intern with a focus on computer programming. I am also grateful to my immediate and extended family for their sustained and honorable service to this country. We are a multi-generational, multi-service family, representing every service, and the Coast Guard, going back 80 years.

My family's legacy of service has been a guiding force during my 36-year career, which began in 1984 on the well-known, yellow footprints at Parris Island. I started my post-Marine Corps life with the Army as a young GS-5, serving alongside both women and men—soldiers and civilians who dedicated their lives helping to sustain

the readiness of our forces. I could not be more proud to call them colleagues and friends, and if confirmed I will continue to serve at their side.

The purpose of the Department of Defense is to provide military forces needed to deter war and ensure our Nation's security. To accomplish this mission, we must posture our sustainment capabilities to enable the readiness and meet the Nation's requirements when needed. Sustainment is most effective when integrated with the joint force and in coordination with our allies and industry partners. I appreciate the importance of sustainment, and throughout my career I have learned that resilient sustainment is critical to enhancing our military's effectiveness, as well as applying all instruments of national power.

The role of the Assistant Secretary of Defense for Sustainment is to ensure the resources needed to execute the Department's mission are readily available, while maximizing execution and affordability. The Assistant Secretary must ensure the services have the policies and processes necessary to succeed, and the Department has the proper oversight to ensure our strategic readiness posture is sufficient. The ultimate goal is to provide our servicemembers with the most modern, capable, and sustainable military equipment and supplies necessary to deter or defeat our adversaries.

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Chairman REED. Thank you.

Mr. Beshar, please?

**STATEMENT OF PETER J. BESHAR, NOMINEE TO BE GENERAL
COUNSEL OF THE DEPARTMENT OF THE AIR FORCE**

Mr. BESHAR. Chairman Reed, Ranking Member Inhofe, distinguished members of the committee, I consider it the honor of my life to be nominated by President Biden to serve as the General Counsel of the Department of the Air Force and have the opportunity to appear before this committee.

A moment like this is really about all those who have supported you, and at the top of that list is my dear family. Mr. Chairman, thank you for recognizing my wife Sarah, who has been at my side, my blessed side for 31 years, and our children: Isabel, Henry and Sophie.

I would like to offer my comments this morning in the context of the three priorities set by Secretary Austin for the Department of Defense.

First: Defend the Nation. Non-kinetic attacks pose a significant threat to our national security. As the Air Force develops its next-generation air dominance program, modernizes its nuclear enterprise, and builds out the Space Force, cybersecurity and technological innovation will be critical priorities. Over the past decade, I have developed domain expertise in cybersecurity, with a par-

ticular focus on public-private partnerships to protect our critical infrastructure.

I have had the privilege of testifying before many of you in prior appearances before the Senate Homeland Security, Banking, and Commerce Committees about ways in which government and industry must come together to protect our critical infrastructure.

Second: Take care of our people. The brave men and women of our armed forces represent the best of America. To honor their commitment and sacrifice, society has a solemn duty to protect them, as well as their families and our veterans. As recent reports have shown, there is important work that needs to be done to fully meet this responsibility.

Early in my career, I had the great privilege of serving as the Special Assistant to former Secretary of State Cyrus Vance in the peace negotiations in the Balkans.

It was my first exposure to war and it sparked a profound respect for our military and a deep interest in our national security.

As Chair of the Veterans' Committee at John Jay College for Criminal Justice and executive sponsor of our veterans' program at Marsh McLennan, I spearheaded a series of initiatives, under the banner "We've Got Your Six," to help veterans with job opportunities and enhanced benefits.

If confirmed, one of my top priorities would be to support Secretary Kendall and the rest of the Department's leadership in implementing the sexual assault reforms recently approved by Congress and fostering a culture of integrity and inclusion.

Third: Succeed through teamwork. In this era of strategic competition, the security challenges before our country require intense collaboration across the Executive Branch, with Congress, with industry, and with our allies. For the past 17 years, I have served as the General Counsel of Marsh McLennan, a global professional services firm.

With the support of my colleagues, I built a world-class, and diverse, legal and compliance team. I have developed the project management skills to drive policy change across an organization of more than 80,000 employees in 100 countries.

If confirmed, I look forward to partnering with the civilian and military lawyers within the Department of the Air Force to provide sound and pragmatic advice in support of the mission articulated by Secretary Kendall, "One Team. One Fight."

I want to express my appreciation to all the members of the committee for your consideration. I look forward to your questions.

[The statement of Mr. Beshar follows:]

PREPARED STATEMENT BY PETER BESHAR OPENING STATEMENT

Chairman Reed, Ranking Member Inhofe, and distinguished Members of this Committee. I consider it the honor of my life to be nominated by President Biden to serve as the General Counsel of the Department of the Air Force and have the opportunity to appear before this Committee.

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Second, take care of our people.

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For the past 17 years, I have served as the General Counsel of Marsh McLennan, a global professional services firm that specializes in risk management. With the support of my colleagues, I have built a world-class, and diverse, legal and compliance team. I have also developed the project management skills to drive policy change across an organization of more than 80,000 employees in 100 countries.

If confirmed, I look forward to partnering with the civilian and military lawyers within the Department to provide sound and pragmatic advice to support the mission articulated by Secretary Kendall:

"One Team. One Fight."

I want to thank each of the members of this Committee for your consideration. I look forward to your questions.

Chairman REED. Thank you very much.

Gentlemen, I have a series of questions that are directed at all nominees. You may answer in unison.

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 responsibilities makes it important that the 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, or electronic communications in a timely manner when requested by

this committee, its subcommittees, or other appropriate committees of Congress, and to consult with the requester regarding the basis for 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 established 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 and provide any 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.

Just for information of my colleagues, we anticipate a vote at noon. At that vote, we will hopefully have a committee hearing off the floor to move military nominations; military nominations alone. We would like to get this done; otherwise, we will lose some valuable time getting military personnel confirmed, including General Kurilla, who has been appointed as the new CENTCOM commander.

Now, Mr. Storch, the IG plays so many critical roles, but one critical role is in maintaining the ethical sensitivity and priorities of the men and women of the Armed Forces. I think it springs from at least three sources, probably more: the constitutional oath one takes, the personal integrity one expects of the members of the military services, and also the ethic of protecting, not exploiting your subordinates.

How can the IG help raise the ethical standards and insist on ethical qualifications?

Mr. STORCH. Thank you for the question, Chairman Reed.

You know, IGs, I believe, play an important role in that area in a number of different ways, one of which is by doing audits, evaluations, and other oversight work that examines different issues across the Department and ensures that the Department is carrying out its responsibilities appropriately and in compliance with all requirements.

On the other side, of course, we have an Investigations Division and where people don't meet those standards, it needs to be understood that IGs will appropriately investigate administrative misconduct, making findings, where appropriate, and also referring all matters for civil or criminal investigation, if that is appropriate.

Additionally, beyond all of those sorts of functions, I think IGs play a critical role in the communication of ethical standards. I mentioned whistleblowers in my opening statements. I think that it is critically important that it be understood throughout an agency, up to the very top, that we encourage people, and people are encouraged to come forward if they see something that is wrong so that someone can look into it, and if appropriate, take corrective action, and so, that message needs to be disseminated across the Department, really starting at the very top.

Additionally, IGs participate routinely in trainings and other programs that help to make clear to the workforce, the standards that are expected. So, I think there are myriad ways in which that can be done, and, if confirmed, I look forward to working on it.

Chairman REED. Thank you very much.

Mr. Beshar, am I pronouncing that correctly, by the way?

Mr. BESHAR. More or less, Mr. Chairman: Beshar.

Chairman REED. Beshar.

Well, in Rhode Island, it is Beshar, but Beshar for the moment. Thank you.

I apologize.

Mr. BESHAR. Anything works.

Chairman REED. Yeah, I apologize.

In a similar vein, the General Counsel of the Air Force will have a significant role in maintaining the ethical standards of the Air Force and, again, springing from the constitutional oath that we all take, the integrity of the individuals we expect, and also, for particularly military personnel, placing oneself behind the responsibilities for subordinates.

Can you comment on your approach?

Mr. BESHAR. Yes, Mr. Chairman. Thank you.

I really think of the role in two ways. One is to serve as the principal legal advisor, as you indicated, to the Secretary and the leadership. Secretary Kendall has articulated seven operational imperatives and I would want to consult with the Secretary about how the Office of General Counsel could best support him.

The second is really as the chief ethics officer in trying to inculcate an environment of integrity and inclusion, not simply to comply with the law, but also to engender trust with other stakeholders.

Chairman REED. Thank you very much.

Mr. Lowman, congested logistics is a critical aspect. Napoleon said, an Army moves on its stomach, and, well, we are moving in the air, on sea, and on land, but we have got to move.

Can you briefly comment on your approach to dealing with this issue?

Mr. LOWMAN. Senator, thank you.

So, as you rightly point out, Senator, global operations require secure access to supply chains and it requires secure access to both, inter- and intra-theater lift, whether that is surface lift or airlift capabilities.

So, operations, for example, in the Indo-Pacific would require the necessary posture and positioning of our supplies. It requires the necessary end-to-end supply chain oversight and visibility, such that we understand where the supplies are, in fact, positioned, and that they are positioned at echelon and ready for use in support of any operation, regardless of where that is globally.

If confirmed, Senator, I would certainly work with my staff on ASDS, as well as the COCOMs and the services, to ensure that end-to-end visibility is available and that we are reviewing the strategic positioning of supplies.

Chairman REED. Thank you very much.

Dr. Martinez-Lopez, my time is short, but could I ask you what you consider, and very briefly, the greatest threat to the long-term viability of the military health care system?

Dr. MARTINEZ-LOPEZ. Senator, thank you very much for the question.

I think readiness is the most important aspect to the military health system, so if the challenge is what is happening today in order to also sustain the readiness, resources, how many resources we have available, and the last question, and the tricky question is, what are the threats?

Threats keep changing, especially in the medical field. We never dreamed of having a COVID maybe 10 years ago and now we are dealing with it.

So, what will be the next threat and how well are we going to be equipped and resourced to deal with that threat.

So, we have to be nimble and we have to be ready, too; I think that will be the biggest challenge the Department will face.

Chairman REED. Thank you very much, Doctor.

Senator Inhofe, please?

Senator INHOFE. Thank you, Mr. Chairman.

Mr. Beshar, the last NDAA, we just enacted some of the most sweeping changes to the uniform code of military justice since it has been created. To allow the military services to implement these reforms, we put into place a 2-year implementation period.

With your background, people have heard me talk about this, but why is it so important for the Air Force to have time to implement these changes?

Mr. BESHAR. Senator Inhofe, sexual assault in any context is reprehensible. Sexual assault in the context of the military is particularly destructive because of its impact on unit cohesion and force readiness.

The changes that the Congress have approved, taking specific crimes out of the chain of command, as well as the IRC recommendations that have been embraced by the Department of Defense, are substantial undertakings and are going to require a really sustained commitment from military commanders across the field, as well as the other senior leaders within the organization.

The goal is to get it right, naturally; and, if confirmed, that is what I would try to do.

Senator INHOFE. To get it right, it does take time, sometimes.

Mr. Storch, I have heard some people recently calling for the use of artificial intelligence to monitor servicemembers' communications in order to root out potential extremists before they act. To me, this is one of the most outrageous things that I have ever heard.

I would just ask you, in your view, what are the risks to servicemembers' civil liberties from using artificial intelligence to monitor their activities and how would you ensure that servicemembers' civil liberties are protected?

Mr. STORCH. Ranking Member Inhofe, as indicated in my initial statement, artificial intelligence and emerging technologies is an issue in which I have taken particular interest in the IG community and I lead the IG community's subcommittee in that area, where we are looking at ways to do oversight over its use.

Additionally, at NSA OIG, we have been looking at that and we currently have a joint review that is pending, actually, with the Department of Defense IG, looking at the integration of artificial intelligence into the NSA CIGIE activities to ensure that that is being done in compliance with DOD and IC guidelines.

So, those are issues with which I am generally familiar and, if confirmed, I would work with a team at the DOD IG to examine the issues you have identified and I would welcome the opportunity to engage with you and your staff on any concerns.

Senator INHOFE. Sure, and I know, that is why I asked you the question, because you have that familiarity and that background.

Mr. STORCH. Yes, sir.

Senator INHOFE. Now, Mr. Storch, there have been thousands of requests from the servicemembers for religious accommodations to the Department's COVID vaccine mandate and there have only been 12 accommodations granted thus far; that is three for marines and I think nine of them for airmen, and each of those servicemembers is already planning to leave.

So, does it seem reasonable to you that services would grant only 12 religious accommodations when they have received over some-10,000 requests?

I am not going to ask you, there wouldn't be time to answer anyway, how you would want to correct this situation, but will you commit to reviewing this issue and so we can have something in place to correct that problem?

Mr. STORCH. So, the OIG, obviously, has jurisdiction over all programs and operations of the Department. I know that the office has been engaged in looking at different aspects of the COVID response and has a pending audit related to the vaccine distribution plan. It is a rapidly changing situation.

If I am confirmed, I certainly will commit to meeting with the team at the OIG and discussing the situation as it then exists, and if it is appropriate to do a review, then I am looking forward to pursuing that. That is something I would discuss with the team and would welcome the opportunity to discuss with you, as well, sir.

Senator INHOFE. Thank you very much.

Chairman REED. Thank you, Senator Inhofe.

Senator Shaheen, please?

Senator SHAHEEN. Thank you, Mr. Chairman.

Congratulations to each of the nominees and thank you to you and your families for being willing to come back into public service and take on these important positions.

Dr. Martinez-Lopez, I want to begin with you because in December with over 20 of my colleagues, we sent a bipartisan letter to the Department of Defense expressing our concern over the July 2021 DOD Inspector General Report on PFAS blood testing for firefighters.

I am going to ask you about this, as well, Mr. Storch.

But I was pleased, the Department moved quickly to provide a briefing, but I am very concerned that there still requires oversight of all PFAS matters and that that is going to require continuing attention.

So, I would ask you, Doctor, you talked about the focus on the prevention of injuries, but, if confirmed, will you commit to really doing something with this data so we can assess what it says about the potential health impacts of PFAS and those who are exposed to it?

Dr. MARTINEZ-LOPEZ. Senator, PFAS and the threat it presents is, you know, all those chemicals have been with us for many, many years, 40 or more, and now we are learning that some may be dangerous to us.

So, yes, if confirmed, I commit to look into this issue, look at ways to, if we could, get help in working with the services to get rid of those that we can get rid of; and if not, figure out a way to mitigate the exposure.

Again, working with the service, I will give them the medical, environmental health experience that we bring, and hopefully, we will come out with a solution set that will, (A), prevent servicemembers and family members from getting exposed to these chemicals, and if not, ways to mitigate, and if needed, treated for the conditions.

Senator SHAHEEN. Well, thank you.

One of the things that the Department is doing right now is fulfilling its requirement to provide PFAS blood testing for firefighters, but it doesn't encompass the broader military family.

So, do you believe that blood testing for servicemembers and military families stationed at installations with known PFAS exposure should be offered blood testing?

Dr. MARTINEZ-LOPEZ. Senator, again, this is a concerning issue to all of us. We need to come out with an action plan.

If confirmed, I will work with a health affairs team to try and figure out an answer to your question. Right now, I am not prepared to answer one way or the other, because I don't know. But I hope that, if confirmed, I will be able to come back to you and give you a clinical answer that is relevant to those exposed to these chemicals.

Senator SHAHEEN. Thank you. I really appreciate that and I am sure that this committee will be interested in working with you on that.

Mr. Storch, I talked about the DOD IG report back in July on PFAS exposure. The report revealed that sufficient protective measures have not been taken to reduce exposure to PFAS substances and that PFAS blood testing programs for firefighters were underutilized to track exposure.

So, can you talk about how you would see your role in monitoring progress related to PFAS testing and remediation.

Mr. STORCH. Absolutely, Senator.

You know, it is, I am familiar with the report that you are talking about, obviously, and it is part of all OIG's work, not just to issue reports, but then to follow-up, as appropriate, right. So, we track the recommendations across the IG community.

I am not, obviously, familiar with the particular status of those, but if I am confirmed, I certainly would look into that, and it is the IG's job to make sure that the agency is taking timely and appropriate action to meet the intent of our recommendations. So, I

would work with a team at the OIG to make sure that is being done.

Additionally, as we do that, we often find areas for additional review that are warranted and we would continue to be open to that, as well, and if appropriate, do such a review. Thank you.

Senator SHAHEEN. Thank you.

Again, I know this committee looks forward to working with you on that and doing what we can to be responsive.

Mr. Lowman, again, if confirmed, you will be responsible for overseeing energy and environmental policies within the Department. Identifying the source of PFAS in the environment is crucial to protecting safe drinking water in our communities, particularly at DOD installations.

So, can you talk about how you will work with the EPA to develop and employ new methods to address PFAS?

Mr. LOWMAN. Senator, thank you.

So, first, let me just say that the safety of our servicemembers, families, and local communities is of paramount importance. I understand that the Deputy Secretary of Defense just signed out a memorandum establishing an Assistant Secretary of Defense for energy, environment, and installations.

If confirmed, I will work very closely with the new ASD EI&E to make sure that there is a deliberate and efficient transfer of the personnel and resources and policies from ASDS to the ASD EI&E to enable success and continue the momentum in this area.

Senator SHAHEEN. Well, thank you very much. I really appreciate that.

I am out of time, but Mr. Beshar, I would just point out that the Air Force was very responsive when PFAS showed up in the water at the former Pease Air Force Base in Portsmouth, New Hampshire. I would hope that you, in your role, will continue to support those efforts and encourage continued responsiveness on the part of the Air Force when PFAS shows up at installations.

Mr. BESHAR. I will, Senator.

Senator SHAHEEN. Thank you very much.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Shaheen.

Senator Cramer, please?

Senator CRAMER. Thank you, Mr. Chairman.

Thank you all for being here, for your willingness to serve, and congratulations to all of you.

I have a couple of questions, Dr. Martinez that I want to focus in on with you, and a little feedback there. I am going to start with, you are obviously familiar with fertility awareness, so the fertility awareness-based method, a natural type of pregnancy that is—is used by several women; obviously, it enables them to observe and chart changes in one or biomarkers. It is a method, of course, that has no side effects. It is relatively inexpensive. Currently, though, there is a lack of access to this at military installations or treatment facilities and, of course, TRICARE doesn't cover it.

Would you commit to looking into adding fertility awareness-based methods to the options that our servicemembers have when they are doing their family planning?

Dr. MARTINEZ-LOPEZ. Senator, thank you very much for the question.

You know, the healthcare of all servicemembers, including female servicemembers, is of utmost importance to the Department. If I get confirmed, I would commit to you, we need to look at ways to bring parity for reproductive health issues relating to our servicemembers.

So, yes, I will be looking into those kinds of issues and we need to come out with a parity equation with the rest of the Nation for how we address all those issues.

Senator CRAMER. I appreciate that. I will look forward to that upon your confirmation and to following up.

Also, you know, DARPA's pandemic preparedness program, Doctor, was really integral in lots of ways. I mean, it was very successful, but it was particularly integral for antibody-discovery programs and that, of course, led to a therapeutic to combat COVID. Now, I think we see, as we look back on that and as we look forward, that these therapies are probably the best defense and maybe even the best offense in combatting COVID and, perhaps, other viruses in the future.

So, there is a company in North Dakota, Genovac that has been leading and working with DARPA in antibody discovery. Through them I have seen just how very fast we are able to respond and quickly we can develop these targeted responses to other viral threats.

So, do you agree that we should be devoting as much, if not more, resources for therapeutic discovery and development, and then, and maybe if you just want to elaborate a little bit on what else DOD can do to prepare for future pandemics along these lines.

Dr. MARTINEZ-LOPEZ. Senator, my last post was at a command at Fort Detrick and I am very proud that, to have been part of that exercise, of bringing about new technology that now we see all over, serving the country well. I was partnered with DTRA. I was partnered with DARPA, trying to advance this kind of technology and, by the way, mRNAs, you know, vaccines, that is where they came about from.

Senator CRAMER. Yes.

Dr. MARTINEZ-LOPEZ. The genesis of all that new technology was a DOD-based research, you know, program.

So, if confirmed, sir, I would love to keep being a proud member of that team that advances science for the country and comes out with new solution sets to the new problems that we are going to be facing.

Senator CRAMER. That is great, Doctor.

I might, then, use this opportunity, as I often like to do, to invite you to North Dakota to Fargo, to see some of what is going on right there. You can either come in February, that earns you a lot of street cred, or you can come in June, which is just a, you know, nice time to visit.

With that, I yield back.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Cramer.

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

Senator GILLIBRAND. Thank you so much, Mr. Chairman.

Welcome to all our nominees.

First, for Mr. Storch, Mr. Storch, in your current position as NSA Inspector General, are you familiar with the DOD's IG's ongoing assessment of the response from DOD components to the intrusions of unidentified aerial phenomenon into controlled DOD airspace, as well as UAP activities around naval and air operations; further, do you think the NSA has been responsive to the DOD's IG inquiries?

Mr. STORCH. Thank you for the question, Senator.

I am afraid that is not an issue with which I am currently familiar; however, if confirmed, I certainly am willing to look into that and to take any action that is appropriate.

Senator GILLIBRAND. Well, thank you.

If confirmed, can I have your commitment to sustain this comprehensive assessment until it reaches its appropriate conclusion, including the possibility of follow-on actions, such as audits or investigations, if the assessment recommends as much?

Mr. STORCH. Well, again, I honestly am not familiar with that particular review, but as is typical, I think, across the IG community, when a new IG comes in, if there are pending matters, those would continue in the office and it would be perfectly appropriate to examine them.

If I am confirmed, I can assure you that anything that is pending when I am in the office, I will give my best attention to and if there is appropriate follow-up to be done, we will do it.

Senator GILLIBRAND. Okay. So, since you are familiar, can you please familiarize yourself with this issue and respond to both of those questions in writing before your confirmation, please?

Mr. STORCH. Yes, ma'am.

[The information referred to follows:]

Mr. STORCH. I have confirmed that the DOD OIG publicly announced in May 2021 that it was initiating an evaluation of the DOD's Actions Regarding Unidentified Aerial Phenomena. The stated objective of the evaluation is to determine the extent to which the DOD has taken actions regarding unidentified aerial phenomena, and the DOD OIG indicated, as I believe is typical, that it might revise the objective as the evaluation proceeds and would consider suggestions from management for additional or revised objectives. It is my understanding that this evaluation is pending. The distribution of the memorandum announcing the evaluation included the directors of the defense intelligence agencies, including the NSA, and I am not aware of any particular issue regarding the responsiveness of the NSA to any DOD OIG inquiries in connection with the matter. As NSA is within the DOD and the DOD OIG regularly conducts independent oversight work at the NSA, I believe that it is well positioned to address any such concerns. I would, of course, be prepared to provide any assistance to the DOD OIG as may be requested and appropriate consistent with the memorandum of understanding between our offices.

If I am confirmed and this evaluation is pending, I would intend to work with the team at DoD OIG to ensure that it reaches an appropriate and logical conclusion, including the possibility of follow-on actions or investigations if the current assessment suggests a need to do so.

Senator GILLIBRAND. Okay. Mr. Lowman, recently, Balfour Beatty Corporation, a privatized military housing contract, pleaded guilty to defrauding the DOD and was ordered to pay \$65 million in damages. Balfour Beatty's lack of maintenance unnecessarily exposed military families to toxic mold, insect infestations, water leaks, and burst pipes, causing health problems like migraines, asthma, and skin conditions. Despite the fraud, Balfour still manages military housing on installations across the country.

In January, I joined 16 of my democratic colleagues in sending the Department of Defense a letter asking how they plan to protect servicemembers and their families going forward.

If confirmed, how do you plan on correcting deficiencies in military privatized housing systems to protect servicemembers and their families from hazardous living conditions?

Mr. LOWMAN. Thank you, Senator.

So, our servicemembers sacrifice much in the service to this Nation, along with their families, and at a minimum, they deserve safe, clean housing to reside in. I understand, Senator that the Deputy Secretary of Defense signed out memorandum yesterday creating an Assistant Secretary of Defense for Energy, Installations, and the Environment.

So, if confirmed, I will work with the ASD EI&E to ensure that we have a deliberate and planned transition of the resources, the policies, and the personnel necessary to ensure that that organization is stood up and is able to hold contractors, such as Balfour Beatty, accountable.

Senator GILLIBRAND. Thank you.

Mr. Beshar, congratulations and welcome. I have a tough question for you, too. In November 2021 DOD IG Report highlighted several deficiencies with the Department's special victims investigation and prosecution capabilities.

The report specifically identified shortcomings within the Air Force's prosecution of special victims cases, finding that the Air Force only assigns special victims-certified prosecutors in 6 percent of eligible cases, which is, by far, the lowest among the services. It is unacceptable to not assign trained personnel to deal with these complex and sensitive cases.

If confirmed, do you intend to assist the Secretary in addressing this issue and do you further commit to ensuring there are enough trained personnel to handle these sensitive cases?

Mr. BESHAR. Senator Gillibrand, fostering a culture of integrity and inclusion within the Department is extraordinarily important. I think the diversity is what makes our forces the greatest in the world.

I am not familiar in my current position, outside of government, with the level of staffing, but certainly trying to have a number of qualified investigators able to look into those types of matters would be important, and, if confirmed, I would work toward that goal.

Senator GILLIBRAND. Thank you very much, Mr. Beshar.

With my last 10 seconds, for Dr. Martinez-Lopez, in January, I wrote a letter calling on TRICARE to expand its coverage to include at-home testing for servicemembers and their families, without a physician referral.

Will you commit to expanding coverage of the at-home testing in order to ensure our forces sustain readiness?

I have three questions specifically on suicide and mental health capacity, which I will forward for the record so that you can respond to it after the hearing.

Dr. MARTINEZ-LOPEZ. Senator, thank you very much for the question.

You know, healthcare parity of the services we offer to our servicemembers, family members, and retirees has to be very important to us. So, if confirmed, I will look at, with my team, I will work hard to understand better what prevents us from achieving parity and I will strive for that. If I need help, I probably may come back to ask for help, but I commit that I will look at solution sets that will bring healthcare parity for all.

Senator GILLIBRAND. Thank you.

Thank you, Mr. Chairman.

Thank you to our nominees.

Chairman REED. Thank you, Senator Gillibrand.

Let me recognize Senator Blackburn, please.

Senator BLACKBURN. Thank you, Mr. Chairman.

To each of you, I want to say thank you for willingness to serve our country and for your family's willingness to allow you to serve our country.

Mr. Lowman, I want to come to you first. FSRM is something that we in Tennessee talk about a good bit, because as you are aware, we have a heavy military presence in our state, and this is something important to us.

What is the current backlog on FSRM? What is that deficit right now?

Mr. LOWMAN. Senator, thank you for that question.

So, FSRM is critical to sustaining the readiness of our services.

Senator BLACKBURN. Yeah. What is the deficit?

Mr. LOWMAN. Ma'am, I am not familiar with the current deficit.

Senator BLACKBURN. Okay.

Mr. LOWMAN. I would have to—

Senator BLACKBURN. I think we want to get that number, because it is billions in backlogged projects.

[The information referred to follows:]

Mr. LOWMAN. It is my understanding that the fiscal year 2021 estimate of the Department's FSRM backlog was approximately \$121 billion.

Senator BLACKBURN. Do you think it is an issue of priority or under-resourcing that DOD has acquired such a backlog?

Mr. LOWMAN. Senator, thank you again.

I understand, Senator, that the Deputy Secretary of Defense has created a new position, Assistant Secretary of Defense for installations, energy, and the environment. So, this particular FSRM topic is no longer in the ASDS sustainment portfolio; however, if confirmed, I would be happy to work with the ASD EI&E to better under the issue and to ensure that you get answers to your questions.

Senator BLACKBURN. Well, it is a portfolio that has grown so large that it takes the attention of more than one—

Mr. LOWMAN. Yes, ma'am.

Senator BLACKBURN.—at this point, and it is, it does have an impact, as you are aware, on recruiting, on retention, and on the programs that are being implemented and the projects that are being carried out inside those facilities.

So, I would like a commitment from you that if you are confirmed, that you will visit Arnold Engineering Development Center in Tennessee with me. This is an Air Force Base and at Arnold, they are carrying out our hypersonics testing; that is where we

have our Air Force wind tunnels. It is where autonomous vehicles are being tested for the Air Force. Its importance is growing because of Space Force location in Huntsville, Alabama, which is in cash flows proximity to Arnold on the Tennessee side of the line. So, it is quite important to us.

Do I have your commitment?

Mr. LOWMAN. You do, ma'am.

Senator BLACKBURN. Thank you, I appreciate that.

Mr. Beshar, welcome. How does the Air Force balance this initiative that Secretary Austin has started with a working group on countering extremist activities?

This is something that, from our families of enlisted men and women, I am hearing a good bit about this, because you have got to hit a balance with that so that you, and you have to look at how it impacts the rights of the person in uniform and their personal beliefs and the role that the Department is going to have there in protecting these civil liberties. So, how do you do that?

Mr. BESHAR. Senator Blackburn, I think the overwhelming majority of airmen and guardians, and, indeed, the two-million-plus members of the total force serve this country with honor and dignity and consistent with their oaths.

There is the working group that has been established to try to provide guidance around the contours of prohibited activities, and, if confirmed, trying to strike the very balance that you have spoken about between First Amendment rights and the need for good and order and discipline would be a priority.

Senator BLACKBURN. Thank you.

Mr. Storch, I want to come to you on this COVID vaccine issue that we have with DOD. At Fort Campbell, we have heard a little bit about this, as you can imagine.

By the way, Mr. Chairman, I notice that we have a series of letters from Senator Johnson in his capacity.

Have these been submitted to the nominees or submitted to the record for discussion?

Chairman REED. Excuse me, ma'am?

Senator BLACKBURN. Okay. I am referencing the letters.

Chairman REED. There are a series of letters that Senator Tuberville—

Senator BLACKBURN. Yes. Have they been submitted to—

Chairman REED. They have not been submitted for the record yet, ma'am.

Senator BLACKBURN. Okay. Let's submit them to the record—

Chairman REED. Without objection.

Senator BLACKBURN.—and questions for response. I think that would be important to you, Mr. Storch.

[The information referred to follows:]

United States Senate
WASHINGTON, DC 20510

October 12, 2021

The Honorable Joseph R. Biden
President
The White House
Washington, D.C. 20500

The Honorable Lloyd J. Austin III
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

The Honorable Mark A. Milley
Chairman of the Joint Chiefs of Staff
9999 Joint Staff Pentagon
Washington, D.C. 20318

Dear President Biden, Secretary Austin and General Milley:

Multiple sources have alleged that the Department of Defense's (DoD) mandatory COVID-19 vaccinations may not be in accordance with Secretary of Defense Austin's August 24, 2021 memorandum (vaccine mandate) stating "[m]andatory vaccination against COVID-19 will only use COVID-19 vaccines that receive full licensure from the Food and Drug Administration (FDA), in accordance with FDA-approved labeling and guidance."¹

On August 23, 2021, the FDA stated, "[a]lthough COMIRNATY (COVID-19 Vaccine, mRNA) is approved to prevent COVID-19 in individuals 16 years of age and older, there is not sufficient approved vaccine available for distribution to this population in its entirety at the time of reissuance of this [Emergency Use Authorization] EUA."² On September 13, 2021, the National Library of Medicine within the National Institutes of Health (NIH), reported, "[a]t present, Pfizer does not plan to produce any product with these new [Comirnaty National Drug Codes] and labels over the next few months while EUA authorized product is still available and being made available for U.S. distribution."³ Again on September 22, 2021, the FDA stated, "there is not sufficient approved vaccine [Comirnaty] available for distribution to this population

¹ Memorandum from Secretary of Defense Lloyd Austin to Senior Pentagon Leadership, et al. (Aug. 24, 2021) (available at <https://media.defense.gov/2021/Aug/25/2002838826/-1/-1/0/MEMORANDUM-FOR-MANDATORY-CORONAVIRUS-DISEASE-2019-VACCINATION-OF-DEPARTMENT-OF-DEFENSE-SERVICE-MEMBERS.PDF>).

² Letter to Elisa Harkins, Pfizer Inc., from Denise Hinton, Chief Scientist, U.S. Food and Drug Administration at 5, Aug. 23, 2021, archived copy available at <https://web.archive.org/web/20210823142034/https://www.fda.gov/media/150386/download> (See footnote 9).

³ Announcement, U.S. National Library of Medicine, Pfizer received FDA BLA license for its COVID-19 vaccine (Sept. 13, 2021), available at <https://dailymed.nlm.nih.gov/dailymed/dailymed-announcements-details.cfm?date=2021-09-13>.

October 12, 2021
Page 2

[individuals 16 years of age and older] in its entirety at the time of reissuance of this EUA.”⁴ Absent a sufficient supply of the only approved COVID-19 vaccine, Comirnaty, it is not clear how DoD is complying with Secretary Austin’s assertion that mandatory vaccination will only occur with the fully-licensed vaccine.⁵

In order to understand the extent to which DoD service members subject to mandatory COVID-19 vaccination may have not received fully-approved vaccines as prescribed by Secretary Austin’s vaccine mandate, I request the following information:

1. How many vaccinations have been administered since Secretary Austin’s vaccine mandate?
2. Please provide the number of voluntary and mandated vaccinations administered to DoD service members using each vaccine by month:
 - a. Moderna – EUA;
 - b. Johnson and Johnson (Janssen) – EUA;
 - c. Pfizer-BioNTech – EUA; and
 - d. Comirnaty – FDA approved.
3. Please provide all orders issued to DoD personnel regarding DoD’s vaccine mandate.
4. Please provide all guidelines issued to DoD personnel regarding DoD’s vaccine mandate.
5. Please provide all documents and communications regarding DoD’s vaccine mandate, including but not limited to the development and implementation of the vaccine mandate.

Thank you for your attention to this urgent matter. Please respond no later than October 26, 2021.

Sincerely,



Ron Johnson
U.S. Senator

⁴ Letter to Amit Patel, BioNTech Manufacturing GmbH, from Denise Hinton, Chief Scientist, U.S. Food and Drug Administration at 6, Sept. 22, 2021, available at <https://www.fda.gov/media/150386/download> (See footnote 12).
⁵ Memorandum from Secretary of Defense Lloyd Austin to Senior Pentagon Leadership, et al. (Aug. 24, 2021) (available at <https://media.defense.gov/2021/Aug/25/2002838826/-1/-1/0/MEMORANDUM-FOR-MANDATORY-CORONAVIRUS-DISEASE-2019-VACCINATION-OF-DEPARTMENT-OF-DEFENSE-SERVICE-MEMBERS.PDF>).

United States Senate
WASHINGTON, DC 20510

December 15, 2021

The Honorable Lloyd J. Austin III
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Austin:

On October 12, 2021, I sent you a letter requesting information about your August 24, 2021 memorandum, which instituted a COVID-19 vaccine mandate for all service members.¹ Your memorandum stated that “[m]andatory vaccination against COVID-19 will only use COVID-19 vaccines that receive full licensure from the Food and Drug Administration (FDA), in accordance with FDA-approved labeling and guidance.”² In light of FDA’s statement that “there is not sufficient approved [supply]” of Comirnaty, the only fully-licensed vaccine, I asked you to explain how the Department of Defense (DoD) will comply with the vaccine mandate.³ To date, you have failed to provide that explanation and respond to my letter.

Despite this lack of clarity, DoD has reportedly begun discharging service members “for not obeying orders to get vaccinated.”⁴ Reports indicate that on December 13, 2021, the Air Force discharged 27 service members for noncompliance with the DoD’s COVID-19 vaccine mandate.⁵ An Air Force spokeswoman stated that these 27 individuals were “the first active-duty Air Force Members to be discharged over the Pentagon’s vaccination requirements for military members.”⁶ The discharge classification of these 27 veterans is uncertain, as is their eligibility for veteran benefits.⁷

¹ Letter to Lloyd Austin, Secretary of Defense et al., from Ron Johnson, U.S. Senator, Oct. 12, 2021, <https://www.ronjohnson.senate.gov/services/files/1BC1491B-CFAB-4784-9DBB-8DCAC9E30BD9>.

² Memorandum from Secretary of Defense Lloyd Austin to Senior Pentagon Leadership, et al. (Aug. 24, 2021) (available at <https://media.defense.gov/2021/Aug/25/2002838826/-1/-1/0/MEMORANDUM-FOR-MANDATORYCORONAVIRUS-DISEASE-2019-VACCINATION-OF-DEPARTMENT-OF-DEFENSE-SERVICEMEMBERS.PDF>).

³ Letter to Amit Patel, BioNTech Manufacturing GmbH, from Denise Hinton, Chief Scientist, U.S. Food and Drug Administration at 6, Sept. 22, 2021, available at <https://www.fda.gov/media/150386/download> (See footnote 12).

⁴ Alex Horton and Timothy Bella, *Air Force discharges 27 service members in first apparent dismissals over vaccine refusal*, *Wash Post*, Dec. 14, 2021, available at <https://www.washingtonpost.com/national-security/2021/12/14/air-force-vaccines-discharges/>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* Allegedly, as many as 40,000 active-duty military personnel have elected not to receive a COVID-19 vaccine. Alex Horton, *Vaccine holdouts in U.S. military approach 40,000 even as omicron variant fuels calls for boosters*,

Secretary Austin
December 15, 2021
Page 2

Despite my and other concerned individuals' attempts to get clarity about your COVID-19 vaccine mandate, you have ignored our requests for information, and instead have allowed DoD to discharge service members for not obeying your ambiguous mandate. I ask that you immediately respond to my October 12, 2021, letter and provide the following information by no later than January 4, 2022:

1. Please provide the number of doses of the fully-licensed Comirnaty vaccine that have been given and are available to active-duty military personnel.
2. Will DoD provide a vaccination waiver acknowledging natural immunity to active-duty military personnel who have been previously infected with COVID-19? If not, why not?
3. Please provide the total number of active-duty military personnel who have not yet received a COVID-19 vaccine and, of those, how many have received a medical or religious exemption.
4. Please provide the total number of active-duty military personnel, broken down by branch, who have been subject to a discharge procedure for noncompliance with the COVID-19 vaccine mandate. Please identify the types of discharge procedures.

Thank you for your attention to this urgent matter.

Sincerely,



Ron Johnson
United States Senator

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United States Senate

COMMITTEE ON
 HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
 WASHINGTON, DC 20510-6250

February 1, 2022

The Honorable Lloyd J. Austin III
 Secretary
 Department of Defense

Dear Secretary Austin:

On January 24, 2022, I held a roundtable featuring world renowned doctors and medical experts who shared their perspectives on COVID-19 vaccine efficacy and safety and the overall response to the pandemic.¹ At that roundtable, I heard testimony from Thomas Renz, an attorney who is representing three Department of Defense (DoD) whistleblowers, who revealed disturbing information regarding dramatic increases in medical diagnoses among military personnel. The concern is that these increases may be related to the COVID-19 vaccines that our servicemen and women have been mandated to take.

Based on data from the Defense Medical Epidemiology Database (DMED), Renz reported that these whistleblowers found a significant increase in registered diagnoses on DMED for miscarriages, cancer, and many other medical conditions in 2021 compared to a five-year average from 2016-2020.² For example, at the roundtable Renz stated that registered diagnoses for neurological issues increased 10 times from a five-year average of 82,000 to 863,000 in 2021.³ There were also increases in registered diagnoses in 2021 for the following medical conditions:⁴

- Hypertension – 2,181% increase
- Diseases of the nervous system – 1,048% increase
- Malignant neoplasms of esophagus – 894% increase
- Multiple sclerosis – 680% increase
- Malignant neoplasms of digestive organs – 624% increase
- Guillain-Barre syndrome – 551% increase
- Breast cancer – 487% increase
- Demyelinating – 487% increase
- Malignant neoplasms of thyroid and other endocrine glands – 474% increase

¹ Press Release, *VIDEO RELEASE Sen. Ron Johnson COVID-19: A Second Opinion Panel Garner Over 800,000 Views in 24 Hours*, Jan. 25, 2022, <https://www.ronjohnson.senate.gov/2022/1/video-release-sen-ron-johnson-covid-19-a-second-opinion-panel-garner-over-800-000-views-in-24-hours>.

² *COVID-19: A Second Opinion*, Rumble, Jan. 22, 2022, <https://rumble.com/vt62y6-covid-19-a-second-opinion.html> (at 4:54:35).

³ *Id.* at 4:55:23.

⁴ Data on file with staff.

The Honorable Lloyd Austin
February 1, 2022
Page 2

- Female infertility – 472% increase
- Pulmonary embolism – 468% increase
- Migraines – 452% increase
- Ovarian dysfunction – 437% increase
- Testicular cancer – 369% increase
- Tachycardia – 302% increase

Renz also informed me that some DMED data showing registered diagnoses of myocarditis had been removed from the database.⁵ Following the allegation that DMED data had been doctored, I immediately wrote to you on January 24 requesting that you preserve all records referring, relating, or reported to DMED.⁶ I have yet to hear whether you have complied with this request.

At the roundtable, Renz revealed the names of the brave whistleblowers who uncovered this information in DMED: Drs. Samuel Sigoloff, Peter Chambers, and Theresa Long.⁷ Any retaliatory actions taken against these individuals will not be tolerated and will be investigated immediately. In order to better understand what, if any awareness DoD has about COVID-19 vaccine injuries to service members, I request you provide the following information:

1. Is DoD aware of increases in registered diagnoses of miscarriages, cancer, or other medical conditions in DMED in 2021 compared to a five-year average from 2016-2020? If so, please explain what actions DoD has taken to investigate the root cause for the increases in these diagnoses.
2. Have registered diagnoses of myocarditis in DMED been removed from the database from January 2021 to December 2021? If so, please explain why and when this information was removed and identify who removed it.

Please provide this information as soon as possible but no later than February 15, 2022. Thank you for your attention to this matter.

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations

⁵ *COVID-19: A Second Opinion*, Rumble, Jan. 22, 2022, <https://rumble.com/vt62y6-covid-19-a-second-opinion.html> (at 4:52:54).

⁶ Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations, to Lloyd Austin, Secretary, Dep't of Defense, Jan. 24, 2022.

⁷ *COVID-19: A Second Opinion*, Rumble, Jan. 22, 2022, <https://rumble.com/vt62y6-covid-19-a-second-opinion.html> (at 4:54:38).

The Honorable Lloyd Austin
February 1, 2022
Page 3

cc: **The Honorable Jon Ossoff**
Chairman
Permanent Subcommittee on Investigations

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United States Senate
 COMMITTEE ON
 HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
 WASHINGTON, DC 20510-6250

February 8, 2022

The Honorable Lloyd J. Austin III
 Secretary
 Department of Defense

Dear Secretary Austin:

On January 24, 2022, I sent you a letter requesting that you preserve all records referring, relating, or reported to the Defense Medical Epidemiology Database (DMED).¹ To date, the Department of Defense (DoD) has refused to confirm whether it has complied with this record preservation request.

I was disappointed to see that instead of immediately responding to the American people through their elected representative, DoD apparently decided to prioritize a response to *PolitiFact* about allegations relating to the same database. On January 31, 2022, a week after I sent my letter to you, DoD responded to reports about increased diagnoses of medical conditions in DMED in 2021 compared to the previous five years. Specifically, a DoD spokesperson reportedly told *PolitiFact* that the data in DMED “was incorrect for the years 2016-2020.”²

In addition to responding to *PolitiFact* before responding to a U.S. Senator, DoD also made a concerning statement about its current handling of DMED records. DoD’s spokesperson reportedly said that the DMED system is now offline to “identify and correct the root-cause of the data corruption.”³

Let me be clear, any attempt to alter data contained within DMED without preserving all records before and after these changes are made to the database will completely undermine my preservation request and will be considered an active effort to mislead Congress.

¹ Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations, to Lloyd Austin, Secretary, U.S. Dep’t of Defense, Jan. 24, 2022. “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

² The “Our Sources” section of the *PolitiFact* article noted that the interview with the DoD spokesperson occurred over email on Jan. 31, 2022. Jeff Cercone, *Numbers were based on faulty data, military spokesperson says*, *PolitiFact*, Jan. 31, 2022, <https://www.politifact.com/factchecks/2022/jan/31/instagram-posts/numbers-were-based-faulty-data-military-spokespers/>.

³ *Id.*

The Honorable Lloyd J. Austin
 February 8, 2022
 Page 2

I demand you immediately respond to my January 24, 2022 letter by no later than February 10, 2022, and explain what steps you have taken to preserve all records before and after DMED was taken offline referring, relating, and reported to that database. Thank you for your attention to this matter.

Sincerely,



Ron Johnson
 Ranking Member
 Permanent Subcommittee on Investigations

cc: The Honorable Jon Ossoff
 Chairman
 Permanent Subcommittee on Investigations

Senator BLACKBURN. I would like to know where your views are on implementing the vaccine mandate on civilian personnel and on our DOD contractors, and then with our men and women in uniform, how the consideration is given for their medical and religious procedures, how we are addressing natural immunity, which is stronger than the immunity received from a vaccine over time. So, let's do all of that for the record. That gets you off the hook right now.

Dr. Martinez—

Mr. STORCH. I have the answer ready to go.

[Laughter.]

Senator BLACKBURN. Well, okay.

Mr. Chairman, can he give his answer?

Chairman REED. A brief answer, please, for Senator Blackburn.

Mr. STORCH. Yes, Senator.

All I was really going to say is that, you know, IGs are authoritative when we speak based upon our work, and so I am aware that the DOD IG is doing some work in the areas you have discussed and as I indicated previously, if there is additional work to be done after I am confirmed, we will look into that, as well. I can't make that assessment now.

So, that is it; yes, ma'am.

Chairman REED. Thank you, Senator Blackburn.

Could I ask the witnesses to move their microphones closer. That will help us all hear you much better. Thank you very much.

Now, let me recognize Senator Blumenthal, please.

Senator BLUMENTHAL. Thank you, Mr. Chairman.

I want to second the remarks made by Senator Shaheen about the importance of combatting pollution from PFAS. It is very important to Connecticut, where some of the runoffs from our military bases have threatened civilian populations. But PFAS is only one of the chemicals that seems to be emanating from bases around the United States, maybe around the world.

I am sure that my colleague Senator Hirono has focused on the Navy's Red Hill Fuel Storage Facility in Hawaii in preparation for this hearing.

Camp Lejeune in North Carolina has, literally, hundreds, maybe thousands of families severely, adversely affected by toxic water that caused cancer and other very serious health issues for thousands of veterans and their families.

My colleagues and I, Senator Tillis and I have led an effort to give those families a measure of justice. It is called the "Camp Lejeune Justice Act; bipartisan legislation that would correct unfair legal barriers and enable people affected by toxic exposure at Camp Lejeune to present evidence of exposure before a Court, which right now, they can't practically do.

I have called on the Department of Defense to provide a national audit of all military installations to determine where contaminants are present.

Mr. Lowman, will you commit to doing a national audit of all military installations to determine where contaminants are, what can be done to stop them and how to provide justice to families and veterans affected?

Mr. LOWMAN. Senator, thank you.

So, our servicemembers deserve to serve on installations free of contamination, and so, if confirmed, what I can commit to is working very closely with the new Assistant Secretary of Defense for installations, environment, and energy to ensure that we gain an understanding of where those contaminants lie—I am sorry for tripping on that word, Senator—so, where those contamination areas are on our installations and then initiating the appropriate actions to remediate that contamination.

Senator BLUMENTHAL. Well, don't you think that a national audit of military installations is a good idea?

I know that you are going to work closely with the new Secretary and so forth and so on, but you, personally, don't we need to do it?

Mr. LOWMAN. Senator, I do believe that we need to identify where those areas of contamination are and what is driving the contamination and then taking on the necessary and appropriate actions to remediate those, as necessary. Our servicemembers absolutely deserve a clean environment to live on and operate from.

Senator BLUMENTHAL. Well, I really think that a systemic change here is required. Appointing a new Assistant Secretary maybe will help, but what is really needed is action in this area.

I would like to ask you, do you support the right of individuals exposed to toxic water at Camp Lejeune since 1953 to bring legal action against the United States Government, as would be provided in the Camp Lejeune Justice Act?

Mr. LOWMAN. Senator, I am not familiar with that particular issue, but believe strongly that wherever contamination occurs and personnel that have been contaminated, that there is redress available to those servicemembers and that that be addressed appropriately.

I will commit to working closely within the Department, within the senior Army leadership, and certainly with the legal channels to better under that issue. If confirmed as the Assistant Secretary of Defense for Sustainment, wherever sustainment activities are

contributing to that contamination, developing the necessary policies and processes to remediate that as quickly as possible.

Senator BLUMENTHAL. Well, I appreciate that answer. I will be following up with more questions for the record.

Mr. Storch, you and I talked at some length about your record at NSA, which I thought was commendable for emphasizing transparency and I hope that you will cooperate with this committee in trying to move toward declassifying more information that the public needs and deserves; particularly, for example, on civilian casualties of drone strikes, where IG reports, I think, could be extremely informative and valuable to public understanding of the, perhaps, unforeseen and unintended effects that have to be avoided in the future. So, I appreciate your commitment to transparency and I believe we have your commitment to continuing it.

Mr. STORCH. Senator, I believe very strongly that a core function of IGs is to promote transparency in the work that we do and I am going to do everything I can, if I am confirmed, to continue that.

Senator BLUMENTHAL. Thank you.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Blumenthal.

Senator Cotton, please?

Senator COTTON. Dr. Martinez, I want to speak about the Defense Health Agency. When it was founded a few years back, one concern that we heard is that services might pull back staffing from joint medical billets if they perceive higher needs in their own commands.

This was enough of a concern for the committee that in the most recent NDAA, we passed a provision that required the services to maintain an 85 percent of the manning requirements from the 2016 joint table of distribution at joint hospital and clinic settings.

I am concerned that what we heard at the time when the DHA was founded, it may be coming to pass. I know you have been out for a few years. As you prepared for the hearing, prepared to take on this responsibility, is this a concern that you have heard that services may be pulling back, somewhat, from these joint medical billets to make sure their own facilities are fully staffed?

Dr. MARTINEZ-LOPEZ. Senator, as I am coming in, the number one issue I am concerned about is the readiness of the force. So, if I am confirmed, I will work with the team to understand better your question and the particulars of detriments or plus ops, whatever is required.

But the litmus test must be, are we going to create an environment that encourages readiness, so, or are we taking away from that?

If the answer is we are taking away from that, we have to relook. If the answer is we are going in the right direction, I will reinforce that issue.

So, if confirmed, again, I commit that that will be my driving force and I hope that I can bring a positive change to the military health system.

Senator COTTON. Well, thank you. I look forward to working with you on that. Like I said, I know you have been out for a while, so I don't expect you to have all the details ready at your fingertips.

Maybe after you have been on the job, after confirmation, in 30 days, we can talk about where the manning stands at all the joint medical facilities and especially at the crown jewel, at Walter Reed up the road.

Dr. MARTINEZ-LOPEZ. Senator, it would be my honor.

Senator COTTON. Another issue that I have heard some concerns about in recent years is the amount of time that it takes to authorize military healthcare for all government employees who are experiencing symptoms from what has been called "anomalous health incidents," also known as the "Havana Syndrome."

This is not a question or a concern about the source of the so-called Havana Syndrome symptoms or who may or may not be responsible for them; I know that has been in the media a lot lately. This is simply about those people who are experiencing those symptoms and making sure that they get timely care.

Again, we were concerned enough about it on this committee that in the most recent NDAA, we directed the Secretary of Defense to provide timely access for an assessment, subject to space and availability at the National Intrepid Center or any other appropriate military, medical treatment facility, and to furnish that care to all U.S. Government employees and their family members who may experience these symptoms.

If confirmed, can you ensure that government employees and their family members who experience anomalous health incident symptoms can get timely access to evaluation and treatment at a military hospital or at the National Intrepid Center?

Dr. MARTINEZ-LOPEZ. Senator, I will work with the other departments and agencies and, yes, I will work hard to streamline the access to those that require it.

Senator COTTON. Thank you.

I think it is really important; obviously, these incidents are centered mostly around our embassies, where we do have uniformed servicemembers as Defense attaches or other positions. But Americans who are serving in those positions, whether at State or another government agency, also need the benefit of the expertise, I think, that the military brings to bear.

Mr. Lowman, a question for you. I have recently introduced bipartisan legislation with Senator Kelly called the REEShore Act that would secure the supply chain for rare-earth elements and several other critical minerals.

It has recently come to my attention that the Defense Logistics Agency's National Defense Stockpile has been dangerously underfunded for years. I am greatly concerned that we rely too heavily on Chinese processing facilities to refine the raw materials necessary for our systems.

If confirmed, can you commit to me to making sure that the National Defense Stockpile's budget and authorization requests match the requirements that are set forth by law?

Mr. LOWMAN. Senator, there will be no greater advocate in the Department for the necessary materials and the resources needed; one, to sustain readiness, but, two, to mitigate and build resiliency within our national defense supply chains.

Senator COTTON. Thank you. I appreciate it.

I just want to stress it again, this is a solvable problem. The irony about rare-earth elements is that they are anything but rare. You could probably go out on the National Mall and dig up most of them. What is rare is the actually mining and the manufacturing processing of it, which we foolishly outsourced to China over recent decades and it is vital that we get that production out of China, back into the United States, and I also encourage our partners to produce those minerals and refine them as well.

Thank you.

Chairman REED. Thank you, Senator Cotton.

Senator Hirono, please?

Senator HIRONO. Thank you, Mr. Chairman.

Welcome and congratulations to all of our nominees.

Normally, I start each nomination hearing with a series of questions related to a nominee's fitness for service; however, based on the severity of the ongoing water contamination crisis on Oahu, I am going to submit those questions for the record.

I am not sure how familiar you are with Red Hill. It is a massive underground fuel storage facility, consisting of 20 massive World War II tanks, located 100 feet over Oahu's aquifer that holds 250 million gallons of fuel to support military operations across the Indo-Pacific. The storage facility has contaminated the Navy's water system, displacing almost 4,000 families since December. As a result, the State of Hawaii has directed the Navy to de-fuel the tanks.

The Department of Defense estimates the cost of the crisis response, alone to date, is almost \$500 million and that does not include de-fueling the tanks or the cost of upgrades to do so safely.

The Navy must immediately resolve the drinking water crisis and the Department of Defense must develop a long-term plan for strategic fuel storage. The people of Hawaii deserve a resolution to the Red Hill crisis as quickly as possible, including a decision regarding the potential closing of Red Hill.

The fastest way to do this is through the State of Hawaii's ongoing hearing to determine whether to provide or deny a permit to operate Red Hill. At the end of the day, the health and safety of the people of Hawaii and the military members and their families is my top priority; a goal shared by the Secretary of Defense. The fundamental component of health and safety is access to clean drinking water; a goal we should all be focused on.

A question for Mr. Storch. In November, I led the effort, along with my colleagues from the Hawaii delegation, in calling for the DOD Inspector General to start an independent investigation into Navy oversight and operation at the Red Hill bulk fuel storage facility. Even if the State of Hawaii declines to give Red Hill a permit, it is imperative that investigation continues. The people of Hawaii deserve answers about what happened in order to mend the distrust of the military that has resulted from this crisis.

Mr. Storch, if confirmed, will you continue the current IG investigation into Red Hill with the urgency it deserves?

Mr. STORCH. Thank you for the question, Senator.

I am aware of the pendency of an evaluation. I am not familiar with the current status of it. But if I am confirmed, certainly, I will work with the term at the OIG to ensure that it is appropriately

followed through on and any appropriate recommendations made and those are followed through on, as well.

If I can, I would just mention, with regard to Senator Gillibrand's question, I don't think I answered it very articulately, but it would essentially be the same answer, that I am not aware, as the IG of NSA, of the current status of pending evaluations at other offices, but if I am confirmed, I will make sure that we follow through, as appropriate. Thank you.

Senator HIRONO. Thank you.

Mr. Lowman, a long-term concern I know the military has with respect to Red Hill is the national security impact that de-fueling and shutting down the facility could have.

I have spoken with Deputy Secretary Hicks several times about this concern. She has launched a thorough review of the facilities long-term future to include the option of permanently de-fueling Red Hill and is analyzing the distribution of fuel reserves for operations in the Pacific theater.

You mentioned already in your testimony that you indicate that the Indo-Pacific needs, which is, of course, a huge AOR, and the supplies that will be required, that includes fuel, so that is something that you have already acknowledged. The Department needs a storage and logistics solution for the strategic fuel reserves and this is an issue that will likely require extensive funds and direction from Congress.

Mr. Lowman, if confirmed, you will be responsible for overseeing the fuel requirements for the Department. Very briefly, how do you intend to approach this issue?

Mr. LOWMAN. Senator, thank you.

I am aware of a couple of ongoing initiatives. One you referenced already, the DSD's sponsored study of the strategic positioning of petroleum supplies in the Indo-Pacific at echelon and whether any changes in the positioning of that fuel can be made.

The second one, ma'am, are establishing an end-to-end common operating picture of our petroleum supplies using advanced data analytics and AI, where appropriate, so that we can better manage the flow, the consumption, and the overall transportation requirements.

So, if confirmed, I will work very closely with the DLA, USTRANSCOM, the COCOMs, and the services to ensure that, one, these initiatives have the appropriate oversight at the Department and, two, that they remain records and on track for successful conclusion.

Senator HIRONO. Mr. Chairman, with regard to Red Hill, it is highly likely that the State of Hawaii will not grant a permit for the continuing operations of Red Hill and, therefore, we are going to need to address how we are going to meet the fueling needs of the Indo-Pacific AOR. I have some other questions that I would like to submit for the record.

Mr. Chairman, thank you very much.

Chairman REED. Thank you, Senator Hirono.

Senator Tillis, please?

Senator TILLIS. Thank you, Mr. Chairman.

I will defer to Senator Sullivan.

Chairman REED. Senator Sullivan, please?

Senator SULLIVAN. Thank you, Mr. Chairman.

Thank you to my friend Senator Tillis.

Gentlemen, congratulations on your nominations. You know, as the chairman of this important committee knows, Alaska constitutes three pillars of America's military might. We are the cornerstone of Missile Defense for the whole nation. All the radar ground-based missile interceptors are almost all in Alaska.

We are the hub of air combat power. By the end of this year, we will have over 100 fifth-generation fighters in, based in Alaska. No place on the planet Earth has 100 fifth-gen fighters in one location.

We are a platform for expeditionary forces to deploy anywhere in the world on a moment's notice. We are very close to a lot of the hotspots in Asia; much closer than anyplace in the United States, even places, much closer than places like Australia. A lot of people don't know that.

So, whether you have been to Alaska or not, I would like to get a commitment from each of you, early in your tenure, to come up to Alaska, either with me or with your team, to see firsthand, the critical importance of my state to the national security of our Nation.

Mr. Storch?

Why don't we just go down the line?

The answer is yes—

Mr. STORCH. Yeah. No, I am trying to make sure my mike is on.

Senator SULLIVAN.—to a really easy question.

Mr. STORCH. Yes, I would be, I have never been to Alaska. I know it is an important place. I would be honored to visit there and understand the issues.

Senator SULLIVAN. All right. So, you are committing to come to Alaska?

Mr. STORCH. Sure.

Senator SULLIVAN. Yes. Okay. Great.

Dr. Martinez-Lopez?

Dr. MARTINEZ-LOPEZ. Sir, the answer is yes.

Senator SULLIVAN. Great. Thank you. Good.

Mr. LOWMAN. Senator, Alaska is critical and it is positioned uniquely on the globe, so I would commit to, one, coming to Alaska to better understand the unique environment and challenges that exist there. I want to work with the ASDA, as well as my staff and the services, to ensure that the sustainment capabilities in Alaska are up to the task to maintain readiness and ensure that combat power. So, yes, I will come and visit.

Senator SULLIVAN. Thank you.

Mr. Beshar?

Mr. BESHAR. Yes.

Senator SULLIVAN. Thank you.

I want to follow-up on Senator Hirono's talk about Red Hill. I was recently out in the INDOPACOM AOR and I will tell you, I mean, I don't have to, she is doing a great job, but this is a huge issue and I certainly want to work with her and this committee.

When we talk about strategic location, Mr. Lowman, I would actually like to get your commitment. As you are really looking at the really complex issues here, and they are complex, but it is logistics in the INDOPACOM theater.

One area that hasn't gotten a lot of discussion on this, the U.S. Navy has been thinking strongly about warming up the very strategically located naval base, formal naval base of Adak, Alaska. It is further west than Hawaii. It is way out in the Aleutian Islands chain, but is a big former base with massive fuel storage capabilities. I am not sure it is the answer, but it is certainly something that should be looked at, as this really complicated and difficult issue in Hawaii is being addressed.

Can I get your commitment, Mr. Lowman, to just take a look at that as one potential part of the solution?

As Senator Hirono mentioned, having the logistics and fueling capability in the INDOPACOM region is enormously important, especially to our Navy fleet. This is one element of a potential solution that hasn't been looked at, and I think it should be looked at.

Can I get your commitment to look at that?

Mr. LOWMAN. Senator, I think all options, in this case, should be on the table, and so, if confirmed, I will work with TRANSCOM, DLA, and the other OSD stakeholders to, one, expeditiously complete the review and the study and make the appropriate recommendations.

Senator SULLIVAN. Great. Thank you.

I do want to work with Senator Hirono on this, as well.

Mr. Storch and Mr. Beshar, one issue that I have been focused on, because I think it has been misrepresented, and to be perfectly honest, I think it has been a blight, unfortunately, from some members of this administration, on the military force itself, is this issue on extremism. We don't want any extremist actions, actors in our military.

Unfortunately, I think when Under Secretary Kahl came before this committee, he said that stamping out systemic racism in the ranks was one of his top priorities. I asked him, wow, that is a pretty broad statement.

Do you have any data on that?

He had no data, of course.

The media wildly reports this as some kind of giant crisis in the military. We had a member here who actually said estimates are 10 percent of the force would be, could be branded as extremist or racist.

When the military actually did the study, finally, they found that less than 100 cases in a force of over 2 million were undertaking prohibited, extremist activities. Now, look, we want—we don't—we want zero, but that is .005 percent of the force.

So, can I get your commitment as you are looking at these issues to make sure that you are reminding people that, as Mr. Beshar said, these are the best and brightest in the country, and wild claims that the Washington Post and other media constantly throw out there—they are clueless—really besmirches the men and women in the force who do what less than 1 percent of people in our country do, which is raise their hand and volunteer to protect the Constitution and their fellow Americans.

So, Mr. Storch and Mr. Beshar, can I get your commitment on that issue to make sure you are looking at it with the data and not with these wild claims?

Under Secretary Kahl was no help on this. But it is a really important issue and a lot of members are feeling kind of like these accusations are directed at them. It is really outrageous.

Can I get a comment from both of you on this?

Mr. STORCH. Senator, as you are now doubt aware, the OIG is doing work in this area currently. I certainly can tell you that if I am confirmed, I will ensure that we are following the facts, wherever they are, and reporting them out as appropriate. Absolutely.

Senator SULLIVAN. Thank you.

Mr. BESHAR. Senator Sullivan, you have my commitment to study the issue closely with the type of balance that you just articulated.

Senator SULLIVAN. Thank you, gentlemen.

Chairman REED. Thank you, Senator Sullivan.

Next, I would like to recognize Senator King, via Webex.

Senator KING. Thank you, Mr. Chairman.

Starting with Dr. Martinez-Lopez, there is an epidemic within the military and within our military veteran community and that is suicide. I call it is a disease of despair.

We have taken various steps, but I hope that this, attending to this matter and working on prevention, the identification of high risks, how to intervene properly to prevent it will be one of your priorities, because this is literally killing both, active-duty military members and, particularly, veterans.

Dr. MARTINEZ-LOPEZ. Senator, thank you very much for championing this cause.

One suicide is too many. It is a daughter. It is a husband, brother, sister. I have been on the receiving end, as a physician, where I have dealt with this and it is devastating not only to the families but devastating to the who force.

So, I come with energy, if confirmed, to tackle this issue. We need to bring new eyes. I will bring eyes from academia, from other places. We need to bring about new technology, no ways of looking at ways to mitigate this. We need to look at expanding the mental health services in such a way that they hit the mark and really prevent this awful occurrence. So, again, if confirmed, I commit to really work hard, initially, on this issue, sir.

Senator KING. Thank you. I really appreciate that.

This is not strictly related, but this is not a medical issue, but a software issue. We continue to have this frustrating problem of a lack of interoperability between the Department of Defense medical record system and the Veterans Administration.

Will you give me a commitment to really dig into this, because this is, as I say, this is software; this isn't, we are not trying to, you know, cure all the world's diseases here. We are just trying to have two systems talk to one another. Please take this on, also, as a project.

Dr. MARTINEZ-LOPEZ. Senator, the electronic health record is key to many of the new ways to deliver healthcare, right. So, it is a critical component to not only the servicemember, but the veteran.

So, if confirmed, you have my commitment that I will work with the Department of VA to promote this and make sure that not only the employees in the Department of Defense but the lessons learned from the Department of Defense are transferred to the De-

partment of Veterans Affairs, because we owe that to our servicemembers and we owe that to the veterans that have so proudly served.

Senator KING. It also relates back to the suicide issue. I have met with veterans and people working on this issue, and it appears that a significant percentage of the suicides takes place in the first 2 or 3 years after separation from active-duty. So, again, this hand-off should be seamless and not tangled up in software confusion in terms of conveyance of records. So, I appreciate your attention to that.

Mr. Lowman, in terms of readiness, one thing I would urge you to do is to benchmark our performance in the Department of Defense against the private sector, whether it is the private airlines, for example, in terms of their readiness of their aircraft, commercial shipping compared with the Navy. One of my mottos is, does it work and how do you know?

Benchmarking is one way to achieve that kind of knowledge. I hope this is something that you will focus upon in your work on readiness.

Mr. LOWMAN. Thank you, Senator.

This will be a priority for me, if confirmed. One thing the Department has spent quite a bit of time on over the last decade is the introduction of prognostics; things like Condition Based Maintenance Plus sensors, the ability to develop very precise and very finite datasets to understand where our readiness issues are. So, that ability, coupled with advanced data analytics, give us the ability to begin benchmarking to common platforms in the commercial sector and differentiate any deltas in performance, given the uniqueness of military missions.

However, if confirmed, I will work with my staff to continue the momentum in that area.

Senator KING. Well, I am out of time. I am going to submit a couple of questions for the record. One is, ubiquitous 3-D printing capability on our ships and at our bases and also the issue of the allocation of KC-46s in terms of the aerial refueling capacity.

I thank you all for your testimony. Congratulations on your nominations.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator King.

Senator Tillis, please?

Senator TILLIS. Thank you, Mr. Chairman.

Congratulations, Gentlemen, on your nominations. I may not be able to ask all of you questions, but you can leave the room knowing that you have my vote for confirmation.

Mr. Storch, I want to start with you. Once you are confirmed, what would you do to investigate the planning, execution, and aftermath of the withdrawal from Afghanistan, the DOD's role in it?

Mr. STORCH. So, the OIG has jurisdiction over all programs and operations of the Department and, additionally, as I am sure you are aware, it serves as the lead IG for Operation Freedom's Sentinel. So, while I am not in a position to, you know, forecast any particular reviews or the like, if I am confirmed, I would look forward to meeting with the team at the OIG, to consulting with the

Department of State and the USA ID IGs, and also, coordinating, as appropriate, with SIGAR, with the special investigative IG for Afghanistan reconstruction, to determine what oversight would be appropriate. I would very much welcome the opportunity to engage with the committee, as to its thoughts in the area.

Senator TILLIS. You know, one of the things that I—thank you for that answer.

I was personally involved in August with trying to get families and SIV holders, United States citizens out of Afghanistan.

We were successful, but we only scratched the surface of the number of cases that my office is tracking.

One of the things that became very apparent to me is that we were providing that incremental information to the State Department and to the DOD on SIV holders; I mean, literally, capturing paperwork and documentation that you would have thought would have just been in the normal course of business, how we keep track of those who are working alongside of our servicemembers in combat situations.

So, I think that that needs attention; we need to systemize it. We have taken a little bit of a hit, reputationally, for how we have handled some of the SIV holders, how thousands of people are still in Afghanistan.

So, I think I would be very interested in understanding the system that is in place and why on Earth at 2:30 in the morning, am I discussing the transmission of documents from unit commanders and pictures of SIV holders to an agency that you would have thought would have had some of that information readily available. I think it would have probably expedited some of their departures. So, that is another aim.

Then, finally, on an interagency perspective, I think I saw wheels kind of get sand in them with the interagency handoff. I don't know how that works, because that swims outside of your lanes, but it seems like there has to be an analysis of the interagency interaction and how we can do a better job if, God forbid, we ever find ourselves in a situation like we did in Afghanistan last year.

So, thank you for that.

Dr. Martinez, I know that you have been supportive of the Center for Regenerative Medicine. My friend Dr. Atala down at Wake Forest, that program in your past role, you have been supportive of it.

Once you are confirmed, can I expect that you will continue to support that and other similar efforts in your new role?

Dr. MARTINEZ-LOPEZ. Senator, the readiness of the force's medical is critical to what we do. Part of that is bringing in new solution sets to questions that we want to answer and questions that we don't even know we need to ask; that is how research works.

So, if confirmed, I will continue the effort across the broad spectrum of research, medical research to bring solution sets that our servicemembers so deserve.

Senator TILLIS. Well, I think that what we are doing at Wake and across research institutions nationwide is very promising and something that I hope we can continue to support and fund and encourage.

I just want to echo what, I want to take a slightly different tack on the electronic health record. I am on the VA Committee. We have been working on that implementation.

We have to understand that that is still several years away before it is fully implemented within the VA.

But I was glad to hear the Secretary of the VA is starting up a joint office with the DOD so that they can start tracking and making sure that we have that seamless transfer of data, at the right time, so that we can get to a more precise analysis of a service-member once they transition, have the sorts of interventions and things that we need in place, and the medical record is going to be critically important.

So, do I have your commitment that you will be working with the VA to make sure that as they implement, we don't miss that opportunity to have that seamless transition, and long-term cooperation so that these platforms continue to be interoperable?

Dr. MARTINEZ-LOPEZ. Senator, yes.

Senator TILLIS. Thank you.

Now, Mr. Lowman, just very briefly, give me an idea of what you think about the current reforms that we have seen, acquisition reforms. This is an area where I spend a lot of time.

I think that there is still gold on the floors for additional reforms and efficiencies there. Tell me a little bit about your perspective on the current reforms that have been implemented and go-forward strategy.

Mr. LOWMAN. Senator, I think the reforms that have been implemented are helping. We have got some more work to do.

I will tell you that in the product support manager's role in the early development of the sustainment strategies, before you begin producing the end item, is critical to containing life-cycle cost. That will be one, if confirmed as the ASDS, one of my focus areas will be to make sure that the product support managers have the appropriate authorities, they have the data and analytic tools, and they are at the table, developing, along with their acquisition brethren, developing the contract frameworks and the organic industrial base strategies that will help to contain sustainment costs, but also produce the readiness the Department needs.

Senator TILLIS. Thank you.

Thank you, Mr. Chair.

Chairman REED. Thank you, Senator Tillis.

Senator Warren, please?

Congratulations to all of our nominees and welcome to your families who are here or watching remotely.

Mr. Lowman, you have been nominated to be the Assistant Secretary of Defense for Sustainment, and that means that for now, you will be overseeing the military's housing program for servicemembers. Now, no one, no one should have to live with black mold, leaking and collapsed roofs, or exposed electrical wires in their home.

It is indefensible that that was the case for military families. A Department of Defense Inspector General Report last year found that the Department is dragging its feet on two major reforms that Congress passed to address these deplorable conditions: creating a

public complaint database for tenants and a tenants' bill of rights. Two years in and neither of these have been done.

So, Mr. Lowman, I know these things take time to stand up, but will you make sure that a publicly available complaint database is created this year, I mean, 2022?

Mr. LOWMAN. Senator, thank you.

So, I couldn't agree more that our servicemembers deserve the right to live in housing that is safe, that is suitable, and it is healthy.

Senator WARREN. Good. Thank you.

I just want a commitment here. Am I going to get this database in 2022?

Mr. LOWMAN. Senator, the DSD just created a new position and that is Assistant Secretary of Defense for the environment, energy, and installations. So, that portfolio has been removed from the Assistant Secretary of Defense for Sustainment's portfolio.

What I can commit to, if confirmed, is working with the ASD EI&E for a smooth and deliberate transition of resources and, as well as the policies and personnel, to make sure that these—

Senator WARREN. But you can't put your name behind getting this done?

It is a database, a complaint database. This is not rocket science. We are in year 3 of people who want to be able to tell you about things like rat infestation and black mold. I would think that the military would want to know about this.

Mr. LOWMAN. Senator, I agree, and I will work very closely with the ASD EI&E to make sure that that organization makes progress on this.

Senator WARREN. Well, I would like to hear you make your commitment on this.

The same is true for a tenant's bill of rights, is this also just a lateral pass to somebody else?

Mr. LOWMAN. No, ma'am. I will commit to my personal involvement and a better understanding of the issues surrounding the—

Senator WARREN. I appreciate the involvement.

I want a commitment to get it done. We are in year 3. This is not hard.

Mr. LOWMAN. Senator, I certainly understand your question, and if confirmed as the Assistant Secretary of Defense for Sustainment, I will do everything in my authority to make sure that these two things get completed this year.

Senator WARREN. Well, I am not doing great here, but I have got more requests, but I will put those in my QFRs.

Let me ask another line of questions here. Mr. Storch, you have been nominated to serve as the DOD Inspector General, which makes you the Pentagon's top watchdog. Your job, obviously, is going to be shine a light on waste and misconduct and abuses of power and also to tell us when officials or organizations are thwarting your investigations or trying to hide your findings from the public.

There are a lot of ways that that might happen, but I want to talk to you about the one that is keeping me up at night right now. I am becoming very concerned about how much the Pentagon is keeping from the public through pseudo-classification; that is,

classifying something that doesn't need to be kept secret, classifying it just so that there is less public scrutiny.

Mr. Storch, do you commit to notifying this committee if you believe that your work is being wrongfully restricted or pseudo-classified or over-classified?

Mr. STORCH. Senator, this is an area in which I do have some experience; not necessarily with pseudo-classification, but when I came onboard as the NSA IG, we weren't doing any public reporting at all at our office. As I said, we basically just had a page on the agency's site, which didn't have any content.

We have worked hard to advance transparency in our oversight work there in the ways that I discussed in my opening statement and worked very well with the agency to make sure that that happens. I have got to say we have gotten good cooperation with agency leadership, so I am going to work on that.

I would work with the agency to make sure that it is done right and if I have any problems, I absolutely wouldn't hesitate to come to the committee.

Senator WARREN. That is what I want to hear.

You know, I want to give you an example of where this pseudo-classification hinders the oversight process.

Numerous investigations by the press, by independent analysts, and by civil society watchdogs have shown that our investigations into civilian casualties are seriously flawed, and that is probably too kind a statement.

It is a broken system. The DOD IG has looked into this as well, but many of the DOD IG's findings about these failures are completely redacted. Not because they are classified, but because they are marked "for official use only."

I suspect that more oversight from DOD IG would help us fix this broken system, but it is not going to happen unless we enhance transparency significantly. So, I appreciate your comments on this. I anticipate you are going to be a partner in getting this done. If you have problems, you are going to come talk to us and we will get it straightened out. We have a right to know. The public has a right to know.

Thank you very much.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator.

Senator Hawley, please?

Senator HAWLEY. Thank you, Mr. Chairman.

Congratulations to all the nominees. Thank you for being here.

Mr. Storch, let me start with you. The special IG for Afghanistan, SIGAR, has provided invaluable reporting on Afghanistan reconstruction efforts and activities through audits, through inspections, through investigations, and in my view, an unyielding commitment to transparency.

Now, that office, unfortunately, has not been well-supported, I don't think, by this committee; in fact, various members have tried to shut it down multiple different times.

Let me ask you this, in the aftermath of the botched withdrawal from Afghanistan, it is my view, it is more important than ever, that SIGAR be able to perform its duties in an independent man-

ner, and I underline and emphasize independent, without interference.

So, do I have your commitment to ensure that SIGAR is able to continue doing its work, free from interference from anybody, including your office, if you are confirmed?

Mr. STORCH. Senator Hawley, I am not familiar with all the background that you described, but I can tell you that I have spent my entire time in the IG community working with other IGs collaboratively to try to advance oversight.

So, whether that is with SIGAR or other IGs who might have, you know, interest in that very important space, I would anticipate working collaboratively, as appropriate.

Senator HAWLEY. That is not quite the answer I am looking for. I want a commitment from you that SIGAR will be able to do its work, free from interference from your office, if you are confirmed.

Mr. STORCH. I don't believe any IG should interfere with the work of another IG and, certainly, if I am confirmed, I will make sure that that doesn't happen. I would do everything I could to ensure that we are working collaboratively and cooperatively, as appropriate.

Senator HAWLEY. Okay. So, that is a yes; you will not, if you are confirmed, you will not in any way interfere or undermine the independence of SIGAR, who does not report to you under current—

Mr. STORCH. Well, that is, I am sorry, that is what I am trying to get at is they don't report to me, so I don't have any jurisdiction over them.

Senator HAWLEY. Good.

Mr. STORCH. But I certainly—

Senator HAWLEY. You won't try to absorb them. You won't try to take away their—

Mr. STORCH. I am not familiar with any issues like that, Senator, about jurisdiction.

So, my understanding is—

Senator HAWLEY. Well, I am not asking if you are familiar or not; I am asking you what your intentions are.

What I would like to hear, and would hope to hear, this should be an easy question, is that you will not interfere with SIGAR in any way. You will let them continue to be independent. You will not engage in any mission-creep from your office that would seek to undermine SIGAR's independence and authority.

Can you say yes to that?

Mr. STORCH. I certainly would not do anything, yes, that would interfere with the independence and operations of another IG.

When you talk about mission-creep, I just want to be completely clear, there are many times in the IG community, are issues regarding who is going to work on what, right?

So, what I am committing to you to do is that if there are such issues, I would work with the other IG with my team and with their team to determine what the right result is. So, that is, I am not in a position to give you any more of a specific answer, but that is the way I have always worked in the IG community and if I am confirmed, it is the way I will work.

Senator HAWLEY. Let me ask you this, do I have your commitment to support this committee's efforts and others' efforts to fully

investigate DOD's role in the disastrous Afghanistan withdrawal, including by, this is the important part, conducting your own investigations, sharing data, and any other relevant measures, would you commit to working with us?

Mr. STORCH. So, I would be pleased to work with the committee to identify any and all areas for appropriate oversight and will certainly report robustly to the committee regarding the results of that.

I can't, and I am not in the position to identify particular areas, at this time, but both, in our roles as the lead IG for OFS and, generally, with jurisdiction over all programs and operations of the Department, we would examine any appropriate issues.

Senator HAWLEY. Let's come back to SIGAR for a second.

Mr. STORCH. Yes, sir.

Senator HAWLEY. SIGAR has long reported that DOD has overclassified information regarding the Afghan Force's performance and other aspects of the Afghanistan restructuring effort, including limiting SIGAR's ability to provide the American people with a full account because of this.

Do you share SIGAR's concerns about overclassification related to the Afghanistan restructuring effort, and now that that effort has ended, would you support efforts to declassify as much of that information as possible?

Mr. STORCH. Sir, I am not familiar with specific concerns in that area. I will tell you, as a general matter, I have worked very hard to promote transparency and to do everything I can to fight overclassification.

I don't think things should be marked E for embarrassing or anything like that; as I have said, we have gotten good support at NSA in our oversight work there, and if I am confirmed, I am going to keep working to promote transparency.

Senator HAWLEY. So, when it comes to SIGAR's specific concerns about overclassification over a period of years and decades, you are not familiar with that? You don't have a view on that?

Mr. STORCH. No, and nor do I believe it would be appropriate for me to express one; I haven't been confirmed.

But if I am confirmed, I certainly will look into the issue and I will commit to you that we will do the right thing. I am happy to engage with you on any of these specific issues.

Senator HAWLEY. Well, when you say you don't think it would be appropriate to express a view, I mean, are you willing to express a view on the dangers of overclassification?

I mean, here is what I am getting at, I have heard multiple members of this committee, since the fall of Afghanistan, say that it is unbelievable that we didn't know that the Afghan Security Forces were so badly prepared. I mean, who could have thought that they would have collapsed in the fashion they did?

I will tell you who could have thought it: SIGAR.

Why?

Because they issued report after report saying that the Afghan Security Forces weren't appropriately trained, that they weren't prepared, that the Pentagon was making it difficult for SIGAR to get any information, that DOD kept changing the metrics by which to assess the readiness of the Afghan Security Forces.

SIGAR has warned for years that what would happen in Afghanistan is exactly what did happen. So, I think it is important that that entity be able to get the information it needs and actually report to the American people, because, frankly, I think the American people were pretty much lied to for years by multiple administrations, unfortunately.

Multiple administrations of both parties, unfortunately.

So, I am pretty concerned about this issue, but what I would like to hear from you is a commitment to say that you think that overclassifications are a problem, that you are going to work with SIGAR to make sure that they can get the classified material that they need, and that, ultimately, we make as much of this material available to the American public.

Can you commit to that?

Mr. STORCH. Senator, I am committed to doing everything I can in my current job, and if I am confirmed, in a future job, as the DOD IG, to fighting overclassification and ensuring that all appropriate information is out.

What I was trying to say, respectfully, is, I don't have the information currently as the NSA IG regarding the nature of information at DOD IG or SIGAR. But what I can tell you is that if I am confirmed, I will do everything appropriate to fight overclassification and ensure that appropriate information is made public.

Senator HAWLEY. My time is expired. I will have some additional questions for the record for the rest of you.

Thank you for being here.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Hawley.

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

Senator MANCHIN. Thank you, Mr. Chairman, and thank all of you for your willingness to serve.

Let me start with Mr. Storch. Mr. Storch, the Office of Department of Defense Inspector General has consistently reported on problems DOD has in protecting its cyber system, its networks, and the data.

Coming from the National Security Agency, I know you are very aware of how important cybersecurity protection is.

So, if confirmed, what would be your plan for assessing and reporting on the effectiveness of controls and processes being implemented by DOD intelligence within the agency to protect our classified systems from inside and external threats?

Mr. STORCH. Senator, as you say, I have been very involved in doing oversight regarding cyber issues as the NSA IG and also in my role as the Vice Chair of the CIGIE Tech Committee, where we recently started a Cyber Working Group, in which my folks are very actively participating.

These are significant issues across the entire government, and if I am confirmed, I would look forward to working with a team at DOD IG to identify the areas of greatest risk in the cyberspace and ensuring that we are doing robust oversight over it.

At NSA, we have an active cyber and IT group within our audit division that does that sort work, and if I am the IG at DOD, I will look forward to continuing in that.

Senator MANCHIN. Mr. Lowman, we need to ensure our military installations are able to carry out the critical missions, even in the event of interruptions to the commercial power grid, off-post water supplies, or other challenges surrounding land, water, and air-space, whether it comes from bad actors or just extreme weather.

So, if confirmed, how will you make this a priority in your portfolio and have you already evaluated or have you all been looking at that?

Mr. LOWMAN. Senator, thank you.

So, our installations play a critical role in projecting power, regardless of where that is required. So, energy independence on our installation and building resilience on those installations to include alternative energy is critically important. That includes, of course, water.

I understand, Senator that the Deputy Secretary of Defense published a memo yesterday, creating, because of the importance of this portfolio, a separate Assistant Secretary of Defense for energy, installations, and the environment.

If confirmed, I will work very closely to ensure a deliberate transition of personnel, resources, and policies needed to achieve these energy-independent goals.

Senator MANCHIN. Thank you.

Mr. Lowman, back to you again. As the military refocuses on the great power of competition, we are going to need to understand that a future conflict may be fought in an environment where access to our logistics networks would be contested. Unlike the wars in Iraq and Afghanistan, that we will not be able to necessarily count upon a reliable and constant flow of supplies from the United States.

We kind of saw hints of this predicament during the withdrawal from Afghanistan. They are a landlocked nation and our important relations with the neighbors complicated our efforts to retrograde personnel, material. So, the brunt of the retrograde was kind of borne by a limited number of strategic lift assets, such as our 130s, C-130s and C-17s, completing multiple, 3,000-mile roundtrips between Kuwait and Afghanistan.

So, what will you do as Assistant Secretary of Defense to ensure the resilience of our global logistics networks and prepare the whole force to sustain and fight and win in a contested environment?

Mr. LOWMAN. Senator, thanks for that question.

As you know, global operations require a global supply chain, and so this includes not only posture at echelon, where we position those supplies, but it also includes the sustained readiness of our inter- and intra-theater lift capabilities represented by the C-130, C-17, and others, but also, our sealift capabilities.

If confirmed, I will work with the military Departments, the ASDS staff to, one, ensure the necessary resources are allocated and balanced with the modernization program to sustain readiness of those current capabilities, but in the sealift fleet, work with the Navy and TRANSCOM to understand the recapitalization strategy, to ensure that we are balancing the buy new versus recapitalization, buy used, and then, finally, Senator, I would work very closely with the services and ASD acquisition to ensure that we are bal-

ancing the service modernization strategies and we are appropriately allocating the necessary resources to sustain the readiness of our current fleets.

Senator MANCHIN. Thank you. I appreciate so much all of your input.

Thank you, Mr. Chairman, I appreciate you.

Chairman REED. Thank you, Senator Manchin.

Let me recognize Senator Peters, please?

Senator PETERS. Thank you, Mr. Chairman, and to each of you, congratulations on your nomination. It is good to see you all here before us.

Mr. Storch, as I am Chairman of Homeland Security and the Governmental Affairs Committee, and I have been a long advocate for reforms that safeguard the integrity of the Inspector General; that role is absolutely critical for us to maintain integrity of the Government and the independence of IGs is particularly important.

So, certainly, I hope if confirmed, I will continue to count on your support for that work, but could you give this committee some indication as to how you approach the job as IG, particularly, as it relates to the independence necessary to perform the job effectively and professionally.

Mr. STORCH. Absolutely, Senator.

I think that is one of the most critical aspects about our IG system is that the IGs are able to independently exercise oversight and that is what I think gives our work credibility and makes it authoritative.

Critical to that are a couple of things. One is, I think, maintaining the appropriate posture, vis-&-vis, the agency and its leadership. It is sort of, you don't want to be too close and you don't want to be too far away. You want to be close enough so you are getting the information so they understand you are going to be an honest broker; you are going to look at the information and report things out that will help the agency to improve its operations. But, on the other hand, you want to get too close and be captured by the mission, particularly, places with a compelling mission. So that is really critical. I think it is something, I watched IG Horowitz do it justice extraordinarily well and I tried to learn from him, and I have tried to do that at NSA, and if I am confirmed, I will do that at DOD.

The final thing I will say quickly is I think the dual-reporting and the relationship with the Hill is critical to maintaining that independence so that the agency understands that we not only keep the agency fully and timely informed, but we also keep the Congress fully and timely informed.

Maintaining both of those lines of communication is critical to ensuring the independence that we need.

Senator PETERS. You know, I am also very committed to ensuring that whistleblowers are protected. They play an incredibly valuable role for us to identify potential waste, fraud, and abuse all across all levels of the Federal Government.

But in 2019, a GAO report found that the Department of Defense IG and the military service IGs did not meet timeliness and quality goals for handling whistleblower complaints.

So, my question to you, sir, is, if confirmed, will you commit to making whistleblower protection a top priority in your office and implementing the GAO's recommendations, as soon as possible, if confirmed?

Mr. STORCH. Senator, if I am confirmed, whistleblowers and their rights and protections will be amongst my very highest priorities. It always has been and it always will be; as you say, they are critical to our system.

I will also examine the results of the GAO report and make sure if they are not implemented, that we are implementing any necessary measures to not only meet, but to exceed, and ensure that we are doing everything we can in that area.

Senator PETERS. Very well. Thank you.

Mr. Lowman, the recent tensions with Russia have certainly reminded our country how critical it is to ensure cybersecurity for critical infrastructure, especially energy-related infrastructure.

If confirmed, your office will clearly play a significant role in reducing cyber risks to ensure that we can maintain reliable power for critical Defense missions.

So, I would like you to tell the committee how you believe the Department of Defense should approach ensuring cybersecurity for Department of Defense energy systems.

Mr. LOWMAN. Senator, let me first start by commending the members of this committee and the Congress for your interest in this area. A couple of years ago, the Congress passed section 1647 and 1650, which required the Department to develop a process to routinely assess vulnerabilities, not only in our weapon system platforms, but also in our installation control systems.

So, speaking from experience, in my last job as performing the duties of Under Secretary of the Army, the Army has taken this challenge on, and, if confirmed, I will work very closely with the other services and my staff to ensure that the necessary resources, policies, and processes are in place, such that the services can routinely scan their installation control systems, identify those vulnerabilities, and then rapidly address the vulnerabilities and mitigate them.

Senator PETERS. Very good.

Mr. Lowman, the pandemic also demonstrated how vulnerable our supply chain are to global disruptions and the drawback to the fact that we have offshored too much of critical manufacturing and other sources of supplies. This was especially apparent at the beginning of the pandemic when we struggled to get PPE equipment in the hands of first responders all across the country and other front-line workers. So much of that production had moved to China.

So, my question to you is, if confirmed, how will your office work with the Department and with private sector partners to shore up our supply chains that are absolutely critical to the national defense; certainly, things such as PPE, but also pharmaceuticals and other industrial supplies that are important, not just for the Department of Defense, but for the civilian sector, as well.

Mr. LOWMAN. Senator, resilient supply chains, especially in the national defense arena, are critical to our ability to prosecute global operations.

So, if confirmed, I will work with the interagency community to, one, to develop the policy necessary to promote domestic competition, but also work with our commercial partners and the services to build resiliency in our domestic, commercial supply chains, as well as increase capacity.

In some cases, this will necessitate onshoring capability back into the nation.

Senator PETERS. Good. Well, if confirmed, I look forward to working with you on that critical issue.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Peters.

I would now like to recognize, via Webex, Senator Duckworth.

Senator DUCKWORTH. Thank you, Mr. Chairman.

I would congratulate all the participants today on your nominations.

I would also like to thank Mr. Lowman for our call last week. A combat, credible, logistics backbone is crucial to deterring our adversaries and I appreciated our discussion on how to strength and mature this capability.

I would like to start off with the balance between modernization and maintaining readiness rates of our current assets. Our military remains reliant on 1980s, and in some places, 1970s technology. A 2020 GAO report reviewed annual readiness rates for 46 different aircraft from 2011 to 2019 and only three of these aircraft hit their annual readiness goals for all 9 years and 24 of them did not meet their goals in any of the years covered; this is types of aircraft, not individual aircraft.

Yet, we must also remain ready today to mobilize and respond to a global crisis, which we are seeing play out now with our need to transfer thousands of troops to the European theater. While I understand that there is an art to balancing current mission readiness needs with modernization, I am concerned that the Department does not have a strong glide slope and transition plan for key mobility and logistical assets, in particular.

Mr. Lowman, if confirmed, how will you work with the program offices, services, and combatant commands to build strong transition plans that roll out much-needed modernized assets, without divesting of legacy platforms so quickly that we create a near-term capacity gap that endangers mission accomplishment?

Mr. LOWMAN. Senator, thank you for that question.

So, it is really a balance, as you rightly note, between modernization and sustainment and the need to appropriately allocate the resources to sustain our currently capabilities, especially in the inter- and intra-theater lift, as you noted, but also, to modernize those fleets in a sustainable fashion over time.

The second balance, Senator, that you didn't mention, but I think is important to note here, is the balance across the active and reserve components to make sure that the resources, the reserve components need to sustain their fleets and that have the sufficient lift capability built into the COCOM logistics plans, so that the Department not only sustains the lift capability that they need, but also modernizes it over time.

Senator DUCKWORTH. Thank you.

I am glad that you brought up the reserve forces. I hope that we are not going to be modernizing, for example, active-duty Air Force, at the expense of the Air National Guard, in particular.

I do want to move on to another issue, another source of our readiness issues. In that same 2020 GAO report, it was noted that in addition to aging aircraft, a noteworthy factor in our low-readiness rates is lack of parts.

I am interested in opportunities to collaborate with commercial industry to reduce the wait times and the cost of parts. One approach is to take advantage of used, serviceable material from commercial derivative aircraft.

Under this program, the FAA provides the Department of Defense certified, overhauled parts from 737 and 767 aircraft at a reduced cost. The initial estimates for material savings over the next 7 years at around \$1 and a half billion. Not insignificant.

This program also reduces the supply chain lead times. The program already exists within the DOD, but it is not standardized across all programs and services. I have seen reports where purchasing officers have a program F function on their keyboard, F7, where they just hit a function and it populates a form and they can buy brand-new parts, but it is multi-steps to use this program that exists for used parts.

Mr. Lowman, if confirmed, what will you do to require or incentivize program offices of services to take advantage of proven programs like used serviceable materials, and are there any barriers to this collaboration that Congress can work to remove to encourage its use?

Mr. LOWMAN. Senator, so part of addressing supply chain risk and building resilience is identifying alternative sources of supply. The USM program, as you accurately note, is used by industry today, and in some components, I am aware it is used within the Department of Defense.

If confirmed, I will work closely with the services, and the ASDf staff to make sure there are no policy barriers to use of the USM, and I would work with the interagency community and, particularly, the FAA, to make sure that the necessary airworthiness documentation is available to guarantee the life of the part, the repair history, for example, the hours currently consumed by that particular part. So, I look forward to taking this on.

Senator DUCKWORTH. Wonderful.

I don't think the pacing item here is the lack of documentation on the life, the serviceable life of the parts; I think it is resistance within DOD and program offices and the services to using the program and using these parts, because it is just easier to buy new every time.

But I am happy to work with you on this. I look forward to it.

Mr. LOWMAN. Thank you.

Senator DUCKWORTH. I have two additional questions that I will submit for the record.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Duckworth.

Now, via Webex, I would like to recognize Senator Rosen.

Senator ROSEN. Well, thank you, Chairman Reed, and, of course, Ranking Member Inhofe, for holding this hearing.

I want to thank all the nominees for your testimony today and, really, for your willingness to serve and all the service you have given already to this country.

I want to talk a little bit today about affordable housing for servicemembers. So, Mr. Storch, last year's NDAA included one of my provisions to hold the Pentagon accountable for not yet utilizing existing authorities to support our most junior servicemembers, when transitioning off-base to private housing. The provision requires the Secretary of Defense to brief Congress on DOD's plan to provide partial dislocation allowance payments to junior enlisted troops who are forced out of military-provided housing, due to shortages and they have to incur moving costs and the like, before they are eligible to receive their basic allowance for housing, the BAH.

So, Mr. Storch, if confirmed, can we count on you to hold the Pentagon accountable for developing and executing a plan to provide our most junior servicemembers with the dislocation allowance they earn as they are authorized to do under existing law?

I have heard this time and time again at Nellis and Creech, as I do roundtables with young, enlisted members, servicemembers. This is one of the number one things that they are concerned about.

Mr. STORCH. Thank you, Senator.

I am aware that housing is one of the top management challenges that was identified by the DOD and its DOD IG in its recent assessment of the top challenges. If confirmed, I would work with the team at the OIG to assess the issues that you have identified and do all appropriate oversight to make sure that the agency is following the law and providing the housing that servicemembers deserve.

Senator ROSEN. Thank you. I sure appreciate that.

I want to move on to something else I have been hearing about, which is maternal health for our servicemembers and their families.

So, Dr. Martinez-Lopez, Nellis Air Force, of course, in Nevada, offers some of the most robust maternity-care services compared to military installations the nation. But because some installations can't provide that wide array of maternity services that we offer at Nellis, the TRICARE enrollees often pursue such services through a community provider.

So, Dr. Martinez-Lopez, what improvements can we make to maternity-care services offered to TRICARE enrollees and how would you approach that, if confirmed, and do you believe that you have the existing authorities to allow the Department to make such improvements?

Dr. MARTINEZ-LOPEZ. Senator, the health of all servicemembers and family members entrusted to us is the reason why the military health care system said that maternal health for both, servicemembers and family members, has to be of the most importance and we have to make sure that the quality of the care and the quality of the service, how we deliver that, is right on target.

So, if I am confirmed, I commit to work with my team and look at ways that we can bring parity in such a way that servicemembers and family members can rest assured that they

will get the best care, either inside the medical treatment facility or outside in the TRICARE, you know, service area.

Senator ROSEN. So, if confirmed, would you consider conducting a DOD-wide satisfaction survey for servicemembers who have either recently or are currently receiving maternity care through TRICARE?

That might help guide us into some of the things that we have to do. Will you commit to working on that with me, please?

Dr. MARTINEZ-LOPEZ. Senator, getting feedback from the people we serve is critical, so if I am confirmed, I will work with you, not only to get feedback regarding maternal healthcare, but we need to get feedback regarding all healthcare we deliver, inside and outside, so yes, ma'am.

Senator ROSEN. I am just going to build on that a little bit, because with military retirees, because we want to be sure they have full and equal access to the healthcare that they have really earned over the course of their service. There are about 30,000 military retirees in my state; unfortunately, our retirees, they just face the anxiety of the potential rollback of these health service available to them, and, like now, the Defense Health Agency, their current plan is to right-size the military health system. Moving 200,000 TRICARE beneficiaries to private medical networks, closing a bunch of the Department of Defense military treatment facilities.

So, what steps will you take to be sure that our military retirees have the full access to the quality healthcare that they deserve and have earned?

Dr. MARTINEZ-LOPEZ. Senator, I am one of those retirees, so, you know, first and foremost, the important thing is that we keep readiness, so that is the reason that we have a military health system; as well as, we also have to honor what we tell the servicemembers, family members, and retirees that we are going to care for them.

So, as we finish transformation, which is probably, is it one of my priorities, to finish out the intent of the Congress and the execution of a military health system transformation, I will never lose sight of the fact that we need to honor that. So, as we transfer care to the civilian, to the TRICARE network, I need to make, I personally need to make sure that those retirees and servicemembers and family members are cared for.

If not, how can we close that gap? We cannot disengage just to disengage. We owe them better and if I am confirmed, I will work really hard to honor that commitment.

Senator ROSEN. Thank you. I appreciate that.

My time has expired.

Thank you, Mr. Chair.

Chairman REED. Thank you, Senator Rosen.

Senator Kelly, please?

Senator KELLY. Thank you, Mr. Chairman. Thank you for holding this hearing.

Thank you, all of you, for being here today.

I want to follow-up on Senator Duckworth's questioning about parts, but, specifically, with a connection to Arizona. Mr. Lowman, the 309th Aerospace Maintenance and Regeneration Group, AMARG, located at the Davis-Monthan Air Force Base is a major component of our organic industrial base, commonly referred to as

the "Bone Yard." The 309th provides not just storage and preservation, but aerospace depot, maintenance, and modifications, as well as aircraft regeneration. It also provides some spare parts for the fleet.

A few years ago, the 309th was able to regenerate a B-52 that has been in the Bone Yard for nearly 10 years and return it to service after the Air Force lost one of its bombers; a truly remarkable fleet.

In the 1990s, I dropped off an A-6 Intruder at the Bone Yard, but that has been now 25, maybe over 25 years ago. I am not so sure that one is coming back.

[Laughter.]

Senator KELLY. But the 309th is also able to salvage parts to contribute to important research and innovation work within our military, including modernizing the B-52 fleet and as a supply of parts when we can't find one. This capability that, it is a capability that we have to continue and it needs to be preserved.

So, if confirmed, how will you work with this committee to ensure that our Nation's organic industrial base is properly resourced?

Mr. LOWMAN. Thank you, Senator.

Senator, you rightly note that the organic industrial base is a critical component of the overall industrial base in this nation and the AMARG is a great example of a capability resident within that organic industrial base to not only regenerate capability, but also, to provide long-term storage, repair capability, and, in some cases, parts reclamation.

I can tell you in the late 1980s, as a young marine stationed at Yuma, I spent a little bit of time up at Davis-Monthan, recovering parts for an A-4 Skyhawk, also long out of service.

So, Senator, if confirmed, I will work with the services. I will work with my staff and this committee to make sure that the organic industrial base capabilities, resident within all the services, are modernized and capable of continuing sustainment of our fleets as we modernize those fleets. That includes training personnel. That includes new plant and equipment to sustain these new capabilities, such as directed energy, hypersonics, fifth-generation fighters, onward, and so forth. So, this is a priority for me.

Senator KELLY. Thank you, Mr. Lowman. I look forward to working with you and your team.

Dr. Martinez, last year, I introduced bipartisan legislation aimed at bringing TRICARE plans in line with private insurance plans. The Healthcare Fairness for Military Families Act would allow the children of servicemembers to stay on their parents' health insurance, TRICARE, until they are 26 years old.

I remain very concerned about the fact that military families don't have the same healthcare coverage that other Americans enjoy, and the disparity is even more troubling as we continue to battle this pandemic and its detrimental impact on health and employment.

I believe this common sense proposal will help countless military families as we come out of this pandemic and it will help our economy recover, which is why I pushed for it to be included in the NDAA.

What are your thoughts on expanding TRICARE coverage to military dependents until the age of 26?

Dr. MARTINEZ-LOPEZ. Senator, I think, you know, the healthcare of our servicemembers and family members is critical. So, if I am confirmed, I am going to be looking at ways to bring parity, healthcare parity.

So, we should be offering, you know, insurance coverage just like the rest of America is seeing. So, I commit to working with my team to try to close the gap and maybe have to come back and get some help, but you will get my commitment that I will strive for that healthcare parity.

Senator KELLY. Thank you, Dr. Martinez.

It just seems like also just a fundamental question of fairness, you know, that, you know, dependents of members of the military get the same treatment as folks in the civilian world. So, thank you.

I have another question for you I am going to submit for the record.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Kelly.

Gentlemen, thank you for your testimony today. Thank you for your distinguished public service and your commitment to serve again, and with that, let me call this hearing adjourned. Thank you.

[Whereupon, at 11:55 a.m., the Committee adjourned.]

[Prepared questions submitted to Honorable Robert P. Storch by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES AND QUALIFICATIONS

Question. What is your understanding of the duties and responsibilities of the Inspector General of the Department of Defense (DOD IG)?

Answer. As detailed in the Inspector General Act of 1978, as amended (the IG Act), the DOD IG is responsible for conducting independent and objective oversight over the programs and operations of the DOD and the conduct of its personnel. The IG Act, in section 2, lays out the core purposes of the OIGs as, in substance, (1) conducting and supervising audits and investigations of the programs and operations of the establishments for which they have responsibility; (2) providing leadership and recommending policies to promote the economy, efficiency, and effectiveness of those programs and operations, and to prevent and detect fraud and abuse in them, and (3) to keep the head of the establishment and the Congress fully and currently informed about the issues uncovered in the OIG's work and the need for corrective action to address those issues.

Section 8 of the IG Act lays out additional provisions that apply specifically to the DOD IG in carrying out these core functions, and section 8L contains special provisions concerning overseas contingency operations that apply to DOD OIG and others engaged in oversight of those activities. DOD Directive 5106.01, "Inspector General of the Department of Defense (IG DOD)," details the structure, functions, and responsibilities of the DOD IG within the DOD. Per the DOD OIG's public reporting, the DOD IG is responsible for leading a team of more than 1,800 personnel posted across the world in conducting these critical oversight functions, all of which, in one way or another, promote positive change throughout the DOD.

Question. Section 3 of the *Inspector General Act of 1978* provides that Inspectors General shall be appointed solely on the basis of their "integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations."

What background, experience, and “demonstrated ability” do you possess in the domains of: accounting, auditing, financial analysis, law, management analysis, public administration, or investigations?

Answer. At both the National Security Agency (NSA) IG and, before that, as the Deputy IG and in other leadership positions at the Department of Justice (DOJ) OIG, I have drawn heavily on my background as an attorney and some two dozen years’ experience as a federal prosecutor that preceded my joining the IG community.

I am an attorney, having graduated as a Harlan Fiske Stone Scholar from Columbia University School of Law in 1985. After graduation, I worked as a law clerk for United States District Judge William D. Keller in Los Angeles, Central District of California, and then in general litigation at the law firm of Covington and Burling in Washington, DC, before beginning my career as a federal prosecutor at the U.S. Attorney’s Office (USAO) for the Middle District of Florida in my hometown of Jacksonville, Florida. I handled a variety of cases as an Assistant U.S. Attorney (AUSA) in Jacksonville, including working on a multi-agency Public Corruption Task Force. In the course of those prosecutions, I consulted with the Public Integrity Section of the Criminal Division of the DOJ in Washington, and accepted an offer to become a Trial Attorney there, where I worked on a variety of federal public corruption prosecutions across the country.

Thereafter, I moved with my family to upstate New York, where I worked in general litigation at the law firm of Bond, Schoeneck and King in Albany before returning to public service at the USAO. Over the next 17 years, I served as an AUSA in the Northern District of New York (NDNY), handling primarily white collar and public corruption prosecutions, as well as federal civil rights, bankruptcy fraud, and other cases. I also served in a number of supervisory and other positions, including as the NDNY’s first Anti-Terrorism Coordinator in the wake of September 11 and, later, as the District’s Appellate Chief and Senior Litigation Counsel. I was selected for and served for approximately 11 years as a Legal Evaluator on the DOJ Evaluation and Review Staff, joining with other experienced prosecutors in conducting evaluations to improve the operations of USAOs across the country. I also participated as an instructor in numerous training programs, including on multiple occasions at the DOJ National Advocacy Institute and at other DOJ and FBI anti-corruption and other programs, both domestically and internationally.

I served on detail for two years as a DOJ Resident Legal Advisor on an anti-corruption program sponsored by the U.S. Millennium Challenge Corporation and administered by the U.S. Agency for International Development in Ukraine, where we provided technical assistance in the development of measures to address official corruption (including with regard to the establishment of internal investigations units with functions similar to OIGs in a number of ministries and agencies). At the request of the U.S. Government (USG), I returned to Ukraine in 2014 to provide technical assistance in the development of what became the anti-corruption package of legislation, and I returned at the request of the USG on a number of occasions to provide technical assistance regarding its implementation. At all three prosecutor’s offices where I worked, I handled cases from a wide range of investigative agencies, including a number of OIGs and Military Criminal Investigative Organizations (MCIOs).

In 2012, I returned to Washington and accepted a position in the Front Office of the Department of Justice Office of the Inspector General, serving in several leadership positions and, for my last several years there, as Deputy Inspector General, working directly with and for IG Michael Horowitz in leading the varied operations of that important office. I am currently in my fifth year serving as the first Presidentially appointed Senate-confirmed (PAS) Inspector General at the NSA, where I am honored to lead an outstanding team of auditors, evaluators, inspectors, and investigators in carrying out the full range of independent oversight activities called for under the IG Act, drawing heavily on my background as an attorney and prosecutor in much of what I do.

Question. What leadership and management experience do you possess that you would apply to your service as DOD IG, if confirmed?

Answer. As indicated above, I am honored to serve currently as one of approximately three dozen PAS Inspectors General under the IG Act, leading the team at NSA OIG in conducting impactful independent oversight at a critically important agency. As a result of this work, and my prior experience working with and for a truly outstanding IG at the DOJ OIG, I believe that I have a good understanding of the duties and responsibilities of an IG under the IG Act. Moreover, as an IG at an agency within the DOD, I work every day to carry out those duties and responsibilities within the structure and under the policies and procedures applicable across the DOD, and at a place where the integration of military and civilian per-

sonnel is of great importance. As an IG within the DOD community, I also am a member of the Defense Council on Integrity and Efficiency (DCIE) that is chaired by the DOD IG, and my team and I interact regularly with the DOD OIG and its staff and others across the defense oversight community in carrying out our oversight functions.

In addition to these leadership and management experiences as an IG within the defense enterprise, I also am active in the Council of the Inspectors General on Integrity and Efficiency (CIGIE), from which I have gained a great deal of knowledge and perspective on how IGs across the oversight community carry out their responsibilities. I have been honored to be selected for a number of leadership positions within CIGIE, serving for the past several years as Vice Chair of the Technology Committee and Chair of the Emerging Technology Committee, both of which I believe deal with areas essential to the conduct of effective oversight now and into the future. I also was selected in mid-2020 to serve as one of four IGs on the CIGIE Integrity Committee, which has the important responsibility under the IG Act of considering and supervising investigations regarding allegations of misconduct made against IGs or other senior OIG personnel, and most recently, in February 2022, I was named as Vice Chair of this Committee. Consideration of the matters that come to the Integrity Committee requires a high level of understanding of the leadership and management functions that are critical to the functioning of an OIG, and I believe that, in addition to providing an important service to the larger IG community, the insights I have gained through this work would be of great assistance to me should I be confirmed to lead the office of the DOD IG.

Additionally, when I first joined the IG community, I was asked by IG Horowitz to develop the Whistleblower Ombudsperson Program at DOJ OIG, and I founded and led the CIGIE working group that has focused on these critical issues, which I have continued to prioritize at NSA and within the Intelligence Community. And, both at DOJ and at NSA OIGs, I have emphasized the importance of diversity, equity, inclusion, and accessibility, being twice recognized for my work in the area at DOJ OIG, and continuing to prioritize it through the establishment of and support for our outstanding Diversity and Engagement Committee at NSA OIG.

During my time as a federal prosecutor, I also have had a number of important positions that have given me valuable leadership experiences, including as mentioned above, coordinating my District's efforts in response to the events of September 11, which involved bringing together representatives from a wide range of Federal, state, and local law enforcement and intelligence entities to address that important area. Later, I was selected by the U.S. Attorney to lead our District's appellate practice, which involved not only representing the USAO before the Court of Appeals for the Second Circuit, but working to develop and train other prosecutors in writing appellate briefs and conducting oral arguments, skills that I believe have served me well in working collaboratively with my colleagues to enhance the quality of our work product at DOJ and NSA OIGs. At the USAO, I also served as Deputy Criminal Chief, supervising prosecutions out of the Albany and Binghamton USAOs, and for a time as Acting Criminal Chief, supervising them across the District, and as Counsel to the U.S. Attorney—positions that required the exercise of judgment and discretion on a range of legal and management issues.

In all these positions, and those I have held at DOJ OIG and now NSA OIG, I have followed the basic belief that it is one of my most important responsibilities as a leader to provide the best possible environment for my team to learn, grow, and develop, which enables them to do their best work and is the right thing to do for our people. If I am confirmed as the DOD IG, I would hope to bring that same approach to the leadership of that critically important office.

Question. In your view, are there any steps you need to take to enhance your ability to perform the duties and responsibilities of the DOD IG?

Answer. One of the things that I have found to be very valuable during my time as the IG at NSA is that I established from the outset that I would have regular and open communications with Agency leadership. We agreed upon a schedule for regular meetings with the Director and Deputy Director, and engage on a regular and ongoing basis at other times as issues have warranted. Additionally, I have found it very valuable to engage on a regular basis with leaders across the extended enterprise, to inform them of our activities and, perhaps more importantly, to hear from them regarding the operations within their purview and their interactions with the OIG.

And I believe it is important to interact broadly with my colleagues throughout the office so as to learn about their activities and the challenges they perceive in achieving the office's joint mission.

I also have been gratified by the opportunities I have had leading up to my confirmation hearing to meet with the Members and staff of the SASC and, if I am

confirmed, I hope to engage in robust communications with the Committee on an ongoing basis to hear from its Members and staff regarding the most critical issues that they believe are faced by the Department. I am firmly committed to the dual reporting lines reflected in the IG Act's direction that IGs keep both the head of the establish and the Congress fully and currently informed regarding their findings and the need for corrective action to address them. At NSA OIG, I have worked with my team to foster communications with the Congress, and as with Agency leadership, I think it is essential that I and my team understand the perspectives and concerns of the Congress with regard to our efforts and the establishment that we oversee.

Question. If confirmed, what duties and responsibilities would you assign to the Principal Deputy Inspector General of the Department of Defense?

Answer. With any entity as large and complex as the DOD OIG, I would anticipate that the Principal Deputy Inspector General (PDIG) would play a critical role in helping to lead and direct the operations of the office. Having served as a Deputy IG myself, I understand the importance of that role in helping to ensure the successful operations of the office, as well as acting to carry on the smooth continuation of such operations in the absence of the IG. If I am confirmed, I would intend to rely heavily on the experience and advice of the PDIG and other senior leadership of the OIG, and to work with them to ensure that the leadership structure of the office is well positioned to conduct impactful independent oversight across the defense enterprise.

Question. If confirmed, what duties and responsibilities would you assign to the Assistant Inspector General of the Department of Defense required by section 554 of the Fiscal Year 2021 NDAA, as amended, charged with duties relating to oversight of DOD policies, programs, systems and processes related to diversity and inclusion, and supremacist, extremist and criminal gang activity? What will be your role with respect to these issues?

Answer. I believe that the issues of diversity and inclusion, and supremacist, extremist, and criminal gang activity within the DOD are of great importance. I have had the opportunity to hear presentations from the Deputy IG for Diversity and Inclusion and Extremism in the Military and, if confirmed, I would intend to engage with her and her team to make sure that the OIG is doing everything it can to maximize its impact in these areas of critical importance for the DOD's military and civilian workforces.

Question. Are there any additional authorities or resources that, in your view, would enhance your ability to perform the duties and functions of the DOD IG, if confirmed?

Answer. I am not currently in a position to address whether there are authorities or resources that would enhance my ability to perform the duties and functions of the DOD IG. If confirmed, I would intend to consult with the team at DOD OIG to ascertain whether

such gaps exist and then would welcome the opportunity to engage with the Department and the Congress to find the best path forward to address them.

MAJOR CHALLENGES AND PRIORITIES

Question. What do you consider to be the most significant challenges you would face if confirmed as the DOD IG?

Answer. I believe that people are everything, and OIGs, like the rest of government, face a significant challenge in attracting and retaining the diverse and talented workforce that is essential to doing our best work. Based on my experience at both the NSA and DOJ OIGs, I also believe that oversight of complex, multifaceted entities is inherently challenging, and conducting comprehensive and impactful oversight of a Department of the size and complexity of the DOD would be particularly so as it has both an overarching national security mission and, because of the size and diversity of the Department, it performs virtually every function of government in order to achieve it. As IGs reflect the departments and agencies they oversee, this gives the DOD OIG the task of conducting effective, independent oversight over all of those myriad, extensive, and critical programs and operations, and the military, civilian, and contractor personnel who conduct them throughout the United States and around the world.

Question. If confirmed, what plans do you have for addressing each of the challenges you identified, and on what timeline?

Answer. If confirmed, I would intend to meet with the human resources team at DOD OIG to learn about the efforts to recruit and retain a diverse and talented workforce and to discuss with them how we can optimize our efforts in that critical area. I also would meet early and often with the leadership team and others at the

OIG headquarters, and at its offices across the enterprise, to gather their perspectives and discuss how we can ensure that we are conducting the most impactful audits, evaluations, investigations, and reviews. In that regard, while it takes time away from the office, I always found that traveling as the Deputy IG with the IG to our field offices at DOJ OIG, and more recently with my senior leaders at NSA OIG, was remarkably worthwhile in gaining insights that helped in establishing the direction and focus of our office's oversight efforts.

CIVILIAN CONTROL

Question. In its report, *Providing for the Common Defense*, the National Defense Strategy Commission cautioned, "there is an imbalance in civil-military relations on critical issues of strategy development and implementation. Civilian voices appear relatively muted on issues at the center of U.S. defense and national security policy."

What is your view of the essential role of the DOD IG in promoting civilian control over the military?

Answer. Civilian control of the military is, of course, a central principle going back to the founding of our democracy, and its vitality is critically important to our system of government. Section 8(a) of the IG Act itself provides that no member of the Armed Forces, active or reserve, shall be appointed as the IG at the DOD, which I believe is consonant with the more general tenant of civilian control over the military and critically important for establishing the role of the OIG in promoting the same. Through the conduct of independent and objective audits, evaluations, and investigations, I believe that the DOD OIG furthers this fundamental principle, including through investigations of misconduct by senior officials, oversight over the activities and investigations conducted by the Service IGs and the MCIOs, and the conduct of audits and evaluations that examine the activities of, and make recommendations to improve the economy, efficiency, and effectiveness of military programs and operations across the defense enterprise.

Question. How do the military department and other component Inspectors General, many of whom are senior military officers, fit into the framework of civilian control, in your view?

Answer. It is my understanding that the Military Department and other component IGs report to their Secretaries, who are required to be civilians, and that those individuals, in turn, report to the Secretary of Defense, who is also required to be a civilian.

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

Answer. If I am confirmed as the IG at the DOD, I will work with my team to ensure that we conduct objective independent oversight over the programs and operations of the DOD that fully upholds the core principle of civilian control of the Armed Forces, including the investigative and other oversight activities describe above. As I do as the IG at the NSA, I would regularly emphasize the independent and nonpartisan nature of our work and, should we receive any allegation or evidence that implicates the core principle of civilian oversight over military activities, I will ensure that we take prompt action to address and report on same as appropriate.

RELATIONSHIPS WITH COMPONENT INSPECTORS GENERAL

Question. What is your understanding of the duties and responsibilities of the component Inspectors General, including the Inspectors General of the military departments?

Answer. It is my understanding and belief that the component IGs, including the IGs of the Military Departments, perform an important role in the oversight of the entities over which they have purview, and in serving as essential force multipliers for the DOD IG's oversight over the larger defense enterprise. The duties and responsibilities of the DOD component IGs are detailed in DOD Directive 5106.04. These include, in substance, providing advice to their commander or director on all IG matters; reporting on the state of the command; performing investigations, inspections, assistance, audit, and teaching and training functions; recommending actions to correct deficiencies and monitoring progress toward addressing them; promptly reporting to the DOD IG allegations made against senior officials; and conducting inquiries that are referred to them by the DOD Hotline.

It is my understanding that the Military Department IGs draw their responsibilities from various laws related to the branches they oversee, including functions such as, in the case of the Army IG, inquiring into and reporting on the discipline,

efficiency, and economy of the Army; periodically proposing programs of inspection and recommending additional inspections and investigations as appears appropriate; performing other duties as prescribed by the Secretary or Chief of Staff, and cooperating fully with the DOD IG in the performance of the its duties and functions.

Question. If confirmed, what specific actions would you take to build and sustain a collaborative and cooperative relationship with these Inspectors General?

Answer. I believe strongly in the importance of a collaborative and cooperative relationship between Inspectors General in a manner that promotes the economy, efficiency, and effectiveness of our own oversight activities. As the NSA IG, I have worked to further what I this of as the “three Cs”—communication, coordination, and cooperation—with our counterparts within the defense enterprise and beyond. That same principle has been a key motivator in my involvement in the broader IG community through CIGIE.

If I am confirmed as the IG at DOD, I would look forward to learning more from my team at the OIG regarding the relationship that the office has with each of the component and military IGs, to meeting with those individuals, and to working together with them to ensure that we have a good working relationship that ensures the proper operations of our offices and that the various reporting mechanisms and channels of communication are operating properly. I also would hope to work through the DCIE and otherwise to ensure robust communication, coordination, and cooperation across the defense enterprise.

In one example of what I have been able to do in my current position, I was pleased to be able to partner with the Acting DOD IG to enable the members of the DCIE, including the component and Military Department IGs, to participate in the CIGIE Emerging Technology Subcommittee’s 2021 symposium on emerging technology, as I believe it is important to collaborate and share information and best practices for the benefit of the larger oversight community. If confirmed, I would hope to help lead the DOD OIG to foster such sharing and collaboration across the defense oversight community.

Question. What are your views on the component Inspectors General’s ability to maintain their independence in conducting administrative investigations?

Answer. As indicated above, it is my understanding that, as is the case at NSA OIG, all allegations of misconduct made against senior officials received by the component IGs have to be promptly reported to the DOD IG, and that the DOD IG then decides whether it is appropriate to retain such investigation or to refer it back to the component IG for investigation. It is further my understanding that, where a matter is referred back to the component IG, the DOD IG retains oversight responsibility over the matter. I am not personally aware of instances where this approach has been insufficient to ensure the appropriate independence of the investigation but, if confirmed, I would consult with the team at DOD OIG and ensure that such matters are addressed promptly and appropriately.

Question. What is your understanding of the value of the “teach and train” mission undertaken by the military department Inspectors General?

Answer. It is my understanding that “teach and train” refers to the process whereby IGs within the military conduct inspections and other oversight activities that result in recommendations, which in turn result in actions to address the identified deficiencies. This process—independently and objectively identifying issues, making recommendations for corrective action, and ensuring that actions are taken sufficient to meet the intent of those recommendations—is a core function of all IGs. On inspections at NSA OIG, our teams often partner with appropriate counterparts from the Military Department IGs to ensure that these functions take place efficiently and effectively, and that the resulting benefits for the programs and operations of the facilities are achieved.

Question. If confirmed, what would be your plan for working with and overseeing the component Inspectors General and their internal audit, investigation, and inspection units, with a view to avoiding duplication of effort in inspector general operations and activities?

As indicated above, I believe strongly in the importance of communication, coordination, and cooperation to ensure the economy, efficiency, and effectiveness of oversight activities. If I am confirmed, I would consult with the team at DOD IG as to how we can best ensure that we are engaging in a robust fashion with the component IGs, including ensuring appropriate coordination of our oversight plans and activities to avoid duplicative or inconsistent oversight activities, which can waste taxpayer dollars and detract from the impact of our work in improving the programs and operations of the entities within our areas of responsibility. I also believe that the DCIE can play an important role in institutionalizing such efforts across the defense oversight community.

18. What is your understanding of the relationship between the DOD IG and the IGs of the Defense intelligence agencies—the National Security Agency, the National Reconnaissance Office, the National Geospatial Intelligence Agency, and the Defense Intelligence Agency?

Answer. Under the IG Act, each of the four listed defense intelligence agencies has its own IG, who is responsible for conducting oversight over the programs and operations of their agency and the conduct of agency personnel. Each of these agencies is part of the larger DOD, which has its own larger IG who is responsible for conducting objective and independent oversight of programs and operations and the conduct of personnel across the entire Department.

As the NSA IG, I helped to lead the development with the then Acting DOD IG and the other defense intelligence IGs of a memorandum of understanding (MOU), as called for in the Senate Armed Services Committee's Report to accompany the NDAA for fiscal year 2015 (Report Number 113–176, 2 June 2014), which details our respective responsibilities and authorities under the IG Act and DOD policy. This MOU also reflects the importance of communication and coordination in carrying out those oversight functions so as to avoid duplicative or inconsistent oversight. The defense intelligence agency IGs have reporting requirements to DOD IG, such as that for allegations of senior official misconduct referenced above. As the NSA IG, I have worked to foster collaborative efforts between our various offices where those make sense—for instance, my office currently is conducting a publicly announced joint evaluation with the DOD OIG assessing the NSA's integration of artificial intelligence into signals intelligence activities in accordance with DOD and Intelligence Community (IC) guidance. If I am confirmed as the DOD IG, I will continue in that role to promote communication, coordination, and collaboration to ensure that oversight activities are conducted economically, efficiently, and effectively across the defense enterprise. In furtherance of that, all of the defense intelligence agency IGs are participants in the DCIE, which, under the leadership of the DOD IG, has an important coordinating function.

Question. What is your understanding of the relationship between the DOD IG and the Intelligence Community IG with respect to the DOD intelligence agencies?

Answer. The IC IG has important coordinating functions across the intelligence community, including with regard to the defense intelligence agencies and the other departments and agencies that comprise the Intelligence Community, including the DOD. The IC IG also has jurisdiction to conduct oversight over the exercise of intelligence activities that are conducted under the authority of the Director of National Intelligence, which it generally has exercised collaboratively with the IGs of other Intelligence Community department and agencies. I do not have firsthand knowledge regarding the relationship between the DOD IG and the IC IG, but I and my office at NSA OIG have an excellent working relationship with the IC IG and, if I am confirmed as the DOD IG, I will work the team at DOD OIG to ensure that we have an excellent relationship with the IC IG as well.

Question. What is your understanding of the roles of inspectors general assigned to the personal staffs of commanders and civilian leaders in headquarters and field commands across the DOD, and if confirmed, what would be your relationship with these inspectors general?

Answer. It is my understanding that the roles of these inspectors general are similar to those described above with regard to advising their commands and conducting activities that promote their programs and operations. As indicated above, I believe that the DOD IG has an important role in leading the defense oversight community, and in conducting oversight over the work of other IGs as necessary and appropriate to ensure the quality and consistency of such work. If confirmed, I would work with these IGs through the DCIE and otherwise to ensure that we are coordinating effectively to meet this essential requirement.

Question. In your view, how can the DOD IG and the military department Inspectors General work in unity of effort with military department audit agencies, criminal investigative organizations, internal review offices, and other functional staffs, to fulfill their oversight obligations?

Answer. As indicated above, I am a proponent of communication, coordination, and cooperation. If I am confirmed as the DOD IG, I will engage with the team at the OIG to assess our relationships with all of these other oversight entities, and to develop and implement any necessary measures to ensure that we are leading the defense oversight community to operate with the economy, efficiency, and effectiveness that the entities we oversee demand and deserve.

Section 1611 of the Ike Skelton National Defense Authorization Act (NDAA) for fiscal year 2011 provides that the DOD IG, as well as the Inspectors General of the military departments “shall treat the sexual assault prevention and response program as an item of special interest when conducting inspections of organizations

and activities with responsibilities regarding the prevention and response to sexual assault,” and that the inspection teams comprised for these purposes must “include at least one member with expertise and knowledge of sexual assault prevention and response policies related to a specific armed force.”

Question. What is your understanding of the designation of the sexual assault prevention and response program as an “item of special interest”?

Answer. I have been informed that this designation requires that there be focused management attention on the program, including requiring the OIG to collect and report on relevant data related to it.

Question. How does the DOD IG exercise appropriate oversight of the actions of the military department Inspectors General in this regard?

Answer. It is my understanding that the investigation of allegations of sexual assault are generally conducted by the MCIOs, and that the DOD IG exercises oversight jurisdiction over those important matters. I also understand that the DOD OIG has, in the past, conducted an evaluation of the MCIOs’ handling of these matters, and the DOD OIG’s Fiscal Year 2022 Oversight Plan reflects that another such evaluation currently is ongoing. I further understand that the collection of information regarding the handling of sexual assault and misconduct allegations is also within the purview of the newly established Deputy IG for Diversity and Inclusion, and Extremism in the Military. If I am confirmed, I would intend to work with the team at the DOD OIG to ensure that we are conducting oversight jurisdiction these important matters appropriately. Separately, it is my understanding that the DOD OIG itself conducts investigations regarding allegations of reprisal against whistleblowers in sexual assault cases.

Question. What role should the DOD IG play in consolidating for review, analysis, and dissemination, best practices and trend data derived from inspections of the sexual assault prevention and response programs of the military departments?

Answer. I believe that the DOD IG can play an important role in the review, analysis, and dissemination of best practices and trend data from inspections of the sexual assault prevention and response programs of the Military Departments. In my own experience, my office at NSA OIG recently released a trends report examining issues identified on inspections over the prior six-year period. I believe that this sort of compilation and analysis can provide very useful lessons and enhance the impact of individual oversight activities. Additionally, I am aware that the DOD OIG has a robust data analytics effort that I believe would be of great assistance in such work. If confirmed, I would look forward to working with various involved parts of the DOD OIG and the other IGs within the defense establishment to determine how we can best develop and provide this important information.

Question. Section 2784 of title 10, U.S. Code, charges the DOD IG and the Inspectors General of the military departments to perform periodic audits to identify potentially fraudulent, improper, and abusive uses of DOD government purchase cards.

If confirmed, what would you do to ensure that misuses of DOD government purchase cards are identified and brought to the attention of senior DOD leaders?

Answer. Detecting and deterring the misuse of government purchase cards is a focus of OIGs across the community. I have had experience with these sorts of audits and, if confirmed, would meet with the team at the DOD OIG to discuss the office’s handling of them and how best to ensure that the results of such audits are brought to the attention of senior DOD leaders and acted upon in a timely manner. I also would explore with the communications personnel at the OIG how to most effectively disseminate messaging across the defense enterprise regarding this topic.

Question. If confirmed, what programmatic improvements would you recommend to prevent the misuse and abuse of the DOD government purchase card program?

Answer. I am not currently in a position to know what programmatic improvements I would recommend in this area. If confirmed, I would review the prior work conducted by the OIG and consult with the team on how to make the maximum impact in addressing this issue. As on many other topics, I would welcome the opportunity to hear from the Committee regarding any particular concerns it might have in this area as well.

Question. If confirmed, what actions would you recommend to ensure that service-member and DOD civilian employee cardholders who misuse their government purchase cards are held appropriately accountable?

Answer. Again, I do not have the information necessary to identify specific actions that I would recommend if confirmed to ensure appropriate accountability in this area. However, I certainly understand and believe that accountability is essential, and I have worked first as a prosecutor and, more recently, within the IG community to ensure that personnel who engage in misconduct are, in fact, held appropriately accountable. In fact, at NSA OIG, the first underlying report for which we

released an unclassified version was on our Audit of the Agency's Travel Card Program, in which we indicated that we had referred a number of instances of potential card misuse to the NSA OIG Investigations Division. If investigations are to act as an effective deterrent, there also need to be consequences for substantiated misconduct and, if confirmed, I would work with the team at the DOD OIG to understand the situation there and take appropriate action.

EXECUTIVE PRIVILEGE

Question. In your view, would an assertion of executive privilege from the White House with regard to a matter relating to the Department of Defense prevent the DOD IG from accessing information that has been shielded from Congress?

Answer. Under the IG Act, IGs operate within and are a part of the departments and agencies that we oversee. As a result, I do not believe that an assertion of executive privilege from the White House with regard to a matter relating to the Department of Defense would prevent the DOD OIG from accessing information to which it would otherwise be entitled under the Act, even if that information has been shielded from Congress.

DOD BUSINESS PRACTICE PERFORMANCE AND AFFORDABILITY REFORM

Question. The DOD Reform Management Group (RMG) was established in 2017 as a governance body to manage and oversee reform efforts across nine lines of business.

However, in January 2021, the Deputy Secretary of Defense issued a memorandum stating, among other things, that the Reform Management Group would be disbanded and its related ongoing actions transferred to the Defense Business Council. DOD claimed a total of \$37 billion in savings from fiscal year 2017 through fiscal year 2021 from its reform efforts in its annual budget materials and other reports.

What role should DOD IG have to audit or otherwise validate the savings claimed?

Answer. The DOD IG has jurisdiction to conduct oversight over all programs and activities of the Department. If I am confirmed, I will examine this issue with the team at the DOD OIG to determine our purview in this area and what oversight may be appropriate. I also would welcome the opportunity to engage with the Committee regarding any concerns it may have in this area.

Question. If confirmed to be the DOD IG, what efforts would you undertake to assess the continued effectiveness of DOD reform initiatives?

Answer. A basic function of OIGs is to conduct audits, evaluations, and other reviews that assess the economy, efficiency, and effectiveness of Department programs and operations. If confirmed, I would welcome the opportunity to engage with the Congress to understand any concerns it may have, and would consult with the team at the OIG to determine where and how we might most effectively conduct oversight regarding DOD reform initiatives in this area.

Question. In your view, are there business process reforms that the DOD IG could undertake internally that would contribute to the Department's achievement of its savings goals?

Answer. As with the establishments we oversee, all OIG activities are conducted with taxpayer funds, and I believe that we have an obligation to ensure that we meet the standards to which we hold the departments and agencies we oversee, and that our own activities are conducted economically, efficiently, and effectively. I am not in a position to ascertain whether there are business process reforms that the DOD OIG could undertake internally that would contribute to the Department's achievement of its savings goals but, if confirmed, I would meet with the team at the DOD OIG to gain greater understanding as to the office's internal operations and any reforms that might contribute to the Department's achievement of its savings goals and, more generally, ensure that we are operating economically, efficiently, and effectively with the taxpayer's dollars.

INDEPENDENCE AND OBJECTIVITY

Question. One of the primary purposes of the Inspector General Act of 1978 was to create independent and objective units to conduct and supervise audits and investigations in DOD.

32. If confirmed, what specific actions would you take to maintain the independence and objectivity of the Office of the DOD IG?

Answer. The independence and objectivity of OIGs are the cornerstone of our work—without it, our reports would not be authoritative or credible at the establishments we oversee, with the Congress, or with the public. I believe that maintaining independence and objectivity can be particularly difficult but is particularly impor-

tant at places like those where I have worked and, if confirmed, where I will work, where the department or agency in question carries out a particularly compelling mission. Fortunately, as the Deputy IG at the Department of Justice, I had the opportunity to observe daily how a truly outstanding IG conducted himself and led the office to maintain unquestioned independence and objectivity, all while handling some of the most sensitive matters within the government. I tried to learn from IG Horowitz every day, and am very pleased that I and my office have a good, but appropriately independent and objective relationship with the leadership at the NSA. Maintaining the right balance—being close enough that your work is valued and that leadership is valued and others within the establishment seek out your office’s independent assessment and credit its results, but not so close that you jeopardize the reality or the appearance of independent objectivity—can be one of the most difficult things for an OIG. One thing that I have done at NSA, and would anticipate continuing if I am confirmed as the IG at DOD, is to engage in constant and consistent reinforcement of these key principles—including that the IG is independent of the Department’s leadership structure, that we have dual obligations to keep the Department leadership and the Congress fully and currently informed, and that we are resolutely nonpartisan. At NSA OIG, I worked to revise our office’s governing policy and many of our procedures to ensure that they fully reflected our office’s independence and, if confirmed as the DOD IG, I would work with the team at the OIG to review the office’s policies and procedures and make any necessary adjustments to ensure same.

In this area, I believe that communications with establishment leadership are key and, at NSA, I changed the interactions with Agency leadership from the practice of prior IGs, who attended staff meetings, to establish separate meetings with the Deputy Director and the Director. While, as discussed earlier, I believe that interactions and positive working relationships with others in Department leadership are very important, there can be no question as to the level at which the IG reports as an essential component of the office’s independence. More recently, I was pleased last spring to have the Director issue a message to the entire workforce supporting the independence of the IG, and encouraging people to report wrongdoing to us.

And, ultimately, it comes down to the work. I always tell my team that the NSA has compelling missions—both signals intelligence and cybersecurity—but those are not our missions as an OIG. In my view, the mission of an OIG ultimately is to conduct objective, impactful oversight over the Agency’s conduct of its mission and its personnel that promotes positive change. If I am confirmed, I will communicate the expectation of such independence and objectivity throughout the OIG and work with the team to carry it out.

Question. Under what circumstances, if any, do you believe it would be appropriate for the DOD IG to consult with DOD officials outside of the Office of the Inspector General before issuing an audit, investigation, or inspection report, regarding the findings and recommendations set forth in that report?

Answer. With regard to audits and inspection, pursuant to applicable standards such as the Government Auditing Standards (known as the “Yellow Book”) for audits and the CIGIE Quality Standards for Inspection and Evaluation (known as the “Blue Book”), as well as common practice in the IG community, it is standard and appropriate to provide advance drafts of reports of audits, inspections, and evaluations to appropriate Department officials for the purpose of factual accuracy review and to provide the Department’s response to recommendations made in the report, which response is reflected in the report along with any OIG analysis of the same. Having reviewed and been responsible for many reports over my time in the IG community, I believe that these interactions with department or agency officials are entirely appropriate and, in fact, increase both the accuracy of the work and the acceptance of it within the entity being overseen, which, in turn, helps to prompt timely efforts to take actions to address the issues identified in the report.

For administrative investigations, it similarly is common practice and, I believe, entirely appropriate to provide the subject against whom the OIG intends to substantiate wrongdoing an opportunity to review at least the tentative conclusions and an opportunity to respond, which generally should be documented and, as warranted, addressed in the report of investigation. All of this, of course, is entirely distinct from any effort by Department officials from outside the OIG to have undue influence on the findings or recommendations of a report, which, if confirmed, I would never countenance.

Question. To the extent you believe it appropriate, how would you conduct such consultation so as to maintain the independence and objectivity of the DOD IG, and to ensure perceptions of IG independence and objectivity are not compromised?

Answer. While I am not familiar with the specific procedures at the DOD OIG, I believe that all IGs have procedures for carrying out and documenting the con-

sultations referenced above to ensure that they are appropriate. If confirmed, I would familiarize myself with DOD OIG's procedures and discuss any areas for possible improvement with the team and, as appropriate, Department leadership. I have found at NSA, and I would anticipate at DOD, that there is a good understanding from senior leadership that OIG oversight is most valuable when its objectivity and independence is respected and preserved, and I would engage as necessary to ensure that occurs in all instances.

Question. Under what circumstances, if any, do you believe it would be appropriate for a senior official to request that the DOD IG not audit, investigate, inspect, or review a particular matter?

Answer. As an independent oversight entity, it is up to the OIG to determine its oversight plan, and what matters it will or will not audit, investigate, inspect, or evaluate. I believe that OIGs are well served by consulting with the leadership of the establishments they oversee, as well as with the Congress as discussed above, regarding areas of particular concern that may merit audits, inspections, or evaluations, and it is not uncommon for agency or department leadership to turn to the OIG for an independent review of a particular matter. This is appropriate so long as it is understood and respected that, absent a statute requiring particular action, it is the OIG, and ultimately the IG, who has the independent authority and responsibility for deciding what oversight projects the office will or will not undertake.

OIGs typically carry out this task utilizing a methodology to assess relative risks across various priority areas, with the acknowledgement that all work plans are living documents and circumstances may arise that warrant taking or deferring action in a particular area. Ultimately, only the Secretary of Defense has the authority under section 8(b) of the IG Act to prohibit the IG from initiating, carrying out, or completing any audit, investigation, inspection, or review, based on a determination that such prohibition is necessary to preserve the national security interests of the United States. It is my understanding that this authority has never been exercised but, if it were, I would report to Congress as provided for in the Act.

Under what circumstances, if any, do you believe it would be appropriate for a senior official to request that the DOD IG not issue a report on a particular matter?

Answer. Apart from a determination by the Secretary of Defense in an extraordinary circumstance as described above, I cannot think of any circumstances where it would be appropriate for a senior official to request that an IG not issue a report on a matter we have reviewed, or in which we would honor such a request.

Question. Under what circumstances, if any, do you believe it would be appropriate for a senior official to request that the DOD IG alter findings, recommendations, or other pertinent material in a report on a particular matter?

Answer. As discussed above, it is appropriate and common for management to review and provide comments on draft OIG reports, which may include requests to alter findings, recommendations, or other material believed by the department or agency to be inaccurate. Such requests should be appropriately documented and their disposition is solely that of the OIG. It never would be appropriate for a senior official or anyone else to request that an OIG report be changed because it is embarrassing for the Department. Additionally, subjects of administrative investigations are typically and appropriately provided an opportunity to provide comment and response on tentative conclusions of misconduct; again, those inputs should be documented and their disposition is solely up to the OIG.

Question. If confirmed, what action would you take if a senior official sought to prevent you from "initiating, carrying out, or completing" any audit, investigation, or inspection within the jurisdiction of the Office of the DOD IG?

Answer. As detailed above, only the Secretary of Defense has authority for the reasons and under the procedures outlined in section 8(b) of the IG Act to prevent the IG from initiating, carrying out, or completing any audit, investigation, or inspection within the jurisdiction of the DOD OIG. If anyone else tried to do so, I would report that to Department leadership and, as appropriate, the Congress. Depending on the nature of the action, I also would confer within the OIG to determine whether such action constituted obstruction or an attempted obstruction that would warrant administrative, or even potentially criminal, investigation.

SUPERVISION BY THE SECRETARY OF DEFENSE

Question. Section 3 of the Inspector General Act of 1978 provides that the head of an agency, shall exercise "general supervision" over the agency's Inspector General, but shall not "prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation."

Question. If confirmed, what would be your relationship with the Secretary of Defense?

Answer. I would make every effort to have a good, working relationship with the Secretary of Defense that respects our relative roles and the independence of the OIG in conducting its oversight functions. I have had the great advantage of witnessing how that relationship was conducted during my time as the Deputy IG at the DOJ OIG, and am pleased to have a similar good, independent working relationship with the Director at the NSA.

Question. What would be your relationship with the Deputy Secretary of Defense and how would it differ from your relationship with the Secretary?

Answer. The IG Act provides in section 3(a) that the IG shall be under the general supervision of the head of the establishment, which can be delegated to the officer next in rank, but it cannot be delegated further. If I am confirmed, I would intend to consult with both the Secretary and the Deputy Secretary on what they believe would be the most productive schedule for our regular interactions. Based on my experience at NSA OIG and, before that, at DOJ OIG, I would anticipate that might include regular meetings with the Deputy Secretary to inform her about some of the key findings in our work and to discuss operational matters relating to our office and its relationship with the larger enterprise, as well as periodic meetings with the Secretary to discuss the most significant findings and issues. Whatever the periodicity of such regular meetings, it is critical that the IG have direct and prompt access to the head of the establishment when necessary for any purpose pertaining to the performance and functions of the OIG as provided for in section 6(a)(6) of the IG Act.

Question. What is your understanding of the general supervisory authority of the Secretary of Defense over the DOD IG, in view of the language provided by sections 2 and 3 of the Inspector General Act?

Answer. Section 2 of the Inspector General Act sets forth the general purposes of the OIG as discussed earlier, and section 3 provides for the general supervision of the IG by the head or next in rank at DOD, the Secretary and Deputy Secretary. However, it is fundamentally important that section 3 then goes on to make explicit that neither the head nor the next in rank shall prevent or prohibit the IG from initiating, carrying out, or completing any work, or issuing any subpoena, with the only ability to do so vested in the Secretary based upon the finding and with the notification set forth in section 8(b). In practice within the IG community, this effectively means that establishment leadership does not have the authority to direct or interfere in the oversight work of the OIG, though the office remains part of the department or agency for some other purposes.

Question. Section 8 of the *Inspector General Act of 1978* provides that the DOD IG shall "be under the authority, direction, and control of the Secretary of Defense" with respect to certain audits or investigations which require access to information concerning sensitive operational plans, intelligence matters, counterintelligence matters, ongoing criminal investigations by other administrative units of the Department of Defense related to national security, or other matters, the disclosure of which, would constitute a serious threat to national security.

Question. What is your understanding of the procedures in place to effectuate the authority and control of the Secretary of Defense over the matters delineated in section 8 of the Act?

Answer. Section 8(a)(3) of the IG Act provides that, if the Secretary of Defense exercises the authorities outlined in sections 8(a)(1) or (2) as described above, the IG shall submit a statement concerning such exercise within thirty days to the designated congressional committees.

Question. What is your understanding of the extent to which the DOD IG has, as a matter of practice, initiated, conducted, and reported on audits or investigations covered by section 8 differently from other audits or investigations?

Answer. I am not aware of any differences in the way that the DOD IG has, as a matter of practice, initiated or conducted, and reported on audits or investigations covered by section 8 as compared to other audits or investigations. While this is not within my direct knowledge, based on my experience as the NSA IG, I assume that the manner in which such matters are reported might well differ to the extent they involve classified or sensitive information, and this is something on which, if confirmed, I would consult with the team at the DOD OIG to ensure we are proceeding appropriately and as transparently as possible.

Question. What changes, if any, do you believe are needed in the practices of the DOD IG for initiating, conducting, and reporting on audits or investigations covered by section 8?

Answer. I am not in a position to assess what, if any, changes are necessary in the practices of the DOD OIG in this area. If confirmed, I will discuss this with the team at the DOD OIG and implement any changes that may be warranted.

Question. Sections 4 and 8 of the Inspector General Act of 1978 set forth various duties and responsibilities of Inspectors General in addition to the conduct of audits and investigations.

What is your understanding of the supervisory authority exercised by the Secretary of Defense with regard to these additional duties and responsibilities?

Answer. In addition to its functions with regard to the conduct of audits and investigations, the OIG has responsibility under section 4(a) of the IG Act to review existing and proposed legislation and regulations and to make recommendations on the same in our semiannual reports (SARs); to recommend policies and activities to promote economy and efficiency and to prevent and detect fraud and abuse in DOD operations; and to recommend policies regarding the relationship between the DOD and other governmental entities. Similarly, section 8(c) provides, inter alia, that the DOD IG shall be “the principal advisor to the Secretary of Defense for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of the Department.”

I do not have any direct knowledge as to the extent to which the Secretary of Defense has exercised supervisory authorities over these functions—as a general matter, to the extent they involve recommendations to the Secretary, I would think that the OIG would make them independently and it would then be the province of the Secretary as to whether or how to address them. If confirmed, this is a matter that I would review with the team at the OIG and ensure that we are proceeding appropriately.

KEEPING CONGRESS INFORMED AND RESPONSIVENESS TO CONGRESSIONAL REQUESTS

Question. Section 2(3) of the Inspector General Act of 1978 provides that one of the purposes of establishing the DOD IG was to keep the Secretary of Defense and Congress “fully and currently informed” of problems and deficiencies in the administration of DOD programs and operations and the “necessity for, and progress of corrective action.”

If confirmed, specifically what steps would you take to ensure that the Armed Services Committees of the Senate and the House of Representatives are “fully and currently informed” of problems and deficiencies in DOD programs and operations?

Answer. I am, as reflected above, firmly committed to the importance of the dual reporting lines as set forth in the IG Act. I believe that this is of central importance in ensuring the independence of our offices, and that it also enables us to provide valuable information to inform and assist the Congress in both its legislative and oversight capacities. As the NSA IG, I have worked to enhance our reporting to Congress, both through the content and accessibility of our SARs and underlying reports and through our interactions with Members and staff. If confirmed, I would meet with the team at the DOD OIG to review our reporting, discuss our interactions with the SASC and HASC, and identify any areas for improvement. To inform those discussions, I would look forward to engaging directly with Members and staff to hear from their perspective how we might enhance our reporting consistent with the IG Act. I would make myself available for hearings as requested, and myself and my team for briefings on oversight work that the office has conducted consistent with the IG Act and applicable policies and procedures.

Question. Congressional Committees and individual Members of Congress frequently request that the Office of the DOD IG audit, investigate, or review matters of public interest.

What is your understanding of the manner in which the Office of the DOD IG addresses such requests?

Answer. Requests from Congress to audit, investigate, or review matters of public interest are common and appropriate across the IG community. I do not have direct knowledge regarding the procedures in place at the DOD OIG for handling such requests, but I assume that they are reviewed and considered consistent with the independence and nonpartisan nature of the office.

Question. If confirmed, what changes, if any, would you make in the current policies and practices of the Office of the DOD IG for responding to congressional requests?

Answer. If confirmed, I will meet with the team to review the procedures at the OIG with regard to such requests, informed by my own experiences in the IG community, and identify any areas for improvement. In doing so, I would welcome input from the Congress, though of course, all such procedures must be carried out consistent with the independent and nonpartisan nature of the OIG.

Question. If confirmed, what steps would you take to ensure the timeliness of Office of the DOD IG responses to congressional requests?

Answer. If confirmed, I would meet with the team at the OIG to ensure that we have procedures in place to ensure timely and appropriate responses to congressional requests.

Question. Under what circumstances, if any, do you believe it would be appropriate for the Office of the DOD IG to redact certain information contained in a report it provides to a congressional committee or individual Member of Congress?

Answer. As a general matter, OIGs provide their reports to the head of the establishments they oversee and to the Congress. As far as I am aware, redactions in a report provided to a congressional committee or Member would only be made when legally required. If confirmed, I would consult with the Counsel to the IG and others within the OIG to ensure that we handle such matters appropriately.

Question. In your view, does the independence of the DOD IG, as guaranteed in the Inspector General Act of 1978, include independence from Congress?

Answer. OIGs are established under the IG Act as “independent and objective units”—in carrying out our oversight responsibilities, it is important that we conduct our oversight responsibilities independently both of the establishments we oversee and of Congress, which I believe is a critical factor in the authoritativeness and credibility of our work. If confirmed, I would hope to have a robust relationship with the committees of jurisdiction that respect and benefit from the OIG’s statutory independence.

Question. Are there certain categories of audits, investigations, or other inquiries that, in your view, are better conducted by the Government Accountability Office in its role as a component of the legislative branch? Please explain your answer.

Answer. GAO performs a wide range of important oversight activities across the Federal Government. Both of the OIGs at which I have worked have enjoyed an excellent working relationship with GAO, and I would make every effort to ensure that continues should I be confirmed as the IG at DOD. Because its jurisdiction is not defined by any one establishment, I believe that GAO plays a particularly important role in informing Congress with regard to cross-cutting issues. Additionally, inherent in its nature, it has been my experience that GAO sometimes may be able to be more directly responsive in responding to immediate legislative needs and requests than OIGs, which, as discussed above, must independently develop their oversight plans based on a variety of factors, including their independent risk assessments and the availability of staffing and resources, to conduct a wide range of important oversight activities.

DIRECTORATE OF INVESTIGATIVE OVERSIGHT AND SPECIAL INVESTIGATIONS AND
REVIEWS (IOSIR)

Question. What is your understanding of the function of the IOSIR?

Answer. I have been informed that the IOSIR within the DOD OIG develops investigative policy and conducts oversight over the MCIOs, including the office’s prior review of the tragic shootings in Texas and the pending evaluation of the MCIOs’ handling of sexual assault allegations.

Question. If confirmed, how will you utilize the IOSIR? Will you modify its current responsibilities? If so, how and why?

Answer. If confirmed, I will examine the use of the IOSIR and develop and implement any necessary modifications. In doing so, I would intend to consult with the team at the OIG and would welcome any input from the Congress regarding any particular concerns.

SENIOR OFFICIAL INVESTIGATIONS

Question. The Office of the DOD IG plays a key role in the investigation of allegations of misconduct by senior military officers and civilian employees of the DOD. The Senate Committee on Armed Services has a particular interest in investigations concerning senior officials who are subject to Senate confirmation, and relies upon the Office of the DOD IG to ensure that these investigations are accurate, complete, and accomplished in a timely manner.

What is your understanding of the definition of “DOD senior official” for purposes of the DOD IG?

Answer. Pursuant to DOD Directive 5505.06, “Investigation of Allegations Against Senior DOD Officials,” a DOD senior official is defined as an Active Duty, retired, Reserve, or National Guard military officer in grades O-7 and above, and an officer selected for promotion to O-7 whose name is on the O-7 promotion board report forwarded to the Military Department Secretary; a current or former member of the Senior Executive Service (SES); a current or former DOD civilian employee whose

position is deemed equivalent to that of a member of the SES; or a current or former Presidential appointee.

Question. What is your understanding of the circumstances in which a suspicion or allegation against a DOD senior official must be reported to the DOD IG?

Answer. Pursuant to DOD Directive 5505.06, all allegations of misconduct against a DOD senior official must be reported to the DOD IG.

Question. If confirmed, what factors would you consider in assessing whether a DOD IG investigation should be initiated in response to a report of suspicions or allegations against a DOD senior official?

Answer. If confirmed, I would consult with the team at DOD OIG to review the factors that are considered in assessing whether an investigation should be initiated in response to a report of suspicions or allegations against a DOD senior official. Based on my own background and experience, such investigation generally would be appropriate where there is sufficient evidence to believe that there may have been a violation of law, rule, regulation, or policy. Each case is different, of course, and I believe that my background as a career federal prosecutor and in the IG community would assist me in working with the investigative team at DOD OIG to ensure that we handling these important matters properly.

Question. What factors would you consider in determining to refer a report of suspicions or allegations against a DOD senior official to a military department Inspector General for review and action?

Answer. Again, this is a matter that I would review with the team at the DOD OIG, but as a general matter and based on my perspective as a current IG within the DOD, I believe that such factors typically would include the nature of the allegation, the military rank and assignment of the accused, and the ability of the Military Department IG to handle the matter in a timely fashion. I am informed that the DOD OIG does not refer such matters and instead investigates them itself when the allegations cross Service lines, the subject outranks the Service IG, or the Service IG encounters an impediment to their independence. If confirmed, I would review these practices with the team at DOD OIG and make any revisions as are appropriate.

Question. If confirmed, what will be your process for determining whether to open an investigation of allegations against a senior officer?

Answer. As indicated above, my career as a federal prosecutor and then in the supervision of two OIGs has taught me that each case has to be evaluated on its own merits, and that starts with the determination of whether to open an investigation of allegations of misconduct. If confirmed, I would work with the team at DOD OIG to review the process for determining whether to open an investigation against a senior officer and make any modifications as are warranted.

Question. Do you believe that the current allocation of responsibility for senior official investigations between the DOD IG and the Inspectors General of the military departments ensures fair and impartial outcomes—regardless of which Inspector General conducts the investigation? Please explain your answer.

Answer. Whoever conducts an investigation, it must result in a fair and impartial outcome. I am not currently in a position to assess whether the current allocation of responsibility for senior official investigations between the DOD IG and the Inspectors General of the Military Departments is sufficient to ensure that that this occurs in all cases, but if confirmed, I will review this with the team at DOD OIG and make such modifications as may be deemed appropriate regarding the referral and oversight of these important matters.

Question. If confirmed to be the DOD IG, what steps would you take to oversee and ensure the accuracy, completeness, and timeliness of senior official investigations conducted by a military department Inspector General?

Answer. If confirmed as the DOD IG, I would meet with the team at the DOD OIG to review the procedures for conducting oversight over senior and other investigations conducted by a Military Department IG to ensure that they are sufficient to ensure that all investigations result in a fair and impartial outcome.

As the NSA IG, I have established several categories of priority matters, including but not limited to senior official investigations, in which I review all reports of investigation and discuss them with my team to ensure, based on my own background and experience, that we have performed all necessary investigation and reached the right result. If confirmed as the DOD IG, I would anticipate that my review of the office's procedures in these cases might well include reviewing at least some reports of investigation received from the Military Department IGs to further familiarize myself with the work product and inform future discussions within the OIG and with the Military Department IGs regarding it.

Additionally, I would review the level and nature of the training and guidance that is provided by the DOD OIG and otherwise made available to the Military De-

partment IGs, and seek information from those entities regarding gaps or areas where additional training or guidance would be helpful. As discussed earlier, if confirmed, I further would explore opportunities to enhance communications among the various IGs within the defense enterprise, including utilizing the DCIE and other opportunities to conduct training, share best practices, and otherwise ensure the quality of the work performed by everyone, and I would explore opportunities to make more training from across the IG community available. I would seek detailed information from the OIG team regarding the timeliness of the conduct of the investigations in these matters, and work with the Military Department IGs to implement any measures that would improve same.

Question. Under what circumstances would it be appropriate, in your view, for the DOD IG to change the findings of a military department Inspector General in regard to a senior official investigation?

Answer. Not having served in the role of conducting such oversight review, I am not in a position to definitively or comprehensively state the circumstances under which it would be appropriate for the DOD IG to change the findings of a Military Department IG in regard to a senior official investigation. As a general matter, it would seem to me such action might be appropriate, generally after consultation with the Military Department IG and after having provided an opportunity to correct a clear error of fact or law. I would think it appropriate in such a circumstance to notify the Military Department IG of the matter and give that office an opportunity to correct or amend the report but, if that does not occur and I still believe the matter is wrong, it would be my responsibility as the IG to ensure that the investigation is correct.

Question. If confirmed, what process improvements would you consider to expedite appropriately the completion of Inspector General investigations of DOD senior officials?

Answer. Timeliness is an important consideration for investigations and, if confirmed, I would work with the team at the DOD OIG to evaluate this matter, including the expectations in place for the progress of investigations and the manner in which the office tracks same. I also would emphasize the importance of prompt reporting and the resolution of any hurdles to the timely completion of the investigations.

Question. At what point in an investigation, and based on what criteria, would you take action to ensure that a "flag" or suspension of favorable personnel action is initiated against a senior military official?

Answer. I have been informed that each service has an office that is responsible for ensuring that favorable personnel actions do not occur while a General or Flag Officer is under investigation by the DOD IG or their Service IG. I further understand that the OIG informs the Under Secretary of Defense for Personnel and Readiness when such an officer is under investigation so that they may suspend a favorable personnel action until the Service has removed the flag.

Question. In your view, to what extent should a senior official investigation conducted by the DOD IG or a military department Inspector General automatically be released to the public, to a congressional committee, or to an individual Member of Congress?

Answer. As is the case with other OIGs, the release of a report of a senior official investigation by the DOD IG or a Military Department IG is subject to federal law, including the Privacy Act and the Freedom of Information Act. Under those statutes, certain types of information, including information implicating personal privacy, legal advice, and deliberative process are exempt from public release. Release determinations involve balancing the public interest in disclosure against any protectable privacy interest of the subject(s), complainant(s), witness(es), and others, while protecting privileged information from release.

With regard to release to congressional committees or to an individual Member of Congress, the Privacy Act and the Freedom of Information Act, as well as guidance from DOJ and, I am informed, DOD, authorize the release of most official use information to Congress in response to an official written request in certain circumstances. Generally, release to individual Members of Congress who do not otherwise meet the criteria for release is not authorized. If confirmed, I would intend to meet with the legislative team at DOD OIG to review the office's practices in this area, and would welcome the opportunity to engage with the Congress regarding them.

Question. Do you believe current military department procedures and practices for reviewing the records of officers pending the President's nomination for promotion or assignment are sufficient to enable fully-informed decisions by the Secretary of that Military Department, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and the President?

Answer. I am not currently in a position to assess the procedures and practices for reviewing nominations for promotion or assignment. If confirmed, I will review this issue with the team at DOD OIG and make recommendations for any improvements.

Question. In your view, are these procedures and practices fair to military officers proceeding through the promotion or assignment process? Please explain your answer.

Answer. It is important to ensure that these procedure and practices are fair. Again, I do not currently have the information to assess this but, if confirmed, I will work with the team at DOD OIG to do so.

Question. Maintaining high ethical standards and ensuring appropriate accountability for any misconduct is critical to the mission of the DOD. Ethical misconduct can undermine the American public's trust in DOD, as well as DOD's ability to secure congressional support and funding.

In your view, how can the DOD IG contribute to promoting ethical conduct across the Department? What more could the DOD IG do in this regard?

Answer. If I am confirmed, I will work with the team at the DOD OIG to ensure that we are availing ourselves of every opportunity to promote ethical conduct at the DOD and, therefore, the public's trust in the Department. IGs play an important role across the Federal Government in ensuring that public officials act in ways that are consistent with applicable laws, rules, and regulations, including but not limited to the Standards of Ethical Conduct for Employees of the Executive Branch, and in investigating instances of all manners of ethical misconduct. OIGs further these investigations, and the confidence of the workforce and the public, by encouraging personnel to come forward with what they reasonably believe to be evidence of wrongdoing, and by fully and fairly investigating allegations that they have suffered reprisal for doing so.

Additionally, the DOD OIG's Top DOD Management Challenges for Fiscal Year 2022, issued October 15, 2021, highlights the importance of promoting ethical conduct, identifying preserving trust and confidence in the DOD as one of the ten top challenges currently facing the Department. Among the areas discussed in this report are the important challenges facing the DOD in preventing and responding to sexual harassment and addressing extremism in the military, two of the priority areas discussed earlier and as to which, if confirmed, I would work with the team at the DOD OIG to focus our efforts, including but not limited to the prioritization placed in this area through the program led by the Deputy IG for Diversity and Inclusion and Extremism in the Military. Another important issue identified in the Top Management Challenges is discrimination and disparate treatment in both the military and civilian ranks. OIGs can play an important role in conducting audits, evaluations, and reviews in such critical areas to identify deficiencies and make recommendations for improvement, as well as conducting investigations of related misconduct. And, of course, OIGs and the IGs who lead them must reflect the highest standards of ethical behavior in all that we do.

Question. Integrity, Reliability and Completeness of Information in Inspector General Case Management Systems

What is your understanding of the myriad purposes for which Inspector General case management systems are queried in support of personnel actions across the DOD?

Answer. While I do not have personal knowledge of the use of the case management system at the DOD IG, I am informed that it is used for purposes typical across the IG community, including ascertaining whether a particular individual has adverse information that could be relevant to a variety of personnel actions, such as nomination, appointment, promotion, and retirement.

Question. What is your understanding of the myriad purposes for which Inspector General case management systems are queried for purposes of tracking complaints of and analyzing trends in misconduct across the Department?

Answer. Again, while I do not have personal knowledge, I am informed that the DOD OIG case management system is frequently utilized, as we do at NSA OIG, for a variety of purposes, including to identify and evaluate trends, for reporting in the OIG's SAR and otherwise, and for internal performance evaluation purposes.

Question. Are all components of the DOD in compliance with requirements established by the DOD IG for data entry in Inspector General case management systems? Please explain your answer.

Answer. If confirmed, I will work with the team at DOD OIG to evaluate this area, and to develop and implement any measures for improvement.

WHISTLEBLOWER PROTECTION

Question. What is your understanding of the role played by the DOD IG and the military department Inspectors General in investigating complaints of reprisal against members of the military, DOD civilian employees, and DOD contractor employees, who raise allegations concerning fraud, waste, and abuse?

Answer. A core function of IGs is the receipt and investigation of whistleblower complaints from employees and others who reasonably believe that they have evidence of waste, fraud, abuse, or other categories of protected disclosures. This principle is enshrined in section 7 of the IG Act, as is the prohibition against taking or threatening any personnel action as a reprisal against those who perform this important public service.

I have, as outlined earlier, been particularly engaged on whistleblower issues during my time in the IG community, leading the DOJ OIG Whistleblower Ombudsperson Program and founding and leading the CIGIE Whistleblower Ombudsperson Working Group, and I have continued to champion these important issues as among my highest priorities as the NSA IG. I am aware from interactions with the DOD OIG over the years that the office has an active whistleblower protection program, with what is now referred to as a Whistleblower Protection Coordinator to educate personnel regarding their rights and protections as whistleblowers, as well as how they can seek review of reprisal allegations through the OIG and other relevant federal entities. I also am aware that the DOD Hotline provides a means whereby military and civilian personnel from across the defense enterprise can report suspected wrongdoing, whether they choose to identify themselves or report anonymously, and through unclassified or classified mechanisms as appropriate to the subject matter of the disclosure. The DOD Hotline also sponsors a widely attended annual conference on these issues, at which I have been a guest speaker in the past, as well as other training opportunities for investigators across the defense enterprise.

Other OIGs, such as the NSA OIG, report reprisal allegations to DOD OIG per established policies and procedures, and it either investigates such matters itself or retains oversight jurisdiction over them. Additionally, as referenced above, it is my understanding that the DOD OIG itself investigates all allegations of reprisal in sexual assault cases.

Question. Some military department Inspectors General have in recent years suggested that the whistleblower system is being “weaponized” within the military as the number of reprisal allegations have grown substantially, including in some cases as an apparent attempt to insulate the effects of misconduct.

What is your view of this suggestion, and do you believe that the DOD Inspector General system has the ability to triage or otherwise dispose of baseless complaints while ensuring the full protection that whistleblower statutes afford to military members, Federal civilian employees, and contractors?

Answer. I am aware of this suggestion having been made, and it is obviously very troubling. I believe strongly that IGs should make every effort to encourage personnel to come forward to report suspected wrongdoing through appropriate channels, including to the OIG.

Question. If confirmed, what level of priority would you accord to your whistleblower protection responsibilities?

Answer. If I am confirmed, whistleblower protection would be of the utmost priority for me as the DOD IG, just as it has been during my tenure as the NSA IG, and before that, as Deputy IG and Whistleblower Ombudsperson at the DOJ OIG.

Question. If confirmed, what role would you establish for yourself in educating servicemembers, DOD civilian employees, and DOD contractor employees about the whistleblower protection program?

Answer. As the NSA IG, I have been very active in this area, naming at the outset of my tenure a Whistleblower Protection Coordinator to provide information to personnel who may have questions about their rights and protections in coming forward, and greatly expanding the information on this subject available on our internal website and the public-facing website that we established after I came on board.

I also advocated for and assisted in the development of a new training program at NSA, which I was pleased the Director agreed to make a mandatory annual requirement for all employees. I helped to prepare and participated in a training video that we created jointly with the Director, again available on both our internal and public websites, in which he joined me and some of my team in what I hope was a memorable way to encourage NSA personnel to come forward to report wrongdoing.

If I am confirmed as the IG at DOD, I will work with the Whistleblower Protection Coordinator at DOD OIG to ensure that we are doing everything possible to

educate everyone across the multifaceted defense enterprise about their rights and protections, and the important role that they play when they come forward with evidence of wrongdoing.

Question. What is the average age of the investigation at closure of DOD IG whistleblower reprisal investigations? What is the average age of the investigation at closure of whistleblower reprisal allegations investigated by component Inspectors General?

Answer. I do not currently have access to the information that would enable me to answer this question. However, as a former Whistleblower Ombudsperson and an IG who is fully committed to protecting whistleblowers, I realize that people cannot be expected to come forward to report suspected wrongdoing if they suffer reprisal for doing so. If I am confirmed as the IG at the DOD, I will obtain the latest information regarding the age of these investigations at closure for that office and for the component IGs and work with the team at the OIG to develop measures to ensure that the DOD OIG and the OIGs across the defense enterprise are doing everything possible to investigate these important matters in a timely fashion.

Question. If confirmed, what would you do to improve the timeliness of DOD IG whistleblower reprisal investigations?

Answer. Consistent with my prior answer, I cannot offer any particular measures at this point but, if confirmed, I would work with the team at the DOD OIG to assess where we are and pursue all opportunities for improvement.

Question. How does the Office of the DOD IG ensure the accuracy, completeness, and timeliness of whistleblower reprisal allegations undertaken by component Inspectors General?

Answer. As an IG within the defense enterprise, I am aware that component IGs provide reports of reprisal investigations to the DOD OIG for its oversight review. The DOD OIG then has the ability to reach back out to the component IG to direct that additional investigative work be done, which I believe is an important guarantee of the thoroughness and consistency with which these important matters must be handled. Additionally, as referenced above, I am aware that the DOD OIG provides a range of training opportunities to investigators with the other OIGs within the defense enterprise. I also am aware that the DOD OIG tracks timeliness on whistleblower reprisal matters, and that it has implemented a program to conduct process reviews of Military Service IGs. If I am confirmed, I will work with the team at DOD OIG to assess the office's efforts in this area and to identify and implement opportunities for further action.

Question. What is your understanding of the different burdens of proof applicable under the military, Federal civilian, and contractor whistleblower protection statutes? Do you believe these standards are appropriate for the communities these statutes protect?

Answer. While I have not personally handled military whistleblower reprisal matters, I understand that there has been concern that the burden of proof can be higher for military members than civilian or contractor employees, and that military whistleblower reprisal complaints must be submitted no more than one year after the date the servicemember became aware of the personnel action that constitutes the alleged reprisal. I recognize the importance of this issue and, if confirmed, I look forward to examining it further and would welcome the opportunity to engage with the Committee regarding it.

Question. What is your understanding of the applicability of the whistleblower protections under section 1034 of title 10, United States Code, to members of the reserve components? Specifically, do you believe those protections attach only to actions taken against such members while they are performing military duties, including inactive duty for training?

Answer. Again, while I have no direct experience with this issue, I have been informed that there are concerns regarding whether there essentially is a gap in protection for members of the Reserve Components when they are not actively performing military duties. Again, this is not an issue on which I have sufficient background or experience to opine at this time but, if confirmed, I will explore it with the team at the OIG and would welcome the opportunity to engage with the Committee regarding this matter to ensure that everyone who makes a protected disclosure is appropriately protected from reprisal.

Question. Under what conditions, if any, would section 1034 not apply to a member of a reserve component, in relation to a prohibited personnel action?

Answer. Consistent with my prior answer, I really am not in a position to opine on this at the present time but, if confirmed, I look forward to working with the team at the DOD OIG and welcome engagement with the Committee regarding this matter.

Question. What is your understanding of the respective responsibilities of the Office of the DOD IG and the Office of Special Counsel with respect to DOD civilian employee whistleblower complaints?

Answer. While I have not worked with the Office of Special Counsel (OSC) as the NSA IG, given that the Intelligence Community is one of the areas that is exempted from OSC's jurisdiction, I did have significant contact with OSC during my time at the DOJ OIG and particularly as the DOJ OIG Whistleblower Ombudsperson and Chair of the CIGIE Whistleblower Ombudsperson working group. As described on its website, OSC's primary mission is "to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing." As noted, employees of the Intelligence Community, as well as employees of the FBI, are exempted from OSC's jurisdiction, which also does not extend to allegations related to a security clearance or access to classified information. Employees of the IC or those alleging reprisal in connection with actions affecting a security clearance or access to classified information can be addressed by DOD IG pursuant to Presidential Policy Directive-19 (PPD-19). It is important that OIGs coordinate effectively with OSC given their closely related areas of jurisdiction.

Question. If confirmed to be the DOD IG, what would be your relationship with the Special Counsel?

Answer. I have been pleased to have a good working relationship with OSC and, if confirmed, I would work with the team at the DOD OIG to maintain that good working relationship at DOD OIG. Given the close jurisdictional relationships, I believe that such communication and coordination is particularly critical to avoid overlapping or inconsistent efforts and to ensure that the whistleblowers, wherever their claims are heard, have the full and fair review of their claims that is warranted.

Question. What is the role of the DOD IG with respect to Intelligence Community whistleblowers?

Answer. The DOD OIG has jurisdiction over Defense Civilian Intelligence Personnel System (DCIPS) personnel, who are appropriated fund personnel serving in the IC. The DOD OIG either investigates or provides oversight jurisdiction over component investigations of all reprisal allegations made by civilian appropriated fund employees, including DCIPS employees. The MOU between the DOD OIG and the defense intelligence agency IGs that I participated in developing provides procedures for the referral of whistleblower reprisal matters received by the defense intelligence agency IGs to the DOD OIG for a determination as to whether the DOD OIG elects to exercise jurisdiction over a matter or refer it back to the defense intelligence agency IG for investigation and, in the latter cases, for provision of the report of investigation to the DOD OIG and for coordination regarding any additional action that the DOD OIG review may determine is appropriate. The DOD IG is a member of the IC IG Forum, and is one of the IGs who can be appointed by the IC IG to serve on an External Review Panel (ERP) under PPD-19 to consider a claim of reprisal by an IC employee or regarding access to classified information that has been rejected by the component IG.

Question. If confirmed to be the DOD IG, what would be your relationship with the Inspector General of the Office of the Director of National Intelligence with respect to Intelligence Community whistleblower complaints?

Answer. As stated above, the DOD IG is a member of the IC IG Forum, which is chaired by the IC IG, who serves as the Inspector General for the Office of the Director of National Intelligence. The Forum meets, generally on a quarterly basis, to discuss matters of interest across the IC, including with regard to the establishment of policies and procedures for Intelligence Community whistleblower complaints. I previously participated in some Forum activities when serving as the Deputy IG at DOJ, and I am an active participant as the NSA IG. If confirmed as the DOD IG, I would intend to continue maintain a strong working relationship with the IC IG to ensure the appropriate handling of all Intelligence Community whistleblower complaints within the ambit of the DOD.

Question. Do you perceive a need for further legislation to ensure that members of the military, DOD civilian employees, DOD contractor employees, or Intelligence Community personnel are appropriately protected from reprisal for whistleblowing?

Answer. If confirmed, I will confer with the Whistleblower Protection Coordinator and others at DOD OIG to consider the need for further legislation in this critical area, and would look forward to engaging further with the Committee regarding this matter.

Question. What is your understanding of the prevalence across DOD of unlawful actions to restrict communications by servicemembers, DOD civilian employees, or DOD contractor employees with an inspector general or with Congress?

Answer. It is difficult to think of action more harmful to oversight than the restriction of civilian and military members from coming forward to report suspected wrongdoing. We have investigated restriction cases during my time as the NSA IG and, if confirmed as the DOD IG, I will work with the team at DOD OIG to ensure that we are handling these important cases in an appropriate fashion. While I have no independent basis for assessing the overall prevalence of unlawful actions to restrict communications by servicemembers, civilian employees, or contractor employees at the DOD, the DOD OIG's most recent SAR for the six-month reporting period ending September 30, 2021 reports that the DOD Hotline received 25 such allegations during the period, and further that, of 120 military restriction investigations closed by the DOD OIG and Service and Defense agency OIGs during the period, 2 substantiated military reprisal. This is, of course, one area where one case is too many and, if confirmed, I will work with the team at the DOD OIG to take every available step to deter restriction from occurring and, when such allegations are received, to prioritize them appropriately.

Question. What do you perceive to be the most effective tools available to the DOD IG to prevent and respond to incidents of unlawful restrictions of communications by servicemembers, DOD civilian employees, or DOD contractor employees with an inspector general or with Congress?

Answer. While I cannot speak to the situation across DOD generally, based on my experience as a prosecutor and in the IG community, and as the IG at a defense intelligence agency, I believe that outreach and messaging are critical in this area. If confirmed as the IG at DOD, I would work with the team at DOD OIG to ensure that we are availing ourselves of every opportunity to promote the importance of people coming forward and, conversely, delivering a clear and consistent message to Department and military leaders across the DOD and to the civilian and military workforces conveying the prohibition against in any way attempting to restrict authorized reporting. The message is, and in my view needs to be, that reporting suspected wrongdoing is an important service, and is something to be encouraged so that the matter can be objectively considered and any appropriate corrective action taken in a timely manner. Based on my experience, I also believe that such messaging will only be credible if it is combined with timely and appropriate action in instances where unlawful restriction is substantiated. If confirmed, I would work with the team at the DOD OIG to assess the handling of restriction matters and to develop and implement any measures that would assist in addressing them.

Question. What is your understanding of the propriety and efficacy of the Office of the DOD IG Alternative Dispute Resolution (ADR) process in resolving certain whistleblower reprisal complaints?

Answer. I am aware that the DOD OIG has an active ADR process that is managed by its Whistleblower Reprisal Investigations Directorate, through which neutral third parties facilitate resolution of reprisal complaints without going through the full investigative process. The most recent DOD OIG SAR reported that 19 cases involving allegations of whistleblower reprisal were voluntarily resolved through this ADR process during the preceding six-month period, and that there were 36 such cases pending. Based on my experience with these programs, I believe they can be particularly effective where the parties are not far apart in terms of potential corrective action, and that they can help to free up investigative resources for other priority matters. I am not sufficiently familiar with the ADR program at DOD OIG to comment on its efficacy but, if confirmed, I will work with the team at the OIG to evaluate the program, and I would welcome the opportunity to engage with the Committee with regard to any concerns it may have in the area.

Question. In your view, should the ADR process be expanded to additional categories of whistleblowers complainants? Please explain your answer.

Answer. I do not have sufficient information regarding the ADR program and how it is implemented at DOD OIG to determine whether it should be expanded to additional categories of whistleblower complainants. If confirmed, I will work with the team at the DOD OIG to consider this as part of the assessment of the program and any opportunities for improvement.

Question. A report of investigation documenting an allegation of reprisal substantiated by the DOD IG or a military department Inspector General must be referred to the Secretary of the military department concerned for review and appropriate action. The Senate Armed Services Committee is aware of reprisal cases in which a Secretary's response to the Inspector General has been delayed by months or years. Furthermore, in some of these cases, the Secretary has responded by advising that no corrective or disciplinary action had been taken against the perpetrator because of a belief that the Inspector General's substantiation of reprisal was erroneous or improper.

If confirmed to be the DOD IG, what specific actions would you take to ensure that the Secretaries of the military departments are responsive to whistleblower reprisal complaints substantiated by the DOD IG or a component Inspector General?

Answer. If confirmed, I would seek to engage directly with the Secretaries of the Military Departments involved with regard to the importance of timely action on substantiated reprisal matters, and of timely communications should there be a question regarding the decision reached by the OIG. If there were outstanding or particularly systemic problems that could not be resolved, I would not hesitate to elevate those to the Deputy Secretary of Defense and the Secretary of Defense as necessary as, per my prior response, I believe that the credibility of the deterrent against reprisal depends in a large measure on there being timely and appropriate action taken when it occurs.

Question. The Office of the DOD IG maintains a “DOD Hotline” to provide a confidential, reliable means through which any person can report: violations of law, rule, or regulation; fraud, waste, or abuse; mismanagement; trafficking in persons; serious security incidents; or other criminal or administrative misconduct that involves DOD personnel and operations, without fear of reprisal.

What is your understanding of the efficacy and timeliness with which DOD Hotline reports are retrieved, reviewed, and addressed?

Answer. There is a substantial volume of reporting on the DOD Hotline contained in the DOD OIG’s SARs. If I am confirmed, I would meet with the Hotline team to learn about the efficacy and timeliness of its work and, based on my own background and experience, work with them to address any issues that may exist.

Question. What is the current DOD Hotline report “backlog”? If confirmed to be the DOD IG, what steps would you take to reduce this backlog and on what timeline?

Answer. In its most recent SAR for the period ending September 30, 2021, the DOD OIG reported that its Hotline opened 3,328 cases and closed 2,938 cases during the prior six months, and that as of the end of the reporting period, it had a total of 2,501 open cases that had been opened in that or prior periods. If confirmed as the DOD IG, I would work with the Hotline team, as well as promote the use of data analytics, to assess trends in this area and identify any opportunities for improvement. Without conducting that assessment and knowing exactly what those actions would be, I cannot establish a meaningful timeline for accomplishing them, but I recognize that it is essential in encouraging people to come forward that OIGs promptly address their complaints, which also makes possible timely corrective action in substantiated cases. If I am confirmed, I will work with the team at DOD OIG to assess the situation and move forward with any appropriate actions.

THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY (CIGIE)

Question. Section 11 of the Inspector General Act of 1978 established the CIGIE as an independent entity within the executive branch.

What is your understanding of the mission of the CIGIE?

Answer. CIGIE is established as an independent entity under section 11(a) of the IG Act with the dual mission of addressing issues that transcend individual government agencies and increasing the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General. In practice, this work is carried out through presentations and the sharing of information at general membership meetings and through a robust committee structure that brings together IGs and OIG personnel from across the community to enable the OIGs to develop and implement best practices for oversight that can be most effective at the departments and agencies over which we have oversight responsibilities. CIGIE also operates a Training Academy and offers a wide range of other training opportunities to enhance the professionalism of the OIG workforce.

Question. In particular, how has the CIGIE’s special focus on whistleblower protection benefitted the Office of the DOD IG?

Answer. I feel strongly that CIGIE’s focus on whistleblower protection has benefitted the entire IG community. As indicated earlier, I was pleased to found and lead the CIGIE Whistleblower Ombudsperson Working Group during my tenure at the DOJ OIG, and I believe that we were successful in sharing information and best practices on a wide range of issues related to whistleblower rights and protections. In addition to sharing our own practices and experiences, we also brought in a variety of speakers, including from the Congress and OSC, who provided valuable insights and assisted in developing relationships important to our work. We additionally worked to share information with the IG community about potential legislative changes, to solicit input from OIGs regarding them, and to engage with the Con-

gress, including with the bipartisan Senate Whistleblower Caucus, to hear from them regarding their concerns and to ensure that the experiences and views of the IG community were understood and considered in the legislative process. The DOD OIG was an active participant in these efforts from the start, and given the size and importance of the DOD, I believe that the DOD OIG's continued participation is essential to the ongoing success of the effort. In the final analysis, all OIGs, big and small, share a reliance on individuals coming forward when they see something they believe it is wrong, so it has always made sense to me that this is a core area on which we can and should work together to learn from each other and share information and practices to improve our operations across the IG community.

Question. In previous roles, you have led efforts within the CIGIE to focus on oversight of emerging technology issues, such as Artificial Intelligence, that are critical to strategic competition with China.

How do you envision leading the DOD IG in this area and what are the most important near-term efforts for DOD IG audits and evaluations on Artificial Intelligence and other emerging technology issues?

Answer. If I am confirmed, I would work with the team at DOD OIG to ensure that we are at the forefront in addressing the use of emerging technologies across the DOD, and in enhancing the use of such technologies in the office's work. I have been pleased to serve for several years now as the Vice Chair of the CIGIE Technology Committee and as the Chair of the Emerging Technology Subcommittee that we founded because of the cross-cutting nature of issues related to oversight over and the use of a wide range of emerging technologies. We have held two symposia for the oversight community addressing these issues with speakers from many government agencies and OIGs, including the DOD OIG. All of my work in this area has confirmed my fundamental belief that, as the departments and agencies that OIGs oversee increasingly use and rely on these technologies, it is essential for our work to be authoritative and credible and that we be able to conduct meaningful oversight in this area, beginning with oversight over the use of the emerging technologies themselves, and inevitably maturing to oversight over programs and operations that increasingly incorporate such technologies. Additionally, as data continues to proliferate and many of the systems and operations we oversee increasingly rely on emerging technologies, it will be increasingly important for OIGs to be able to effectively utilize such technologies in our own work and operations.

I am aware that the DOD OIG has been active in this area, including partnering with my office at NSA OIG on an ongoing joint evaluation of the integration of artificial intelligence in signals intelligence activities at the NSA. As with everything else, all of this requires people, and if I am confirmed as the DOD IG, I would work with the team at the DOD OIG to emphasize the need to attract and retain the talented workforce that I believe is essential to addressing this growing need across the oversight community.

Question. If confirmed to be the DOD IG, what would be your role and relationship with respect to the CIGIE?

Answer. If confirmed as the DOD IG, I would intend to continue my active participation in the activities of CIGIE, and to encourage personnel from across the OIG to continue to benefit from its various programs and activities.

USE OF CONTRACTORS IN SUPPORT OF DOD IG FUNCTIONS

Some Federal Agencies have reacted to limited inspector general resources by using contractors to perform some audit, investigation, inspection, and evaluation functions.

Question. Do you believe that the Office of the DOD IG has sufficient resources to carry out its audit, investigation, inspection, and evaluation responsibilities?

Answer. I am not currently in a position to assess whether the DOD OIG has sufficient resources to carry out its myriad functions. If confirmed, I would work with the team at DOD OIG to assess this and engage with the Department and the Congress with regard to any future needs to ensure that the office has the resources necessary to perform its full range of oversight functions at a critically important Department.

Question. What is your understanding of the DOD IG's role in determining whether the use of contractor resources to perform such functions is appropriate?

Answer. The use of contractors to perform some functions is not unusual at OIGs, and is expressly provided for in section 6(a) of the IG Act. However, those functions must be determined to be appropriate for contractors, including that they not involve inherently governmental activities. If confirmed, I would work with the team at the DOD OIG to gain more insight regarding the office's use of contractor personnel and the process whereby it is determined that such use is appropriate.

Question. Do you believe that the DOD IG functions are inherently governmental?

Answer. As noted above, the IG Act provides for the ability of OIGs to retain contractors, but, as with any government employer, those contractors cannot be used to perform inherently governmental functions. I am aware of the caselaw and criteria that have been applied in this area to ensure that government personnel perform those functions that are determined to be so connected to the public interest that they should not be performed by privately contracted personnel, and I have experience in applying them in the context of the work of OIGs. While the determination requires a case-specific analysis, it generally is clear that some functions, such as those involving substantial discretionary decisions in establishing policies or in conducting criminal investigations, for example, would be considered inherently governmental and, therefore, not an appropriate subject for contractor performance.

Question. Under what circumstances, if any, would the use of contractor resources or personnel to perform audit, investigation, inspection, and evaluation functions be appropriate, in your view?

Answer. As noted above, section 6(a) of the IG Act authorizes IGs to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and private persons, and to make such payments as may be necessary to carry out the requirements of the IG Act. In practice, I am aware that IGs across the community frequently utilize contractor resources or personnel to perform non-inherently governmental functions, including but not limited to providing particularized subject matter expertise not otherwise available to the OIG for input on OIG-led audits, evaluations, and reviews; performing financial auditing subject to supervision and review by the OIG; augmenting hotline staffing; and providing IT or other specialized technical assistance to the staff of the OIG. If confirmed, I would work with the team at DOD OIG to assess the office's use of contractor resources and personnel and make any adjustments as deemed appropriate.

DOD FINANCIAL MANAGEMENT AND AUDIT

Question. The performance of financial audits has consumed a growing share of the resources of the DOD IG's Office.

What is your view of the relative priority of financial audits within the Department of Defense, and the resources that should be devoted to such audits?

Answer. Based on my experience in the IG community, I believe that financial audits are of the utmost importance, both because they properly inform the Congress and the public regarding the establishment's use of taxpayer dollars and because they frequently uncover and reflect underlying issues in the programs and operations of the entities in which they occur. These factors seem particularly critical at a Department like the DOD which, per the DOD OIG's report, "Understanding the Results of the Audit of the DOD Fiscal Year 2020 Financial Statements," released in February 2021, is responsible for almost half of the discretionary spending of the United States and more than three-quarters of our country's assets.

As the NSA IG, I have emphasized to my financial auditing team that I want to be fully informed regarding their work, and have received numerous briefings from the team and engaged with Agency leadership on any number of occasions related thereto. Based on my experience, I believe that it is essential that both the entity being audited and the auditors devote sufficient resources to ensure that the financial audit process is comprehensive, authoritative, and yields meaningful and actionable results.

It is my understanding that the fiscal year 2014 NDAA required the Secretary of Defense to ensure that a full-scope audit is performed annually on the Department's financial statements, and that the DOD OIG became responsible for conducting the audit in fiscal year 2018. While the DOD has yet to achieve an unqualified opinion, it is my understanding from public reporting by the DOD OIG that the process of going through the financial statement audit has resulted in many hundreds of Notices of Findings and Recommendations (NFRs), which are critically important in moving the Department forward toward fiscal accountability.

Question. If confirmed, in which specific areas of your duties and responsibilities would you expect to coordinate with the Under Secretary of Defense (Comptroller/Chief Financial Officer)?

Answer. The DOD OIG's Top DOD Management Challenges for fiscal year 2022 cited improving DOD's financial management and budgeting as one of the 10 top challenges facing the Department. If confirmed, I would anticipate working with the financial auditing team at DOD OIG to engage with the Under Secretary of Defense (Comptroller)/Chief Financial Officer on an ongoing basis in order to address these challenges and prompt progress by the DOD in this critical area. Additionally, while maintaining the OIG's independent budgetary responsibilities, I would anticipate

working with the management staff at the OIG to engage as appropriate with the Congress and the Under Secretary to ensure that the OIG has the resources that it needs to conduct its critical oversight work, including the development of the OIG's portion of the budget that is submitted annually for inclusion in the President's budget as required by the IG Act.

Question. DOD is the only federal agency unable to complete a financial audit in accordance with the law, despite having invested billions of dollars over the past 16 years to do so.

What is the role of the DOD IG in the audit process? If confirmed, how would your office help Congress in overseeing and improving DOD's financial management so that the department can receive a clean opinion by 2027?

Answer. As described in the DOD IG's report, "Understanding the Results of the Audit of the DOD Fiscal Year 2020 Financial Statements"—a laudable effort to enhance transparency in an area that is often opaque to the public—the DOD OIG is responsible for the Agency-Wide Basic Financial Statements, and the OIG hires independent public accounting firms (IPAs) to perform the financial statement audits of various DOD components. As is common in such situations, it is my understanding that the financial auditing team at DOD OIG is heavily involved in monitoring and overseeing the work of the IPAs, including participating in discussions regarding ongoing work and performing verification to assure compliance with applicable accounting principles and requirements.

My own financial statement auditing team at NSA OIG engages on a regular basis with the DOD OIG auditing team as appropriate for our work. If I am confirmed as the DOD IG, I will continue the prioritization that I have placed on financial auditing, and work with the team at DOD OIG to ensure that the Congress is kept fully and timely informed regarding issues uncovered through the process and progress made toward the receiving a clean opinion.

Question. If confirmed as the DOD IG, how would you objectively evaluate whether DOD's initiatives to improve financial management and business operations are resulting in meaningful progress?

Answer. Evaluating the effectiveness of initiatives to improve operations is a key function of OIGs and, if confirmed as the DOD IG, I would work with the financial auditing team at the DOD OIG to understand the initiatives that have been developed and the office's assessment of their efficacy and means for improvement of same. I also have found that issues uncovered through the financial audit process can spin off separate reviews or other reporting to help prompt timely action to address specific issues, and I would work with the team at DOD OIG on an ongoing basis to identify and pursue opportunities to have impact in that way as well.

Question. What challenges are unique to conducting an audit of DOD, and how could the DOD IG best assist the Department in continuing to make demonstrable progress toward a clean audit opinion?

Answer. As indicated at the outset of this section, I believe that the financial statements audit is a reflection of the operations of the establishment where it occurs. As reflected in the DOD public report on the financial statements audit released last year, the DOD is the largest agency in the Federal Government, then employing approximately 2.1 million military servicemembers and over three-quarters of a million civilian employees across a vast and complex defense enterprise, with DOD facilities located in all 50 states, 7 U.S. territories, and some 40 foreign countries. The budget of the DOD is, not surprisingly, correspondingly vast, reporting the receipt of appropriations from Congress totaling over \$914 billion in fiscal year 2020 alone. I know from my own experience and work with the financial statement auditing team at NSA OIG that the defense enterprise presents complex and unique challenges for auditors that require robust communication and coordination to address. Additionally I have learned that it is important to keep making progress, and that as progress is made, it frequently opens up additional avenues for examination and improvement. If I am confirmed as the DOD IG, I will work with the financial auditing team to make sure that the DOD OIG is making every effort to keep the Department moving in the right direction and progressing toward a clean audit opinion.

Question. What is your understanding of the DOD IG's role in assessing the Department's strategy for remediating the findings of recent audit attempts?

Answer. Keeping in mind the ultimate goal of a clean audit opinion, I believe from my own experience that there is substantial value in the journey, as the establishment being audited takes action to address NFRs and progresses toward a greater state of audit readiness and, hence, fiscal accountability. It is my understanding that, like all OIGs, the DOD OIG engages with the Department to ensure that such actions are taken. In my experience, this requires a great deal of communication between the auditor and auditee and, when necessary, I would make sure that I am

prepared as the IG to step in and engage with DOD leadership to ensure such positive movement is taken and maintained.

Question. Do you believe the Department can achieve a clean audit opinion through better accounting and auditing, or is a systemic improvement of DOD's business systems architecture a prerequisite?

Answer. I do not currently have the information necessary to make this assessment, but it is my general experience that progress on the financial statements audit requires both improved accounting and internal auditing and systemic improvements to business systems and protocols. If I am confirmed, I would work with the financial auditing team at DOD OIG to ensure that the OIG is doing everything appropriate as independent auditors to keep the Department moving in the right direction.

Question. In your view, what incentives need to be in place to ensure senior leaders in each DOD Component—not only the financial management community—are fully invested and engaged in the process of achieving a clean audit opinion? Are those incentives currently in place in the Department?

Answer. In my experience, it is important to ensure that senior leaders, not limited to those involved directly in financial management, understand the importance of the financial statements audit and are fully invested and engaged in the process of moving toward achieving a clean audit opinion. To some extent, this can be promoted at an operational level by the OIG, and I would certainly support such efforts if confirmed. However, the success of ensuring institution-wide engagement and support for the process ultimately requires clear and consistent messaging from the leadership of the establishment. It is my understanding from public statements I have seen as the NSA IG that the leadership of the DOD has expressed strong support for the financial statements audit process and the Department's efforts to move toward a clean audit opinion. If confirmed, I would work with Department leadership, up to and including the Secretary and the Deputy Secretary, to ensure that this message is delivered and that appropriate incentives are in place so that it is carried out throughout the DOD. I am not in a position to assess precisely what incentives would be most effective to accomplish this result but, if confirmed, I would consult with the financial auditing team at the DOD OIG to consider the issue and make any appropriate recommendations to Department leadership.

Question. What are some specific examples of systemic improvements that have resulted from DOD IG reviews of DOD financial management processes?

Answer. The DOD IG's last report summarizing the results of the financial statement audit describes a number of the improvements that the auditors found in DOD's processes and identifies a number of continued material weaknesses that remain to be addressed. I do not have the information necessary to independently opine on this information, but if I am confirmed as the DOD IG, I will work with the team at DOD OIG to assess the progress that has been made and the path forward for the Department to make continued progress toward its goal of a clean audit opinion.

ACQUISITION AND CONTRACTING

Question. In 2021, the Government Accountability Office reported that DOD weapon systems acquisition and contract management are still high risk areas.

Question. Do you believe that the Office of the DOD IG has the resources it needs to conduct effective oversight of the Department's acquisition programs and contract management systems?

Answer. The DOD OIG's Top DOD Management Challenges for fiscal year 2022 included increasing agility in the DOD's acquisition and contract management as one of the 10 top challenges facing the Department, and the OIG's Oversight Plan for fiscal year 2022 identifies a number of pending and planned projects in this important area. If I am confirmed as the DOD IG, I would meet with the team at the OIG to assess the sufficiency of the office's resources to conduct effective oversight of the Department's myriad acquisition programs and contract management systems and seek additional resources as may be necessary to ensure that the OIG is conducting robust impactful oversight in this critical area.

Question. In an effort to streamline acquisition oversight and field capabilities to the warfighter more rapidly, Congress and DOD have initiated numerous acquisition reforms recently.

What role, if any, do you believe the Office of the DOD IG can play in the Department's realization of acquisition reform and use of new acquisition authorities?

Answer. I know from my own experience that contracting and acquisitions can be a difficult area for many departments and agencies, and that OIGs can play a critical role by conducting audits, evaluations, and other reviews that provide an inde-

pendent assessment of acquisition reforms and the use of new acquisition authorities, identifying issues and making recommendations to leadership to address them. If confirmed as the DOD IG, I will work with the team at the OIG to make sure that we are doing this on an ongoing basis. I also would welcome the opportunity to engage with the Committee in this area, to understand any concerns and to ensure that the Congress if fully informed should there be a need for additional legislation in this area.

Question. What specific challenges has the Office of the DOD IG identified with respect to the Department's ability to incorporate the flexibilities of streamlined acquisition processes while ensuring controls are in place to protect the Government's interests?

Answer. As noted above, the DOD OIG's Top DOD Management Challenges for fiscal year 2022 identifies acquisition and contract management as a top challenge facing the Department, and the OIG's report at pages 44–50 details a number of specific challenges that the office has identified in this area. If confirmed as the DOD IG, I will work with the team at DOD OIG to learn more about challenges faced by the Department in incorporating the flexibilities of streamlined acquisition processes while ensuring controls are in place to protect the government's interests.

Question. The supply chain is an essential part of DOD's efforts to ensure readiness. What tools can the Office of the DOD IG bring to bear to deter the provision to DOD of counterfeit, defective, or nonconforming parts and to hold fraudulent suppliers accountable?

Answer. Supply chain risk management (SCRM) is a significant and important issue across the Federal Government, including the ability to deter the provision of counterfeit, defective, or nonconforming parts and to hold fraudulent suppliers accountable. Last year, for instance, SCRM was added as a metric by the Office of Management and Budget for the annual assessment of compliance with the Federal Information Security Modernization Act of 2014 (FISMA) that is required to be performed by OIGs across the Federal Government, and this is an issue that is often addressed through the work of the CIGIE Technology Committee and its membership. I believe that the DOD OIG can play a critical role in conducting audits, evaluations, and other reviews that identify issues with regard to SCRM, particularly in a Department as vast and intricate as the DOD, and in making impactful recommendations to assist the DOD in closing gaps that may risk wasting significant amounts of taxpayer dollars and rendering machinery and equipment unfit for use. I also believe that, through the work of the OIG and the Defense Criminal Investigative Service (DCIS), the DOD OIG can play an important role in holding fraudulent suppliers accountable, working with the Department of Justice and U.S. Attorney's Offices across the country to ensure that appropriate civil recoveries and, where warranted, criminal prosecutions are aggressively pursued. I have significant experience in these areas and, if confirmed, would look forward to contributing it to the leadership of the DOD OIG to help address these important issues.

Question. How would you evaluate DOD's ability to track government property as it moves through the supply chain?

Answer. I am certainly aware of the importance of this issue for SCRM and, while I do not currently have sufficient information to evaluate the ability of DOD to track government property as it moves through the supply chain, if confirmed as the DOD IG, I would work with the team at DOD OIG to ensure that we are conducting oversight sufficient to identify issues in this area and make recommendations to the Department sufficient to address them.

Question. What is your understanding of the harm to the department when DOD does not know what supplies it has "on hand" or the condition of those supplies?

Answer. While, again, I do not have firsthand knowledge of the harm to the Department when the DOD does not know what supplies it has "on hand" or the condition of those supplies, I believe that any organization would be degraded in its ability to meet its mission by such deficiencies. Particularly for a Department with a critical national defense and warfighting mission, these issues would seem to be of critical importance and, if confirmed, I would work with the team at DOD OIG to ensure that we are conducting impactful oversight to address them.

Question. If confirmed, what steps would you take to ensure that Army, Navy, and Air Force acquisition officials have proper oversight of smaller acquisition category 2 and 3 programs?

Answer. I have only had an opportunity to briefly research the basic parameters of these relatively smaller acquisition categories, and do not currently have information sufficient to identify authoritatively steps to ensure that Army, Navy, and Air Force acquisition officials have proper oversight over these programs. If confirmed, I will work with the team at DOD OIG to more fully understand this issue and determine what oversight activities might be appropriate to address it.

Question. How does the DOD IG enable the DOD to hold defense contractors accountable for delivering services and products on time, to standard, and at the agreed price?

Answer. As a general matter, OIGs help to enable the departments and agencies they oversee to hold contractors accountable for delivering services and products on time, to standard, and at the agreed upon price by conducting audits, evaluations, and other reviews of the processes and procedures of contracting programs that identify issues in these and other areas and make recommendations to assist the contracting entities to address them and, thereby, ensure that they are appropriately obtaining the goods and services for which they have contracted. Additionally, where warranted, OIGs may work with the Department of Justice to pursue civil or even criminal liability in particular cases. If confirmed as the IG at DOD, I would work with the team at the DOD OIG to ensure that we are pursuing all available avenues to enable the Department to hold defense contractors accountable.

Question. How does the DOD IG assist the Department in holding contracting officials and contracting officer representatives accountable for their actions in making sure that contractors are delivering services and products on time, to standard, and at the agreed price?

Answer. OIGs assist the departments and agencies they oversee in holding contracting officials and contracting officer's representatives accountable through a range of audits, evaluations, and other reviews that examine contracting practices and make recommendations for improvement. At NSA OIG, we have released unclassified versions of several reports in the contracting area, questioning in those reports a total of approximately \$1.3 billion spent by the Agency. Additionally, OIGs may conduct administrative investigations of contracting officials or contracting officer's representatives where there is evidence of misconduct, and even pursue such matters criminally—for instance, if there is evidence of collusion with contractors to defraud the government. If confirmed as the IG at DOD, I would work with the team at the DOD OIG to ensure that we are pursuing all available avenues to conduct oversight that improves the DOD's contracting processes and assists the Department in holding contracting officials and contracting officer's representatives appropriately accountable for their actions.

Question. In your view, are additional legislative changes needed to ensure that contracting officers have the authority they need to require contractors to disclose pricing data for sole-source parts?

Answer. If I am confirmed as the DOD IG, I will consult with the team at the OIG to determine whether there are additional legislative changes needed to ensure that contracting officers have the authority they need to require contractors to disclose pricing data for sole-source parts. I am aware that there are significant issues in this area, including as reflected in the recently released DOD OIG report, "Audit of the Business Model for TransDigm Group Inc. and its Impact on Department of Defense Spare Parts Pricing." If confirmed, I would look forward to learning more about the issues in this area, and would welcome the opportunity to engage with the Committee regarding any issues and potential legislative changes.

Question. What is your understanding of your obligation, if confirmed, to consult with the Attorney General of the United States when an audit, investigation, or inspection under the auspices of the DOD IG yields reasonable grounds to believe there has been a violation of Federal criminal law—including procurement fraud?

Answer. Pursuant to section 4(d) of the IG Act, the IG is required to report expeditiously to the Attorney General whenever the IG has reasonable grounds to believe that there has been a violation of Federal criminal law. As reflected in the public version of our SARs that we have prepared and posted since I came on board as the NSA IG, I am fully familiar with this responsibility and would continue to carry it out if I am confirmed as the DOD IG.

In February 2018 and May 2019, the Defense Science Board and Defense Innovation Board issued reports making numerous recommendations to DOD to help guide the department's efforts to modernize its approach to software acquisition. GAO has subsequently reported that the department's efforts to implement more modern software practices are still a work in progress and that DOD acquisition programs have yet to consistently implement software development leading practices.

Question. If confirmed, how do you envision the DOD IG's role in helping the department move toward more modern software development approaches, such as Agile software development and DevSecOps?

Answer. In my experience, software acquisition is another area that can present challenges for federal entities and, if confirmed as the DOD IG, I would work with the OIG team to assess the office's work in this area and to determine whether there is impactful oversight that could be conducted that would assist the Depart-

ment in moving toward more modern and effective software development approaches.

DOD IG RESOURCES

Question. In a hearing last year, Acting DOD IG Sean O'Donnell testified that the DOD IG has a proportionately smaller staff than other federal agency inspectors general. As a point of comparison, he stated that the larger federal agency inspectors general typically have a ratio of departmental staff to OIG staff of between 50 to 1 and 200 to 1 while the DOD OIG ratio is closer to 1,700 to 1.

If confirmed, how would you ensure that your resources are deployed to address the highest priority missions of DOD?

Answer. This is a constant challenge for OIGs—like all government entities, we have limited resources and, therefore, we have to determine how to employ those resources most effectively to maximize the impact of our work. To my knowledge, all OIGs—and this was certainly the case at both DOJ OIG and where I now work at NSA OIG—have risk assessment processes appropriate to the establishments they oversee whereby they evaluate potential oversight projects to determine where they can have the most impact, including with regard to the scope of the activities of the entities they oversee and the severity of particular risks those entities are facing in carrying out their missions. Both before and during this confirmation process, I have observed how the DOD OIG ties its oversight plan directly to its assessment of the top management challenges facing the Department, reflecting the correlation between the topics on which it expends its oversight resources and the areas where it believes the DOD is most challenged in achieving its essential mission set. If confirmed as the DOD IG, I would look forward to working with the team at DOD OIG to gain a deeper understanding of its risk assessment processes and, contributing my own experience and insights, work to ensure that this important effort at the OIG is as effective as possible in ensuring that the office's resources are best deployed to address the highest priority missions of the DOD.

Question. How would you approach, assess, and eliminate DOD IG missions that have outlived their usefulness or are not of a high enough priority to continue?

Answer. The mission of the DOD OIG, and all OIGs, is as set forth in the IG Act cited near the start of these questions, but essentially, in my view, is to conduct impactful oversight that promotes positive change at the entities we oversee. That process necessarily involves constant reassessment of our own activities to ensure that we, like the entities we oversee, are using public resources wisely, and ensuring the economy, efficiency, and effectiveness of our own activities. That has been the approach in which I have been engaged at two OIGs and, if confirmed, I would anticipate that I would continue that approach at DOD OIG, and I would look forward to working with the team there to ensure that we are engaging in the most impactful possible oversight.

LEAD INSPECTOR GENERAL FOR CONTINGENCY OPERATIONS

Question. Section 8L of the Inspector General Act of 1978, sets out special provisions for the designation of a Lead Inspector General for Overseas Contingency Operations. When serving in this capacity, the DOD IG, in coordination with the offices of the Inspectors General of the Department of State and the U.S. Agency for International Development, is required to develop and carry out a joint strategic plan to conduct comprehensive, independent, and effective oversight of all aspects of any designated contingency operation and of all programs and operations of the Federal Government in support of that operation.

If confirmed to be the DOD IG, what would be your relationship with the Inspectors General of the Department of State and the U.S. Agency for International Development?

Answer. If confirmed, I would anticipate a close working relationship with the IGs for the Department of State and the U.S. Agency for International Development in order to foster the critical coordination inherent in the structure for oversight over overseas contingency operations (OCOs) as provided for in section 8L of the IG Act.

Question. For how many designated contingency operations does the DOD IG serve as "Lead Inspector General"?

Answer. It is my understanding that the DOD IG currently serves as Lead Inspector General for two OCOs, Operation Inherent Resolve and Operation Freedom's Sentinel.

Question. At what point in time, and under what conditions, do you envision that the DOD IG will be in a position to close out its responsibilities as "Lead Inspector General" for these contingency operations?

Answer. The IG Act specifies that the requirements and authorities under section 8L shall cease at the end of the first fiscal year after the commencement or designation of the OCO in which the total amount appropriated for the OCO is less than \$100 million.

Question. Given the withdrawal of all United States troops from Afghanistan, what changes would you plan to make to the DOD IG's oversight activities regarding Afghanistan, if confirmed?

Answer. If I am confirmed as the DOD IG, I would intend to consult with the team at the OIG that leads the office's efforts on OCOs, as well as the IGs of the Department of State and the U.S. Agency for International Development, in order to determine what changes may be appropriate regarding DOD OIG's activities as Lead Inspector General for Operation Freedom's Sentinel or otherwise. I also would welcome the opportunity to engage with the Committee regarding its views on same.

Question. What is the role of the DOD IG with respect to oversight of the U.S. Government's evacuation of, provision of housing on DOD installations for, and provision of other support for Afghan evacuees?

Answer. The DOD IG has oversight jurisdiction over all programs and operations of the DOD. If I am confirmed as the DOD IG, I would intend to consult with the team regarding this matter and determine what additional oversight may be most impactful and appropriate. I also would welcome the opportunity to engage with the Committee regarding any concerns it may have in this area.

Question. What is the relationship of the DOD IG with respect to the Inspectors General of the Department of State, U.S. Agency for International Development, and Department of Homeland Security with respect to oversight of the United States Government's evacuation of, provision of housing on DOD installations for, and provision of other support for Afghan evacuees?

Answer. I am not in a position to authoritatively answer this question but, if confirmed, I would look forward to working with the team at DOD OIG to understand the office's posture in this important area and to engage with other OIGs, including but not limited to those listed above, as may be appropriate.

Question. What is your understanding of the relationship of the Office of the DOD IG to the Special Inspector General for Afghanistan Reconstruction?

Answer. The DOD OIG has oversight jurisdiction over all programs and operations of the DOD and as the Lead Inspector General responsible for coordinating oversight with the Department of State and the U.S. Agency for International Development over Operation Freedom's Sentinel, which I understand to be essentially a counterterrorism mission against the remnants of al Qaeda and a train, advise, and assist (TAA) mission in support of the Afghan security forces. Congress established the Office of the Special Inspector General for Afghanistan Reconstruction (SIGAR) in the fiscal year 2008 NDAA for the purposes of conducting audits and investigations relating to programs and operations for the reconstruction of Afghanistan. It is clear to me that, while recent events may have changed the issues to be overseen, it is critically important that the DOD OIG coordinate effectively with SIGAR to work together where appropriate and to avoid duplicative or inconsistent oversight in this area.

DEPARTMENT OF DEFENSE SECURITY ASSISTANCE

Question. A key element of the strategic competition with Russia and China is the security assistance provided by the Department of Defense to the security forces of allies and partners.

If confirmed as DOD IG, how would you ensure that DOD security assistance, including capacity building under 10 U.S.C. § 333 and the Ukraine Security Assistance Initiative, is executed in a reliable and timely manner consistent with U.S. national security interests?

Answer. If confirmed, I would work with the team at DOD OIG to assess this area and ensure that we are conducting audits, evaluations, or reviews as appropriate. I also would welcome the opportunity to engage with the Committee regarding any concerns it may have in this area.

THE DEFENSE CRIMINAL INVESTIGATIVE SERVICE (DCIS) AND THE MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS (MCIOS)

Question. The DCIS conducts criminal investigations of matters related to DOD programs and operations. Over time, the DOD IG has sought and obtained increased authority to issue subpoenas and for DCIS Special Agents to carry weapons and make arrests.

Do you believe that the authorities of the Office of the DOD IG and the DCIS are adequate in these areas, or would you recommend further changes in the law?

Answer. As a former federal prosecutor and now the NSA IG, I am somewhat familiar with the work of DCIS and the MCIOs. I do not, however, have information sufficient to opine authoritatively as to whether the authorities of the DOD IG and the DCIS currently are adequate. I very much appreciate the question and, if confirmed, I would intend to consult within the office and would look forward to the opportunity to engage with the Committee as may be appropriate in order to ensure that the DOD IG and the DCIS have all the authorities necessary to appropriately carry out their important responsibilities.

Question. How do you view the division of responsibility and authority between the DOD IG and the Under Secretary of Defense for Intelligence & Security with respect to law enforcement and security policy?

Answer. I do not have an independent view as to the current division of responsibility and authority between the DOD IG and the Under Secretary of Defense for Intelligence & Security (USD(I&S)). I have other interactions with the office of the USD(I&S) as the NSA IG, and it is my general understanding that the USD(I&S) has responsibilities within the DOD for establishing law enforcement and security policies, including with regard to training requirements for law enforcement within the DOD, and that it works with the DOD IG to ensure that those policies are appropriate to support the DOD OIG's law enforcement activities. If confirmed, I would look forward to engaging within the OIG and with the USD(I&S) to learn more about this relationship and to ensure that appropriate coordination takes place to enable the DOD OIG to carry out its responsibilities in this area.

Question. How do you view the division of responsibility and authority between the DOD IG and the Secretaries of the military departments for oversight of their respective MCIOs?

Answer. It is my understanding that the MCIOs report to the Secretaries of their Military Departments. As discussed earlier, the DOD IG performs important oversight over the work of the MCIOs, both through evaluations of the MCIOs' processes and procedures and through oversight jurisdiction over the MCIOs' investigative work products. The DOD IG also is responsible under section 8(c) of the IG Act for providing policy direction for investigations, and under DOD Directive 5106.01 for establishing policy, monitoring and evaluating program performance, and providing guidance with respect to all DOD activities relating to criminal investigation and law enforcement programs, including investigations and related activities of the MCIOs. All of these activities require communication and coordination and, if confirmed as the DOD IG, I would intend to engage in and encourage same.

Question. As the National Security Agency IG, what were the most significant challenges you faced regarding investigations into fraud, waste, abuse and misconduct, and if confirmed, what lessons learned from these investigations would you bring to DOD?

Answer. As the NSA IG, I have worked to foster a good, independent working relationship with Agency leadership, and I believe that support from the top has greatly facilitated my office's ability to investigate fraud, waste, abuse, and misconduct at the Agency. Getting people to come forward and report suspected wrongdoing can be difficult, and my team and I have been successful in obtaining explicit support for these efforts from Agency leadership, up to and including the Director. I believe that it is critical to establish such tone from the top and, in this particular regard, the expectation that personnel will report to the OIG when they reasonably believe they have evidence of wrongdoing, and that retaliation for doing so will not be tolerated.

Given the size and complexity of the NSA enterprise, we have disseminated this important message through various means, including the preparation of the video described earlier in which we and, at some level, most importantly the Director instruct the workforce about the importance of reporting to the OIG. As OIGs, we can make recommendations and follow up on their implementation, but ultimately, only the leadership of the enterprises we oversee has the authority to direct the conduct of their employees. At NSA OIG, we also have worked to get out this important message through briefings with leaders as part of their preparations for postings across the NSA enterprise and through presentations by OIG personnel in senior and other training programs. I believe that diverse and sustained outreach has paid real dividends for our work at NSA OIG, where we have seen an increase of approximately 40 percent in our Hotline contacts over the last few years, as reported in the unclassified versions of our recent SARs. If confirmed as the DOD IG, I would bring the lessons I have learned through our outreach and education efforts at NSA OIG and, before that, as the Whistleblower Ombudsperson at DOJ OIG, to ensure that we are availing ourselves of every opportunity in this regard.

In accordance with section 8(c)(5) of the Inspector General Act of 1978, the Office of the DOD IG has established overarching standards for MCIO investigations of

adult sexual assaults. In its 4th Annual Report, dated March 2020, the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC IPAD) affirmed concerns that MCIO investigators lack necessary discretion with respect to the conduct of sexual assault investigations in the military. The report stated, “[i]nvestigators are taking specific investigative steps not because they believe that the actions are warranted by the facts; instead, they are following a standard checklist and feel that they are required to do so.”

Question. If confirmed, how would you balance the imperative that MCIOs conduct rigorous investigations of sexual assault allegations with the DAC–IPAD recommendation that MCIO investigators exercise discretion to tailor the scope of any such investigation to the facts of that case, including the ability to close an investigation in a timely and appropriate fashion?

Answer. Given my own background and experience, I have often discussed with investigators the importance of conducting rigorous investigations that are tailored to the facts of the case, including the importance of closing investigations in a timely and appropriate fashion. If confirmed, I would work with the team at DOD OIG and the MCIOs to consider the IPAD recommendations and how they might be addressed in the context of these priority matters.

Question. What more would you do, if confirmed, to ensure that MCIO Special Agents assigned to respond to and investigate allegations of sexual assault have received requisite specialized training?

Answer. It is my understanding that the DOD OIG has engaged and currently is engaged in the evaluation of the MCIOs handling of sexual assault cases. If confirmed, I would work with the team at DOD OIG to assess the training that the MCIO Special Agents receive and ensure that they receive such specialized training as may be necessary to appropriately handle these priority matters.

Question. What more can be done, in your view, to stamp out retaliation against those who come forward as victims of or witnesses to, a sexual assault?

Answer. People who come forward as victims of, or witnesses to, a sexual assault should never suffer retaliation. As a federal prosecutor, I was directly involved in ensuring the rights of victims in the cases I handled and, as the Deputy IG and Whistleblower Ombudsperson at the DOJ OIG, and as the NSA IG, I have championed whistleblower rights and protections. If I am confirmed as the DOD IG, I will meet with the team at the OIG to assess our efforts in this area, and ensure that we are availing ourselves of every method to communicate to both the military and civilian workforces regarding this message, and to appropriately address all reprisal matters in a timely manner.

Question. What is the relationship of the Office of the DOD IG with the National Guard Bureau’s Office of Complex Investigations?

Answer. I was not previously aware of the National Guard Bureau’s Office of Complex Investigations (OCI), but it is my understanding from the National Guard’s Sexual Assault Prevention and Response Program Fiscal Year 2020 Review, issued in February 2021, that the OCI generally seeks to explore opportunities to expand investigative capabilities in cases that are not prosecuted locally or where such investigation is deemed deficient. If confirmed, I will work with the team at DOD OIG to understand the office’s relationship with the OCI, and take such action as may be appropriate.

OVERSIGHT OF THE MILITARY HEALTH SYSTEM (MHS)

Question. The MHS is a global, comprehensive, integrated health care system that includes a health care delivery system, combat medical services, public health activities, medical education and training, and medical research and development.

If confirmed, what is your view of the role of the DOD IG in overseeing the operations of the MHS?

Answer. The DOD OIG’s assessment of the Top DOD Management Challenges for fiscal year 2022 included protecting the health and welfare of servicemembers and their families as one of the top 10 challenges facing the DOD. As the DOD IG has oversight jurisdiction over all programs and operations of the DOD that are expressly correlated with these challenges, it is my understanding that the office performs robust oversight in this area, including a number of planned and pending oversight projects as detailed in the DOD OIG’s fiscal year 2022 Oversight Plan.

Question. What are your views of the role that the DOD IG has in improving visibility into and assessing the quality of care provided through the MHS?

Answer. The DOD IG, as indicated above, has oversight jurisdiction over all programs and operations of the DOD, including those involved in the provision of care through the MHS. Additionally, OIGs play an important role in furthering trans-

parency in their oversight of the entities they oversee. If confirmed, I would work with the team at the DOD OIG to determine the role that the office should have in improving visibility into and assessing the quality of care provided through the MHS. I also would welcome the opportunity to engage with the Committee regarding any particular concerns it may have in this area.

Question. Do you believe the DOD IG currently has the resources and expertise to play a more prominent role in assessing the performance of DOD health care providers—in both military medical treatment facilities and in the TRICARE purchased care system?

Answer. While I am aware from the DOD OIG's SARs and Oversight Plan that it has conducted a range of oversight in this area, I am not currently in a position to assess the sufficiency of its resources and expertise in assessing the performance of DOD health care providers in both military medical treatment facilities and in the TRICARE purchased care system. If confirmed, I would work with the team at the DOD OIG to assess the resources and expertise of the office in this area and would welcome the opportunity to engage with the Committee regarding same.

Question. What role is the DOD IG playing regarding DOD's implementation of the electronic health records system? What role is it playing regarding evaluating the integration of the electronic health records systems of DOD and the Department of Veterans Affairs?

Answer. I am aware that the DOD OIG currently has an ongoing joint audit with the Department of Veterans Affairs relating to the interoperability of both Departments' electronic health record systems. According to the DOD OIG's fiscal year 2022 Oversight Plan, the objective of the joint audit is to determine whether the DOD is developing standards and implementing controls to provide interoperability between the health care systems of the DOD, the Department of Veterans Affairs, and external health care providers. If confirmed, I would work with the team at DOD OIG to understand these issues more fully, including any findings and recommendations that may result from the pending joint audit in this area.

DOD must continue to implement proactive controls to contain health care costs and fight health care fraud—all with a view to maximizing the funding available to treat beneficiaries.

Question. What is your understanding of the role of the Office of the DOD IG in identifying and preventing health care fraud against DOD?

Answer. A core function of all OIGs is to detect and deter waste, fraud, and abuse in the programs and operations of the establishments they oversee, and it is my understanding that the DOD OIG plays an active role in identifying and preventing health care fraud against the DOD. This includes conducting audits, evaluations, and other reviews that may identify risks and indicators of health care fraud, and conducting and participating in civil and criminal investigations that may result in the recovery of substantial sums and the prosecution of wrongdoers. I also am aware that DOD OIG has developed a substantial data analytics capacity that can be of pivotal importance in facilitating all of these efforts. As a former federal prosecutor, if I am confirmed, I would work with the team at DOD OIG to ensure that we are robustly engaged in identifying and preventing health care fraud, which serves as a drain on the health care system and diverts funds from other critical functions.

Question. If confirmed, what role would you establish for the Office of the DOD IG in providing oversight of the Third Party Collections Program?

Answer. While I was not previously aware of the Third Party Collections Program, I have learned from publicly available information that it is the military program established to implement the statutory authorization for military treatment facilities to recover the cost of providing health care services to covered DOD beneficiaries from third party payers. If confirmed, I would explore with the team at DOD OIG the appropriate role for the OIG in providing oversight over this program.

Question. In your view, do the Defense Health Agency and military medical treatment facilities have the requisite "in-house" analytic tools and personnel with the training and experience, to monitor and take corrective action in high-risk areas, such as preventing improper payments and collecting delinquent debt related to DOD-provided healthcare services?

Answer. If confirmed, I would work with the team at the DOD OIG to review any relevant work or experience in the office and otherwise assess whether the Defense Health Agency and military medical treatment facilities have the requisite tools and personnel to monitor and take corrective actions in these important high-risk areas, and make any recommendations as appropriate. I also would welcome the opportunity to engage with the Committee regarding any specific concerns it may have in this area.

COVID VACCINE MANDATE

Question. What do you believe should be the role of the DOD IG with respect to oversight of the processes in place for granting medical, administrative, and religious exemptions to military and civilian personnel under DOD's COVID-19 vaccine mandate?

Answer. The DOD OIG has oversight jurisdiction over all programs and operations of the DOD. I am aware that the OIG has done some work in this area, including a pending audit relating to effectiveness of the vaccine distribution plan within the DOD. This obviously has been a rapidly changing area, including what I understand to be the suspension of the civilian vaccination requirement and exemption process in response to pending federal litigation. If confirmed, I would work with the team to assess the situation existing at that time and determine whether there is additional impactful oversight work that would be appropriate with regard to the exemptions process. I also would welcome the opportunity to engage with the Committee regarding any specific concerns it may have in this area.

MILITARY HOUSING PRIVATIZATION INITIATIVE (MHPI)

Question. In the fiscal year 1996 NDAA, Congress established the MHPI, providing DOD with the authority to obtain private-sector financing and management to repair, renovate, construct, and operate military housing. DOD has since privatized 99 percent of its domestic housing. In 2019, the Senate Armed Services Committee held hearings to address concerns voiced by military families living in privatized housing that the program had been grossly mismanaged by certain private partners; that military and chain of command oversight were non-existent; and that in speaking out about the appalling condition of the quarters in which they lived, they were opening themselves to reprisal. One such contractor has since entered into a settlement with the Justice Department for fraudulent activities with respect to the management of its contracts under MHPI.

What is your understanding of the role of the Office of the DOD IG and the military department Inspectors General in addressing servicemember and family concerns regarding untenable living conditions prevalent in certain privatized housing locales?

Answer. The DOD OIG's Top DOD Management Challenges for fiscal year 2022 includes discussion of health and safety management of military housing as an important component of the challenge that the DOD faces in protecting the health and wellness of servicemembers and their families. The report describes numerous oversight products and recommendations that have been issued by the OIG over a number of years, as well as recent work by GAO in the area. The report further identifies reforms that were included and elaborated upon in the NDAA for fiscal years 2020 and 2021, and additional evaluations pending and planned by the OIG to monitor progress and ensure implementation of these reforms. If confirmed, I would work with the team at the DOD OIG to review the status of outstanding recommendations and pending and planned oversight projects in order to ensure that the office is conducting robust oversight that is driving positive change in this very important area for military personnel and their families.

Question. If confirmed, what would you do to assess the progress being made by DOD and the military departments in reestablishing oversight of, and accountability for the MHPI program?

Answer. As described above, it is my understanding that the DOD OIG has a number of pending and planned oversight projects in this important area. If confirmed, I would work with the team at the OIG to understand the status of recommendations outstanding from past oversight work, to get up to speed on the status of ongoing work, and to consider the need for future work to ensure that the DOD and the Military Departments have robust oversight of and accountability for the MHPI program. I also would welcome the opportunity to engage with the Committee regarding any particular concerns it may have in this area.

Question. If confirmed, what tools would you recommend the Office of the DOD IG or the military department Inspectors General bring to bear to ensure the accountability of MHPI contractors for strict adherence to the terms of their partnership agreements with the military services?

Answer. If confirmed, I would work with the team at DOD OIG to understand the situation with regard to the compliance of MHPI contractors with their partnership agreements, and then utilize all appropriate remedies to address any deficiencies. While my experience as a prosecutor and in the IG community has taught me that there is no one-size-fits-all solution, the tools that can be brought to bear as appropriate include management advisories and other rapid response reporting; audits, evaluations, and reviews; and civil and, where warranted, criminal prosecutions.

INTELLIGENCE

Question. What is your understanding of the role of the DOD IG in ensuring that intelligence and other sensitive activities within DOD are conducted in accordance with relevant legal standards?

Answer. The DOD OIG has oversight jurisdiction over the programs and operations of the DOD, including those in the area of intelligence and related sensitive activities. Section 5(x) of DOD Directive 5106.01 specifically provides that the DOD IG shall “[a]udit, evaluate, monitor, and review the programs, policies, procedures, and functions of the DOD Intelligence Components to ensure that intelligence resources, including those funded through the National Intelligence Program, are properly managed.” Pursuant to the MOU that I participated in negotiating as referenced earlier in these responses, the DOD IG and the IGs for the four defense intelligence agencies cooperate and coordinate support on audits, investigations, inspections, evaluations, other reviews, and oversight matters so that each party can more efficiently and effectively fulfill its duties and responsibilities without unnecessary duplication of effort and resources. The DOD OIG also leads the DCIE, which can play an important role in facilitating coordination of oversight in such areas.

Question. If confirmed, in which areas of DOD IG responsibility would you expect to coordinate with the Special Assistant to the Secretary of Defense for Intelligence Oversight?

Answer. DOD Directive 5106.01, section 5(x), also provides that the audit and other actions conducted by the DOD IG in this area “shall be coordinated, as appropriate, with the Assistant to the Secretary of Defense for Intelligence Oversight to determine respective areas of responsibility, in accordance with DOD Directive 5148.11.” Under the later directive, the DOD Senior Intelligence Oversight Official (known as the “DSIOO”), then the Special Assistant to the Secretary of Defense for Intelligence Oversight, has responsibility for conducting independent oversight of all DOD intelligence and intelligence-related activities, including inspecting intelligence and intelligence-related activities; developing oversight policy; reviewing in consultation with the DOD General Counsel allegations questioning the legality or propriety of intelligence or intelligence-related activities; monitoring administrative investigations and inspections conducted by DOD Components related to intelligence and intelligence-related activities, evaluating the findings and, if appropriate, recommending corrective action; conducting independent investigations in coordination with the appropriate Defense Criminal Investigative Organization or Military Counterintelligence Investigative Organization; and serving as the lead DOD official for all matters associated with the Intelligence Oversight Board (IOB) of the President’s Intelligence Advisory Board, including DOD reporting to the IOB. By memorandum dated September 1, 2021, the Deputy Secretary of Defense redesignated the Assistant to the Secretary of Defense for Intelligence Oversight as the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, known as the ATSD(PCLT), and further specifically provided that the previously designated official shall continue to serve as the DSIOO. As the NSA IG, I have met with and coordinated intelligence oversight activities with the DSIOO and, if confirmed, I would anticipate continued coordination in furtherance of both office’s functions, including with regard to inspections of DOD intelligence and intelligence-related activities and providing notice of any matters reportable by the DSIOO to the IOB.

CYBER

Question. The Office of the DOD IG has consistently reported on problems the DOD has in protecting its cyber systems, networks, and data.

What are your views on whether the Office of the DOD IG has the expertise and capacity to adequately assess DOD cybersecurity plans, policies, and capabilities?

Answer. Cybersecurity is a critical issue for all federal agencies, and one with which I have developed substantial experience as the NSA IG and as Vice-Chair of the CIGIE Technology Committee. If confirmed, I would work with the team at DOD OIG to ensure that we have sufficient capacity to conduct robust oversight over DOD’s cybersecurity plans, policies, and capabilities.

Question. If confirmed to be the DOD IG, what would be your priorities for cybersecurity, and where would cybersecurity rank in terms of your overall priorities?

Answer. The DOD OIG’s Top DOD Management Challenges for fiscal year 2022 includes strengthening DOD cyberspace operations and security systems, networks, and data as one of the top challenges facing the DOD. The OIG’s fiscal year 2022 Oversight Plan details a number of planned and pending oversight projects in this area and, if confirmed, it would remain one of my highest priorities as the DOD IG.

GENERAL COUNSEL TO THE DOD IG

Question. What is your understanding of the history and purpose of section 907 of the NDAA for fiscal year 2009, regarding the position of General Counsel to the DOD IG?

Answer. It is my understanding that, consistent with the IG Act, section 907 of the NDAA for fiscal year 2009 provided for a General Counsel to the DOD IG in order to ensure that the IG has independent legal counsel to provide advice to the IG regarding the office's independent oversight activities separate and apart from the DOD Office of General Counsel.

Question. What is your understanding of the role played by the General Counsel to the DOD IG with respect to completed investigations?

Answer. While I have not been briefed specifically on the role played by the General Counsel of the DOD IG with respect to completed investigations, it is my understanding that the General Counsel plays a role similar to that at other OIGs in conducting reviews of administrative investigative reports to ensure their legal and factual sufficiency.

Question. If confirmed, how would you address differences of opinion between the DOD IG General Counsel and a DOD IG investigative team as to findings of fact and the appropriate weight to be given such facts in a completed investigation?

Answer. It has been my experience over the years as a federal prosecutor and in the leadership of two Offices of Inspector General that it is not uncommon to have good faith differences of opinion regarding findings of fact and/or conclusions in any particular investigation. It has been my consistent practice to engage collaboratively to discuss such issues when they arise, and thereby to reach agreement on the right result. Of course, as the NSA IG and, if confirmed, as the DOD IG, the final decision regarding such matters is and would be my responsibility.

Question. If confirmed as the DOD IG, what manner of relationship would you expect the General Counsel to the DOD IG to maintain with the General Counsel of the DOD, who by law serves as the department's chief legal officer?

Answer. I would expect the General Counsel to the DOD IG to maintain a good, professional working relationship with the General Counsel of the DOD. In my experience, such a relationship facilitates good communication and the appropriate resolution of myriad legal issues that inevitably arise as an OIG conducts robust, independent oversight.

Question. What is your understanding of the authority of the DOD IG to access for official purposes records of the Department of Defense that may be protected by an institutional attorney-client privilege?

For the independent oversight conducted by OIGs to be effective, credible, and authoritative, it is essential that the OIG have access to all records available to the establishment that it oversees that the OIG—not the establishment—determines are relevant to its work. This was the fundamental principle underlying the effort, led by IG Horowitz as CIGIE Chair when I was at the DOJ OIG, to lead the IG community in supporting what became the IG Empowerment Act of 2016. That important legislation amended section 6(a) of the IG Act to make explicit, essentially, that “all means all” when it comes to the IG's access to records and information relevant to the programs and operations with respect to which the IG has responsibilities under the IG Act (unless, of course, Congress were to pass a law specifically referring to the IG and restricting such access to the IG). A related and essential aspect of the IG Act is that the IG is within the establishment that it oversees, which means that it is not subject to having records or information withheld from its review by a claim of institutional attorney-client privilege. These are bedrock principles that are insisted upon across the IG community and, if confirmed as the DOD IG, I would ensure that they are scrupulously followed at the DOD.

Question. What is your view of the authority of the DOD IG to access for official purposes—including for purposes of responding to a congressional request—records of the Department of Defense that may be protected by executive privilege?

Answer. Similar to the last question, because the DOD IG is within the Department, it is not subject to having access to information withheld based on executive privilege.

CIVILIAN SENIOR EXECUTIVES

Question. If confirmed to be the DOD IG, you would be in a position to select applicants for appointment to positions in the Senior Executive Service (SES) in the Office of the DOD IG.

Question. Given that competent leadership is one of the most reliable guarantors of a high-performing civilian workforce, if confirmed, what factors and characteris-

tics would be most important to you in selecting a candidate for appointment to the SES?

Answer. I have been a member of the SES and supervised the office's senior cadre as Deputy IG at the DOJ OIG, and I have made a number of selections for SES and senior leader (known as DISES and DISL) positions at the NSA OIG. The Office of Personnel Management sets forth Executive Core Qualifications (known as "ECQs") that must be met for elevation to an SES position, which are: Leading Change, Leading People, Results Driven, Business Acumen, and Building Coalitions. There is nothing more important to an office than ensuring that it has a strong leadership team that values people and is committed to excellence in all of the areas covered by the ECQs. In my experience, strong SES performers share excellent communication and collaborative skills and a strong commitment to the people and mission of their office. They also are creative, not satisfied with doing things a certain way just because that is how they have always been done, but willing to think outside the box to find new and better ways to drive their organizations forward. I have been fortunate to attract and retain an outstanding group of senior leaders at the NSA OIG, who also exemplify the diversity that I believe is critical for any organization to most effectively address complex problems.

Question. If confirmed, how would you go about ensuring that SES employees under your authority are held accountable for both organizational performance and the performance of their subordinate employees?

Answer. All organizations with SES employees, including OIGs, are required to have procedures in place to evaluate the performance of their SES employees, with review of the results conducted through independent performance review boards. If confirmed as the DOD IG, I would work with the management and human resources professionals at the OIG to ensure that we are scrupulously following the requirements in this area.

More generally, I believe that, as a leader, it is important to set tone and expectations at all levels of an organization, and then to follow up to ensure that these are met and to discuss and resolve any obstacles to doing so. I have found that this is often best done through a combination of formal and informal interactions and regular check-ins, identifying and discussing issues as they arise so that timely solutions can be developed and implemented. And, of course, there is no substitute for letting people know, through your words and, more importantly, through your deeds, that you care about them, their work, and their professional development. I have found that this has been particularly true during the difficult time through which we all have gone over the past couple of years, though it has always been the way I work with and for the teams I lead and, if confirmed as the DOD IG, it will be central to how I work in that organization as well. I also think it is important to appropriately and fairly incentivize superior performance, as well as to take timely and appropriate action to address poor performance, and to be as transparent as possible in both respects. If I am confirmed as the IG at DOD, I will work with the team at the OIG to make sure that we are performing these critical functions properly and as transparently as possible so as to further the confidence and the performance of the workforce.

SEXUAL HARASSMENT

Question. If confirmed, what actions would you take if you receive or otherwise become aware of a complaint of sexual harassment or discrimination from an employee of the DOD IG?

Answer. There is absolutely no place for sexual harassment or discrimination in any workplace. If confirmed as the DOD IG, I would work with the team at the OIG to develop and disseminate clear and consistent messaging to the workforce in this area. And, should such incidents arise, I will ensure that they are handled appropriately, including that the victim has timely access to any necessary support services and that the perpetrator is investigated and faces consequences as appropriate.

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, consistent with the IG Act and other applicable laws, policies, and practices.

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, consistent with the IG Act and other applicable laws, policies, and practices.

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, consistent with the IG Act and other applicable laws, policies, and practices.

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, consistent with the IG Act and other applicable laws, policies, and practices.

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, consistent with the IG Act and other applicable laws, policies, and practices.

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, consistent with the IG Act and other applicable laws, policies, and practices.

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. If confirmed as the DOD IG, I will make every effort to ensure that no military member, federal employee, or contractor employee is subject to unlawful retaliation.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR KIRSTEN GILLIBRAND

INSPECTOR GENERAL ASSESSMENT OF UNIDENTIFIED AERIAL PHENOMENA

1. Senator GILLIBRAND. Mr. Storch, you were asked in your confirmation hearing to gain familiarity with the Department of Defense Inspector General's ongoing assessment of the response from DOD components to the intrusions of unidentified aerial phenomena (UAP) into controlled DOD airspace, including UAP activity around naval and air operations. Do you think that the National Security Agency (NSA) has been responsive to the DOD IG's inquiries?

Mr. STORCH. I have confirmed that the DOD OIG publicly announced in May 2021 that it was initiating an evaluation of the DOD's Actions Regarding Unidentified Aerial Phenomena. The stated objective of the evaluation is to determine the extent to which the DOD has taken actions regarding unidentified aerial phenomena, and the DOD OIG indicated, as I believe is typical, that it might revise the objective as the evaluation proceeds and would consider suggestions from management for additional or revised objectives. It is my understanding that this evaluation is pending. The distribution of the memorandum announcing the evaluation included the directors of the defense intelligence agencies, including the NSA, and I am not aware of any particular issue regarding the responsiveness of the NSA to any DOD OIG inquiries in connection with the matter. As NSA is within the DOD and the DOD OIG regularly conducts independent oversight work at the NSA, I believe that it is well positioned to address any such concerns. I would, of course, be prepared

to provide any assistance to the DOD OIG as may be requested and appropriate consistent with the memorandum of understanding between our offices.

2. Senator GILLIBRAND. Mr. Storch, if confirmed, do you intend to sustain this comprehensive assessment until it reaches an appropriate and logical conclusion, including the possibility of follow-on actions, such as audits or investigations, if the current assessment suggests a need to do so?

Mr. STORCH. Yes, if I am confirmed and this evaluation is pending, I would intend to work with the team at DOD OIG to ensure that it reaches an appropriate and logical conclusion, including the possibility of follow-on actions or investigations if the current assessment suggests a need to do so.

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

QUESTION ON NOMINEES' FITNESS TO SERVE

3. Senator HIRONO. Mr. Storch, 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. STORCH. No.

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

Mr. STORCH. No.

MANAGEMENT ADVISORIES AND DOD SUPPORT FOR RELOCATION OF AFGHAN NATIONALS

5. Senator HIRONO. Mr. Storch, if confirmed, how will you prioritize that significant attention is given to the manner in which we audit and monitor our ability to assist Afghan refugees stateside?

Mr. STORCH. If confirmed, I will work with the team at DOD OIG to ensure that appropriate prioritization is given to oversight of the ability to assist Afghan refugees stateside. I note that the DOD OIG has done, and is doing, related work in this area, including a recently released Evaluation of the Screening of Displaced Persons from Afghanistan, a management advisory on identifying and reporting possible human trafficking violations and abuse against Afghan Special Immigrant Visa applicants, and a number of management advisories relating to different locations from the Audit of DOD Support for the Relocation of Afghanistan Nationals, as well as what I understand to be a number of ongoing projects. If confirmed, I would welcome the opportunity to engage with the Committee regarding any specific concerns it may have regarding the DOD's ability to assist Afghan refugees stateside, and I would work with the team at the DOD OIG to ensure that the office is auditing and monitoring such efforts with the priority that they deserve.

6. Senator HIRONO. Mr. Storch, what recommendations would you provide to those task forces?

Mr. STORCH. At this point, I do not have the information necessary to make specific and authoritative recommendations in this important area. Consistent with my answer above, if confirmed, I would work with the team at DOD OIG to understand the issues as they exist at the time and the status of the office's pending and planned oversight activities, and I would welcome the opportunity to engage with the Committee regarding same.

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

VACCINE MANDATES

7. Senator BLACKBURN. Mr. Storch, if confirmed, do you commit to regularly brief Congress as the implementation of DOD's COVID vaccine mandate progresses?

Mr. STORCH. I am aware that the DOD OIG recently issued an audit examining whether the DOD effectively distributed and administered COVID-19 vaccines to the DOD workforce in accordance with applicable DOD guidance. Additionally, as indicated in my Advance Policy Questions and my testimony at my confirmation hearing, if confirmed, I would work with the team at DOD OIG to assess the situation as it exists at that time to determine if there is additional impactful oversight that should be done in this area, and I would welcome the opportunity to engage with the Committee regarding same. I will commit to making myself available for briefings and otherwise commit to ensuring that the Congress is fully and currently

informed about any problems or deficiencies uncovered through the OIG's oversight work in this area.

8. Senator BLACKBURN. Mr. Storch, how many voluntary and mandated vaccinations have been administered to DOD servicemembers using each vaccine by month (please include Moderna, Johnson and Johnson (Janssen), Pfizer-BioNTech, and Comirnaty)?

Mr. STORCH. The information requested in this question is not available to me as the NSA IG. I would respectfully offer that the DOD and/or the DOD OIG may be better positioned to respond to this inquiry.

9. Senator BLACKBURN. Mr. Storch, can you provide all orders and directives issued to DOD personnel regarding DOD's vaccine mandate?

Mr. STORCH. While I am aware of some DOD issuances that apply at the NSA, I am not in a position as the NSA IG to provide a comprehensive response to this question. Again, I would respectfully offer that the DOD and/or the DOD OIG may be better positioned to respond to this inquiry.

10. Senator BLACKBURN. Mr. Storch, what are the guidelines issued to DOD personnel regarding DOD's vaccine mandate?

Mr. STORCH. While I am aware of some DOD issuances that apply at the NSA, I am not in a position as the NSA IG to provide a comprehensive response to this question. Again, I would respectfully offer that the DOD and/or the DOD OIG may be better positioned to respond to this inquiry.

11. Senator BLACKBURN. Mr. Storch, will DOD provide a vaccination waiver acknowledging natural immunity to Active Duty military personnel who have been previously infected with COVID-19? If not, why not?

Mr. STORCH. The information requested in this question is not available to me as the NSA IG. I would respectfully offer that the DOD and/or the DOD OIG may be better positioned to respond to this inquiry.

12. Senator BLACKBURN. Mr. Storch, can you provide the total number of Active Duty military personnel who have not yet received a COVID-19 vaccine and, of those, how many have received a medical or religious exemption?

Mr. STORCH. The information requested in this question is not available to me as the NSA IG. I would respectfully offer that the DOD and/or the DOD OIG may be better positioned to respond to this inquiry.

13. Senator BLACKBURN. Mr. Storch, what are the total number of Active Duty military personnel, broken down by branch, who have been subject to a discharge procedure for noncompliance with the COVID-19 vaccine mandate?

Mr. STORCH. The information requested in this question is not available to me as the NSA IG. I would respectfully offer that the DOD and/or the DOD OIG may be better positioned to respond to this inquiry.

14. Senator BLACKBURN. Mr. Storch, is DOD aware of increases in registered diagnoses of miscarriages, cancer, or other medical conditions in Defense Medical Epidemiology Database (DMED) in 2021 compared to a 5-year average from 2016 to 2020? If so, please explain what actions DOD has taken to investigate the root causes for the increases in these diagnoses.

Mr. STORCH. The information requested in this question is not available to me as the NSA IG. I would respectfully offer that the DOD and/or the DOD OIG may be better positioned to respond to this inquiry.

15. Senator BLACKBURN. Mr. Storch, have registered diagnoses of myocarditis in DMED been removed from the database from January 2021 to December 2021? If so, please explain why and when this information was removed and identify who removed it.

Mr. STORCH. The information requested in this question is not available to me as the NSA IG. I would respectfully offer that the DOD and/or the DOD OIG may be better positioned to respond to this inquiry.

QUESTIONS SUBMITTED BY SENATOR JOSH HAWLEY

COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY AND RELATED MATTERS

16. Senator HAWLEY. Mr. Storch, in December 14, 2020, WilmerHale published a report of an independent investigation into allegations of misconduct by three employees at the Department of Homeland Security (DHS) Office of Inspector General (OIG). This reportedly cost over \$1.3 million to produce and consisted of a 108-page report that was the result of 70 interviews and the review of 42,000 documents. Were you or anyone else at Council of the Inspectors General on Integrity and Efficiency (CIGIE) aware of any allegations addressed in the report that were referred to CIGIE prior to DHS retaining WilmerHale to conduct this investigation?

Mr. STORCH. Consistent with standard practices across the investigative community and the requirements of the Privacy Act, I can neither confirm nor deny the existence of any investigation by the CIGIE Integrity Committee (IC) related to the subject matter of this question, and I would be recused from any such matter due to my relationship with a potential witness. As a member of the IC, it would not be appropriate for me to further address the underlying issues or express any opinions regarding them, and I respectfully would refer you to the IC for any additional information.

17. Senator HAWLEY. Mr. Storch, why did CIGIE decline to investigate these allegations, many of which were ultimately substantiated by the WilmerHale report? Please provide specific case numbers and address the merits of these referrals, with particularity.

Mr. STORCH. Consistent with standard practices across the investigative community and the requirements of the Privacy Act, I can neither confirm nor deny the existence of any investigation by the CIGIE IC related to the subject matter of this question, and I would be recused from any such matter due to my relationship with a potential witness. As a member of the IC, it would not be appropriate for me to further address the underlying issues or express any opinions regarding them, and I respectfully would refer you to the IC for any additional information.

18. Senator HAWLEY. Mr. Storch, do you agree with the following legal proposition: “[I]t is a misuse of authority for a Federal employee to use his or her public office to interfere with a President nomination or the Senate confirmation process for personal gain or any other improper purpose. Additionally, Federal employees should not sue their government resources, including the email system or access to lawmakers or other government officials, for personal gain or for any other unauthorized purpose.” Report on page 24 of the WilmerHale report. If not, please explain why with citation to relevant authorities.

Mr. STORCH. I agree that Federal Government employees should not use their public office to improperly interfere with a presidential nomination or the Senate confirmation process. I also agree that Federal Government employees should not use government resources for unauthorized purposes. For the reasons stated above, I do not believe it would be appropriate for me to further address the underlying issues referenced in this question or express any opinions regarding how they might apply in any particular situation.

19. Senator HAWLEY. Mr. Storch, on page 27 of the report, WilmerHale reported its finding that two DHS Office of the Inspector General (OIG) employees “contacted Allison Lerner, Vice Chair of CIGIE, to discuss Dr. Cuffari’s nomination. Ms. Costello, in her capacity as Acting IG [Inspector General], wrote to Ms. Lerner that she had ‘a sensitive matter related to the DHS IG nominee’ to discuss. They agreed to speak on the phone and, following that conversation, Ms. Costello sent Ms. Lerner the link to a report regarding California Coast University. During her interview, [redacted] acknowledged that she and Ms. Costello spoke to Ms. Lerner about Dr. Cuffari’s nomination, and state that they were doing so because it was in the best interest of the agency. According to [redacted], Ms. Lerner agreed that Ms. Ouzts and Ms. Costello had an obligation to protect the organization and figure out whether others knew that Dr. Cuffari’s degree was issued by ‘a diploma mill.’ Ms. Lerner declined our request for an interview.” Report at page 27. Do you have any reason to believe that this portion of the report is inaccurate? If not, please explain your version of the events with particularity, including by reference to relevant documents.

Mr. STORCH. As stated above and consistent with standard practices across the investigative community and the requirements of the Privacy Act, I can neither con-

firm nor deny the existence of any investigation by the CIGIE IC related to the subject matter of this question, and I would be recused from any such matter due to my relationship with a potential witness. As a member of the IC, it would not be appropriate for me to further address the underlying issues or express any opinions regarding them, and I respectfully would refer you to the IC for any additional information.

20. Senator HAWLEY. Mr. Storch, has CIGIE opened any investigation into the allegations contained on page 27 of the WilmerHale report? If so, please list all investigations by subject name and case number, as well as their dispositions. Please also produce copies of any investigations.

Mr. STORCH. As stated above and consistent with standard practices across the investigative community and the requirements of the Privacy Act, I can neither confirm nor deny the existence of any investigation by the CIGIE IC related to the subject matter of this question, and I would be recused from any such matter due to my relationship with a potential witness. I respectfully would refer you to the IC for any additional information.

21. Senator HAWLEY. Mr. Storch, are there any other findings in the report that you believe are inaccurate? Please identify with particularity and provide your version of the events, including by reference to relevant documents.

Mr. STORCH. Consistent with standard practices across the investigative community and the requirements of the Privacy Act, I can neither confirm nor deny the existence of any investigation by the CIGIE IC related to the subject matter of this question, and I would be recused from any such matter due to my relationship with a potential witness. As a member of the IC, it would not be appropriate for me to further address the underlying issues or express any opinions regarding them, and I respectfully would refer you to the IC for any additional information.

22. Senator HAWLEY. Mr. Storch, do you believe that it is appropriate for individuals to use government resources and their official capacity to lobby against the President's nomination of an individual to a Senate-confirmed position, while that nomination is pending before the Senate?

Mr. STORCH. I do not believe that it is appropriate for Federal Government employees to use government resources or their official positions to improperly lobby against the President's nomination of an individual to a Senate-confirmed position while that nomination is pending before the Senate. For the reasons stated above, I do not believe it would be appropriate for me to further address the underlying issues referenced in this question or express any opinions regarding how they might apply in any particular situation.

23. Senator HAWLEY. Mr. Storch, please identify each allegation of wrongdoing that CIGIE or its associated personnel received from January 1, 2019-present, regarding Andrew A. De Mello, Kevin Winters, John Kelly, Jennifer Costello, Karen Ouzts, Diana Shaw, and/or Allison Lerner; any CIGIE tracking or matter number(s) associated with each; the date that each allegation of wrongdoing was first received (and please produce a copy of each allegation that was received) by CIGIE or its associated personnel; each date that each respective allegation was reviewed (and by whom), all dates each was referred from the Allegation Review Group to the Integrity Committee (IC), all dates that each respective allegation was referred to the IC Chairperson for investigation, and all dates that each respective allegation was declined for investigation or otherwise closed/disregarded.

Mr. STORCH. Consistent with standard practices across the investigative community and the requirements of the Privacy Act, I can neither confirm nor deny the existence of any investigation by the CIGIE IC. I respectfully would refer you to the IC for any additional information.

24. Senator HAWLEY. Mr. Storch, please identify whether each allegation identified in response to question #17, above, was fully investigated (with a report of investigation written—and please produce a copy of each) or for which there is an ongoing investigation. For each allegation that was not fully investigated or is being actively investigated, please identify all reasons each was not investigated. Please also provide all reasons and explanations why CIGIE IC decided to investigate allegations it so identified in response to #17, above, but not other allegations identified in response above.

Mr. STORCH. Consistent with standard practices across the investigative community and the requirements of the Privacy Act, I can neither confirm nor deny the

existence of any investigation by the CIGIE IC. I respectfully would refer you to the IC for any additional information.

25. Senator HAWLEY. Mr. Storch, CIGIE IC's annual report for 2020 identifies that on June 19, 2020, allegation 20-059 was "opened/referred to IC". As of the time the allegation was opened/referred to IC, please identify the allegation of misconduct and describe it with detail and particularity (that is, before it was consolidated with allegations associated with 20-042). Please identify and describe with detail and particularity (1) all reasons why this allegation was not immediately investigated and was instead held in abeyance until at least April 14, 2021; (2) all reasons this matter was consolidated with 20-042, which by March 17, 2021, was already in post investigation review; (3) all reasons why this allegation was not merged in 2020 with 20-042 as envisioned by IC Rule 9(c); (4) how many times in the last 5 years another allegation of misconduct was held open for more than 240 days and thereafter consolidated with another allegation that was already in post investigation review and the matter numbers associated with each; (5) all supplemental material that CIGIE IC acquired or otherwise obtained regarding 20-059 during the period August 18, 2020 to April 14, 2021; (6) all evaluations (including the dates thereof) regarding the next steps for the investigation of 20-059 during the period August 18, 2020 to April 14, 2021; (7) all the reasons why 20-059 (which by May 14, 2021 had been consolidated with 20-042) was assigned to different investigators than those that investigated many allegations that comprised 20-042 and all meetings (and attendees) where this decision—to assign it to different investigators than those associated with 20-042—was discussed/made; and (8) whether any of CIGIE's associated personnel recommended or suggested that an investigation of Andrew A. De Mello end, during the period September 1, 2020-present.

Mr. STORCH. It has been my experience that the members of the CIGIE IC, all of whom have significant responsibilities in their own OIGs or other offices, work very hard to review all matters that come before the IC for consideration. Consistent with standard practices across the investigative community and the requirements of the Privacy Act, I can neither confirm nor deny the existence of any investigation by the IC or comment on any particular allegations or the manner in which they may have been handled. I respectfully would refer you to the IC for any additional information.

26. Senator HAWLEY. Mr. Storch, under what circumstances is it appropriate for members of the IG community to lobby for or against legislation?

Mr. STORCH. I believe that it is entirely appropriate and consistent with the duties and responsibilities of Inspectors General under section 4 of the IG Act for members of the IG community to communicate with Members of Congress and their staffs, including to provide our perspectives on proposed legislation that may affect the work of our offices. Additionally, CIGIE has a standing Legislative Committee, the mission of which, as described on CIGIE's public website, includes "soliciting the views and concerns of the community in response to legislative initiatives and congressional requests; and presenting views and recommendations to congressional committees and staff, the Government Accountability Office, and the Office of Management and Budget (OMB) on issues and legislation that broadly affect the IG community." I am aware and appreciate that CIGIE leadership and the Legislative Committee frequently engage with the Congress to provide information and represent the views and perspectives of the IG community, which I believe helps carry out an important role of OIGs in informing the legislative and oversight functions of Congress under the United States Constitution. I was pleased to participate in similar engagement, including with the bipartisan Senate Whistleblower Caucus, when I served as Chair of the CIGIE Whistleblower Ombudsperson Working Group, and I believe that dialogue served an important function and the engagement between the Working Group and the Congress was welcomed and appreciated. I also have engaged with the Members and staff of the committees of jurisdiction as the NSA IG, including providing my office's perspective with regard to potential legislation and, again, I believe that those discussions have served an important function and have been well received by the Congress.

27. Senator HAWLEY. Mr. Storch, to your knowledge, did any members of CIGIE lobby for or against H.R. 2662? If so, please explain the extent of their involvement.

Mr. STORCH. It is my general understanding that CIGIE leadership and/or CIGIE Legislative Committee members and staff have engaged with the Congress regarding a number of pending legislative matters that would impact the IG community, and I believe this would include the referenced bill. I do not have more information regarding the specific extent of their involvement, and respectfully would refer you

to CIGIE leadership and/or the CIGIE Legislative Committee for any additional information.

28. Senator HAWLEY. Mr. Storch, did you lobby for or against H.R. 2662 or any other bill? If so, please explain the extent of your efforts.

Mr. STORCH. I did not lobby for or against H.R. 2662. I have, as indicated above, engaged with Members and staff with regard to other legislative initiatives over my time in the IG community, particularly with regard to issues related to whistleblower protection when I served as Chair of the CIGIE Whistleblower Ombudsperson Working Group, and more recently with regard to issues related to my office's oversight work at NSA.

29. Senator HAWLEY. Mr. Storch, to your knowledge, did anyone at CIGIE describe the actions to lobby against Republican amendments as equivalent to "hand-to-hand combat" to prevent "bad ideas" from becoming law?

Mr. STORCH. I do not have any knowledge of the matters set forth in this question.

30. Senator HAWLEY. Mr. Storch, under what circumstances is it appropriate for CIGIE to conduct confidential conversations with career civil service employees about presidential nominees?

Mr. STORCH. I am not a member of CIGIE leadership and, without more information regarding the individuals who were party to a particular conversation, its substance, and its purposes, I am not able to answer this question. For the reasons detailed above, it would not be appropriate for me to further address any particular underlying issues or express any opinions regarding them.

31. Senator HAWLEY. Mr. Storch, what was the extent of your involvement in any matter concerning Michael Ellis, formerly General Counsel of the National Security Agency?

Mr. STORCH. I had no involvement in the selection of Michael Ellis to serve as the General Counsel of the NSA or the subsequent decision to place him on administrative leave. The DOD OIG report on its Review of the Selection Process and Administrative Leave of the Former National Security Agency General Counsel indicated that it "did not examine the conduct of the security inquiry and, therefore, referred that matter to the NSA IG for such action as he deems appropriate." There is no further information regarding that referral that I can release at this time.

32. Senator HAWLEY. Mr. Storch, why did the CIGIE integrity committee delay issuing its report on the investigation of Federal Housing Finance Agency (FHFA) IG Laura Wertheimer?

Mr. STORCH. As indicated above, it has been my experience that the CIGIE IC works exceptionally hard, on top of all the other responsibilities and duties of its membership and staff, to examine, evaluate, and report on a significant number of often complex matters in a fair, comprehensive, and timely manner. I am not aware of any effort to delay issuing the IC's report on the matter referenced in the question, and respectfully would refer you to the IC for any additional information.

33. Senator HAWLEY. Mr. Storch, during your time on the CIGIE Integrity Committee (IC), how many allegations did the IC receive in 2019?

Mr. STORCH. I was not appointed to the IC until mid-2020. I respectfully would refer you to the annual report of the IC available on the CIGIE website at <https://www.ignet.gov/content/integrity-committee-reports> <https://www.ignet.gov/content/integrity-committee-reports> for publicly available reporting for 2019, and to the IC for any additional information.

34. Senator HAWLEY. Mr. Storch, during your time on the CIGIE Integrity Committee (IC), how many allegations did the IC receive in 2020?

Mr. STORCH. I respectfully would refer you to the annual report of the IC available on the CIGIE website at <https://www.ignet.gov/content/integrity-committee-reports> <https://www.ignet.gov/content/integrity-committee-reports> for publicly available reporting for 2020, and to the IC for any additional information.

35. Senator HAWLEY. Mr. Storch, during your time on the CIGIE Integrity Committee (IC), how many allegations did the IC receive in 2021?

Mr. STORCH. I respectfully would refer you to the annual report of the IC available on the CIGIE website at <https://www.ignet.gov/content/integrity-committee-reports>

ports” <https://www.ignet.gov/content/integrity-committee-reports> for publicly available reporting for 2021, and to the IC for any additional information.

36. Senator HAWLEY. Mr. Storch, for each of the years identified in questions 33, 34, and 35, how many resulted in investigations?

Mr. STORCH. I respectfully would refer you to the reports of the IC available on the CIGIE website at <https://www.ignet.gov/content/integrity-committee-reports> <https://www.ignet.gov/content/integrity-committee-reports> for publicly available reporting for 2019, 2020, and 2021, and to the IC for any additional information.

37. Senator HAWLEY. Mr. Storch, for those investigations identified above, how many of these investigations exceeded 150 days?

Mr. STORCH. I respectfully would refer you to the reports of the IC available on the CIGIE website at <https://www.ignet.gov/content/integrity-committee-reports> <https://www.ignet.gov/content/integrity-committee-reports> for publicly available reporting for 2019, 2020, and 2021, and to the IC for any additional information.

38. Senator HAWLEY. Mr. Storch, is the IC’s operational information publicly available, why or why not?

Mr. STORCH. There is substantial operational information regarding the IC publicly available on the CIGIE website at <https://www.ignet.gov/cigie/committees/integrity-committee> <https://www.ignet.gov/cigie/committees/integrity-committee>, including the IC Policies and Procedures (ICP&P), and Guidance and Frequently Asked Questions (FAQs). I respectfully would refer you to the IC for any additional information.

39. Senator HAWLEY. Mr. Storch, has anyone ever referred an allegation against you to the CIGIE Integrity Committee?

Mr. STORCH. As I previously have informed the Committee, I am aware of two referrals that have been made against me to the CIGIE IC. In both instances, I was recused from consideration of the matter and both resulted in a determination by the IC that the matter should be closed, without any negative finding.

40. Senator HAWLEY. Mr. Storch, during your time at the National Security Agency (NSA), have you become aware of NSA employees or anyone in the Intelligence Community intercepting private communications between U.S. citizens without proper authority, including presidential candidates?

Mr. STORCH. During my time as the IG at NSA, I have not become aware of any instances of NSA employees or others in the Intelligence Community engaging in such conduct.

41. Senator HAWLEY. Mr. Storch, CIGIE Integrity Committee currently has several investigations open into employees of DHS OIG. What is the total cost of these investigations over the past 2 years?

Mr. STORCH. I am not, as indicated above, able to confirm or deny the existence of any CIGIE IC investigation or investigations. I also am not aware of the cost of any particular investigation or investigations, and respectfully would refer you to the IC for any additional information.

42. Senator HAWLEY. Mr. Storch, how many hours have been devoted to these investigations?

Mr. STORCH. I am not able to confirm or deny the existence of any CIGIE IC investigation or investigations. I also am not aware of the total number of hours devoted to any particular investigation or investigations, and respectfully would refer you to the IC for any additional information. As a general matter, I believe the members of the IC put in substantial time to fairly, comprehensively, and timely review all of the matters that are considered by the IC in carrying out its functions.

43. Senator HAWLEY. Mr. Storch, what allegations is CIGIE IC investigations against DHS OIG personnel?

Mr. STORCH. Consistent with standard practices across the investigative community and the requirements of the Privacy Act, I can neither confirm nor deny the existence of any investigation by the CIGIE IC or detail any allegations that may be under investigation. I respectfully would refer you to the IC for any additional information.

44. Senator HAWLEY. Mr. Storch, do you actively audit and investigate claims that agency employees experience adverse action based on their political preference?

Mr. STORCH. As the NSA IG, my office investigates a wide range of allegations of waste, fraud, abuse, or misconduct by NSA employees and affiliates. This could include a claim that an agency employee improperly experienced an adverse action based on their political preference.

45. Senator HAWLEY. Mr. Storch, are you aware of any employees who experienced such negative treatment, and if so, what remedial action was taken?

Mr. STORCH. I cannot speak to other departments or agencies, but the NSA OIG has not substantiated any allegation that NSA employees experienced such negative treatment during my tenure as IG.

46. Senator HAWLEY. Mr. Storch, are you aware of any employees at your agency who have applied for a medical or religious exemption to President Biden's vaccine mandate and were denied this exemption?

Mr. STORCH. I am aware that there are NSA employees who have applied for a medical or religious exemption to the vaccine mandate. I do not know if any were denied an exemption, and it is my understanding that the process for adjudicating exemption requests made by civilian employees is on hold pending litigation regarding the vaccine mandate.

47. Senator HAWLEY. Mr. Storch, if so, how were these claims treated?

Mr. STORCH. As indicated in response to the prior question, I do not know if any claims for an exemption were denied, and it is my understanding that the process for adjudicating exemption requests made by civilian employees is on hold pending litigation regarding the vaccine mandate.

48. Senator HAWLEY. Mr. Storch, has any employee at NSA been fired because he or she objected to President Biden's vaccine mandate?

Mr. STORCH. I am not aware of any employee at NSA having been fired because he or she objected to the vaccine mandate.

49. Senator HAWLEY. Mr. Storch, has any workplace training at NSA, including in your office, discussed critical race theory, white guilt, or anti-racism?

Mr. STORCH. I cannot speak to all training conducted by the NSA, but my office has not conducted such training. I am, of course, strongly opposed to racism of any kind.

50. Senator HAWLEY. Mr. Storch, have you or anyone at CIGIE ever advised a government employee to use agency resources to undermine the nomination of an individual to a Senate-confirmed position?

Mr. STORCH. I cannot speak for anyone else, but I have never advised a government employee to use agency resources to undermine the nomination of an individual to a Senate-confirmed position.

51. Senator HAWLEY. Mr. Storch, have you or anyone at CIGIE ever tried to undermine the nomination of an individual to a Senate-confirmed position, while that nomination was pending before the Senate?

Mr. STORCH. I cannot speak for anyone else, but I have never tried to undermine the nomination of an individual to a Senate-confirmed position while that nomination was pending before the Senate.

52. Senator HAWLEY. Mr. Storch, do you believe that such conduct is ever appropriate?

Mr. STORCH. I believe that the process for confirmation of nominees should be scrupulously followed, and that no one should try to improperly influence that important process.

53. Senator HAWLEY. Mr. Storch, what do you think is the appropriate discipline for a Federal employee who advises an individual to use government resources to undermine the nomination of an individual to Senate-confirmed position?

Mr. STORCH. In my experience, determining appropriate discipline in any particular matter requires a case-by-case analysis of the facts at issue. Without significantly more information, I would not be able to provide a more detailed response to this question.

54. Senator HAWLEY. Mr. Storch, what safeguards are in place to ensure that the CIGIE IC can consider allegations against members of CIGIE?

Mr. STORCH. Section 11(d) of the IG Act and the ICP&P and the Addendum there-to provide for a number of safeguards to ensure that the IC can appropriately consider allegations against members of CIGIE. I respectfully would refer you to the IC for any additional information.

55. Senator HAWLEY. Mr. Storch, may a member of CIGIE sit as a judge in his own case?

Mr. STORCH. Members of the IC are not judges, but rather serve more akin to the role of an OIG Investigations Division for allegations made against IGs or other senior covered persons that cannot appropriately be handled appropriately by an individual office consistent with section 11(d) of the IG Act. Section 3(K) of the ICP&P provides an extensive list of situations in which an IC member will be recused from consideration of particular matters, including in subsection (i): "Matters in which that member or another person in that member's office or agency has personally and substantially participated."

56. Senator HAWLEY. Mr. Storch, may a member of CIGIE sit as a judge in a case against a more senior Member of CIGIE?

Mr. STORCH. Again, members of the IC do not sit as judges, but the IC has jurisdiction over allegations made against all IGs and covered persons, including CIGIE leadership.

57. Senator HAWLEY. Mr. Storch, may a member of CIGIE sit as a judge in a case against a member who appointed him or her to CIGIE in the first place?

Mr. STORCH. Again, IC members do not sit as judges, and members are not appointed by other IGs to CIGIE, but either are appointed by the President and confirmed by the Senate as IGs and, therefore, members of CIGIE, or are appointed by the heads of their establishments to their positions for designated federal entities under the IG Act. To the extent this question refers to the CIGIE Chair, who appoints members to the IC under section 11(d) of the IG Act, I would reiterate that the IC has jurisdiction over allegations made against all IGs and covered persons, including CIGIE leadership. With regard to any particular relationship, section 3(K)(ii) of the ICP&P requires recusal of an IC member from "[m]atters as to which the member believes that his or her impartiality would be questioned by a reasonable person with knowledge of the relevant facts." In my experience on the IC, this provision has been interpreted very broadly in favor of recusal if there is any possibility that a member's impartiality might be reasonably called into question.

58. Senator HAWLEY. Mr. Storch, does CIGIE ensure that a separate, unrelated, and independent entity handles allegations against members of CIGIE?

Mr. STORCH. The CIGIE IC is established by Congress under section 11(d) of the IG Act to handle allegations made against IGs or other covered persons within the IG community. As discussed above, the ICP&P contains a number of provisions calling for the recusal of members in various circumstances.

59. Senator HAWLEY. Mr. Storch, are you aware of any individuals in the inspector general community who have filed or called in complaints through their own hotlines?

Mr. STORCH. I am aware of instances in which individuals in the IG community have utilized their offices' hotlines to confidentially or anonymously submit complaints or other information. Additionally, when I came on board as the NSA IG, I created what we call the "IG Mailbag" to provide a secure means for employees to submit confidential or anonymous concerns directly to my attention. My team and I also advise our employees that, as NSA is part of the DOD, they can file complaints through the DOD Hotline and, as the Agency is part of the Intelligence Community, they can file complaints with the Hotline maintained by the Inspector General for the Intelligence Community.

60. Senator HAWLEY. Mr. Storch, if you were aware of any individuals in the inspector general community who have filed or called in complaints through their own hotlines, how were those matters handled?

Mr. STORCH. If NSA OIG employees choose to utilize our office's Hotline, such complaints would be handled consistently with our normal procedures and practices, including limitations on who has access to such information and the dissemination of the identity of the complainant as appropriate. With regard to complaints or other matters that have been submitted directly to me through the IG Mailbag, I read each one, consult with the employee to obtain any additional information as may be helpful if they have chosen to identify themselves, and take such action as I

deem appropriate to address the matter. I do not know specifically how any complaints submitted by NSA OIG employees to the DOD Hotline or the Intelligence Community IG Hotline have been handled, though I would assume those offices would have followed their standard procedures for such matters.

61. Senator HAWLEY. Mr. Storch, do you believe that such a practice is legally permissible?

Mr. STORCH. I do not know of any legal reason that a complaint cannot be submitted through an OIG employee's own OIG hotline. Section 7(a) of the IG Act provides that the IG "may receive and investigate complaints or information from an employee of the establishment . . ." While it is critical that we in the IG community maintain our independence from the establishments where we are located in carrying out our oversight functions, OIG employees are employees of the establishments their offices oversee, so I would think they are authorized to file complaints through their own office's hotline, should they choose to do so, of course.

62. Senator HAWLEY. Mr. Storch, do you believe that such a practice is ethical?

Mr. STORCH. I do not know of any ethical prohibition on an OIG employee filing a complaint through their OIG's hotline. Such complaints may, for example, involve conduct or other things that the employee has witnessed at the department or agency where they work, and I believe it would be appropriate for employees to use the hotline as a means to bring such information to the attention of their office's Investigations Division should they choose to do so. If such a complaint were to involve an allegation of misconduct by OIG personnel, there would be an examination of any conflicts or appearances of a conflict and appropriate steps taken to ensure fair consideration of the matter. Depending on the facts and circumstances, such measures could include things like walling off certain personnel if an internal investigation can be fairly and credibly conducted by the OIG and, if that is not the case, obtaining the assistance of another OIG to independently consider the matter. Any allegations related to the IG or other covered persons under section 11(d) of the IG Act would be submitted to the IC for its consideration.

63. Senator HAWLEY. Mr. Storch, has CIGIE ever received any allegation of misconduct that Deborah Jeffries withheld, failed to release, delayed, or otherwise altered any report? If so, please provide a copy of all such allegations and any report that CIGIE IC produced on the matter. If CIGIE IC did not open an investigation into this allegation of misconduct, please identify the reasons why CIGIE declined to do so.

Mr. STORCH. Consistent with standard practices across the investigative community and the requirements of the Privacy Act, I can neither confirm nor deny the receipt of any allegation of misconduct by the CIGIE IC related to any particular individual. I respectfully would refer you to the IC for any additional information.

64. Senator HAWLEY. Mr. Storch, if an employee serves in an Office of Inspector General on detail but later leaves that office, do you believe that CIGIE maintains jurisdiction to investigate that individual?

Mr. STORCH. Section 2 of the ICP&P provides that, "[a]t its discretion and consistent with the public interest (including the availability of an effective remedy), the IC may consider wrongdoing alleged to have occurred while an individual served as a Covered Person, even if that individual is no longer a Covered Person or in government service when the IC receives the allegation." This is consistent with what I understand to be CIGIE's position and a prior determination by the Department of Justice Office of Legal Counsel, and I respectfully would refer you to the IC for any additional information.

65. Senator HAWLEY. Mr. Storch, what safeguards are in place to prevent partisan investigations into political appointees in inspector general offices who leave when their term expires?

Mr. STORCH. With regard to the CIGIE IC, section 1 of the ICP&P provides as follows:

Members of the Inspector General community are charged with protecting the integrity, efficiency, and economy of the Federal government and its programs, activities, and operations. To maintain public trust, all Inspector General community members must adhere to high standards of official conduct and are accountable in the event that they fall short of those standards. The statutory mandate of the Integrity Committee ("IC") of the Council of the Inspectors General on Integrity and Efficiency ("CIGIE") is to receive, review, and refer for investigation allegations of wrongdoing made against Inspectors General or Acting Inspectors General who are

members of CIGIE (“IGs”), designated members of the senior staffs of those IGs, and the Special Counsel and Deputy Special Counsel of the Office of Special Counsel (“OSC”), and to ensure the fair, consistent, timely, and impartial disposition of allegations that fall within the IC’s statutory mandate.

These policies and procedures (“Policies”), required by section 11(d)(7)(B) of the Inspector General Act of 1978, as amended, 5 U.S.C. app. (“IG Act”), were adopted by the IC in conjunction with the CIGIE Chairperson, and in consultation with the Public Integrity Section (“PIN”) of the Department of Justice (“DOJ”) and the OSC.

IGs are themselves appointed “without regard political affiliation” pursuant to section 3(a) of the IG Act, and such nonpartisanship is a bedrock principle in the IG system. In my experience on the IC and in the OIGs where I have worked, I have never seen partisanship play any role in any investigation.

66. Senator HAWLEY. Mr. Storch, in your capacity as Inspector General for the National Security Agency, under what authority did you provide yourself a pay raise?

Mr. STORCH. I have never provided myself a pay raise. As I previously informed the Committee, I learned the week before my confirmation hearing that a question had been raised as to whether I may have been overpaid by NSA, upon which my office relies for processing a variety of human resources (HR) functions, by \$2,700 in 2019 and \$7,700 in 2020. I immediately looked into the matter, and I was informed by the NSA senior leadership office that it and the NSA Office of General Counsel—apparently with DOD approval at the time but without consulting with me or my office—had determined that it was appropriate to apply the government-wide cost of living adjustment (COLA) to my pay in 2019, and that this was followed in 2020, both within the cap applicable to the pay schedule at which I came to work here. I further was informed that, in 2021, the Agency decided not to apply the COLA to my pay (which is direct-deposited into my wife’s and my savings) because of the pay freeze for political appointees, and that the Department had conducted a review of IG pay across the defense intelligence components. While my office and I again were not consulted on any of this, I am responsible for my pay and I unambiguously informed the Agency officials with whom I spoke, and reiterated to the Committee, that I never intended to receive and would not keep any funds if there was any question at all that they were appropriate. I instructed my HR lead to follow up and, specifically, to reach out to CIGIE for guidance—my understanding is that the issue is still being researched and I will, as indicated above, immediately repay any and all funds that it is determined may have been incorrectly paid to me.

[The nomination reference of Honorable Robert P. Storch follows:]

NOMINATION REFERENCE AND REPORT

PN1368

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
November 15, 2021.

Ordered, That the following nomination be referred sequentially to the Committee on Armed Services; when reported by the Committee on Armed Services, pursuant to an order of January 7, 2009, to be sequentially referred to the Committee on Homeland Security and Governmental Affairs for 20 calendar days:

Robert Phillip Storch, of the District of Columbia, to be Inspector General, Department of Defense, vice Jon T. Rymer, 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 Honorable Robert P. Storch, which was transmitted to the Committee at the time the nomination was referred, follows:]

Bio
Robert P. Storch

Education:

- Harvard College
 - September 1978 - 1982
 - A.B., *magna cum laude*, in History and Government
- Columbia University School of Law
 - 1982 – 1985
 - J.D.

Employment Record:

List all jobs held since college including title or description of job, name of employer, location of work, and dates of employment.

- National Security Agency Office of the Inspector General, Ft. Meade, MD
 - Inspector General
 - January 2018 – Present
- U.S. Department of Justice Office of the Inspector General, Washington, D.C.
 - Most recently served as Deputy Inspector General
 - July 2012 – January 2018
- U.S. Attorney's Office, Northern District of New York, Albany, NY
 - Assistant U.S. Attorney (most recently served as Deputy Criminal Chief and Counsel to the U.S. Attorney, and as Acting Criminal Chief)
 - December 2009 – June 2012
- U.S. Department of Justice, Criminal Division, Office of Overseas Prosecutorial Assistance, Development and Training (OPDAT), Kyiv, Ukraine
 - Resident Legal Advisor
 - December 2007 – December 2009 (on detail from USAO/NDNY)
- U.S. Attorney's Office, Northern District of New York, Albany, NY
 - Assistant U.S. Attorney
 - April 1995 – December 2007
- Bond, Schoeneck and King, PLLC, Albany, NY
 - Associate
 - March 1994 – April 1995
- U.S. Department of Justice, Criminal Division, Public Integrity Section, Washington, D.C.
 - Trial Attorney
 - July 1990 – March 1994

- U.S. Attorney's Office, Middle District of Florida, Jacksonville, FL
 - Assistant U.S. Attorney
 - May 1987 – June 1990
- Covington and Burling LLP, Washington, D.C.
 - Associate
 - September 1996 – April 1997
- U.S. District Judge William D. Keller, Central District of California, Los Angeles, CA
 - Law clerk
 - September 1995 – August 1996
- Morrison & Foerster, San Francisco, CA
 - Summer associate
 - May 1985 – August 1985
- Ropes & Gray LLP, Boston, MA
 - Summer associate
 - May 1984 – August 1984
- Shipman & Goodwin, LLP, Hartford, CT
 - Summer associate
 - May 1983 – August 1983
- Duval County Public Schools, Jacksonville, FL
 - Camp counselor
 - June 1982 – August 1982

Honors and Awards:

- Military Awards
 - N/A
- Federal Civilian Awards
 - U.S. Attorney's Office, MDFL
 - Commendation from DOJ AAG Mueller for work on Jacksonville Public Corruption Task Force
 - Commendation from FBI Director Sessions for work on multi-state bombing investigation

- Public Integrity Section, Criminal Division, USDOJ
 - Commendation from FBI Director Sessions for Arkansas election fraud prosecutions
 - DOJ Special Achievement Award
- U.S. Attorney's Office, NDNY
 - Commendation from FBI Director Mueller for career contributions
 - Commendation from U.S. Attorney for work as Appellate Chief and Senior Litigation Counsel
 - Commendation from U.S. Attorney for work as District's first Anti-Terrorism Coordinator
 - Selected for and served approximately 11 years on the DOJ Evaluation and Review Staff
 - Arson Prosecutor of the Year, New York State Fire Investigators Association
 - Commendation from DOJ AAG Patrick for work on prison beating case
 - Various other case related commendations, including from the U.S. Department of the Interior OIG, the Federal Bureau of Prisons, the U.S. Department of Transportation OIG, and the U.S. Department of Labor OIG
- U.S. Department of Justice OIG
 - Recognized for work on DOJ OIG Diversity Committee (2 years)
- Academic Awards
 - Harvard College (undergraduate)
 - Graduated *magna cum laude* with a double major in History and Government
 - Harvard College Scholar
 - Columbia University School of Law (graduate)
 - Harlan Fiske Stone Scholar
 - Lawrence Wein Scholar for the Eleventh Circuit
 - Class of 1912 Prize in Contracts

[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 Honorable Robert P. Storch 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):**
Robert Phillip Storch
2. **Position to which nominated:**
Inspector General, Department of Defense
3. **Date of nomination:**
15 November 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):

Undergraduate:

Attended: Harvard College
Degree Received: A.B, *magna cum laude*
Date Received: June 1982

Graduate:

Attended: Columbia University School of Law
Degree Received: J.D.
Date Received: May 1985

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):**

National Security Agency Office of the Inspector General, Ft. Meade, MD
(January 2018 to present) – Serve as Inspector General

United States Department of Justice Office of the Inspector General,
Washington, D.C. (July 2012 to January 2018) – Served as Counselor to the
Inspector General, Senior Counsel to the Inspector General, Acting Deputy
Inspector General, and for the last several years, Deputy Inspector General

United States Attorney's Office, Northern District of New York, Albany, NY (April
1995 to June 2012) – Last positions held were Counsel to the United States
Attorney and Deputy Criminal Chief (as well as Acting Criminal Chief), previously
served as Senior Litigation Counsel and Chief of the Appellate Division, as the
District's initial Anti-Terrorism Coordinator, and as Civil Rights Coordinator, also
had district-wide responsibilities at different times as District Financial Crimes
Coordinator, Ethics Advisor, Election Officer, Bankruptcy Fraud Coordinator, and
Brady/Giglio Coordinator.

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):**

Vice-Chair, CIGIE Technology Committee (October 2018 to present), and Chair
of its Emerging Technology Subcommittee (May 2019 to present)
Member, CIGIE Integrity Committee (June 2020 to present)

Member, Defense Council on Integrity and Efficiency (DCIE) (January 2018 to present)
Member, Five Eyes Intelligence Oversight and Review Council (FIORC) (January 2018 to present)
Chair, CIGIE Whistleblower Ombudsperson Working Group (March 2013 to January 2018)

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):

I am an uncompensated trustee for the irrevocable trusts established by one of my brothers for each of his five children. The funds are managed by Charles Schwab/Silver Oak Wealth Management, LLC, Edina, MN

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):

Albany Symphony Orchestra Conductor's Circle

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):

None

b. List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years:

None

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):

Harvard College (undergraduate)

Graduated *magna cum laude* with a double major in History and Government
Harvard College Scholar

Columbia University School of Law (graduate)

Harlan Fiske Stone Scholar
Lawrence Wein Scholar for the Eleventh Circuit
Class of 1912 Prize in Contracts
President, Columbia Law School Senate

U.S. Attorney's Office, MDFI

Commendation from DOJ AAG Mueller for work on Jacksonville Public
Corruption Task Force
Commendation from FBI Director Sessions for work on multi-state bombing
investigation

Public Integrity Section, Criminal Division, USDOJ

Commendation from FBI Director Sessions for Arkansas election fraud
prosecutions
DOJ Special Achievement Award

U.S. Attorney's Office, NDNY

Commendation from FBI Director Mueller for career contributions
Commendation from U.S. Attorney for work as Appellate Chief and Senior
Litigation Counsel
Commendation from U.S. Attorney for work as District's first Anti-Terrorism
Coordinator
Selected for and served approximately 11 years on the DOJ Evaluation and
Review Staff
Arson Prosecutor of the Year, New York State Fire Investigators Association
Commendation from DOJ AAG Patrick for work on prison beating case
Various other case related commendations, including from the U.S. Department
of the Interior OIG, the Federal Bureau of Prisons, the U.S. Department of
Transportation OIG, and the U.S. Department of Labor OIG

U.S. Department of Justice OIG

Recognized for work on OIG Diversity Committee (2 years)

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):**
None
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.



This 30th day of November, 2022

[The nomination of Honorable Robert P. Storch was reported to the Senate by Chairman Reed on March 8, 2022, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on November 30, 2022.]

[Prepared questions submitted to Dr. Lester Martinez-Lopez by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES**DEPARTMENT OF DEFENSE REFORMS**

Question. The National Defense Authorization Acts for Fiscal Years 2017, 2018, and 2019 included some of the most significant personnel reforms of the Department of Defense since the Goldwater-Nichols Department of Defense Reorganization Act of 1986.

Do you support these reforms?

Answer. Yes, the congressionally directed reforms of the Military Health System provide an opportunity for the Military Health System to modernize, ensure the force is medically ready, and the medical force is ready, and best position the Military Health System and the Department for the challenges it will confront in the years ahead.

Question. What other areas for defense personnel reform do you believe might be appropriate for this Committee to address?

Answer. While the Military Health System has made significant progress in implementing the reforms required by law, it is not yet complete. If confirmed, I will examine the current implementation status, as well as identify any potential gaps, and work with Congress as needed to identify any future areas for focused action.

QUALIFICATIONS

Question. What background and experience do you have that qualify you for this position?

Answer. My experience leading large medical organizations across my 31-year career in the U.S. Army and in the civilian sector has prepared me for this position. I have learned how to lead large organizations and ensure they deliver high quality health care. My final military assignment was serving as the Commanding General of the U.S. Army Medical Research and Materiel Command and Fort Detrick, Maryland. In addition, I had the honor of commanding three hospitals, serving as the medical officer in charge of two international disaster relief efforts in Haiti and Central America, serving as Forces Command Surgeon, and commanding the Center for Health Promotion and Preventive Medicine, an organization like the CDC of DOD. After leaving the Army, I directed an academic teaching hospital in Houston, Texas, and was a Chief Medical Officer of a large hospital in Tampa, Florida. I believe that these military and civilian experiences qualify me for this position.

Question. Are there any actions you should take to enhance your current ability to perform the duties of the Assistant Secretary of Defense for Health Affairs (ASD(HA))?

Answer. If confirmed, I will strive to work with our valued stakeholders to better understand the key challenges facing the Military Health System. In order to obtain this understanding I will seek input and collaboration from many stakeholders, including Secretary Austin, Under Secretary Cisneros, ASD(HA) staff, Congressional leaders, Service leadership, Combatant Command leadership, interagency leaders, and military and patients advocacy groups.

DUTIES

Question. What is your understanding of the duties and functions of the ASD(HA)?

Answer. The Assistant Secretary of Defense for Health Affairs (ASD(HA)) is the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Personnel and Readiness for all DOD health and force health protection policies, programs, and activities. The ASD(HA) is also responsible for execution of the Department's medical mission, including providing and maintaining readiness for medical services during military operations and for ensuring the health of the members of the Military Services, their families and other eligible beneficiaries. To do this, the ASD(HA) is responsible for developing policies, and providing oversight of the health care system. Other responsibilities include effectively governing the management of DOD health and medical programs, the sponsorship and oversight of medical research and development, and medical education and training. Good stewardship of the Defense Health Program (DHP) appropriation and effective use of taxpayer dollars is another major responsibility of the ASD(HA). The ASD(HA) also serves as a key leader within the Department for the coronavirus disease 2019 (COVID-19) response, supporting the Secretary of Defense and Deputy Secretary of Defense, developing and implementing Force Health Protection and other policies that ensure the safety of the Department's personnel. I also understand that the ASD(HA) is one of the leads within the Department on ensuring the care of those individuals affected by Anomalous Health Incidents (AHI), working both within the Department and with other government agencies and departments on this issue.

Question. If confirmed, what duties and functions do you expect the Secretary of Defense to prescribe for you?

Answer. If confirmed, I expect that the Secretary will prescribe duties and functions in accordance with the responsibilities described above.

MAJOR CHALLENGES/PRIORITIES

Question. In your view, what are the major challenges confronting the next ASD(HA)?

Answer. In my view, there are three major challenges facing the next ASD(HA). The first is the completion of the congressionally directed Military Health System reforms. It is my understanding that much has been accomplished in recent years: most notably the transfer of most military medical treatment facilities to the authority, direction, and control of DHA, and the establishment of most DHA markets. It is my understanding that the transfer of congressionally directed public health and research and development organizations and program to the DHA is still in progress. In the coming years, even as the "geography of reform" is solidified, we must ensure the proper execution of these reforms, and grow the connective tissue and culture required. For the ASD(HA), that will mean exercising proper oversight, direction, and providing appropriate guidance to ensure these reforms accomplish the aims of enhancing the readiness of our Force and medical force, while providing the benefit and care that our servicemembers, families, retirees, and other beneficiaries deserve.

The second challenge I see is, amidst continuing reform, ensuring that we achieve and maintain a high level of medical readiness in support of the National Defense Strategy. In my view, the ASD(HA) must both safeguard medical readiness and fulfill our commitment to our various beneficiary populations. In light of a continually evolving threat picture, I believe the next ASD(HA) must place a premium on ensuring we have a deployable health force that can support the rest of our formations.

Finally, I anticipate a challenge in continuing to manage the COVID-19 response by supporting the Department and its U.S. Government partners. It is my understanding that the Office of the ASD(HA) has led or contributed to almost every major initiative the Department has undertaken regarding the COVID-19 response, from the development of Force Health Protection policies to supporting COVID-19 domestic assistance deployments. In my view, the next ASD(HA) will need to con-

tinue those efforts, assuring the readiness of our Force, mitigating any impacts to the DHP, and managing any other second and third order effects to the Military Health System from the pandemic.

Question. If confirmed, how would you address each of those challenges? Please be specific in your responses.

Answer. Regarding Military Health System reform, if confirmed, I will bring myself fully up to speed on the current status. I will engage with my colleagues in the Military Health System, such as the Surgeons General, the Joint Staff Surgeon, and the Director of the DHA, to identify current challenges and obstacles, as well as what specific actions and assistance they need from the ASD(HA). If confirmed, I will also engage other senior leaders in the Department who may have equities in Military Health System reform, such as the Secretaries of the Military Departments, and COCOM Commanders, to identify areas of collaboration and progress and ways to overcome any obstacles. If confirmed, I will ensure that the Office of the ASD(HA) works closely with all parties involved in reform, while exercising effective oversight and support as required.

Regarding health readiness, if confirmed, I will work with colleagues in the Office of the Secretary of Defense, especially Under Secretary Cisneros and Assistant Secretary Skelly, the Joint Staff, and the Military Departments to better understand and assess our current level of readiness, anticipated needs, relevant efforts currently underway in the Department, and how I might better understand, assist, and lead these efforts. If confirmed, I will continuously monitor progress in this area and remain connected with other leaders across the Department whose ability to accomplish their missions depends on the readiness of our formations and medical forces.

Regarding the COVID-19 pandemic, if confirmed, I will first engage with all the major stakeholders in the Department engaged in COVID-19 response, so I can understand the full scope of the Department's COVID-19 activities. If confirmed, I will seek to understand how COVID-19 is impacting other elements of the Military Health System, like the provision of medical care, staffing, and budgeting, and what actions the Military Health System is, or should be, taking to address these impacts. If confirmed, I will ensure the Office of the ASD(HA) supports the Department and the interagency in the COVID-19 response. Finally, I understand that the Department is conducting a Biodefense Posture Review, in part in response to the COVID-19 pandemic, and to better posture the Department for future biological threats. If confirmed, I will work within the Department and with other Federal agencies and departments, as needed, to implement any lessons learned and recommendations that come out of the Biodefense Posture Review.

Question. If confirmed, what would be your top priorities for the military health system (MHS)?

Answer. If I am confirmed, my top priority will be readiness—both the readiness of the DOD medical force and the medical readiness of the DOD Force. If confirmed, I will ensure the completion and of congressionally directed Military Health System reforms.

Continuing to ensure the Total Force is protected from COVID-19 is another important priority, and is also directly linked to readiness. If I am confirmed, managing the COVID-19 pandemic and preparing for future biological threats, as described above, will be central to many of my activities as the ASD(HA).

A third priority is ensuring DOD continues to address mental health challenges within the military, and preventing suicide among all DOD personnel. If confirmed, I will support the Department in increased emphasis in this area.

If I am confirmed, my other priorities would include overseeing the rollout of the new electronic health record, MHS GENESIS and working with the Department of Veterans Affairs to assist its implementation of its electronic health record, supporting the Department's and U.S. Government's work on Anomalous Health Incidents, and other Presidential and Secretary of Defense Initiatives.

RELATIONS WITH CONGRESS

Question. What are your views on the state of the relationship between the Office of the Assistant Secretary of Defense for Health Affairs (OASD(HA)) and the Senate Armed Services Committee in particular, and with Congress in general?

Answer. In my view, the relationship between the Office of the ASD(HA) and the Senate Armed Services Committee and Congress is crucial, and one of the most important relationships the ASD(HA) will have. In my view, it is vital that Office of the ASD(HA) have a strong, open, transparent, and trust-based relationship with the Senate Armed Services Committee and Congress. If confirmed, I will do everything in my power to ensure this relationship is robust and enduring.

Question. If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between Congress and the OASD(HA)?

Answer. If confirmed, I will ensure that the relationship between Congress and the Office of the ASD(HA) is founded upon trust and transparency. If confirmed, I pledge that Congress will have open lines of communication to the Office of the ASD(HA), that the Office will provide regular updates to Congress, and respond quickly and ably to any inquiries or requests for information. If confirmed, I will also continue to participate in regular updates to the House and Senate Armed Services Committee, as I understand is the current practice of the Office of the ASD(HA) and the DHA Director.

NATIONAL DEFENSE STRATEGY

Question. If confirmed, how would you position the MHS to support more fully the Department's National Defense Strategy?

Answer. One of the central ways that the Military Health System supports the Department's National Defense Strategy is through ensuring the medical readiness of the Force and a ready medical Force. Reforms the Department is currently implementing seek to sustain and enhance the direct care system's ability to support readiness. This, in turn, supports the warfighter. If confirmed, I will work to ensure that the Military Health System is positioned to support the National Defense Strategy. If confirmed, I will ensure that the Military Health System continues its focus on supporting the warfighter, by ensuring the Military Health System is prepared for conflict, and its military medical providers have the skills needed in the event they are needed to support the national defense.

Question. If confirmed, what immediate changes would you make in the MHS to support the National Defense Strategy better?

Answer. If confirmed, I will immediately work to better understand how the MHS is supporting the National Defense Strategy and I will undertake any needed adjustments to fully support the National Defense Strategy.

MANAGING THE COST OF HEALTH CARE

Question. In your view, what is the greatest threat to the long-term viability of the military health system?

Answer. The greatest threat to the long term viability of the Military Health System is managing the growth in health care costs while ensuring medical readiness and the care of our servicemembers, retirees and family members are not compromised. Rising health care costs are directly impacting the Department. The Department must continue to strive to find innovative ways to reduce costs in both the direct care system and private sector care, while ensuring a medically ready force and ready medical force to meet our national security goals, and sustain the health benefit our servicemembers, retirees, and their families rely on and deserve.

Question. What is your assessment of the long-term impact of the Department's health care costs on military readiness and overall national security?

Answer. Rising health care costs are a national problem, and the Department is not immune to those pressures. The Department must continue to provide a robust benefit, both as a way to attract and retain military personnel, and as an earned benefit for those who spend their career in the military. However, as those costs rise above the general growth in the Department's budget, there is the real risk that these rising costs will compete with resources needed to invest in readiness and reforms as well as the Department's other priorities in support of our national security needs. The Department must continue to transform the Military Health System to assure readiness and effectiveness while realizing efficiencies and eliminate unnecessary duplication.

Question. If confirmed, what actions would you take to mitigate the effect of the Department's medical costs on the Department's budget top-line, while simultaneously implementing programs to improve health outcomes and to enhance the experience of care for all beneficiaries?

Answer. If confirmed, I will lead the ongoing transformation of the Military Health System, focusing on organizational, infrastructure, and manpower changes. It is my understanding that the transition to a market-based structure to manage military hospitals and clinics is already underway and should lead to greater standardization, efficiencies, and lowering of operating costs. This, in turn, will free up resources to invest in readiness and continue providing our beneficiaries with access to the high quality care they deserve. I will ensure we maintain focus on performance measures, to ensure the Military Health System is meeting its health-outcome and quality-of-care goals, and on the Department's shift toward value-based care.

Under value-based care, as in the civilian sector, the Department would pay for the quality of the health outcome instead of simply the quantity of services provided.

Question. If confirmed, what would you do to create a value-based military health system—a system that delivers quality health care and improves health outcomes for beneficiaries at reasonable costs both to beneficiaries and to the Department?

Answer. If confirmed, I will pursue or maintain efforts to update the Military Health System's business model to include resource incentives based on patient outcomes for both the direct care system and private sector care. In theory, by incorporating this value-based health care delivery model, the Military Health System should experience better health outcomes, lower costs, and achieve higher patient satisfaction. If confirmed, I will work with key stakeholders within the Department to identify areas where the Military Health System can gain efficiencies to further control or lower costs by prioritizing staffing at military medical treatment facilities and reducing unnecessary variation and duplication of effort, all while assuring these better health outcomes. If confirmed, I will also determine the cost of sustaining medical readiness and develop a way to better express the value of our system to assist Department of Defense senior leaders in making future resourcing decisions given our constrained fiscal environment.

Question. If confirmed, what specific reforms in medical infrastructure, benefits, benefit management, contract acquisition, military provider productivity, military-civilian provider mix, and medical personnel end strengths would you implement to improve medical readiness and to help control the per capita costs of health care provided by the Department? Please address each issue separately.

Answer. If confirmed, I will engage in a comprehensive review of our medical infrastructure with a goal to modernize and invest in military medical treatment facilities and the benefit in support of readiness and health care delivery for servicemembers, retirees, and their families. If confirmed, I will continue efforts to enhance TRICARE to support access to high value care for covered beneficiaries. If confirmed, I will also continue the Department's efforts to establish and ensure compliance with provider productivity standards. If confirmed, I will direct the development of manpower models to standardize provider-to-support staffing ratios by specialty area and determine the optimal military and civilian medical force mix required to support deployments and maintain continuity of operations within our military medical treatment facilities.

Question. In your view, has the MHS adopted methods to analyze cost effectiveness relative to clinical and readiness outcomes?

Answer. It is my understanding that the MHS has adopted funding models to analyze cost effectiveness for markets and military medical treatment facilities) relative to clinical and readiness outcomes. These funding models apply a mix of capitation and value-based purchasing concepts to better control costs while incentivizing improvements in quality. If confirmed, I will support continued efforts to enhance and refine value-based resourcing decisions.

Question. In a recent audit of the Defense Health Agency's reporting of improper payment estimates for the Military Health Benefits (MHB) Program, the DOD Inspector General determined that the Defense Health Agency (DHA) is unable to identify improper payments effectively and will not produce a reliable improper payment estimate for the MHB Program for fiscal year 2021.

If confirmed, what actions would you take to address these findings by the DOD IG?

Answer. If confirmed, I would direct the Defense Health Agency (DHA) to ensure any improper payment audits are in alignment with the statutory definition of what constitutes an improper payment. I would have the DHA explore sampling methodologies and scenarios to determine the best way to detect improper payments. Finally, I would explore adding requirements to the TRICARE contracts in order to support the improper payment annual audit, in accordance with applicable law.

Question. The recently-enacted National Defense Authorization Act for Fiscal Year 2022 includes a provision that would authorize the Department of Defense to establish a program to prevent and remedy fraud and abuse in the health care programs of the Department.

Question. If confirmed, what actions would you take to address fraud and abuse in the MHS?

Answer. If confirmed, at the discretion of the Secretary of Defense, I would work with the DOD Inspector General to expand the DHA's fraud and abuse program to investigate and aggressively pursue civil monetary penalties to recoup any payments made under false pretenses, as defined by law, towards the DOD and the Military Health System. Additionally, I would reach out to my counterparts within the Department of Health and Human Services and the health insurance industry

to identify any lessons learned and best practices when establishing a fraud and abuse programs.

MEDICAL PROVIDER PRODUCTIVITY

Question. If confirmed, what would you do to improve provider productivity in the MHS?

Answer. The Military Health System is unique and different than a civilian health care system because it must meet two missions: supporting the readiness of the Force and taking care of its beneficiaries through the provision of a health care benefit. Therefore, it is difficult to measure provider productivity, especially military provider productivity, using civilian health care benchmarks. If confirmed, I will continue the Military Health System's efforts to improve provider productivity and explore new methodologies to better measure provider productivity that values the unique readiness mission that sets us apart from the civilian sector.

Question. How does low provider productivity impact beneficiaries' access to care?

Answer. As a physician, I recognize we can only provide care to those patients who are able to schedule an appointment. If a provider does not have an adequate number of appointments to meet demand, access suffers. If confirmed, I will continue the Department's efforts to monitor compliance with productivity standards to support access to care for our beneficiaries.

Question. In your view, is provider productivity impacted by the Department's inability or failure to provide adequate administrative or ancillary clinical resources to relieve providers of administrative burdens that may limit their time for patient encounters?

Answer. Provider productivity can be impacted by a variety of factors such as lack of human capital, poor workflows/processes, and/or inefficient technology. My understanding is that, to address the two latter factors, the Department is transitioning to a new electronic health record, MHS Genesis, which has already shown improvement in clinical workflows. In terms of human capital, it is my understanding that the Department is working to establish standard processes to reduce administrative burdens. If confirmed, I will continue these efforts and commit to establishing and resourcing clinical support staff based on validated manpower models to enhance provider efficiency and productivity.

Question. In your view, how does medical procedure volume and complexity relate to the readiness of military medical providers to provide casualty care in a deployed environment?

Answer. Medical procedure volume and complexity is critical to ensuring the readiness of military medical providers and their health care teams. Indeed, studies have demonstrated that providers who have higher medical procedure volume and complexity achieve better patient outcomes. We want providers to practice the full scope of their privileges. It is my understanding the MHS is developing sets of expeditionary Knowledge, Skills and Abilities for various medical occupational skill sets to be able to assure adequate case volume and complexity to assure clinical readiness. If confirmed, I will ensure the Department continues efforts to increase the volume and complexity of care provided in its military medical treatment facilities to support case mix in critical wartime specialties.

Question. In your view, do all current military treatment facilities (MTFs) serve as operational medical readiness training platforms? Please explain.

Answer. Yes; in my view as a physician and a former military medical officer, I believe all current military medical treatment facilities serve as operational medical readiness training platforms. Although many people believe only surgical and critical care specialties support operational readiness training platforms, I recognize that almost all specialties support operational medical readiness. If confirmed, I will continue the Department's efforts to optimize primary care at all military medical treatment facilities to meet readiness needs. Without a strong primary care platform, our servicemembers will not be medically ready to deploy. It is also my understanding that the Department is focusing medicine and surgical specialty capabilities at larger military medical treatment facilities to ensure sufficient volume and case mix are available to support providers and health care teams with critical wartime currency. If confirmed, I will continue these efforts.

MILITARY HEALTH SYSTEM REORGANIZATION

Question. Section 702 of the National Defense Authorization Act for Fiscal Year 2017 transferred direct oversight and management of military hospitals and clinics from the Services to the Defense Health Agency (DHA).

If confirmed, how will you enhance DHA's operations to ensure simultaneously the medical readiness of military forces and the readiness of the military medical force?

Answer. If confirmed, I will continue the transformation of the Military Health System with a keen focus on balancing resources and reducing any remaining duplication of responsibilities between the Defense Health Agency (DHA) and the Military Medical Departments. If confirmed, I will ensure that the DHA and Military Medical Departments have assessed organizational structures and required resources. I will use these assessments to optimize the Military Health System to support a medically ready force and a ready medical force. Additionally, I will ensure the Military Health System and all its components operate in a mutually supporting culture to standardize military medicine, adequately size our system to support readiness and our patients' needs, and design clinical and business processes to increase value. I applaud the progress over the past several years, but there is much work to be done to fully realize the potential of the Military Health System transformation.

Question. What outcome measures has the Department developed to help determine the effectiveness of this transition?

Answer. The Department previously established measures to assess the effectiveness of the Military Health System transition, and if confirmed, I will review these measures as one of my first priorities. My understanding is that the DHA and Military Medical Departments are on track to complete military medical and dental treatment facility transition activities this fiscal year, and I will hold them accountable to meet that mark. In pursuit of improving the overall performance of the Military Health System, if confirmed, I will support the DHA's performance management framework, which is effectively designed to advance the Quadruple Aim of Improved Readiness, Better Care, Better Health, and Lower Cost. If confirmed, I will pursue both near-term and longer-term opportunities to change the trajectory of cost growth by building value while improving the health of those we serve.

SECTION 703C STUDY

Question. Section 703c of the NDAA for Fiscal Year 2017 required the Department to update the previous MHS Modernization Study accomplished in 2015, to address the restructuring or realignment of MTFs. Updates to this study were delayed by COVID-19.

How has the Department's experience with COVID-19 affected its analysis for restructuring or realignment of MTFs?

Answer. As the question notes, it is my understanding that the Department paused all section 703-related transition efforts to ensure adequate resources were available to support the COVID-19 pandemic response. It is my understanding that the Department revalidated its assumptions in the initial analysis for restructuring or realignment of military medical treatment facilities and updated its recommendations for each facility to account for changes in both DOD staffing and the impact to local health care systems' capacities and capabilities.

Question. If confirmed, what would you do to shift more beneficiary care to the private sector in locations where direct care costs are significantly higher than private sector care?

Answer. In my view, shifting beneficiary care to the private sector should be based on a variety of factors, of which cost savings is just one. Such other factors may include both the capability and capacity of care in the military medical treatment facility and the network surrounding it, as well as the quality of providers in the area surrounding the military medical treatment facility. If confirmed, I will ensure the Department is examining all of these factors to ensure that readiness is sustained and that our beneficiaries will have adequate access to quality care as part of determining if shifting care to the private sector.

Question. In your view, how could the MHS better match and/or cross-level military provider assignments to demand signals that may change quickly in a given medical market?

Answer. The MHS should ensure it is developing demand-based manpower standards, and apply those standards to staff military medical treatment facilities through a deliberate human capital distribution plan. If confirmed, I will seek to staff military medical treatment facilities with an optimal mix of military, civilian and contract medical personnel which will allow the Department to respond to changing demand signals and access to care in an agile manner.

Question. Does this study demonstrate that the MHS must re-think assignment of certain specialty providers to locations where demand is consistently high so that

those providers with critical skills required in combat can maintain their proficiency?

Answer. Yes. The Military Health System primary goals are to ensure a medically ready force to execute the National Defense Strategy, and to develop and maintain a ready medical force to support the requirements of our Combatant Commanders. With this premise in mind, the study demonstrates the Department's decision to align their key specialty providers at military medical treatment facility platforms that have the volume and complexity of medical cases necessary to maintain their medical skill proficiency is right.

Question. In your view, should the Department establish specialty care centers of excellence in specific markets with high demand for those specialty procedures?

Answer. If confirmed, I will explore the feasibility of enhancing specialty care at locations with higher demand for certain types of care. This should be based on the importance of such care to optimize case mix complexity in support of critical wartime skills and great health outcomes. If confirmed, I will continue the Department's current efforts to modernize the direct care system by prioritizing resources at military medical treatment facilities with the greatest potential to support readiness and reduce health care costs. These locations could potentially be considered future centers of excellence. In locations where it is not feasible to do so, or where it makes more sense to outsource care to the private sector, I will work with the Department to ensure our beneficiaries receive the same quality care in our TRICARE network.

TRICARE CONTRACT ACQUISITION

Question. Section 705 of the National Defense Authorization Act for Fiscal Year 2017 requires the Department of Defense to develop a new medical contract acquisition strategy that: 1) ensures maximum flexibility in provider network design and development; 2) integrates medical management between military medical treatment facilities and network providers; 3) maximizes use of telehealth services; 4) uses value-based reimbursement methods that transfer financial risk to health care providers and managed care support contractors; 5) uses prevention and wellness incentives to encourage beneficiaries to seek health care services from high-value providers; 6) implements a streamlined enrollment process and timely assignment of primary care managers; 7) eliminates the requirement to seek authorization of referrals for specialty care services; 8) uses incentives to encourage certain beneficiaries to engage in medical and lifestyle intervention programs; and 9) uses financial incentives for contractors and health care providers to receive an equitable share in cost savings resulting from improvement in health outcomes and the experience of care for beneficiaries.

In your view, do the DHA's proposed T-5 managed care support contracts fully adhere to each of the requirements of the acquisition strategy required by section 705?

Answer. Yes. Based upon my understanding of the proposed fifth generation of TRICARE managed support contracts (T-5) request for proposal, the Defense Health Agency aligned the contract requirements with the law. In my view, the T-5 contract uses a transformational strategy and is designed with pre-planned product improvements over the contract lifecycle. Per my understanding, some of the section 705 requirements will require pilots and demonstrations to ready the TRICARE program for any potentially necessary regulatory or statutory changes.

Question. If confirmed, how would you ensure that implementation of these new requirements in DHA's contracts comply with the law?

Answer. If confirmed, consistent with law I will review the T-5 acquisition strategy, review the plan, and monitor the transition to the new contract awardees. I will also monitor the implementation of the T-5 contracts to ensure they comply with section 705 and other applicable law.

ACADEMIC HEALTH SYSTEM

Question. Section 734 of the National Defense Authorization Act for Fiscal Year 2020 authorized the Secretary of Defense to establish an Academic Health System in the National Capital Region (NCR) to integrate the healthcare, health professions education, and medical research activities of the MHS in that region.

What is your view of the value to the MHS of an Academic Health System in the NCR?

Answer. It is my view that the Academic Health System in the NCR would improve quality care, produce advances in clinical research, and establish excellence in graduate medical education. Research on the Academic Health System model has shown that the model produces these outcomes. One part of the Academic Health

System is Graduate Military Education. It is my understanding that the Uniformed Sciences University coordinates all Graduate Military Education in the National Capital Region. If confirmed, I will work with the DHA, USUHS, and the Military Medical Departments to ensure they have established policies and actions to achieve these outcomes.

Question. If confirmed, what will you do to develop and implement an Academic Health System in the NCR?

Answer. If confirmed, I would direct the Defense Health Agency, in partnership with the Uniformed Sciences University, to evaluate the establishment of an Academic Health System in the NCR but would suggest this concept could be expanded beyond the NCR to other MHS Graduate Medical Education locations.

PERFORMANCE OF MANAGED CARE SUPPORT CONTRACTS

Question. In the past, the transition to new managed care support contracts has not gone smoothly. Transition issues have included inability of call centers to handle call volumes; inability to complete requested beneficiary and provider enrollments; inadequate network development; inaccurate network provider directories; issues with referral backlogs, accuracy, and denials; and clear and legible admission and discharge reports.

If confirmed, what will you do to prevent similar problems during the T-5 managed care support contract transition?

Answer. Transitions of Managed Care Support Contracts are inherently risky due to the millions of beneficiaries involved and the complexity of the TRICARE program. If confirmed, I will exercise proper oversight, and ensure the DHA establishes a T-5 transition manager and develops risk mitigation strategies for any issues identified in previous transitions. In addition, the Government Accountability Office made recommendations on improvements to future transitions (GAO-20-39—Opportunities to Improve Future TRICARE Managed Care Support Contract Transitions). If confirmed, I will ensure these recommendations are incorporated into DHA internal operations. In addition, I understand the DHA published performance guarantees in the T-5 RFP to address critical areas of the transition that will help ensure contractor compliance with transition goals. As with any complex transition, one key will be ensuring sound decision making processes for issues raised. If confirmed, I will make sure decision-making is streamlined to reduce any issues during the transition.

VALUE-BASED HEALTH CARE DEMONSTRATION PROGRAMS

Question. The DHA has implemented a value-based health care demonstration program in the Atlanta, Georgia metro area with Kaiser Permanente (KP) through its managed care support contractor, Humana Military. Under the demonstration, however, DHA and Humana Military have prevented KP from utilizing the full extent of its successful health care delivery model. In the Committee's view, this may result in a less than optimal analysis of the potential for such health plans to deliver value-based health care to TRICARE beneficiaries at potentially lower cost to the Department. Additionally, the Department has told the Committee that it will develop and implement additional value-based health care demonstrations soon after the transition to the T-5 managed care support contracts.

If confirmed, would you support the expansion of value-based health care demonstrations under the TRICARE program with the inclusion of high-value network providers such as Accountable Care Organizations already established throughout the country?

Answer. The T-5 Request for Proposals specifies that the Defense Health Agency may conduct Competitive Plan Demonstrations in up to 23 geographic areas. Unlike the Accountable Care Demonstration, these demonstrations may award direct contracts to competitive high-value network providers and health plans for beneficiary enrollment in these areas. If confirmed, I will support these demonstrations. By analyzing the outcomes of cost, quality, experience, and efficiency, I will support either expansion of the demonstrations or seek regulatory and, if necessary, statutory changes needed to implement competition across the TRICARE program.

TRICARE DENTAL PROGRAM (TDP)

Question. The Committee has strongly encouraged the Department to develop a next-generation TDP that would give eligible beneficiaries more choices of dental health plans administered by a third party provider, similar to the Office of Personnel Management's FEDVIP program. The most current iteration of the Department's draft plan, however, falls woefully short of the Committee's expectations. In fact, the current draft fails to deliver a plan to provide high quality dental care pro-

vider networks, more beneficiary dental choices, and central administration of various dental health plans like the FEDVIP Program on a reasonable, timely schedule.

If confirmed, what will you do to ensure that the DHA delivers, without delay, a modern, innovative plan to address the Committee's expectations?

Answer. If confirmed, I will work with the TRICARE Dental Program (TDP) team and DHA leadership to ensure we develop a next-generation TDP that addresses our beneficiaries' needs and contributes to family readiness while improving the quality, access, and affordability. Ensuring access to quality dental provider networks should be a cornerstone of a new TDP contract. If confirmed, I will ensure that DHA is identifying beneficiary needs for choice into the TDP. If confirmed, I also pledge to work with Congress to ensure we have the best dental plan for our eligible beneficiaries.

MHS GENESIS

Question. The Department of Defense has engaged in a deliberate phased deployment of MHS Genesis, its new electronic health record system (EHR). This careful deployment involved operational testing that identified and facilitated correction of implementation challenges, facilitating subsequent successful deployments to different health care settings, where other challenges are identified and addressed.

What is your assessment of MHS Genesis, and of the Department's strategy for a phased deployment of this new electronic health system?

Answer. In my assessment of MHS GENESIS, the deployment is positive. It is my understanding that the Department is on track for the system to be fully deployed by the end of 2023. Since MHS GENESIS is being deployed throughout the entire Military Health System, a phased approach to the deployment should enable experts to identify and address unforeseen challenges, and make corrections on an as needed basis while minimizing disruptions to the entire enterprise.

Question. If confirmed, how would you ensure the cybersecurity of the MHS Genesis system?

Answer. If confirmed, I will work with leadership within the Program Executive Office for Defense Health Care Management Systems and the Defense Health Agency to ensure the privacy of our patients and beneficiaries is safeguarded to the highest standards possible.

Question. In your view, should the Department offer its testing and evaluation capabilities to the VA as it implements its version of the EHR that is based on the same platform as DOD's EHR?

Answer. If confirmed, I will work with the Federal Electronic Health Record Modernization program office to evaluate the best options to assist the Department of Veterans Affairs in its implementation of its Electronic Health Record.

MEDICAL RESEARCH AND DEVELOPMENT

Question. What steps will you take to assess the quality and effectiveness of near-term and long-term medical research activities throughout the Department of Defense?

Answer. If I am confirmed, one of my key responsibilities will be managing and overseeing the Defense Health Program (DHP) Research, Development, Test and Evaluation (RDT&E) appropriation. If confirmed, I will take steps to ensure a rigorous programmatic and scientific review of all aspects of the DHP portfolio and verify the alignment of our investments to the highest operational medical priorities. In addition, to address requirements and to avoid duplicative efforts, if I am confirmed we will coordinate DHP RDT&E funded activities with the Combatant Commands, Military Departments, Defense Agencies, and other DOD Components.

Question. How will you ensure that the research portfolio and activities include an appropriate mix of research topics representing a variety of research areas and technical disciplines, an appropriate amount of exploratory, high risk research efforts, as well as near term research efforts driven by current military requirements?

Answer. As a former commander of the U.S. Army Medical Research and Materiel Command, I am keenly aware of the need to ensure a diverse and well balanced research portfolio to support military readiness and mission requirements. The DHP invests in a diverse research portfolio in a number of areas, including combat casualty care, traumatic brain injury, mental health treatment, and other relevant areas that will support current and future military requirements. The Department has research investments that range from basic research to clinical trials that will influence practice. If confirmed, I will ensure the Department continues to conduct annual reviews and analyses and hold regular governance forums that include the Military Departments, Defense Agencies, and other DOD Components. These efforts

leverage formal processes to develop joint requirements and helps the Department align its medical research portfolio with military and mission requirements.

Question. How will you ensure that these activities are coordinated with other DOD research activities, such as those at the DOD laboratories, as well as activities in other federal agencies?

Answer. I know that the Department takes steps to ensure that DHP-funded research efforts are coordinated with other DOD research activities and also are linked with efforts of other federal agencies. The Department has several formal partnerships with other agencies, such as those it maintains with the Department of Veterans Affairs, the National Institutes of Health, and the Food and Drug Administration. If confirmed, I will ensure we work within the Department and through our external partnerships to ensure our research activities continue to be closely coordinated with the activities of other DOD components, as well as the research activities of other federal agencies.

Question. Existing law requires all medical research activities of the military services to transition to the DHA by the end of fiscal year 2022. If confirmed, how will you ensure a smooth transition of such activities by the required date?

Answer. If confirmed, I will have the responsibility for overseeing the transition of DOD medical research activities to the DHA. I will ensure that there is coordination with all relevant stakeholders so that the transition is smooth and does not disrupt ongoing research and development activities, functions, or the operational laboratories. If confirmed, I will ensure DHA works collaboratively with the respective DOD Components to make sure the transition incorporates any lessons learned from previous transitions within the Military Health System. If confirmed, I will regularly meet with transition leaders from the DHA and exercise proper oversight to track execution progress and ensure that risks are continuously managed and mitigated, which will enable the successful transition of medical research activities to the DHA by the date required by Congress.

MEDICAL DEVICES AND TECHNOLOGY ACQUISITION

Question. The Department of Defense uses a number of commercial industry partners to meet its medical technology requirements.

What, if any, reforms need to be made to DOD acquisition and procurement procedures and policies to ensure that DOD can continue to work with leading commercial innovators in medical devices and technologies?

Answer. If confirmed, I will evaluate whether existing authorities are sufficient to meet our long-term needs and sufficiently facilitate collaboration with leading commercial innovators in medical devices and technologies. If confirmed, I intend to engage the DHA's Chief Information Officer and the DHA Component Acquisition Executive on any needed reforms that can speed acquisition and implementation of secure commercial solutions that meet existing or emerging requirements throughout the Military Health System.

Collaboration with industry is facilitated by DOD acquisition and procurement procedures and policies. As the Military Health System continues to standardize capabilities across the enterprise, it must increasingly leverage commercially available solutions rather than developing DOD-unique capabilities. This will allow rapid delivery of affordable solutions.

If confirmed, I will seek opportunities to leverage the Defense Pilot Program Authority to acquire innovative commercial items, technologies, and services using general solicitation competitive procedures, while still meeting the heightened cyber security standards that the Department requires.

Question. What steps has the Department taken with commercial partners to ensure the cybersecurity of medical records and critical medical devices currently used in military hospitals and clinics?

If not, please describe how you would approach cybersecurity threats against medical records and critical medical devices.

Answer. It is my understanding that the DHA has recently replaced the separately networked medical information technology (IT) infrastructure in place across the Military Departments with a single modern consolidated network known as the DHA Medical Community of Interest (Med-COI). It is my understanding that this new network has been specifically designed to enhance cyber security protections and fulfill the network technical requirements of MHS GENESIS. It is my understanding that, in support of Military Health System reform efforts directed in law and DOD policy, this consolidated infrastructure and enhanced enterprise-wide shared services promotes more effective and efficient health care operations and greater Military Health System integration.

The DHA has a responsibility to rapidly adopt medical devices and equipment for use within our military medical treatment facilities in order to keep pace with advances in health care. However, these devices and equipment must be deployed to our medical networks in a manner that maintains the privacy of our patient data and the security of the network. It is my understanding that the DHA applies the Risk Management Framework to produce the DHA Assess and Incorporate Process for these devices and equipment. This process balances cybersecurity mandates with operational requirements. The Risk Management Framework provides a process that integrates security, privacy, and cyber supply chain risk management activities into the system development life cycle.

Together, this standardized infrastructure and the Risk Management Framework help ensure cybersecurity of medical records and critical medical devices.

Question. The Department of Defense has entered into an enterprise contract to provide a suite of common, interoperable, cloud-based office productivity capabilities. The winner of this contract offers a suite of additional cybersecurity capabilities as options to the base contract. The Department of the Navy chose to procure most of those cybersecurity capabilities.

However, the other military departments and the Office of the Secretary of Defense declined to do so, which means that the Defense agencies will receive only a baseline set of cybersecurity support. The Committee understands that the Defense Health Agency raised significant concerns that, without the additional cybersecurity options offered by the vendor, the health records of military personnel would be at risk.

Are you aware of this issue? If so, do you think that the cybersecurity protections approved for all the Defense agencies are adequate for DHA?

Answer. No, I am not aware of this issue.

Question. If not, will you examine this matter if you are confirmed?

Answer. If confirmed, I will examine this matter.

QUALITY AND SAFETY OF MEDICAL CARE

Question. An April 19, 2018, a US News and World Report article described a military health system unable “to assure that patients needing challenging and risky operations are referred to centers with practiced surgical teams that perform the procedures regularly.” The report quoted an anonymous high-ranking military surgeon who stated: “They’ve known this and ignored it for decades. What’s the solution? Form a task force? It’s the same thing over and over. There’s a civilian system in place that will help us prepare for war. The real question is whether there should be a Military Health System at all.”

If confirmed, what would you do to ensure that patients get complex surgical treatment from military surgical teams providing treatment in high-volume surgical practices?

Answer. If confirmed, I will continue the Department’s focus on ensuring patients receive care in hospitals and clinics with demonstrably safe, high quality outcomes. I understand there is a relationship between the volume of surgeries performed and patient outcomes, particularly for procedures that are highly complex. All 43 of DOD’s military inpatient hospitals participate in the American College of Surgeons (ACS) National Surgical Quality Improvement Program (NSQIP). Of note, there are about 5,000 hospitals in the U.S. that could participate in NSQIP, about 700 that do, and 90 that were recognized for meritorious performance by the ACS in 2021. Six (6) of the 90 were military hospitals. This demonstrates the dedication of the Military Health System to providing safe, high quality surgical care. If confirmed, I will ensure that surgical care for DOD beneficiaries in the private sector is equally focused on safety and high quality, and I will continue to explore opportunities to provide care for complex procedures in centers with great outcomes. If confirmed, I will continue to support Military Health System participation in nationally validated quality improvement programs like NSQIP and learn from our high-performing military medical treatment facilities about leading practices that can be scaled enterprise-wide. Also, I will work to continue implementing recommendations from the Defense Health Board on Low-Volume High-Risk Surgical Procedures with a focus on establishing hospital infrastructure to support complex surgical cases.

Question. Congress has enacted legislation to facilitate the provision of medical care to civilians in MTFs where providing such care would enhance the skills and experience of the medical care providers who furnish the care. The law authorizes the Department to waive fees for care if patients have no insurance and no other ability to reimburse the government for care. However, it appears that the Department is reluctant to waive fees for providing this care, thereby limiting the availability of civilian patients who cannot pay the fees assessed.

If confirmed, what actions would you take to encourage the Department's use of its authority to provide medical care to civilians to enhance the medical skills of MHS medical providers?

Answer. If confirmed, I will support the Department's current efforts to direct more complex care into military medical treatment facilities. I recognize the Department's efforts include capturing more care from the TRICARE network, from inter-agency partners, and from other sources using available authorities to see civilian patients on a reimbursable basis in support of a ready medical force. Medical procedure volume and complexity is critical to ensuring the readiness of military medical providers and data show that the Active Duty population does not generate the necessary volume and case complexity. If confirmed, I will work closely with DHA on its efforts to capture caseload that will grow the clinical currency of our military providers, while addressing concerns about billing and the need to waive the fees for DOD care.

Question. Based on your analysis of the Department's data, which MTFs have sufficient workload and case-mix complexity to be considered as readiness training platforms?

Answer. If confirmed, I will ensure that the Department continues its work to evaluate the workload and case-mix complexity at military medical treatment facilities to identify those which have the ability to support Knowledge, Skills, and Abilities (KSAs) of our medical personnel, and enhance their expertise in critical wartime skills. I understand the Department is actively identifying those military medical treatment facilities with the greatest potential to support KSAs now and in the future and is developing plans to resource those facilities and their wartime-critical specialties appropriately. If confirmed, I will also support the Department's work to bring additional workload into those military medical treatment facilities to further enhance case-mix complexity through TRICARE recapture efforts as well as civilian and interagency partnerships.

Question. The Department of Defense requires all warfighters to complete Tactical Combat Casualty Care (TCCC) training as part of basic mobilization readiness. TCCC is designed to ensure that military personnel injured in combat receive the best pre-hospital medical care available until a higher-level of care is available. However, TCCC training is not consistent and varies in quality.

What is your view of the importance of TCCC training?

Answer. In my view, Tactical Combat Casualty Care (TCCC) concepts have played an unprecedented role in saving the lives of wounded servicemembers and are one of the leading reasons for unprecedented injury survival rates during recent contingency operations. It is my understanding that the Department is committed to ensuring all servicemembers receive training in basic TCCC concepts. However, I recognize there may be significant variance in the curriculum and delivery of combat casualty care training by the Military Services. If confirmed, I will continue the Department's efforts to standardize pre-hospital combat casualty care training. To address the variation in combat casualty care training, I will ensure the Department continues its efforts to develop and implement a comprehensive strategy to standardize TCCC curriculum and instruction for all servicemembers.

Question. If confirmed, what actions will you take to assess the quality of TCCC training for all deploying servicemembers?

Answer. If confirmed, I will continue the Department's on-going efforts to establish jointly developed, standardized pre-hospital TCCC courses that provide all servicemembers, both medical and non-medical, with the requisite skills to save lives in the pre-hospital environment. As a physician and former military officer, I strongly support the Department's efforts to track individual and unit metrics for training completion and quality and other high priority expeditionary medical readiness related metrics.

GRADUATE MEDICAL EDUCATION (GME)

Question. Section 749 of the National Defense Authorization Act for Fiscal Year 2017 requires the Department to establish and implement a process to provide oversight of the graduate medical education programs of the military services to ensure that those programs fully support the operational medical force readiness requirements for health care providers of the Armed Forces and the medical readiness of the Armed Forces. In July 2019, the Committee received the Department's report on its oversight process, which described how it would form a GME Oversight Council and a Tri-Service GME Integration Board.

In your view, has this change resulted in objective evaluations and recommendations for training physicians and dentists in the correct specialties to support the operational medical force requirements of the combatant commanders?

Answer. From what I have been told, the MHS has made significant progress in implementing a process to provide oversight of the graduate medical education programs to ensure those programs fully support the Military Departments requirements. As the Joint Staff and the Military Departments continue to refine their operational medical force requirements in line with the National Defense Strategy, I wholly expect GME pipeline to adjust to those requirements and the Graduate Medical Education (GME) Oversight Council and Tri-Service GME Integration Board to play a central role in that oversight process.

Question. Did the GME Oversight Council and Tri-Service GME Integration Board make objective recommendations to revise or eliminate GME training programs, or make other recommendations for improvements to the GME training programs?

Answer. I am not privy to the GME Oversight Council and Tri-Service GME Integration Board's recommendations to revise or eliminate GME training programs. If confirmed, I will examine their recommendations and ensure I am exercising appropriate oversight over GME to fully support the operational medical force readiness requirements for health care providers of the Armed Forces and the medical readiness of the Armed Forces.

Question. In your view, should dermatology, neurology, pediatrics, ophthalmology, plastic surgery, or vascular surgery be considered readiness tier 1 medical specialties? Please provide an answer for each specialty.

Answer. It is my understanding that the Department is conducting a comprehensive review for the type and mix of medical specialties, and at this time, it is incomplete. If confirmed, I will ask for a briefing upon completion of this review, and come back to the Committee with my views for each specialty. Regardless of specialty, if confirmed I will expect every uniformed medical provider to maintain appropriate skills to deploy and support the National Defense Strategy.

Question. If confirmed, how would you ensure elimination of graduate medical education programs that do not directly support the operational medical force readiness requirements for health care providers within the Armed Forces?

Answer. I support the restructure, realignment, and elimination of unwarranted duplication of programs. New ways, such as partnerships with non-federal training centers, should be explored to meet the program interdependence and clinical service required to maintain Accreditation Council for Graduate Medical Education accreditation. If confirmed, I will ensure that programs that are no longer required are realigned or eliminated.

ANOMALOUS HEALTH CONDITIONS

Question. The Committee is concerned about the length of time it has taken to obtain Secretarial designation to authorize military health care for U.S. Government employees and their family members who experience anomalous health conditions. Some government agencies have contracted for private health care coverage because of the lack of responsiveness of the Department. The recently passed National Defense Authorization Act for Fiscal Year 2022 requires the Secretary of Defense to provide timely access for medical assessment, subject to space availability, to the National Intrepid Center, or an appropriate military medical treatment facility, and to furnish appropriate care to U.S. Government employees and their family members who experience anomalous health conditions.

If confirmed, what would you do to provide, in a timely manner, military health care to U.S. Government employees and their family members who experience anomalous health conditions?

Answer. Anomalous Health Incidents (AHIs) are an emerging medical threat and a priority for the Department of Defense (DOD) because they affect the safety, health, and welfare of DOD personnel and their families. I am aware of the recently passed legislation which requires DOD to provide timely access to care, based on space availability, within the Military Health System. If confirmed, I will ensure those affected by an AHI have access to timely health care within DOD by working with the relevant DOD stakeholders, as well as our interagency partners. Additionally, if confirmed, I will support the clinical work with medical research and development to help further our understanding of AHI.

MENTAL HEALTH CARE

Question. In August, 2020, the DOD IG issued a report entitled "Evaluation of Access to Mental Health Care in the Department of Defense" in which the IG found significant barriers to accessing mental health care and that thousands of active-duty servicemembers and their families may have experienced delays in obtaining mental health care.

If confirmed, what actions would you take to improve access to mental health care by servicemembers and their families?

Answer. I am aware of the DOD Inspector General report, and its conclusion that Active Duty servicemembers and their families may experience delays in obtaining mental health care, and that these delays may involve not being able to see the right provider at the right time. The Department must aim to schedule appointments with an appropriate provider in an appropriate timeframe. Securing and facilitating appointments may include actively managing and reviewing appointment schedules, ensuring the beneficiary is in the correct type of appointment with the appropriate provider. DOD can improve access to care by increasing accessibility for scheduling mental health services, such as by enabling a patient to book appointments online through the TRICARE Online Portal or the MHS Genesis Patient Portal, which will promote flexibility for the patient and improve the patient experience. If confirmed, I commit to working with DHA to improve access to mental health care for DOD beneficiaries.

Question. The recently passed National Defense Authorization Act for Fiscal Year 2022 requires the Secretary of Defense to implement a self-initiated referral process for mental health evaluations of servicemembers, and it also requires the Secretary to conduct a pilot program to provide direct assistance for mental health appointment scheduling at military medical treatment facilities and clinics.

If confirmed, what actions will you take to implement these provisions?

Answer. If confirmed, I will review policies and procedures and develop a strategy to implement self-initiated referral processes from a supervisor or commanding officer consistent with applicable law.

Question. In your view, are the Department of Defense's current mental health resources adequate to serve all active-duty members and eligible reserve component members and their families, as well as retirees and their dependents?

Answer. It is my understanding that additional resources may be required to achieve desired results. Compounding this issue is the national shortage of mental health providers, which is creating challenges to address future mental health needs, not just in the DOD, but nationwide as well. If confirmed, I will work within the Department to ensure DOD is actively working to meet today's and tomorrow's mental health needs for all beneficiaries.

Question. If confirmed, what actions would you take to ensure that sufficient mental health resources are available to servicemembers in theater and to servicemembers and families at home station locations with insufficient community-based mental health resources?

Answer. If confirmed, I will work with the Military Departments and the Defense Health Agency on mental health resourcing efforts that match supply to demand and optimize provider availability with the goal of maximizing treatment to servicemembers, family members, and all eligible beneficiaries, at home and abroad. I will work to expand tele-health and other tools to improve access where needed. It is my understanding the tele-behavioral health has been particularly useful supporting forward deployed personnel.

Question. If confirmed, how would you expand tele-behavioral health services throughout the MHS to improve access to mental health care?

Answer. The MHS can leverage tele-behavioral health (TBH) services for mental health assessments, ongoing behavioral health treatment, and surge support for pre- and post-deployment evaluations. If confirmed, I pledge to work to expand tele-behavioral health care, by working within the Military Health System, with private sector partners, and in close partnership with Congress.

MANDATORY COVID-19 VACCINATIONS

Question. The Secretary of Defense has determined that mandatory vaccination against COVID-19 is necessary to protect the Force and defend the American people. Section 720 of the National Defense Authorization Act for Fiscal Year 2022 requires the Secretary to establish uniform procedures under which servicemembers may be exempted from the requirement to receive the COVID-19 vaccine for administrative, medical, and religious reasons.

Do you agree with the Secretary's requirement that all servicemembers must be vaccinated for COVID-19 unless they meet the requirements for an administrative, medical, or religious exemption? Why or why not?

Answer. Yes. The Secretary's requirement is central to ensuring the readiness of our Force, and if confirmed, my number one priority will be helping to maintain medical readiness. Timely immunization against COVID-19 infection is critical for both force health protection and to contain the global COVID-19 pandemic. DOD personnel, including servicemembers, work in environments where duties may limit

the ability to strictly comply with appropriate public health measures, such as mask wearing, avoiding crowded areas, physical distancing, and hand hygiene. Therefore, rapid disease transmission of COVID-19 can occur if individuals are exposed and not vaccinated. Vaccines continue to be the safest way to be protected against severe disease, hospitalization, and death.

Question. In your view, should these exemptions be uniform across all Services, or should they vary based on the needs of each Service?

Answer. In my view, exemptions should be implemented consistent with existing Military Department policy, as directed by the Secretary of Defense.

Question. In your view, does an antibody test demonstrating a previous COVID infection ensure that an individual has adequate protection against re-infection?

Answer. No. The presence of antibodies does not demonstrate an individual has adequate protection against re-infection with the virus that causes COVID-19. At present, data are insufficient to determine an antibody level that indicates when an individual is protected from COVID-19 disease. The CDC continues to recommend that those with a history of asymptomatic or symptomatic COVID-19 get vaccinated once they are well.

SUICIDE PREVENTION

Question. In your view, is there a correlation between the mental health of servicemembers and suicides and suicide attempts?

Answer. In my view, while mental health is one aspect of suicide, we must recognize that suicide can be a result of many different factors, to include individual, community, and societal factors.

Question. What would you recommend to the Secretary of Defense to reduce suicides among members of the Armed Forces?

Answer. Every suicide is devastating to the impacted families, to the unit, and to our Force. Many biological, social, and psychological factors contribute to suicide. In recognition of this complexity of suicide, the Department of Defense (DOD) should aim to implement a comprehensive public health approach for suicide prevention and intervention. Suicide prevention efforts should recognize that suicide can be the result of individual and community/societal factors and focus on reducing suicide risk of all individuals by addressing the risk factors and enhancing protective factors.

Question. From a medical perspective, how would you address the higher incidences of suicide in remote and isolated locations like Ft. Wainwright, Alaska?

Answer. Every death by suicide is a tragedy and weighs heavily on the military community. The recent events in Alaska highlight the serious public health issue in the military, and that efforts must address the many aspects of life that impact suicide. If confirmed, I will work to ensure that leading clinical practices are standardized and used consistently, leveraging clinical practice guidelines to reduce unwanted variance in prevention and treatment of those contemplating suicide.

OPERATIONAL MEDICAL FORCE READINESS

Question. In your view, what is DHA's role as a Combat Support Agency? What can DHA do to provide more medical support to the Joint Staff and to combatant commands?

Answer. As I understand, DHA's role as a Combat Support Agency (CSA) is to enable the Army, Navy, and Air Force medical services to provide a medically ready force and ready medical force to Combatant Commands in both peacetime and wartime. The DHA uses the principles of Ready Reliable Care to advance high reliability practices across the Military Health System by improving system operations, optimize the delivery of care, and cultivate a culture of safety. It is my understanding that this is done across the Military Health System in support of the Military Departments' personnel clinical readiness and in support of DHA's Role 4 Casualty Care mission supporting the Combatant Commands. If confirmed, I will ensure DOD's activities are relevant and visible to Combatant Commanders and enhance DHA's integration in Combatant Command plans, exercises, and operational requirements.

Question. In your view, have the Services and the DHA adequately defined military medical force readiness and developed an appropriate model to determine and project the Department of Defense's costs for medical force readiness?

Answer. In my view, the Military Departments and the DHA are making progress in defining military medical force readiness. It is my understanding that the term medical readiness encapsulates both a medically ready force and a ready medical force. The Military Departments and DHA must work together to ensure the medical readiness of the force is maintained. It is my understanding that, to that end,

the Department is defining and measuring critical Knowledge, Skills and Abilities (KSAs) that military medical personnel must have to maintain their clinical currency and medical readiness. It is also my understanding that efforts are currently underway not only to determine the costs of readiness, defined as the cost of sustaining a medically ready force and ready medical force, but also to express the value of a military medical treatment facility as a readiness platform.

Question. If confirmed, how would you ensure that staffing models and associated costs to maintain operational medical readiness skills reflect actual combatant command requirements?

Answer. If confirmed, I would initiate a review of the military medical personnel needed in the theaters of operation in support Combatant Command operational plans, as well as the appropriate personnel simultaneously needed within the military medical treatment facilities to provide sustained care to the sick and wounded from those operations. Once the remaining KSA specialties are established, the primary focus of the military medical treatment facilities will be on maintaining those readiness KSAs for military medical personnel and ensuring the medical readiness of servicemembers. An additional layer for this staffing analysis will need to include the force generation requirements of the DOD's Graduate Medical Education (GME) Programs to sustain appropriate personnel numbers over time, to include appropriate number instructors. If there is insufficient volume and complexity of caseload at a particular military medical treatment facility to meet and sustain the KSAs, the Director, DHA should establish agreements with civilian or other federal facilities to provide alternate venues for skills sustainment. Furthermore, the DHA, in its role as a Combat Support Agency, is a part of the Joint Staff medical planning process, and should inform and support the updates to medical skill requirements to reflect current operational planning by the Combatant Commands. If confirmed, I will work with the Joint Staff Surgeon, the Military Departments, and the DHA to overlay Combatant Command requirements for military medical personnel with the military medical treatment facility staffing requirements to maintain a medically ready force and a ready medical force. As stated above, if confirmed, I will also determine the cost of readiness and the value of military medical treatment facilities as readiness platforms.

Question. If confirmed, what would you do to right-size the active medical force requirements of the Department to optimize operational medical force readiness capabilities?

Answer. If confirmed, I will continue ongoing efforts to establish a DOD process to define the medical and dental personnel requirements necessary to meet operational medical force requirements, in accordance with applicable law. The military medical force must be appropriately sized in order to quickly respond to global operational medical requirements. If confirmed, I will work with DOD stakeholders to ensure DOD has a robust medical force that can provide the medical capabilities across the full range of military operations when and where needed.

Question. If confirmed, would you advocate for outsourcing more beneficiaries' health care services to the private sector when and where it makes sense? How and where would you do that?

Answer. If confirmed, I will continue the Department's efforts to establish an integrated health care delivery system, which includes identifying when and where it makes sense to defer or outsource beneficiaries' healthcare needs to the private sector. If confirmed, I will ensure the Department uses established, patient-friendly and standard processes to send beneficiaries' care to the private sector in locations where military medical treatment facilities do not have available specialties or cannot provide care within access standards.

Question. If confirmed, how would you collaborate with private sector health care providers to establish government-owned/contractor-operated or contractor-owned/contractor-operated hospitals and clinics where feasible and appropriate?

Answer. If confirmed, I will explore the feasibility of establishing government-owned/contractor-operated or contractor-owned/contractor-operated medical facilities.

PAIN MANAGEMENT AND OPIOID MEDICATIONS

Question. If confirmed, what policies and programs would you implement to improve pain management in the military health system to reduce and eliminate the misuse and/or abuse of opioid medications?

Answer. During my military service, I trained and practiced as a family medicine physician, and I completed a Master's degree in Public Health. This experience, and the emerging medical evidence, has convinced me that any meaningful response to the national epidemic of opioid misuse and abuse should include policies and pro-

grams that address the root causes of opioid use, overuse, and abuse. This means that, if confirmed, I will begin with a thorough review of MHS pain management capabilities, practices, and policies to determine if they are resulting in appropriate but measured opioid prescribing. More importantly, if confirmed, I will determine if there are sufficient non-opioid pain management treatments that are available and being utilized in the pain care of our DOD beneficiaries.

Question. In your view, should alternative and complimentary therapies for pain management be considered as benefits under the TRICARE program?

Answer. This is an extremely important question that is directly related to the national epidemic of opioid overuse, abuse and overdoses. While civilian providers, and most likely military medicine providers have been appropriately decreasing their use of opioids for several years now, I know there has been a lag in replacing opioids in their respective pain medicine tool kits. This is not an acceptable situation for providers or patients. Fortunately, there has been a rapid evolution of thought and medical evidence to support the utilization of many pain management treatments that were previously termed “alternative” medical therapies. Now referred to as “complementary and integrative health”, selected therapies such as acupuncture, mindfulness exercises, massage therapy, and movement therapies like Yoga have been recognized as safe and effective therapies for pain management by the National Institutes of Health, Department of Veterans Affairs, and, from what I understand, the DOD. If confirmed, I would support a deliberate and evidence-based plan to increase the availability of many of these pain management therapies for DOD beneficiaries.

WOMEN’S HEALTH

Question. In view of the expanded roles of women serving in the Armed Forces, what are the health challenges that the Department of Defense and the military services must address to ensure appropriate health care for female servicemembers in deployed and non-deployed environments?

Answer. To increase readiness, retention, and the overall well-being of our female servicemembers, timely access to reproductive health care and prevention of musculoskeletal injuries are two critical areas of focus. In non-deployed locations, this includes ensuring access to the full range of reproductive health care, including contraceptive counseling, family planning, and fertility testing. In deployed locations, of additional importance is the ability to self-test and self-treat for common urogenital conditions. Lastly, ensuring female servicemembers have access to gender-specific clothing and gear to prevent musculoskeletal injuries and regular assessment for such injuries at health care appointments is equally important.

Question. If confirmed, how would you assess the adequacy of current health services for female servicemembers and what steps, if any, would you take to improve them?

Answer. It is my understanding that the Department recently completed the first ever Women’s Reproductive Health Survey, fielded to Active Duty Service women in 2020 to determine preferences, experiences and needs regarding their reproductive health. Leveraging the findings of the survey is a step in identifying opportunities for improvement. Additionally, expansion of walk-in contraception clinics across the Military Health System will ensure all female servicemembers have timely access to contraceptive counseling without an appointment or referral. By utilizing the existing structures within the Department, continuous review of key health care needs of female servicemembers will ensure DOD’s women servicemembers have the care necessary for readiness, retention and overall well-being.

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?

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?

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?

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?

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?

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?

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?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

ANOMALOUS HEALTH INCIDENTS

1. Senator SHAHEEN. Dr. Martinez-Lopez, while the Department of Defense (DOD) has made progress in speeding up the secretarial designation process that allows for civilian victims of Anomalous Health Incidents (AHIs), or Havana Syndrome, to receive care, the results have been uneven and some victims wait months to receive care. Will you commit to assessing the current secretarial designation process to determine what structural improvements can be made to improve the efficiency of the designation process and make the process more accessible for victims seeking help?

Dr. MARTINEZ-LOPEZ. I understand referrals for Department support are facilitated through the DOD Secretarial Designee (SECDES) program for medical care for non-DOD beneficiaries and requested clinical services are based on patient referral needs, location, site capability, and capacity.

If confirmed, I will review the current processes and work to make sure the Department is addressing requests efficiently. I am committed to ensuring those affected by an AHI have timely access to necessary and appropriate health care.

2. Senator SHAHEEN. Dr. Martinez-Lopez, creating effective diagnostics for child dependents of victims that may have been exposed to the same mechanism of injury related to AHIs remains a challenge. Will you commit to working with my office to ensure that we fully account for children that have been exposed to the same mechanism of injury related to AHIs as their parents, so that we may better determine the impact of AHIs on children?

Dr. MARTINEZ-LOPEZ. My understanding is that Anomalous Health Incidents (AHIs) continue to be a priority for the Department because they affect the health and welfare of U.S. Government personnel and their families, including their children. I understand a recently enacted statute requires the Department to modify the DOD Trauma Registry to include AHI information so that DOD can keep track of those affected by an AHI. If confirmed, I will work to ensure those exposed to an AHI, including children, are accounted for by the Department, and keep you and the Congress updated.

3. Senator SHAHEEN. Dr. Martinez-Lopez, will you also commit to ensuring that children impacted by AHIs receive the care and consideration they may need now and into the future?

Dr. MARTINEZ-LOPEZ. I understand DOD has provided assessment and successful treatment for suspected affected personnel, including children. A recently enacted statute also requires the Department to provide assessment and treatment for AHIs and related afflictions to employees and their family members, including their children, on a space-available basis. If confirmed I am committed to ensuring all those affected by an AHI have access to necessary and appropriate assessment and treatment, as required by law. I believe in the Department's continued commitment to support all those affected by AHIs.

QUESTIONS SUBMITTED BY SENATOR KIRSTEN GILLIBRAND

MENTAL HEALTH AND SUICIDE

4. Senator GILLIBRAND. Dr. Martinez-Lopez, for more than a decade, suicide rates among Active Duty servicemembers and veterans have been higher and have risen faster compared to civilians and non-veterans. Women veterans are particularly susceptible, dying by suicide at almost twice the rate than non-veteran women, and veterans ages 18–34 have a suicide rate almost three times higher than non-veterans the same age. If confirmed, do you have ideas on how to improve mental health for military members and their families to reduce suicide rates in the military?

Dr. MARTINEZ-LOPEZ. Every suicide is a tragedy. One area the Department should continue to look at is using community based prevention efforts which involve military leaders, family, peers, spouses, and chaplains. If confirmed I will continue the ongoing efforts and also look at novel ways to identify individuals at risk and new ways to mitigate that risk. We must bring new solutions to this devastating tragedy, and especially address the unique risks to women veterans stemming from sexual trauma, and I commit to work with other government agencies like the Department of Veteran Affairs, the Department of Health and Human Services, academia, and the health care industry in order to bring to DOD the best practices available to mitigate this problem.

5. Senator GILLIBRAND. Dr. Martinez-Lopez, we have received information from advocates that many servicemembers are experiencing long wait times to receive mental health care and some cannot be adequately matched with a specialist to deal with their specific mental health issue. This is especially true for survivors of sexual trauma. If confirmed, can you commit to increasing the capacity of mental healthcare, and providing trained specialists to assist survivors of sexual trauma?

Dr. MARTINEZ-LOPEZ. If confirmed, I will work to increase the availability of personnel trained to assist survivors of sexual trauma. The Department must aim to schedule appointments with the right trained provider in an appropriate timeframe. DOD can improve access to care by enabling a patient to book appointments online through the TRICARE Online Portal or the MHS GENESIS Patient Portal, which will promote flexibility for the patient and improve the patient experience. Survivors of sexual trauma deserve special care, consideration, and attention, and, if confirmed, I will ensure they receive the care they need.

SEPARATION HEALTH PHYSICAL EXAMINATION

6. Senator GILLIBRAND. Dr. Martinez-Lopez, reports from the DOD Inspector General (IG) indicate that the departments are not adequately adhering to policy that mandates servicemembers receive a Separation Health Physical Examination (SHaPE) prior to leaving the military. Additionally, the SHaPE lacks a robust mental exam for servicemembers exiting the military leaving many with inadequate continuing care. How do you plan on improving this transition assessment for servicemembers to ensure they are receiving the proper follow-on care from the Department of Veterans Affairs (VA)?

Dr. MARTINEZ-LOPEZ. If confirmed, I will work to address the findings in the DOD Inspector General (IG) report to improve the transition assessment for servicemembers. I will work with the services to ensure that SHaPE provides a robust mental health assessment and that servicemembers do not transition without the completion of their SHaPE. In addition, I will work, if confirmed, with the Department of Veteran Affairs to improve the transition of care while avoiding duplication of services.

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

QUESTION ON NOMINEES' FITNESS TO SERVE

7. Senator HIRONO. Dr. Martinez-Lopez, 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?

Dr. MARTINEZ-LOPEZ. No.

8. Senator HIRONO. Dr. Martinez-Lopez, have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Dr. MARTINEZ-LOPEZ. No.

SUICIDE PREVENTION AMONG SERVICEMEMBERS AND VETERANS

9. Senator HIRONO. Dr. Martinez-Lopez, I am very concerned with the persistent issue of suicide among U.S. servicemembers and veterans, as well as those transitioning from Active Duty. Earlier this month I submitted a letter to Secretary of Defense Lloyd Austin and Secretary of Veterans Affairs Denis McDonough expressing my concerns, specifically with those transitioning. If confirmed, how will you prioritize what DOD can do to ensure mental health is treated as part of the holistic health of each servicemember?

Dr. MARTINEZ-LOPEZ. I agree that mental health should be treated as part of the holistic health of each servicemember, especially with regard to suicide risk. We know suicide results from a complex interaction of many factors—environmental, psychological, biological, and social. Thus, our efforts must address the many aspects of life that impact suicide.

The Department's efforts are focused around a public health approach to suicide prevention. This approach focuses on reducing suicide risk of all servicemembers and their families by attempting to address underlying risk factors (e.g., reluctance toward help-seeking, relationship problems, financial difficulties, mental health issues including personality disorders, unhealthy alcohol or drug use, and access to lethal means), while also enhancing protective factors (e.g., social connections, problem-solving, and coping skills). A public health approach looks at promoting health and prolonging life through the strength of a connected and educated community—it includes medical care and treatment, as well as community-based prevention efforts involving military leaders, family, peers, spouses, and chaplains.

If confirmed, I will ensure that Health Affairs and the DHA works with its partners within DOD, Department of Veteran Affairs, Department of Health and Human Services, academia and health industry to bring the best health care practices and also to advance the science of suicide prevention. I will work, if confirmed, with my team to bring new ideas and solutions for the early identification of those at risk and new treatment modalities to mitigate their risk.

10. Senator HIRONO. Dr. Martinez-Lopez, how can the medical process ensure a better "warm handoff" process to adequately screen servicemembers as they leave Active Duty?

Dr. MARTINEZ-LOPEZ. If confirmed, in collaboration with the VA, I will ensure DOD works to develop and implement a common form of documentation of separation physical examinations, which includes a comprehensive set of mental health screening questions. This effort should integrate the results of the separation physicals, avoiding unnecessary duplication of effort and improving the clinical transition for the servicemembers.

11. Senator HIRONO. Dr. Martinez-Lopez, what single improvement can best address the ongoing issue of servicemember and veteran suicides?

Dr. MARTINEZ-LOPEZ. Every suicide is a tragedy. One area the Department should continue to look at is using community based prevention efforts which involve military leaders, family, peers, spouses, and chaplains. If confirmed I will continue the ongoing efforts and also look at novel ways to identify individuals at risk and new ways to mitigate that risk. We must bring new solutions to this devastating tragedy and I commit, if confirmed, to work with other government agencies like the Department of Veteran Affairs, the Department of Health and Human Services, academia, and the health care industry in order to bring to DOD the best practices available to mitigate this problem.

If confirmed, I will foster a close partnership with the VA to improve the transition of our servicemembers to the VA and to share and leverage our medical research, findings and best clinical practices to mitigate this tragedy.

MANAGEMENT ADVISORIES AND DOD SUPPORT FOR RELOCATION OF AFGHAN NATIONALS

12. Senator HIRONO. Dr. Martinez-Lopez, how can we better integrate the military health complex in order to provide adequate attention to evacuees in need?

Dr. MARTINEZ-LOPEZ. If confirmed I will work with the Department of Homeland Security, the Department of State, and other Federal Government partners to streamline the process, so we can take timely care evacuees' healthcare needs within the established legal parameters.

 QUESTIONS SUBMITTED BY SENATOR GARY C. PETERS

RETAIL PHARMACY PILOT PROGRAM

13. Senator PETERS. Dr. Martinez-Lopez, section 706 of the Fiscal Year 2022 NDAA included a provision to require the Department of Defense to implement a retail pharmacy pilot program for refills of brand name prescription maintenance medications in the TRICARE pharmacy benefits program. The purpose of the pilot is to determine whether the Department of Defense can restore TRICARE beneficiaries' choice to elect to receive brand name prescription maintenance medications through military medical treatment facility pharmacies, retail pharmacies, or the national mail-order pharmacy program at no cost or even potential savings to the Department—a cause which I am very interested to see through.

The legislation calls for the Secretary of Defense to carry out the pilot program beginning not later than March 1, 2022. As you are aware the National Defense Authorization Act for Fiscal Year 2022 was signed into law on December 27, which has resulted in some impact to the deadlines for reporting and implementation of the pilot under section 706. For example, the initial report to Congress which calls for the Secretary of Defense to provide a briefing to Senate Armed Services Committee and House Armed Services Committee on the pilot program within 90 days of enactment, is now set to occur after the statutory implementation date of March 1, 2022. It was not intended for DOD to be left reconciling these dates within such a short timeframe after enactment. Rather, the intent is that the Secretary should begin planning and implementing the pilot no later than March 1, not that the pilot should be operational by March 1.

Considering that cost-savings may achieved to the Department by carrying out the pilot program, and that failure to implement the program could continue to result in unnecessary inconveniences to TRICARE beneficiaries who may prefer to visit retail pharmacies for their affected medications—do I have your commitment that, if confirmed, you will commit to initiate planning and implementation of the pilot program by March 1, and further prioritize its successful operationalization?

Dr. MARTINEZ-LOPEZ. If confirmed I am committed to implement all legal requirements of my office to include this pilot program. This pilot program may present an opportunity to bring convenient and best value service to our beneficiaries.

 QUESTIONS SUBMITTED BY SENATOR MARK KELLY

TRICARE SELECT

14. Senator KELLY. Dr. Martinez-Lopez, the Defense Health Agency (DHA) Health Care Assistance Pilot Program provides health navigator advisors to TRICARE Select military families with complex care needs. This service is a lifeline to military families—helping them locate and obtain the healthcare services they need. I'm told that an increasingly high number of military families are using the program and registering satisfaction rates above 90 percent.

Dr. MARTINEZ-LOPEZ. I recently sent a letter to the Surgeon General of the Army, Lieutenant General R. Scott Dingle, requesting his views on expanding the pilot program to all U.S. Army servicemembers whose families qualify for the Exceptional Family Member Program (EFMP). While the Army has the largest EFMP participant pool, I believe there is value in expanding access to this benefit across the military services.

If confirmed, will you take a look at the DHA Health Care Assistance Pilot Program and report back your assessment as to whether, in light of utilization rates, patient satisfaction, and potential for cost savings, this program should be expanded across all the military services?

Yes, if confirmed, I will work with the DHA to incorporate the successful elements of the pilot into the TRICARE program.

QUESTIONS SUBMITTED BY SENATOR DEB FISCHER

NATIONAL DISASTER MEDICAL SYSTEM PILOT PROGRAM

15. Senator FISCHER. Dr. Martinez-Lopez, section 740 of the National Defense Authorization Act (NDAA) for Fiscal Year 2020 authorized the Secretary of Defense to conduct a National Disaster Medical System (NDMS) Pilot Program (Pilot) in collaboration with the Secretaries of Veterans Affairs (VA), Health and Human Services (HHS), Homeland Security (DHS), and Transportation (DOT). The Pilot was reauthorized in section 741 of the William M. (Mac) Thornberry NDAA for Fiscal Year 2021, which directed the Secretary to commence the NDMS Pilot by September 30, 2021. Section 741 also designated the Assistant Secretary of Defense for Health Affairs (ASD (HA)) as the lead official for design and implementation. The NDMS Pilot is meant to enhance the interoperability and medical surge capability and capacity of the National Disaster Medical System. What is your familiarity with the NDMS Pilot?

Dr. MARTINEZ-LOPEZ. It is my understanding that the Uniformed Services University's National Center for Disaster Medicine and Public Health was chosen to lead the implementation of the pilot program. An interagency working group selected the five pilot sites, which were approved by the previous Assistant Secretary of Defense for Health Affairs. These sites are: Washington, DC; San Antonio, TX; Sacramento, CA; Omaha, NE; and Denver, CO. I understand that civilian health care leadership around these five sites have partnered with the Department in its development and implementation of the pilot. If confirmed I will ask the ASD-HA and the USUHS team to bring me to a better understanding of this very important pilot program.

16. Senator FISCHER. Dr. Martinez-Lopez, if confirmed, will you commit to working with the committee and updating us on the progress of the NDMS Pilot?

Dr. MARTINEZ-LOPEZ. Yes, if confirmed I will work with the Committee and update you on the progress of the NDMS Pilot.

QUESTIONS SUBMITTED BY SENATOR THOM TILLIS

BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY INITIATIVES

17. Senator TILLIS. Dr. Martinez-Lopez, what will you do in your role as Assistant Secretary of Defense for Health Affairs to fast-track Biomedical Advanced Research and Development Authority (BARDA) Initiatives that have direct applications for military warfighter needs? For example, we have learned that BARDA is developing a novel mechanism as a medical countermeasure to address civilian risk of life-threatening respiratory depression resulting from opioid exposure. This work may be directly relevant to servicemembers in battlefield because of nerve or chemical agent attacks, as well as a therapeutic response to weaponized opioids. In addition, this novel drug may enable superior pain management of wounded servicemembers by reducing risk of respiratory depression associated with high doses of narcotics. We are concerned that not enough is being done to translate civilian focused medical discovery to address military medical requirements. We encourage DOD to leverage promising civilian-focused discovery to address current and future DOD medical requirements.

Dr. MARTINEZ-LOPEZ. I understand the importance of continued collaboration between Government agencies, especially with the Department of Health and Human Services. I was the Commanding General of the United States Army Medical Research and Materiel Command and Fort Detrick when BARDA was created and we helped in their creation. The Department has a history of collaboration with the Biomedical Advanced Research and Development Authority (BARDA), with the most recent collaboration occurring during the COVID-19 response. The Department works with BARDA and other agencies to monitor civilian medical developments and their relevance to the medical needs of the DOD. If confirmed, I am committed to the Department's continued partnership with BARDA to ensure our warfighters and our Nation's needs are addressed.

QUESTIONS SUBMITTED BY SENATOR DAN SULLIVAN

SUICIDE PREVENTION

18. Senator SULLIVAN. Dr. Martinez-Lopez, U.S. Army-Alaska has experienced numerous suicides from 2016 through 2022, mostly at Fort Wainwright. Army leadership has taken steps to improve the quality of life for soldiers in Alaska and to pro-

vide more mental health resources, but suicides continue. If confirmed, will you commit visiting Alaska and speaking with both U.S. Army-Alaska leadership and soldiers about their ideas to improve mental health services and reduce the number of servicemember suicides in Alaska?

Dr. MARTINEZ-LOPEZ. Yes.

19. Senator SULLIVAN. Dr. Martinez-Lopez, in your personal view, do servicemembers have adequate access to mental health resources?

Dr. MARTINEZ-LOPEZ. Nationwide, demand for mental health services is outpacing the supply of mental health professionals, creating challenges to address current and future mental health needs, not just in the military community, but in the civilian population as well. If confirmed, I will work within the Department to ensure the DOD is actively working to meet today's and tomorrow's mental health needs for all beneficiaries.

20. Senator SULLIVAN. Dr. Martinez-Lopez, what ideas do you have for expanding access to mental health services for servicemembers posted in remote locations?

Dr. MARTINEZ-LOPEZ. If confirmed, I will work to expand tele-health and other new tools to improve access where needed, including servicemembers in remote locations. The MHS can leverage tele-behavioral health services for mental health assessments, ongoing behavioral health treatment, and surge support for pre-and post-deployment evaluations.

21. Senator SULLIVAN. Dr. Martinez-Lopez, from a medical perspective, how would you address the higher incidences of suicide in remote and isolated locations like Ft. Wainwright, Alaska?

Dr. MARTINEZ-LOPEZ. The higher incidences of suicide in remote and isolated locations highlight the need for a comprehensive, public health approach to suicide prevention. Individuals stationed in these remote areas may have increased exposure to risk factors such as isolation, depression, and sleep disturbance, with limited access to protective factors, to include social connections. Clinical interventions are necessary to promote positive outcomes; however, a broader approach to promote health and prolong life through the strength of a connected and educated community is of equal importance to address risk factors and enhance protective factors. If confirmed, I will work to expand access to telebehavioral mental health in remote and isolate locations, address mental health provider gaps, look at new tools and mental health intervention programs, and work to implement the public health approach to suicide across all our military locations, but especially remote locations.

QUESTIONS SUBMITTED BY SENATOR KEVIN CRAMER

FERTILITY AWARENESS BASED METHODS OF FAMILY PLANNING

22. Senator CRAMER. Dr. Martinez-Lopez, currently, military women and female family members of the military are deprived of obtaining Fertility Awareness-Based Methods (FABMs) of preventing pregnancy. Access to these methods, which are listed by the Centers for Disease Control (CDC) and which have increased in usage within the United States, requires two elements: 1) accurate counseling from medical providers about individual FABMs (such as the sympto-thermal method, the sympto-hormonal method, the cervical fluid method), including effectiveness rates and the biological signs to be observed and charted and 2) provision of the method, which often includes the need for an instruction course and some materials. Military physicians and nurses do not often receive adequate information about FABMs in their training pipelines and therefore are rarely able to provide accurate and current FABM information about individual FABM methods. Moreover, the provision of FABM instruction courses and materials is not available within Military Treatment Facilities or through TRICARE reimbursement. Therefore, women in the Military Health System are deprived of choosing FABM methods, a situation which needs to be remedied immediately. What will you do to provide education about individual FABMs to military providers, and access to FABM instruction and materials to women within the Military Health System?

Dr. MARTINEZ-LOPEZ. As I understand, military providers throughout the Military Health System are trained and able to provide counseling on the full scope of contraceptive options, including Fertility Awareness-Based Methods (FABMs), or natural family planning (NFP), to all beneficiaries across the Military Health System. FABMs/NFP is part of the graduate education of all women's health practitioners, including obstetrician/gynecologist (OB/GYN) physicians, family practice physicians,

women's health nurse practitioners, and Certified Nurse Midwives. If confirmed, I will ensure providers are trained and able to provide patients with counseling on all appropriate contraceptive options.

QUESTIONS SUBMITTED BY SENATOR RICK SCOTT

DEFENSE HEALTH

23. Senator SCOTT. Dr. Martinez-Lopez, my questions to you are about the general operations of the Defense Health Agency (DHA) and how you would oversee that agency. The agency is tasked with many things, but perhaps its most important purpose is to make sure that we have healthy uniformed servicemembers capable of fulfilling their duties. Since its inception after the Fiscal Year 2017 National Defense Authorization Act (NDAA), the DHA has encountered obstacles and garnered complaints about its operation as well as about the scope of its responsibilities. My concern today is about problems I have been made aware of by one of my constituents.

Dr. MARTINEZ-LOPEZ. The problems I am referring to center on what appears to be a dispute over who in the Department of Defense actually has the authority to dismiss a servicemember from the military for medical reasons. My constituent represents dozens of servicemembers who complain that they have been unfairly enrolled in the Integrated Disability Evaluation System, or the IDES.

They assert that after they fell ill or were wounded, they have not been given the appropriate care their military service doctors recommend in order to try to get them back to health so that they may continue their service. Therefore, they have lodged complaints about being judged medically unable to continue in military service. But the essence of their complaint is not simply a dispute over whether they can return to health or not. It's that they are being put into the IDES system by the DHA and that the DHA, a medical bureaucracy—and not their chain of command—is making decisions about their military readiness and ability to remain in the military. They point to a centuries-old tradition in the U.S. Military beginning with the first Commander in Chief, General George Washington, whereby servicemembers have a right to appeal to their chain of command and in this particular case be found either capable or incapable of continued military service. In other words, they complain that it is civilian medical bureaucrats who are deciding whether a servicemember can stay or go and there is no appeal to their actual commander who knows the servicemember and the Service's needs better than anyone else. In one case in particular, the servicemember was shuttled back and forth between the DHA and the Army for over a year with each telling him that the other office was the one making decisions about him. This is unacceptable. I think one of the great problems of government bureaucracy in any department is lack of transparency and accountability. There should never be a moment in a military career when any servicemember has no chain of command, yet there are more than 50 documented cases since 2018 of such a gap for wounded warriors during the medical separation process (IDES). For the last 3 years, authorization committees of Congress and the Department of Defense (DOD) have had an ongoing discussion about the clarification required in U.S. Code to close this "gap" in command. Thus far, DOD has not adequately answered my questions. I continue to have grave concerns for servicemembers in IDES.

24. Senator SCOTT. Dr. Martinez-Lopez, while I understand there are multiple appellate opportunities built into IDES, what organization has control of and is responsible for the decisions being made during any servicemember appeals from day 1 to the conclusion of the IDES process?

Dr. MARTINEZ-LOPEZ. My understanding is that, by law, as established in Chapter 61 of Title 10, United States Code (U.S.C.), the determination to separate or retire a servicemember for disability rests with the Secretary of the Military Department concerned. The Department's policy in DOD Instruction 1332.18, "Disability Evaluation System (DES)," August 5, 2014, as revised, states that all appeals regarding determinations of a servicemember's fitness for duty are the responsibility of the Military Departments. While the DHA provides medical support during the DES process, it is not authorized to make determinations of fitness or retention decisions. If confirmed, I am committed to ensuring the best health care to our servicemembers and that the medical information exchange between DHA, the servicemembers, and the Military Departments is available to all parties to ensure a just adjudication.

25. Senator SCOTT. Dr. Martinez-Lopez, is it DHA's chain of responsibility or the military chain of command?

Dr. MARTINEZ-LOPEZ. A servicemember processing through the DES is always under the cognizance of the chain of command of his or her respective Military Service. While the DHA may provide support to ensure the servicemember is provided with the medical exams and treatment, the Military Departments statutorily control their respective servicemembers and respective DES processes. If confirmed, I am committed to ensuring appropriate medical processes are in place that support the servicemember and the Department's "fit-to-fight" force.

26. Senator SCOTT. Dr. Martinez-Lopez, is it possible for a servicemember to be improperly enrolled into IDES by a DHA bureaucrat against the advice of both the military chain of command and treating physician?

Dr. MARTINEZ-LOPEZ. I understand that under law and DOD policy only servicemembers who meet the criteria set forth in policy for disability evaluation are enrolled. This is generally done by the Secretary of the Military Department concerned. DOD policy also requires that referrals by medical providers be done in coordination with the servicemember's commander. As I understand the DES process, given the various stages in the process and levels of reviews in the process, I would expect that any erroneous enrollment, if one did occur, would be identified and addressed. The Secretary of the Military Department concerned retains the ultimate decision on whether to return the servicemember to duty, or retire or separate the servicemember due to physical disability.

27. Senator SCOTT. Dr. Martinez-Lopez, if this is possible, does a military commander have the authority to disenroll that servicemember from any point in the IDES process or are they powerless and must wait until the last stage of IDES?

Dr. MARTINEZ-LOPEZ. I am not aware of any DOD policy that restricts the discretion of the Secretary of a Military Department concerned to disenroll a servicemember from the IDES. If a servicemember is erroneously enrolled into the IDES but does not have a potentially unfitting condition, the IDES contains various stages in the process during which the servicemember may be returned to duty. It is also my understanding that the decision to enroll a servicemember with an unfitting condition into the DES is not made lightly, and is only done after serious consideration of numerous factors as required by law and policy.

28. Senator SCOTT. Dr. Martinez-Lopez, do you believe DHA bureaucrats should have complete administrative control of Active Duty servicemembers during IDES instead of the military chain of command?

Dr. MARTINEZ-LOPEZ. No, I support the long-standing law and DOD policy governing the DES which retain administrative control over servicemembers with their respective Military Department and reserve the final determination of whether to return a servicemember to duty, or whether to separate or retain a servicemember, to the Secretary of the respective Military Department.

29. Senator SCOTT. Dr. Martinez-Lopez, do you believe we should have a system that allows a civilian bureaucracy in the Pentagon to determine who can stay and who must go or would you say that no decision to kick someone out of military service should be made without the chain of command playing a vital role and making the ultimate decisions?

Dr. MARTINEZ-LOPEZ. I understand that pursuant to Chapter 61, Title 10, U.S.C., the Secretaries of the Military Departments are responsible for determining whether a servicemember is processed through the DES, and whether the servicemember is separated, retired, or returned to duty. It is my understanding that the referral of the servicemember to the DES by a medical provider is done in coordination with the commander and I understand that DOD policy provides the opportunity for commanders to provide input in various stages of the DES.

30. Senator SCOTT. Dr. Martinez-Lopez, would you agree that the incentives of a civilian medical bureaucracy are different from the chain of command that has a view of the kind of personnel that he or she needs to fight our enemies, and how much the taxpayer has invested in that person?

Dr. MARTINEZ-LOPEZ. It is my understanding that all Components of the DOD are focused on ensuring a "Fit-to-Fight Force" that is medically ready to fight the Nation's wars. It is also my understanding that DOD policy provides that upon the request of the servicemember or upon the exercise of discretion based on the needs of the Military Departments, the Secretary of the Military Department concerned may allow unfit servicemembers to continue in a permanent limited-duty status, on

either active or reserve duty, in the same or different rating or occupational specialty. Such continuation may be justified by the servicemember's service obligation or special skill and experience. The Secretaries of the Military Departments concerned may also consider transfer to another Military Service.

31. Senator SCOTT. Dr. Martinez-Lopez, in December 2017, the President signed into law Public Law No. 115-92 to authorize additional emergency uses for medical products to reduce deaths and severity of injuries caused by biological, chemical, radiological, or nuclear agents that may imminently threaten the lives of U.S. Military Forces. Following the enactment of the law, the Food and Drug Administration (FDA) and DOD announced the launch of a joint program to prioritize the efficient development of safe and effective medical products intended for deployed American military personnel. The purpose is to ensure that the unique medical needs of the American Military receive all of the benefits that the FDA has to offer with the fast-track status. Understanding the regulatory process is important for DOD in order to take full advantage of this legislation for the benefit of all Services. What will you do to ensure that your office, which coordinates this, has sufficient FDA regulatory expertise and that each Service also has FDA regulatory expertise in order to take advantage of this law and have the critical medical needs on the priority list for each Service?

Dr. MARTINEZ-LOPEZ. If confirmed, I will commit to ensuring that the relevant staff of the Office of the Assistant Secretary of Defense for Health Affairs, the Defense Health Agency, and the Military Departments have continuous professional development opportunities that enhance their expertise in the Food and Drug Administration regulatory matters and the Department's joint capabilities and requirements process and to take advantage of this law to speed out the critical care needs of our servicemembers.

32. Senator SCOTT. Dr. Martinez-Lopez, do you believe there are ways to improve the impact of the Department of Defense's Medical Product Priorities list with FDA?

Dr. MARTINEZ-LOPEZ. Yes, and if confirmed, I will continuously seek to improve the Medical Product Priorities list to ensure that it is most relevant to, and aligned to, our Force Health Protection requirements, and that products are fielded to optimize a medically ready force and a medical force that is ready.

33. Senator SCOTT. Dr. Martinez-Lopez, would you support expanding the list to include all medical products that are being developed under a cooperative research and development agreements (CRADA) with DOD?

Dr. MARTINEZ-LOPEZ. If confirmed, I support expanding the list of medical products to include products developed under a cooperative research and development agreement (CRADA) with DOD and that are prioritized based on the requirements of the Department.

[The nomination reference of Dr. Lester Martinez-Lopez follows:]

NOMINATION REFERENCE AND REPORT

PN1667

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 10, 2022.

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

Lester Martinez-Lopez, of Florida, to be an Assistant Secretary of Defense, vice Thomas McCaffery.

_____, 2022.
(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 Dr. Lester Martinez-Lopez, which was transmitted to the Committee at the time the nomination was referred, follows:]

Bio
Lester Martinez-Lopez

Education:

1971-1976 University of Puerto Rico, Bachelor in Science, Magna cum Laude

1974-1978 University of Puerto Rico, School of Medicine, Medicine Doctor

1983-1984 Johns Hopkins University, School of Hygiene and Public Health, Masters in Public Health

Employment Record:

1975-1978 *Medical Student*, Health Professionals Scholarship Program, University of Puerto Rico

1978-1981 *Resident*, Family Practice Residency, Womack Army Community Hospital, Fort Bragg, NC

1981-1983 *Flight Surgeon/Family Physician*, Davison Army Airfield, Fort Belvoir, VA

1982 (Feb-Jun) *Flight Surgeon*, First Multinational Force and Observers, Sinai, Egypt

1983-1985 *Resident*, Aerospace Medicine Residency, Brooks Air Force Base, TX

1985-1987 *Commander*, 543rd General Dispensary, Taegu, Republic of Korea. Directed the medical care of over 8,000 beneficiaries. Supervised a staff of over 70 employees.

1987-1988 *Resident Student*, Command and General Staff College, Fort Leavenworth, KS

1988-1990 *Division Surgeon* (VP for Medical), 4th Infantry Division (Mechanized), Fort Carson, CO
Principal advisor to the Commanding General on the health care and training of over 20,000 soldiers.

1990-1993 *Chief, Department of Family Practice and Community Medicine*, Martin Army Community Hospital, Fort Benning, GA.

1993-1994 *Resident Student*, U.S. Army War College, Carlisle Barracks, PA

1994-1996 *Commander (Chief Executive Officer)*, 86th Combat Support Hospital, Fort Campbell, KY.

1995 (Jun-Nov) *Chief Medical Officer*, United Nations Mission in Haiti and *Commander*, Medical Task Force 86, Haiti.

1996-1998 *Commander (Chief Executive Officer)*, Blanchfield Army Community Hospital, Fort Campbell, KY.

1998-1999 *Commander (Chief Executive Officer)*, Martin Army Community Hospital, Fort Benning, GA.

1998 (Nov-Dec) *Joint Task Force Aguila Surgeon (VP for Medical)*, Hurricane Mitch Relief, Central America.

1999-2000 *Command Surgeon (VP for Medical Affairs)*, U.S. Army Forces Command, Fort McPherson, GA.

2000-2002 *Commanding General (Chief Executive Officer)*, U.S. Army Center for Health Promotion and Preventive Medicine, Aberdeen Proving Grounds, MD.

2002-2005 *Commanding General (Chief Executive Officer)*, U.S. Army Medical Research and Material Command & Fort Detrick, MD.

2005 *Executive Vice President Healthcare Solutions*, Sytel a Tech Team Global Company, Bethesda, MD. focusing in the government medical sector.

2006 *President & CEO*, BIOMED Solutions International, Inc., Valrico, Florida.

2006-2007 *Senior Vice-President and Administrator*, Lyndon B. Johnson General Hospital, Harris County Hospital District Houston, TX..

2007- 2010 *Chief Medical Officer*, Brandon Regional Hospital, Brandon, Florida.

2008-2009 (October-February) *Director Medical Research* (Henry M. Jackson Foundation Contractor), Office of the Assistant Secretary of Defense for Health Affairs, Washington, D.C.

2012 (January-March) *Chief Medical Officer*, Citrus Memorial Health System, Inverness, Florida.

2010- Present *President & CEO*, Martinez Medical Consulting, LLC, Valrico, Florida.

2015-Present *Chairman of the Board*, Medical Technology Enterprise Consortium (MTEC), Summerville, South Carolina.

Honors and Awards

The United States Surgeon General's Medallion

Doctor in Education (Honoris Causa), Caribbean University, Puerto Rico

Woodrow Wilson Award for Distinguished Government Service, Johns Hopkins University

Certificate of Merit, U.S. Department of Agriculture

Defense Distinguished Service Medal

Legion of Merit, 3rd OLC

Defense Meritorious Service Medal

Meritorious Service Medal, 3rd OLC

Army Commendation Medal, 1st OLC

Army Achievement Medal, 1st OLC

Military Outstanding Volunteer Service Medal

Member, Puerto Rico's Distinguished Veterans Hall of Fame

Beta Beta Beta Biology Honor Society

Delta Omega, Honorary Public Health Society

Honor Member, Biltmore Who's Who

U.S Army Surgeon General Physician Recognition Award,
1982

Flight Surgeon of the Year, Health Services Command, 1983

Senior Flight Surgeon Badge

Order of Military Medical Merit

Member, Sergeant Audie Murphy Club

[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 Dr. Lester Martinez-Lopez 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): Lester Martinez-Lopez
2. Position to which nominated: Assistant Secretary of Defense for Health Affairs (ASD-HA)
3. Date of nomination: 10 January 2022
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):

1971-1976 University of Puerto Rico, BS, Magna cum Laude

1974-1978 University of Puerto Rico, School of Medicine, Medicine Doctor

1983-1984 Johns Hopkins University, School of Hygiene and Public Health, Master in Public Health

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):

2010- Present President & CEO, Martinez Medical Consulting, LLC, Valrico, Florida.

2012 (January-March) Chief Medical Officer, Citrus Memorial Health System, Inverness, Florida.

2015-Present Chairman of the Board, Medical Technology Enterprise Consortium (MTEC), Summerville, South Carolina.

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):

Member of the Army Science Board
Member, Council on Aging, Hillsborough County, Florida

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):

1. President, Martinez Medical Consulting, LLC
2. Chairman of the Board, Medical Technology Enterprise Consortium
3. Chairman of the Board, Puerto Rico Consortium for Clinical Investigation
4. Member of the Board, National Alliance for Hispanic Health
5. Consultant, Wake Forest University

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):

Fellow, American Academy of Family Physicians

Member, U.S. Army Science Board

Board President, Puerto Rico Consortium for Clinical Investigation

Member of the Board, National Alliance for Hispanic Health

Member Advisory Board, AMAR International Charitable Foundation

Life Member, Society of the United States Army Flight Surgeons

Member, Association of the United States Army

Former Member, National Institutes of Health, National Advisory Allergy and Infectious Diseases Council

Former Member, NATO Human Factors and Medicine Panel

Former Member of the Board of Advisors, The Health Museum, Houston, TX

Former Vice-Chairman & Trustee, Puerto Rico Science, Technology & Research Trust

Former Member, Society of Medical Consultants to the Armed Forces

Former Vice-Chairman of the Board of Directors, University of Puerto Rico Comprehensive Cancer Center

Member, Johns Hopkins Alumni Association

Member, Fraternity Phi Eta Mu

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): Not Applicable
- b. List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years: Not Applicable
- 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: Not Applicable
10. Honors and awards (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition received for outstanding service or achievements):
- The United States Surgeon General's Medallion
 - Doctor in Education (Honoris Causa), Caribbean University, Puerto Rico
 - Woodrow Wilson Award for Distinguished Government Service, Johns Hopkins University
 - Certificate of Merit, U.S. Department of Agriculture
 - Defense Distinguished Service Medal
 - Legion of Merit, 3rd OLC
 - Defense Meritorious Service Medal
 - Meritorious Service Medal, 3rd OLC
 - Army Commendation Medal, 1st OLC
 - Army Achievement Medal, 1st OLC
 - Military Outstanding Volunteer Service Medal
 - Member, Puerto Rico's Distinguished Veterans Hall of Fame
 - Beta Beta Beta Biology Honor Society
 - Delta Omega, Honorary Public Health Society

Honor Member, Biltmore Who's Who

U.S Army Surgeon General Physician Recognition Award, 1982

Flight Surgeon of the Year, Health Services Command, 1983

Senior Flight Surgeon Badge

Order of Military Medical Merit

Member, Sergeant Audie Murphy Club

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):
1. Martinez-Lopez, L.; Friedl, K.; Moore, R.; and Kramer, T., "A longitudinal Study of Infections and Injuries of Ranger Students", *Military Medicine*, 1993, 158(7): 433-437
 2. Moore, R.; Friedl, K.; Kramer, T.; Martinez-Lopez, L.; et al. "Changes in the Soldier Nutritional Status and Immune Function During the Ranger Training Course", Natick, Massachusetts: U.S. Army Research Institute of Environmental Medicine, 1992 (Technical Report T 13-92)
 3. Shippee, R.; Askew, W.; Mays, M.; Friedl, K.; Vogel, J.; Hoyt, R.; Bernton, E.; Martinez-Lopez, L.; et al., "Nutritional and Immunological Assessment of Ranger Students with Increased Caloric Intake", Natick, Massachusetts: U.S. Army Research Institute of Environmental Medicine, 1994 (Technical Report T 95-5)
 4. Kramer, T.; Moore, R.; Shippee, R.; Friedl, K.; Martinez-Lopez, L., "Effects of Food Restriction in Military Training on T-Lymphocyte Responses", *International Journal of Sports Medicine*, 1997, 18:84-90
 5. Friedl, K.; Moore, R.; Martinez-Lopez, L.; Vogel, J.; et al. "Lower Limit of Body Fat in Healthy Active Men", *Journal of Applied Physiology*, 1994, 77(2)
 6. Gambel, J.; Drabick, J.; Swalko, M.; Henchal, E.; Rossi, C.; Martinez-Lopez, L., "Dengue among United Nations Mission in Haiti Personnel, 1995: Implications for Preventive Medicine", *Military Medicine*, 1999, 164:

300-302

7. Martinez-Lopez, L., (1999). "Medical Support for Urban Operations." In Glenn, R. (Ed.), The City's Many Faces (pp. 305-331). Santa Monica : Arroyo Center RAND

8. Friedl, K.; Moore, R.; Hoyt, R.; Marchitelli, L; Martinez-Lopez, L.; Askew, W. "Endocrine markers of semistarvation in lean men in a multistressor environment", *Journal of Applied Physiology*, 2000, 88: 1820-1830

9. Martinez-Lopez, L., "Biotechnology Enablers for the Soldier System of Systems.", *The Bridge, National Academy of Engineering*, 2004, 34: 17-25

10. Martinez-Lopez, L., "Technology Opportunities: Implementation of Deployment Health Policy in Operational Theaters," Proceedings of the RTO HFM Symposium on "NATO Medical Surveillance and Response, Research and Technology Opportunities and Options," RTO-MP-HFM-108, April 19-21, 2004, pp KN2-1-KN2-10.

11. Martinez-Lopez, L., "Assessment of Detainee Medical Operations for OEF, GTMO, and OIF", Office of the Surgeon General of the U.S. Army, Washington, D.C., 13 April, 2005

12. Martinez-Lopez, L., "Cognitive Performance in Operational Environments", *Aviation, Space, and Environmental Medicine*, 2005; 76(7, Suppl.):C2-3

13. Tegnalia, J.; Martinez-Lopez, L.; et al "The Strategic Direction for Army Science and Technology" 2013 Army Science Board Final Report, Army Science Board Directorate.

14. Crannell, M.; Martinez-Lopez, L.; et al. "Evaluation of the Army Use of Predictive Data", 2014 Army Science Board Final Report, Office of the Deputy Under Secretary of the Army.

15. Crannell, M, Martinez-Lopez, L., et al, "Talent Management and the Next Training Revolution", 2015, Army Science Board Final Report, Office of the Deputy Under Secretary of the Army.

16. Martinez-Lopez, L; et al "Army Efforts to Enhance Soldier and Team Performance", 2017 Army Science Board Final Report, Office of the Deputy Under Secretary of the Army.

17. Smith, T., Martinez-Lopez, L, et al. "Improving Transition of Laboratory Programs into Warfighting Capabilities through Experimentation", 2017 Army Science Board Final Report, Office of the Deputy Under Secretary of the Army.

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). Not Applicable

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

11

[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 13 day of January , 2022

[The nomination of Dr. Lester Martinez-Lopez was reported to the Senate by Chairman Reed on March 8, 2022, with the recommendation that the nomination be confirmed. The nomination was returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate on January 3, 2023.]

[Prepared questions submitted to Mr. Christopher J. Lowman by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES**DUTIES AND QUALIFICATIONS**

Question. If confirmed as the Assistant Secretary of Defense for Sustainment (ASD(S)), what do you believe would be your most critical duties and responsibilities?

Answer. If confirmed as the ASD(S), my most critical duties and responsibilities would be to work with Congress, OSD stakeholders, and the Military Departments to identify sustainment challenges and enable mitigation strategies that ensure Service readiness and success on the battlefield. Additionally, it would be critical to maintain robust oversight that allows stakeholder input and drives the processes needed to identify opportunities to improve sustainment enterprise performance and efficiencies.

Question. What background and experience do you possess that qualify you to perform the duties and functions of the ASD(S)?

Answer. My sustainment experiences began as a young enlisted marine as an Aviation communication/navigation repair technician, which gave me the acumen to understand the challenges our servicemembers face sustaining readiness. My civilian Army career included leading teams of Product Support Managers in the development of product support strategies; later, I led a team of policy experts at HQDA, developing field level maintenance and depot policy. From this position, I transitioned into leading theater-level logistics activities for USAREUR. After time in Germany, I led the organization responsible for acquisition logistics policy as the Deputy Assistant Secretary, which prepared me for deployment to Afghanistan leading an organization within a coalition environment building logistics capacity for the ANA/ANP. All of this experience culminated in serving as the Senior Official Performing the Duties of the Under Secretary of the Army.

Question. What leadership and management experience do you possess that you would apply to your service as ASD(S), if confirmed?

Answer. For the past 33 years, I have led sustainment teams and organizations at virtually every echelon of management. The leadership experience, coupled with my formal education has enabled me to lead sustainment activities in CONUS, in theater of operations preparing for war, and deployed coalition environments in Afghanistan. My operational experiences coupled with HQDA leadership opportunities on the ARSTAF and Army Secretariat has provided me with a keen insight to the

challenges facing the sustainment enterprise and also highlighted the opportunities to reduce risk and introduce improvements.

Question. Do you believe that there are actions you need to take to enhance your ability to serve as the ASD(S)? Please explain your answer.

Answer. If confirmed, I will take immediate action to meet with USTRANSCOM, DLA, MILDEPs, and OSD stakeholders to better understand the immediate challenges facing sustainment and the progress that has been made mitigating the challenges. This will ensure that ASD(S) sustainment activities are aligned with Secretary Austin's priorities and that emerging changes to the NDS are accommodated. In addition, understanding the perspectives of those in the field who execute the mission every day is essential for ensuring resources are focused on priority missions. As such, I would visit key sustainment facilities to gain a first-hand understanding of their workloads, processes, and challenges."

Question. If confirmed, what additional duties and functions might you expect the Secretary of the Defense, the Deputy Secretary of Defense, or the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)) to prescribe for you, particularly in light of the lines of effort set forth in the National Defense Strategy (NDS)?

Answer. I understand a new National Defense Strategy is forthcoming, and the ASD(S) would have an integral part of adapting the policies and processes necessary to develop and posture the sustainment capabilities needed to meet the Secretary's priorities. If confirmed, I will work with Secretary Austin, Deputy Secretary Hicks, and the USD(A&S) to ensure that I have all of the necessary authorities and responsibilities needed to sustain readiness of our forces.

Question. If confirmed, what actions would you take to develop and sustain an open, transparent, and productive relationship between your office and Congress, and the Senate Armed Services Committee, in particular?

Answer. Sustainment challenges, to include supply chain risk management, organic industrial base modernization and—in some cases—life-cycle costs require a whole of government approach to solve. This includes the critical support provided by the Congress and the SASC in particular. If confirmed, I am committed to engage in regular communications with this Committee, including hosting Members and staff at key installations.

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

Answer. My experience across many positions within the Department of Defense, both in uniform and as a civilian, has affirmed the need for civilian control of our military, as set forth in the U.S. Constitution. I have been privileged to have support from teams of dedicated military and civilian career professionals at many of those positions. In order for our Department to be successful, we must be able to weigh the input from our dedicated men and women in uniform, as well as the input from civilian career professionals, to ultimately carry out the directives of our civilian government. If confirmed, I will ensure that I deliver my best civilian advice to Secretary Austin, Deputy Secretary Hicks, and the USD(A&S).

MAJOR CHALLENGES

Question. If confirmed, what would be your vision for the Office of the ASD(S)?

Answer. Broadly, my vision for ASD(S) is to develop sustainment policies, processes and capabilities that are enabled by advanced data analytics, artificial intelligence, and the necessary resources to support the Military Service readiness requirements. A vision statement is somewhat aspirational and, if confirmed, I will work with the OSD Staff, MILDEPs and other stakeholders to ensure my vision aligns with the SECDEF priorities and pending NDS changes.

Question. In your view, what are the major challenges that confront the ASD(S)?

Answer. Cost of sustainment—The Department has made progress developing strategies to reduce O&S life-cycle costs but more must be done. Taking advantage of advanced data analytics and the rich set of usage and cost data now available provides the basis to better understand fleet performance, identify cost centers, and implement mitigating strategies that maintain readiness more efficiently.

Industrial Base—I am aware that assistance from this committee, OSD action, and MILDEP support has enabled a better understanding of industrial base requirements. However, as the MILDEPs continue to modernize to meet current and future threats our ability to modernize the organic industrial base must contain prudent decisions that balance the organic industrial base capabilities with our commercial partners. Modernization strategies and the subsequent capital investments must be aligned with the capabilities being introduced so that the department ensures the

OIB plant and equipment and workforce skills are modernized at the same rate as the new capabilities are introduced and available when required.

Supply Chain Risk—The Department has made progress understanding supply chain risk. I believe that our ability to understand where risk is manifesting within the 3rd-5th tiers of the supply chain is critical to developing mitigating strategies. Whether the risk is cyber, foreign acquisition, or theft of intellectual property the Department needs the ability to visualize the supply chain, identify and characterize the risk nodes and mitigate the vulnerabilities. This might include on-shoring critical capabilities where appropriate.

Question. If confirmed, what management actions would you take, in what order of priority, and on what timeline—to address each of these challenges? Please be specific.

Answer. **Cost of Sustainment:** If confirmed, I would immediately work with my staff and the MILDEPs to implement strategies that employ advanced data analytics to better understand cost at the fleet level. I would incorporate lessons learned within the product support management area to review LCSPs and make appropriate changes. Finally, I would work with my staff and the ASD(A) to ensure product support planning for ongoing modernization programs incorporated lessons learned from current capabilities and the appropriate strategies are documented in the LCSP.

Industrial Base—If confirmed, I would work with my staff and the MILDEPs to gain an understanding of their individual OIB modernization strategies compared to funded modernization programs to ensure that our capital investment programs are aligned. Additionally, I would review the balance between the organic and commercial sectors to ensure that SCR is accommodated and mitigated where appropriate. Finally, I would work with OSD(P&R), my staff, and the MILDEPs to review the OIB workforce training plans to ensure new technologies that require novel industrial skills are planned, resourced and on-schedule.

Supply Chain Risk—If confirmed, I will work with the ASD(Industrial Base Policy) to ensure the necessary transparency of our national security supply chains. I will work with my staff and the MILDEPs to ensure that have the policy and processes in place that identify the vulnerabilities and mitigation strategies.

MAJOR ACQUISITION REFORMS

Question. In recent years, Congress has enacted significant reforms of the defense acquisition organizational structure and system. As part of these reforms, the Department consolidated logistics, materiel readiness, energy, and the environment, as well as facility planning, design, construction, and sustainment under the authority, direction, and control of the ASD(S).

In your view, what is the role of the ASD(S) in improving acquisition outcomes from a sustainment perspective?

Answer. The ASD(Sustainment) provides oversight of DOD's sustainment efforts, develops policy, sponsors key initiatives to improve sustainment outcomes and ensure cost-effective readiness throughout the service life of weapon systems. This includes making certain that sustainment attributes are included in capabilities' designs, and approving the program Life Cycle Sustainment Plan for Acquisition Category (ACAT) 1D and special interest programs. I believe it is incumbent on the ASD(S) to work closely with ASD(A), DPC, Comptroller, Services, and others to ensure effective and affordable product support solutions for our weapon systems.

Question. From your perspective, what is your assessment of the effects of recent acquisition reforms and what other potential opportunities for future reforms do you see?

Answer. I believe the Department's recent acquisition reform efforts are critical to enhancing readiness and driving down sustainment costs. They are helping expedite the development and fielding of capabilities, while ensuring the product support required to sustain them. I understand these efforts are ongoing and if confirmed, I will work to identify metrics and tools that can to assess sustainment's contribution to warfighting capability. I will also work with other senior leaders within the Department to identify opportunities for future reforms within both the acquisition and the planning, programming, budgeting & execution processes.

Question. Are there lessons learned with the implementation of recent acquisition reforms that you would want to apply in the Office of the ASD(S), if confirmed?

Answer. There are always valuable lessons learned when reforms are initiated within the Department. It is imperative that we capture these lessons learned as quickly as possible for the benefit of the Department. If confirmed, I will ensure that these lessons learned are shared across the Components through the use of Commu-

nities of Practice, Publications, and formal training courses developed and sustained by the Department for the life cycle logistics workforce.

DATA

Question. What steps will you take to collect operation and maintenance data from operational systems in order to inform sustainment policies and practices to control sustainment costs?

Answer. It is critical to utilize data to understand the performance of our weapons systems to drive future sustainment investment decisions. I understand the USD(A&S) team is supporting the Department's efforts to build enterprise-wide business health metrics with multiple sustainment data inputs that support weapons systems throughout the life cycle. If confirmed, I will ensure that this data is based on authoritative data sources and used to support all maintenance policies and practices.

Question. If confirmed as ASD(S), how would you apply lifecycle cost data to anticipate requirements for new or replacement items?

Answer. We must ensure that our new weapons systems not only meet warfighter performance requirements, but that they also are cost-effective to operate. If confirmed, I will work to incorporate cost data from the Services' cost data sources into new system requirements, assessments, and policies.

Question. Since technical data rights and intellectual property issues often drive sustainment costs and challenges, what specific ideas do you have to improve the Department's activities with respect to having access to needed technical data and Intellectual Property?

Answer. Weapon system sustainment, particularly organic sustainment, requires access to appropriate technical data. Necessary data includes, among other things, depot repair procedures, repair bills of material, and technical manuals. The Department should pursue tailored data acquisition strategies that emphasize collecting and maintaining specific data needed for weapon system operation and life cycle support while avoiding blanket policies that may lead to acquiring and maintaining technical data that does not benefit the Department.

I believe that changes in contract requirements and the contracting approach can address the issue. Since sustainment costs can represent 70% of a program's lifecycle costs, if confirmed, I will work with my acquisition counterpart to ensure that sustainment considerations are taken into account early in the acquisition lifecycle.

NATIONAL DEFENSE STRATEGY AND INTERIM NATIONAL SECURITY STRATEGIC GUIDANCE

Question. The 2018 NDS outlines the threats confronting the United States: a rising China, an aggressive Russia, and the continued threat from rogue regimes and global terrorism. In March 2021, the Biden Administration issued its Interim National Security Strategic Guidance, which sets out the national security priorities for the Administration. Among these priorities is the requirement to "promote a favorable distribution of power to deter and prevent adversaries from directly threatening the United States and our allies, inhibiting access to the global commons, or dominating key regions". The Administration has initiated the process of preparing a new National Defense Strategy, planned for issuance in 2022.

Question. How, in your view, how does the Office of the ASD(S) directly supports the NDS?

Answer. While the National Defense Strategy (NDS) guides the Departments way forward, those aspects of the strategy which will deal with sustainment and logistics must be translated into policy and then operationalized by the Department. The Office of the Assistant Secretary of Defense for Sustainment has the integral role to take the direction provided in the NDS and craft the DOD Directives and Instructions that will allow the Department to collaboratively and collectively meet the priorities of the Secretary of Defense.

Question. What is your current assessment of the risk of operational failure in a conflict with China as the result of a critical logistics failure?

Answer. In any conflict, the success of global operations relies on logistical support. Conflict with China presents a set of unique and significant challenges to our supply chains. Even with ongoing efforts across the joint logistics enterprise to mitigate and manage risks, there are still significant threats to logistics operations and logistics nodes around the globe. The tyranny of distance in the Indo-Pacific, along with heavy burdens placed on our strategic mobility infrastructure to both deploy our forces and meet their resupply demands exacerbates that risk in any future conflict. Mitigating these risks requires strong alignment across strategic guidance, policy, and Combatant Commander planning, and must while leverage Joint, Coalition,

and Partner exercises and engagements to validate logistical support concepts. If confirmed, I look forward to the opportunity to engage with the Joint Staff, Components and industry partners to support ongoing efforts across the Joint Logistics Enterprise to address the threats posed by China.

Question. In your view, what infrastructure, military construction, and logistics investments are required in order to provide the necessary capabilities and capacity to the Joint Force to prevail in great power competition and potential conflict with China?

Answer. At home we must maintain our ability to project power utilizing the Defense Transportation System and our strategic ports (air and sea). Infrastructure and military construction abroad come from the Combat Commanders, their plans, and assessments. Logistics investments should be focused on maintaining or augmenting our strategic mobility capabilities (to include prepositioning), investments in demand reduction technologies, efforts to reduce our logistics footprint, and increase our supply chain visibility.

Question. To what extent should sustainability and logistics requirements factor into future force structure adjustments?

Answer. Ensuring that our forces can be sustained should always be a consideration when developing force structure. If confirmed, I will work with the Joint Staff and Military Services to ensure that these considerations are taken into account as appropriate.

INDO-PACIFIC POSTURE

Question. First launched by the United States and Japan in 2002, the Defense Policy Review Initiative (DPRI) aimed to adapt the United States-Japan alliance to the dramatically changed threat security environment of the 21st century.

What is your understanding of the status of DOD's implementation of DPRI?

Answer. It is my understanding that the program is still on track to meet the Department's goal to improve its Indo-Pacific defense posture.

Question. If confirmed to be the ASD(S), what would be your role in DPRI implementation and execution?

Answer. I understand DPRI is the bilaterally-determined way forward for the realignment of Marine Corps forces on Okinawa and the main islands of Japan, including the establishment of a strong presence on the United States territory of Guam. If confirmed, I will work with the Undersecretary of Defense for Policy and the Assistant Secretary of Defense for Energy, Installations & Environment to review the implementation of this realignment plan. I will work with senior Department leadership to ensure DOD's sustainment and logistics efforts support the execution of the distributed U.S. basing infrastructure in the Indo-Pacific in support of the overall Defense Strategy.

Question. If confirmed, what specific actions would you take to address challenges in Guam and the Commonwealth of the Northern Mariana Islands (CNMI) that may result in an adverse impact on DPRI-related construction cost and schedule?

Answer. While I am not completely familiar with any specific challenges, if confirmed, I will work with senior Department leadership to ensure DOD's sustainment and logistics support on Guam and the CNMI is appropriately balanced with the critical national defense requirements associated with the DPRI program.

CONTESTED LOGISTICS

Question. Over the last several years, DOD and INDOPACOM have conducted or sponsored several studies on contested mobility and logistics which have resulted in more than 50 recommendations. However, the GAO found that DOD has failed to implement many of these recommendations. As a result, DOD and INDOPACOM may be missing an opportunity to leverage existing knowledge on mobility challenges in contested environments and to increase resilience for major conflicts as envisioned in the National Defense Strategy and as part of the Joint Warfighting Concept. Given the "tyranny of distance" in the Pacific, there are significant challenges specifically related to energy and munitions requirements in a contested environment, some of which could be mitigated by making targeted investments and operational energy improvements to both military platforms and installations.

If confirmed, how will you implement the multitude of recommendations referenced above and take actions necessary to decrease the logistics vulnerabilities in a contested environment?

Answer. The U.S. Military has enjoyed a freedom of movement for decades that has enabled global power projection and the ability to conduct and sustain operations virtually unhindered. However, in future conflicts, adversaries will target logistics in multiple domains from here in the Homeland through the point of need.

If confirmed, I will review the status of GAO recommendations and ensure sound and prudent measures are taken to reduce logistics vulnerabilities in contested environments.

Question. If confirmed, how will you implement recommendations to make significant operational energy improvements throughout INDOPACOM?

Answer. I am not familiar with the details of the studies mentioned above. However, if confirmed, I will review completed analyses regarding contesting logistics, and review opportunities for implementing recommendations to enhance energy supportability and demand reduction across Joint forces and plans.

Question. If confirmed, how do you plan to work with the Joint Staff to ensure that insights from concept development work on contested logistics are prioritized and highlighted in other Department of Defense processes?

Answer. I recognize the Joint Staff has invested significant time and effort to develop contested logistics concepts within the Joint Warfighting Concept and the Joint Concept for Contested Logistics. If confirmed, I would work closely with the Joint Staff to understand the insights gained and transformation necessary in order to effectively and consistently advocate in other Department processes.

THE F-35

Question. The F-35 is one of the largest DOD weapon systems, with U.S. sustainment costs estimated at more than \$1 trillion over its 30 year life cycle.

What are the factors contributing to spare parts shortages for the F-35 and what has been the effect of such shortages on the F-35 mission capability rates?

Answer. My understanding is that limitations on repair capacity are one of the major factors driving the parts shortages that are impacting F-35 mission capability rates. If confirmed, I will consult with the Department's and Services' supply chain and contracting experts to assess and identify areas of F-35 supply concerns and develop sustainment strategies to mitigate those risks.

Question. If confirmed as the ASD(S), what steps would you take to address these spare part-related deficiencies?

Answer. If confirmed, I will ensure that the F-35 program is closely and carefully managed with the sustainment rigor required to ensure that it can meet the Department's warfighting needs for peer competition. In addition, I will ensure that the F-35 Joint Program Office and the Military Services work to improve F-35 spare part-related deficiencies and pursue reliability improvement programs where appropriate.

Question. In your view, has DOD documented requisite information about the technical characteristics and costs of the F-35 to effectively plan for its long-term sustainment?

Answer. If confirmed, I will work with the Department's subject matter experts to advance initiatives that maximize the Department's position in obtaining the required data that improves the long-term sustainment strategy and warfighting capabilities for the F-35.

Question. What should be done to increase the availability rates for the F135 engine? Should we increase maintenance capacity? Should we improve the timing and execution of transferring intellectual property on the F135 engine to government depots to increase engine availability?

Answer. Addressing the serious readiness challenges related to the F135 engine will be one of my top priorities related to the F-35 program if I am confirmed. I will work with the F-35 Joint Program Office and Military Services to increase depot repair capacity, stand up additional repair sites, and reduce demand for repairs by improving reliability.

Question. How might a dearth of such information for the airframe and the engine impair DOD's ability to negotiate planned performance-based contracts or pursue alternative options?

Answer. Performance Based Logistics contracts can be an excellent contract strategy to improve warfighter readiness through better weapon system availability and reliability at lower cost, especially if organic capacity is unavailable. If confirmed, I will work with the Services and the F-35 Joint Program Office to ensure that any decision to enter into a performance-based sustainment contract is data-driven and made based in the best interests of the warfighter. Additionally, I will work with the Department to ensure that we have a robust organic industrial base to meet statutory and core logistics requirements to sustain our warfighters in a contested logistics environment.

Question. If confirmed as the ASD(S), what steps would you take to ensure that the correct amount and quality of information is available to support DOD's needs?

Answer. If confirmed, I will work with the Services and the F-35 Joint Program Office to ensure they have the appropriate access to the data they need for use across the entire lifecycle of the F-35 program.

Question. How can the Office of the ASD(S) contribute to further reducing F-35 sustainment costs?

Answer. If confirmed, I will work with the F-35 Joint Program Office and Military Services to ensure prioritization of efforts that reduce sustainment costs and to determine if additional opportunities can be leveraged to reduce all F-35 program costs. More broadly, I will work with the Services on policies to drive efficiencies in their sustainment enterprises that will further improve F-35 affordability.

DEGRADATION OF EQUIPMENT READINESS DUE TO AGING

Question. This Committee has received testimony from senior Department of Defense officials and the Military Services regarding the effects of aging equipment on materiel readiness.

How would you propose that the Military Services balance increased readiness for current capability while maintaining or increasing the modernization schedule?

Answer. If confirmed, I will work closely with our Defense Acquisition professionals and Component Acquisition Executives to evaluate the DOD and Military Services' plans to increase readiness for current capability while maintaining the Service modernization schedules. More specifically, I will work to ensure the Military Services are balancing modernization requirements with sustaining our legacy platforms at readiness levels necessary to meet current operations using advanced data analytics.

Question. If confirmed, what would be your approach to regenerating materiel readiness that is degraded by equipment that is simply "aging out"—often after many years of sustained high operations tempo in combat?

Answer. If confirmed, I will continue to refine the capabilities that provide visibility into the current readiness of our weapon systems and employ advanced data analytics to determine the underlying causes of degraded materiel readiness. Armed with this insight, I will work collaboratively with the Military Services to ensure that our limited sustainment resources are directed toward those efforts that will return the most readiness per dollar expended.

DEPOT MAINTENANCE STRATEGIC PLANS

Question. The Military Departments are required to regularly update their depot maintenance strategic plans to address the appropriate levels of capital investment in facilities and equipment, public-private partnerships, workforce planning and development, and the integration of logistics enterprise planning systems.

What is your understanding of the extent to which the Military Departments have updated or revised their depot maintenance strategic plans to address current and future logistics and maintenance requirements?

Answer. I understand the Military Services regularly update their depot maintenance strategic plans and are actively working on Infrastructure Optimization Plans (IOPs) to make targeted improvements to the Organic Industrial Base. If confirmed, I will continue the process of evaluating the Military Services plans against their current and future logistics and depot maintenance requirements. I will ensure the Military Services' depot maintenance strategic plans are properly aligned with the National Defense Strategy priorities and meet applicable statutory depot maintenance requirements.

Question. In your view, is the level of funding programmed and budgeted for equipment repair and reset sufficient—not only to prepare forces for overseas contingency operations but also to improve the readiness of non-deployed forces for other potential contingencies?

Answer. I believe the Department's prioritization procedures adequately consider priorities and risks across the entire portfolio. However, I am fully aware that competition for resources is always a challenge, and funding for equipment repair and reset is complicated by the mounting strain on weapon systems due to their age. If confirmed, I will focus on continuing to balance requirements for operationally deployed forces and units in garrison.

Question. What impact is this level of funding likely to have, if any, on the ability of National Guard units to support Homeland Defense and civil authorities missions?

Answer. While the specific impacts are outside the scope of my current portfolio, I sincerely appreciate the total force contributions of the National Guard. They are a critical enabler to Homeland Defense and defense support to civil authorities. If

confirmed, I will ensure that the National Guard's requirements are adequately resourced.

Question. Is it your understanding that as a general rule, Military Department depots are operating at optimal capacity to meet rebuild and repair requirements?

Answer. I believe the Military Service depots are sized to be effective at meeting warfighter requirements. If confirmed, I will evaluate whether the Military Service depots are operating at optimal capacity and continue to monitor their performance to ensure statutory, core, and warfighter requirements are met.

Question. What additional steps, if any, do you believe could be taken to increase depot capacity?

Answer. I understand the Military Services are continuously applying process improvements to increase throughput of their depots and, where advantageous, use public-private partnerships as a way to increase depot capacity and capability. If confirmed, I will continue to advocate and enable conditions that foster improvements and assess the Military Services plans to modernize their infrastructure and improve their productivity.

Question. What is your understanding as to how additional capacity that may exist across the organic industrial base is identified when needed to address critical backlogs?

Answer. I understand the Military Services regularly collaborate to address issues and requirements of mutual concern, with their respective Sustainment Commands operating under a memorandum of agreement to that effect. If confirmed, I will work with the Military Services to look for additional opportunities enhance mutual support of cross service requirements.

Question. With the ship repair industrial base (organic and commercial) unable to keep up with demand and execute programs on time or within project costs, what should DOD and the Navy do to expand capacity and improve performance on ship depot maintenance programs?

Answer. Our public and private industrial repair capability is critical to meeting our Navy's operational readiness requirements. I understand there have been issues with on time performance in recent years, and the Navy has undertaken the Shipyard Infrastructure Optimization Plan (SIOP) to help increase capacity. If confirmed, I look forward to understanding the Navy's progress with SIOP, incorporating lessons learned, and then ensuring we have continuity of effort across the commercial sector.

CONDITION-BASED AND PREDICTIVE MAINTENANCE

Question. What is your understanding of the Military Services' plans to collect, store, and analyze data related to improving maintenance efforts, decreasing maintenance and spare part costs, and increasing readiness?

Answer. Weapon systems that are not available due to unplanned maintenance, part shortages, or overly-tasked maintenance resources jeopardize our national defense. When properly applied, condition-based and predictive maintenance efforts enable us to increase readiness, forecast requirements, and optimize the use of our limited resources. I believe that the Services must fully embrace this concept and while much work has been done, the journey is not yet complete. If confirmed, I will work to ensure we continue the Department's efforts to institutionalize the tenets of condition-based and predictive maintenance.

Question. What steps would you take to ensure that developmental and operational activities collect, store, and share data in common repositories to enable continuous data analysis and to enhance modeling, simulation, and engineering activities in order to improve capabilities and reduce sustainment costs?

Answer. As our Services operate more jointly, with common assets, it is essential to our decision making and strategy development processes that we maintain data where it can readily be accessed and utilized. A key aspect of condition-based and predictive maintenance is providing a common environment where the data, regardless of source, is understandable, comparable, and readily ingestible into our capability and decision-informing tools. I believe that making the best use of our artificial intelligence and machine learning initiatives will significantly enhance this effort. If confirmed, I will work with the Military Services and other agencies to continue fostering an environment that fully develops these shared goals.

Question. What is your understanding of the outcomes to date of condition-based and predictive maintenance programs and their utility in increasing readiness and reducing costs?

Answer. Condition-based and predictive maintenance are initiatives the Department has been working for quite some time. I understand that the Services have numerous programs where the benefits of condition-based and predictive maintenance

nance programs have been achieved and are being reaped. I also recognize that this journey is not yet over and the Department still has more work to fully realize our desired outcomes. If confirmed, I will fully support this initiative and its objectives as a readiness enabler and strategy for cost-effective life-cycle sustainment.

LOGISTICS AND THE SUPPLY CHAIN

Question. If confirmed, how would you assess the readiness of logistics across the force, and where do you foresee the greatest challenges?

Answer. Logistics assets across the force face a multitude of challenges that are being addressed by the Department's professional logisticians on an ongoing basis. From aging weapon systems that are in operational use beyond their original life expectancy to new weapons system acquisition programs that contain the latest technological advances with sustainment considerations built in from the beginning, the Department requires a wide supplier base to support all of its requirements. If confirmed, I will work closely with all Components and my OSD counterparts to promote secure, dependable, and resilient supply chains that will ensure the readiness of our weapon systems.

Question. Given the number of sole source vendors with which DOD contracts, do you believe there is adequate competition across the supply chain?

Answer. It is my understanding that there is adequate competition within our supply chains, but sole source contracts are often necessary, especially in unique areas. For example, legacy weapon systems often include specialty parts where competition is limited. When sole source contracts are necessary, I understand the Department has established tools and processes to help negotiate a fair and reasonable price. If confirmed, I look forward to working with the Components and other purchasing activities to continue enhancing those tools and processes and identify insourcing opportunities where appropriate.

Question. What steps can we take to reduce the costs of logistics?

Answer. The Department's logistics cost makes up a large portion of the budget, and it is crucial we continue to employ the latest efficiency and effectiveness reforms to reduce the overall logistics cost while ensuring readiness. If confirmed, I will work to employ effective supply and financial executive metrics to ensure we return the most readiness per dollar expended. Analysis of these metrics can then be used to develop the appropriate policy and expansion of logistics initiatives which have proven effective and efficient sustainment solutions.

Question. In your view, how can we control costs of spare parts, especially in cases where there are limited suppliers of such parts?

Answer. I recognize that the Department's weapon systems often include specialty parts produced by a limited number of suppliers. I understand the Department has established tools and processes to help negotiate fair and reasonable prices for spare parts. If confirmed, I will work to ensure that spare part inventories are supported by actual product demand with steady stock levels to stabilize procurements and prevent stock shortages or excess buying.

PREPOSITIONED STOCKS

Question. The Department of Defense positions materiel and equipment at locations around the world to enable it to quickly field a combat-ready force.

What is your understanding of the extent to which the Department is working across the Military Services to develop an integrated requirement for prepositioned stocks, based on a Department-wide strategy?

Answer. Prepositioned materiel and equipment are a vital aspect of supporting global operations with minimal reaction time. If confirmed, I will work with the Joint Staff, Services and Combatant Commands to review prepositioned materiel program to ensure a sound and integrated requirements generation process.

Question. What are the logistical and maintenance implications of an expanded use of prepositioned stock, particularly in today's constrained budgetary environment?

Answer. Today's budget-constrained environment demands an appropriate balance between requirements and costs and a clear understanding any potential risks. If confirmed, I will work with the Joint Staff, Services and Combatant Commands to understand the logistical and maintenance implications associated with prepositioned stock.

Question. Do you believe that the Military Services have adequately assessed which of the many pieces of nonstandard equipment that were purchased to meet urgent war fighter needs should be added to prepositioned stock sets?

Answer. If confirmed, I will work with the Joint Staff, Services and Combatant Commands to review what role nonstandard equipment previously purchased should have in prepositioned stock.

Question. In your view, have the Military Services programmed adequate funding to execute plans to reconstitute their prepositioned stocks around the world?

Answer. Prepositioned materiel and equipment are a vital aspect of supporting global operations with minimal reaction time. If confirmed, I will work with the Joint Staff, Services and Combatant Commands to review policy and requirements to assess if funding is sufficient.

Question. In your view, have the Combatant Commanders adequately planned for the defense of prepositioned stocks in a contested environment?

Answer. In future conflict, adversaries will target logistics in multiple domains from here in the Homeland through the point of need, and prepositioned stock will likely be targeted as well. If confirmed, I will work with Combatant Commanders to understand their plans for defense of prepositioned stock and any additional support they may require.

DEFENSE LOGISTICS AGENCY (DLA)

Question. On behalf of the USD(A&S), the ASD(S) is charged to ensure the effectiveness, efficiency, economy, and performance of the Defense Logistics Agency (DLA). In particular, the ASD(S) is accountable for DLA's mission performance and for ensuring that DLA is attentive and responsive to customer requirements, both inside and outside DOD.

If confirmed, what would be your approach to the supervision and oversight of DLA?

Answer. The Defense Logistics Agency is the nation's combat logistics support agency, delivering global logistics support in both peacetime and war. It provides critical support to the Military Services, other federal partners, and allied nations. If confirmed, I will conduct regular reviews with the DLA Director and the DLA leadership team to assess their performance metrics, ensure their strategic priorities and actions are aligned with the Department's goals, and leverage DLA's capabilities to enhance the sustainment enterprise.

Question. If confirmed, how would you measure DLA's responsiveness to the needs of an expansive customer base that makes use of its products and services, including: the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, the 11 combatant commands, other federal agencies, and partner and allied nations?

Answer. I understand DLA uses annual surveys and customer action plans to evaluate its responsiveness to its customer. If confirmed, I will work with DLA to ensure these measures cover all aspects of DLA support (strategic, operational, and tactical) and benchmark industry standards and trends. I will also work with DLA to ensure survey results are integrated into customer action plans that are transparent to customers.

Question. How would you measure DLA's price transparency and competitiveness?

Answer. If confirmed, I will work directly with DLA's senior leadership, along with my counterparts in the Office of the Undersecretary of Defense (Comptroller), to maximize price transparency and competitiveness. I will also ensure DLA is well represented in key DOD logistics and sustainment governance venues to provide opportunities to share cost and pricing information with customer organizations.

Question. If confirmed, how would you seek to inspect and evaluate DLA's management of its Working Capital Fund?

Answer. DLA's Working Capital Fund is vital to the successful operations across the Department. If confirmed, I would review the customer support performance of DLA's Working Capital Fund and support efforts that improve effectiveness, efficiency, and stability of the fund. I would rely on a collaborative approach, ensuring a close relationship between my office, OSD Comptroller, and DLA to maximize flexibility when opportunities arise to better manage the fund and support the warfighter.

Question. In addition to its well-known logistics offerings, DLA also operates the Defense Agency Initiative (DAI) system, which many DOD Components use as the basis for their financial and human resources management systems.

How would you exercise your responsibility to ensure that DAI is "audit ready"?

Answer. Financial improvement and audit readiness remains an integral part of the Department's strategy, and DLA is a key enabler to that effort. I understand the DAI system has received a clean audit opinion for the last five years. If confirmed, I will work with DLA to ensure they maintain this same level of audit readiness focus for DAI going forward. Leaders throughout DOD are embracing financial

improvement and audit remediation responsibilities and working to increase transparency in how the Department manages its resources.

Question. The reform of DOD's business operations is the third pillar of the 2018 NDS, with the goal of saving \$46 billion over four years—savings that would be reinvested in enhancing the readiness and lethality of the force.

What business operations reforms has DLA achieved, and how much money has been saved as a result of each such reform?

Answer. My experience with DLA is that the agency has driven cost efficiencies for the Department over time through various techniques, including increased standardization and automation, greater consolidation of requirements across its customer base, and leveraging commercial supply chains to reduce inventory. While I am not specifically familiar with the reforms and associated savings DLA contributed in the last four years, if confirmed, I will ensure DLA remains focused on balancing cost efficiencies with improved readiness and business operations.

Question. To what readiness and lethality objectives or programs were these savings transferred?

Answer. Although not specifically familiar with the savings recently generated by DLA, it is my understanding that DLA savings typically result in increased buying power for the Services and other customers.

Question. DLA customers have long expressed concerns that the non-availability of spare parts required to complete repairs and maintenance have led to delays in throughput and readiness shortfalls.

What is your assessment of DLA's track record for ordering and delivering parts on time?

Answer. I understand that DLA awards nearly 10,000 orders a day and that 90% of those orders are satisfied within less than a day as a result of DLA's expansive supplier network and utilization of long-term contracts. My understanding is that DLA is revising Performance Based Agreements with customers to establish customer-centric, standardized baseline and partnership metrics. If confirmed, I would work with the DLA Director to continue linking costs to metrics performance and leveraging the data to adjust system levers to better align obligations with Service demands within operating cash thresholds.

Question. If confirmed, what actions would you take to improve DLA's performance in this regard?

Answer. If confirmed, I would utilize Department governance structures and mechanisms to improve demand forecasts, and order and delivery performance. I would work with DLA, the Military Services, and other stakeholders to continue to improve the accuracy of demand predictions and end-to-end procurement and delivery times. I would focus on root cause analysis for any performance issues, continue improving data analytics to inform decision making, and focus on greater transparency for our Military customers.

Question. If confirmed, what will you do to assist the Military Services in improving the reliability of the spare parts forecasts they submit to DLA?

Answer. If confirmed, I will work with DLA and the Military Services to leverage data analytics to inform decision making, continue improving forecast reliability, and reduce buyback rates, with an emphasis on transparency, governance, and accountability.

Question. If confirmed, what policies and procedures would you support to ensure that DOD Components do not acquire excess inventory of spare parts?

Answer. My understanding is that inaccurate demand forecasting and changing requirements are the leading reasons for the accumulation of excess inventory, which also strains DOD's cash position. I understand DLA has already had some success in managing consumable items with alternative level-setting strategies that reduced excess inventory. If confirmed, I will continue to improve DOD's planning process by implementing data-driven inventory management procedures to deliver the best business outcomes for DOD and reduce excess inventory of spare parts.

Question. What is your understanding of DLA's role in Foreign Military Sales, and what steps would you take, if confirmed, to expedite requisite certification and acceptance processes?

Answer. I understand DLA plays a critical role in providing Foreign Military Sales to our allied partners, especially sustainment of spares that impact readiness. If confirmed, I will work with DLA to reduce order wait time, prioritize stock availability, and support higher priority of demands as needed by our partners.

Question. If confirmed, how would you propose to assign priority among U.S. forces and allied and partner forces, for access to spare parts in the event of a shortage?

Answer. If confirmed, I will ensure that spare parts are distributed in a manner consistent with the National Defense Strategy, Combatant Command requirements

and the priority of the Administration. In the event of a shortage, I will review our policies and direct changes, where required, to attain the highest level of mission success.

Question. What is your understanding of the role DLA played in response to the COVID-19 pandemic for the Department of Defense and other federal agencies? What best practices should DLA seek to implement in the future regarding pandemic response?

Answer. My understanding is that DLA played and continues to play a critical role in supporting the Nation, supplying billions of dollars in support for vaccines, test kits, and Personal Protective Equipment (PPE) for the Department and other federal agencies. In addition, I understand DLA utilized its logistical core competencies and supply chain management to provide vital PPE that was distributed on behalf the Department of Health and Human Services to the Nation's health care providers.

In terms of best practices, I believe DLA should continue to leverage its access to integrated supply chains, contingency contracting, strategic sourcing, inventory optimization, and the incorporation of emerging business technologies to rapidly scale in support whole of government responses. DLA should partner in support of the lead federal agencies to promote rapid and effective federal response to future pandemics and other contingencies.

CORROSION PREVENTION AND CONTROL

Question. Corrosion negatively affects DOD equipment and infrastructure and can lead to reduced asset availability, deterioration in performance, and increased weapon system and infrastructure costs.

What is your understanding of the efficacy of the Department-wide strategy to prevent and mitigate weapon systems corrosion?

Answer. Corrosion remains a challenge for DOD weapon systems and facilities. The Department updated its strategy in 2021 to better address acquisition, sustainment, and technology challenges, directly aligning the strategy with the NDS and DOD Business Enterprise Architecture outcomes. The strategy now focuses on a data-driven approach to reduce readiness, cost, and safety impacts through clearly defined lines of effort. If confirmed, I will work with the Military Departments, Defense Agencies, and commercial entities to fully implement this strategy.

Question. Prior to 2018, the Corrosion Policy and Oversight Office reported directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics. With the establishment of the USD(A&S), the Corrosion Office was moved to the Office of the ASD(S).

If confirmed, what would be your relationship with the Director of the Corrosion Policy and Oversight Office?

Answer. I understand the Director of the Corrosion Policy and Oversight Office is assigned to the Deputy Assistant Secretary of Defense for Materiel Readiness DASD(MR), who in turn reports directly to the ASD(S). If confirmed I will work closely with DASD(MR) and the Director to integrate corrosion prevention and control into sustainment policies and to transition innovative technologies and processes focused on reducing the impact of corrosion on systems and facilities across the sustainment enterprise.

Question. If confirmed, what approach would you take to reviewing corrosion programs and funding levels proposed by the Military Departments, and in making recommendations to the Secretary of Defense regarding those programs and proposed funding levels?

Answer. If confirmed, I will work closely with the Director, Corrosion Policy and Oversight and the Military Department Corrosion Control and Prevention Executives (CCPE) to define the requirements for the Military Department Corrosion Programs and establish programmatic and budgetary reporting expectations that support the DOD Corrosion strategy. Consistent program requirements and reporting will ensure a successful implementation of the strategy and enable me to make informed and actionable recommendations to the Secretary of Defense on these matters.

Question. If confirmed, what steps would you take to improve oversight of corrosion with respect to the Military Services?

Answer. If confirmed, I will work with the Military Department CCPEs to improve communication and collaboration. In addition, I will integrate corrosion prevention and control into Sustainment Reviews where appropriate.

PLANNING FOR CONTRACTOR SUPPORT IN CONTINGENCY OPERATIONS

Question. GAO has reported that DOD OPLANs often fail to include an approved “Annex W” addressing contract support requirements, contractor management plans, contract oversight processes, and manpower requirements for the execution of contractor oversight.

What progress has the Office of the ASD(S) made promulgating policies and processes to assist Combatant Commanders in identifying and planning for the scope and scale of contract support that will be needed for a particular operation?

Answer. It is important that more precise and more rigorous planning methods are used to develop contract support (commercial) requirements and that those requirements are incorporated in Commanders’ planning and execution frameworks. It is also crucial that Commanders are able to determine scope and scale of those support requirements so that appropriate oversight mechanisms are in place to ensure contracted support continues to deliver effective and efficient operational capabilities to Combatant Commanders. If confirmed, I will review the progress made to establish policy and processes for operational contract support.

Question. What steps has the Office of the ASD(S) taken to establish policy for foreign vendor vetting by combatant commands?

Answer. If confirmed, I will review policy and progress on establishing a program and oversight for foreign vendor vetting as well as the work underway by combatant commanders to prevent contracting with adversaries.

Question. In your view, what steps must DOD take to integrate operational contract support in functional areas beyond logistics? What would be the benefits of such integration? Are there downsides to such integration, in your view?

Answer. Contractors are used across many functions, not just in logistics (e.g., intelligence/reconnaissance, engineering, and command and control). As such, operational contract support concepts should be integrated across all applicable functional areas and domains, so that Combatant Commands may adequately plan for contracted requirements and manage contracted support to get the best results for the Department and the taxpayer. Benefits include more clearly quantified requirements, more timely planning, less contracting fratricide/waste, and more favorable mission outcomes. If confirmed, I will work to implement policy and processes that ensure the effective use of contracted services to achieve operational objectives.

Question. If confirmed, what steps would you take to improve the execution of contractor oversight in the context of a contingency operation?

Answer. If confirmed, I would continue to work with partners in ASD(Acquisition), the Joint Staff, the Services, and Combatant Commands to support work already underway in this area. I would also advocate for continuous improvement of contractor oversight by ensuring it and other operational contract support considerations are appropriately addressed in policy, processes, systems, and training.

LIFE CYCLE COSTS

Question. In a February 2019 report, GAO asserted that approximately 70 percent of the life-cycle costs of a weapon system are incurred in the system’s operating and support phase.

In your view, what more could the Office of the ASD(S) do to advocate and influence a life cycle focus for effective product support?

Answer. Given that sustainment costs can represent 70% of total weapon system lifecycle cost, the Office of ASD(S), must drive early sustainment planning, in coordination with the Services and industry. The best opportunities to influence affordability occur prior to production as systems are being designed. Once the design is set, and production begins, the Department has very little ability to influence affordability.

If confirmed, I will continue to fully support ongoing efforts to reform logistics processes through the Department’s logistics reform team. These reforms not only will enhance readiness, but also drive down sustainment costs. Additionally, I will focus on identifying a common set of metrics and tools coupled with a robust governance structure to measure and monitor sustainment’s contribution to warfighting capability, in terms of availability of weapon systems and cost per day of availability.

Question. If confirmed, what steps, if any, would you take to ensure that life cycle maintenance and sustainment requirements are considered in the acquisition process for new DOD systems and platforms?

Answer. Maintenance and Sustainment requirements should be identified as early as possible in the acquisition process. Influencing the design of the weapons system for supportability is the principal way that long term maintenance and sustainment requirements can be reduced or even eliminated. If confirmed, I will support the recently published policy that requires the assignment of a Product Support Manager

at program inception. This individual is the principal resource provided to the Program Manager to ensure that maintenance and sustainment requirements are considered early in the program's life cycle. Additionally, I will continue to support the development and identification of analytical tools and training to enable the PSM to provide this support.

Question. Do you believe that the fully burdened cost of fuel is an appropriate factor for the Department to consider in evaluating acquisition alternatives? Please explain your answer.

Answer. The fully burdened cost of fuel is an important factor that should be considered when evaluating acquisition alternatives because it recognizes the additional infrastructure costs associated with delivering and protecting the energy supply chain. I understand that the current Analysis of Alternatives (AoA) guidance includes the requirement to consider the fully burdened cost of fuel. If confirmed, I will continue to emphasize the importance of utilizing the fully burdened cost of fuel factor when performing the AoA.

Question. If confirmed, by what standards would you measure the adequacy of lifecycle maintenance and support funding?

Answer. Lifecycle funding should reflect the Mission Capability requirements, Operating Hours, equipment population, and fielding locations reflected in weapon system planning documentation. The Military Services set these requirements and should fund operations and maintenance accounts accordingly. If confirmed, I will continue to work with the Military Services and advocate for funding requirements for lifecycle maintenance and support.

Question. If confirmed, what steps, if any, would you take to ensure that life cycle maintenance and sustainment requirements are adequately funded via the Planning, Programming, Budgeting, and Execution process?

Answer. If confirmed, I would track and monitor Service Program Objective Memorandum (POM) submissions to ensure sustainment planning is adequately funded. I would also work with the Military Services to ensure they manage equipment portfolios such that new weapons systems and retiring weapon systems are balanced in light of top line funding.

Question. What steps would you take to use technologies developed by the Department of Defense and commercial and defense industries to help reduce sustainment costs?

Answer. New and emerging technologies are critical to enhance the Department's ability to reduce sustainment costs. These include prognostics, health management, and Condition Based Maintenance for detecting potential failures, as well as new and unique turbine blade coatings for extended service life. If confirmed, I will support Department efforts to invest in these technologies that result in sustainment cost reductions.

Question. What incentives would you provide to industry to help reduce sustainment costs?

Answer. Incentives for industry can take many forms to include award term for contracts or greater profit margins when overall sustainment costs are reduced and system availability metrics are met or exceeded. If confirmed, I will continue to work with the logistics communities in the Department and Industry to identify more incentives to reward cost reduction and system availability increases.

Question. What is your view on the use of share-in-savings to create incentives for industry to provide technologies that will reduce sustainment costs?

Answer. I believe the Department should provide incentives for industry to reduce sustainment costs and foster sustainment vehicles that allow for long-term investments that yield a return in the form of increased system reliability and lower repair costs. This would also include incentives for industry to invest in organic depot repair efficiencies through the use of Public Private Partnerships. In anticipation of these benefits, the Department should incorporate contract terms and conditions that allow for government and industry to share in these savings.

HOUSEHOLD GOODS MOVES

Question. Many military families communicated with the Committee about the significant hardships they experienced during the 2018 summer Permanent Change of Station (PCS) cycle, including: unprofessional and untrained household goods packers and movers; unannounced and extensive delays in the pickup and delivery of household goods; extensive damage to personal property; and limited engagement by the Military Services in providing oversight and taking corrective action on complaints.

What role has the Office of the ASD(S) played in addressing systemic concerns about DOD's household goods transportation system?

Answer. In my role performing the duties of the Undersecretary of the Army, I am aware that the ASD(S) joined with USTRANSCOM, the Services, and other stakeholders to identify actions to improve the program, supports the award of the Global Household Goods Contract, and participates in senior leader forums that address the concerns of military families. If confirmed, I would continue these critical efforts to improve the relocation process for servicemembers and their families.

Question. What progress has the Office of the ASD(S) made in addressing these concerns?

Answer. I am aware that a cross-functional team, co-chaired by ASD(S) and USD(Personnel and Readiness), identified a number of short and long-term actions to improve DOD's Household Goods Program, including awarding a multiyear Global Household Goods Contract (GHC). If confirmed, I would support the rollout of the GHC and the completion of the other reforms with the goal of delivering high-quality, on-time moving experiences for servicemembers and their families that are free from loss and damage to property.

Question. What are your views of TRANSCOM's effort to privatize management of household goods moves under the Global Household Goods Contract (GHC)?

Answer. It is my understanding the GHC does not "outsource" household goods shipments; rather, it integrates activities currently performed by hundreds of separate commercial providers into a contract with a single move manager. USTRANSCOM continues to set requirements for the program through its contract with the single move manager. If confirmed, I would work with USTRANSCOM and the Services to transition to the GHC, which I understand may begin as early as Spring of Calendar Year 2022 in order to support the Calendar Year 2023 moving season.

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 and gender discrimination in the Office of the ASD(S)?

Answer. I understand that, just like every other organization within DOD, the Office of the ASD(S) is aligned with the Secretary Austin's and Deputy Secretary Hicks' emphasis on eliminating sexual harassment and gender discrimination. I fully support this emphasis and will ensure that the workplace is one that is safe and equitable for all staff.

Question. If confirmed, what actions would you take were you to receive or otherwise become aware of a complaint of sexual harassment or discrimination from an employee of the Office of the ASD(S)?

Answer. Sexual harassment and discrimination have no place in any organization that I have led and will not have any place in an organization I may lead in the future. If I am confirmed and I receive a complaint from an employee, I would take immediate action to ensure that complaint is appropriately addressed.

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

QUESTION ON NOMINEES' FITNESS TO SERVE

1. Senator HIRONO. Mr. Lowman, 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. LOWMAN. No.

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

Mr. LOWMAN. No.

DEFENSE LOGISTICS AGENCY

3. Senator HIRONO. Mr. Lowman, if confirmed, you would have oversight of the Defense Logistics Agency (DLA), which has a large role regarding Red Hill facility in Hawaii. If confirmed, will you conduct oversight of DLA to ensure that the agency prioritizes the defueling of the Red Hill facility?

Mr. LOWMAN. I understand the Department is currently conducting a review of the Red Hill's long-term future, to include the option of permanently defueling the facility. If confirmed, I will work with DLA and the Navy to support this review, and ensure that any resulting actions have the appropriate oversight, resources, and authorities to protect the health and safety of the people of Hawaii and the environment, while also supporting our strategic objectives in the Indo-Pacific theater.

4. Senator HIRONO. Mr. Lowman, there is concern that DLA has not played a large enough role in oversight of the Red Hill facility. If confirmed, will you look into whether the agency should have a larger role in oversight of the facility than it has had in the past?

Mr. LOWMAN. Yes, if confirmed, I will work with the Director of DLA to review DLA's oversight of the Red Hill facility and look for opportunities to strengthen that oversight where appropriate.

QUESTIONS SUBMITTED BY SENATOR ANGUS S. KING, JR.

ADDITIVE MANUFACTURING

5. Senator KING. Mr. Lowman, 3D printing can help address logistical, readiness, and sustainment challenges throughout the DOD enterprise by providing parts and materials for platforms in a deployed setting. If confirmed, what steps will you take so that maintainers of platforms and weapons systems can quickly access additive

manufacturing technology at the depot level, intermediate maintenance activity level, and individual platform level?

Mr. LOWMAN. Manufacturing at the point of need will help to reduce reliance on vulnerable supply chains, transportation assets, and storage requirements. I believe that maintainers of platforms and weapons systems must be able to quickly access additive manufacturing technology at the depot, intermediate and individual maintenance activity levels to ensure maximum impact of this capability. If confirmed, I will review the Department's existing 3D printing implementation efforts and look for opportunities to accelerate implementation.

KC-46 BASING

6. Senator KING. Mr. Lowman, the Maine Air National Guard's 101st Air Refueling Wing (101st ARW) sits near some of the most commonly trafficked Trans-Atlantic refueling tracks and has cold weather experience that makes it capable of supporting Arctic operations. Given its strategic location and the proven capability of the 101st ARW, would you support modernizing the wing with the new KC-46 aircraft?

Mr. LOWMAN. Having robust aerial refueling capabilities are critical to sustaining operations in theaters like the Arctic. If confirmed, I will work with the Air Force and USTRANSCOM to review the force structure of the aerial refueling fleet and ensure that they have an appropriate modernization strategy in place so that the fleet can continue this support in the future.

QUESTIONS SUBMITTED BY SENATOR PETERS

WEAPON SYSTEMS SUSTAINMENT

7. Senator PETERS. Mr. Lowman, the Fiscal Year 2021 National Defense Authorization Act (NDAA) directed the Department of Defense to establish readiness metrics to address "the materiel availability, operational availability, operational capability, and materiel reliability of each major weapon system by designated mission, design series, variant, or class" (title 10 U.S. Code § 118). Starting with the Fiscal Year 2023 President's Budget Request, the Secretary of Defense is required to submit an annual report on major weapons systems sustainment for the period covered by the future years defense program (FYDP) to include (1) an assessment of the materiel availability, operational availability, and materiel reliability for each major weapon system; and (2) a detailed explanation of any factors that could preclude the Department of Defense or any of the military departments from meeting applicable readiness goals or objectives. If confirmed, will you ensure compliance with this statutory requirement to provide Congress with an assessment of major weapon system sustainment in the budget request, and agree to be open with this committee on factors inhibiting the Department from reaching those requirements through the FYDP, to include fiscal constraints?

Mr. LOWMAN. Yes. If confirmed, I will work with my staff and the Military Services to ensure the Department is compliant with this statutory requirement.

QUESTIONS SUBMITTED BY SENATOR TAMMY DUCKWORTH

CYBERSECURITY THREATS TO OUR LOGISTICS NETWORKS AND SUPPLY CHAIN

8. Senator DUCKWORTH. Mr. Lowman, there is one area of our logistics backbone that I am not confident DOD nor our industry partners have adequately addressed: cyber threats to our logistics and supply chain networks. As we discussed last week, the Government Accountability Office (GAO) released a report in 2020 on cybersecurity threats to the Defense Logistics Agency's network. GAO identified five critical vulnerabilities, which included over a thousand unaddressed risks. To this day, none of those five vulnerabilities have been closed according to GAO. If confirmed how will you ensure the leadership of the Defense Logistics Agency addresses vulnerabilities in the logistics networks needed to provide a combat credible force?

Mr. LOWMAN. In any future conflict, we can expect supply chains to be contested in every domain, including cyberspace. As such, ensuring that our logistics enterprise is cyber-secure must be a top priority. I understand DLA has taken steps to resolve and close the five findings identified in the GAO audit. If confirmed, I will ensure that DLA continues to work toward closing these GAO findings, and that they prioritize the security of the business systems and networks critical to their logistics support mission.

9. Senator DUCKWORTH. Mr. Lowman, what can Congress do now to aid you in this effort?

Mr. LOWMAN. It is my understanding that the Department remains concerned about cyber vulnerabilities in the industrial base, particularly with lower tier suppliers who have limited capability to monitor malicious cyber activity. If confirmed, I will review these efforts, to include areas that may require congressional assistance.

10. Senator DUCKWORTH. Mr. Lowman, if confirmed, will you commit to working with my staff on this effort and presenting my office with your strategy to protect our logistics backbone?

Mr. LOWMAN. Yes.

QUESTIONS SUBMITTED BY SENATOR THOM TILLIS

INTEGRATED PROJECT DELIVERY

11. Senator TILLIS. Mr. Lowman, the Department of Defense has been challenged to deliver military construction projects, particularly large complex projects, on-time and within budget. Both design-build and design-bid-build projects have come in late and over budget. The large projects have also experienced an increase in litigation sometimes starting while the project is still in construction.

In the private sector and especially overseas more and more projects are being delivered using integrated project delivery. Integrated Project Delivery (IPD) is an approach that aligns the objectives of the owner (government), with those of the constructor and designer. Research conducted by the University of Minnesota showed that projects that use IPD are far more likely to complete on time and within budget.

Do you agree that the Department of Defense has been challenged to deliver complex projects such as hospitals, command and control facilities and AEGIS ashore on-time and within budget?

Mr. LOWMAN. Yes, I understand the Department has been challenged to deliver certain projects on the original schedule and budget.

12. Senator TILLIS. Mr. Lowman, is there a reason not to have some pilot projects to see if IPD is a better construction delivery method?

Mr. LOWMAN. It is my understanding that military construction policy and project delivery is now in the portfolio of the recently created Assistant Secretary of Defense for Energy, Installations, and Environment (ASD(EI&E)). While I generally think that using pilot projects as a way to explore improvements to any process is reasonable, if confirmed, I would defer to the ASD(EI&E) on the decision to implement this specific pilot program.

QUESTIONS SUBMITTED BY SENATOR DAN SULLIVAN

RED HILL FUEL LEAK

13. Senator SULLIVAN. Mr. Lowman, the State of Hawaii ordered the U.S. Navy to halt operations at the Red Hill facility after a petroleum leak on November 20, 2021, contaminated the military drinking water supply. The facility is vital to United States Indo-Pacific Command (INDOPACOM) operational plans. From a force sustainment perspective, do you think DOD should look at decentralizing fuel storage in the INDOPACOM area of responsibility (AOR)?

Mr. LOWMAN. I understand the Deputy Secretary of Defense has directed the Department to analyze and determine the distribution of fuel reserves for operations in the Indo-Pacific theater. If confirmed, I will support this review and ensure that all options, to include decentralization of fuel storage, are considered.

14. Senator SULLIVAN. Mr. Lowman, will you commit to personally briefing me within 30 days of your confirmation on the suitability of the former Navy base in Adak, Alaska for fuel storage within the INDOPACOM AOR?

Mr. LOWMAN. Yes. If confirmed, I will work with USTRANSCOM, DLA, and other senior leaders in OSD to review all options for fuel distribution in the INDOPACOM AOR, and brief you on the suitability of the former Naval Air Facility Adak as a fuel storage site.

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

FACILITIES, SUSTAINMENT, RESTORATION, AND MODERNIZATION

15. Senator BLACKBURN. Mr. Lowman, what is the current facilities, sustainment, restoration, and modernization (FSRM) backlog?

Mr. LOWMAN. It is my understanding that the Fiscal Year 202021 estimate of the Department's FSRM backlog was approximately \$121 billion.

16. Senator BLACKBURN. Mr. Lowman, if confirmed, how will you work with the Assistant Secretary of Defense for Industrial Base Policy and the Assistant Secretary of Defense for Energy, Installations, and Environment concerning current FSRMs backlogged projects?

Mr. LOWMAN. If confirmed I will work with the two Assistant Secretaries to ensure that we have the right analytics, policies, and strategic partnerships in place to help address the FSRM backlog.

17. Senator BLACKBURN. Mr. Lowman, if confirmed, what are the impacts on recruiting and retention if DOD cannot keep facilities safe and up-to-date?

Mr. LOWMAN. I am not familiar with data that relates facility condition to recruiting and retention goals. If confirmed, I will raise that question with the Under Secretary of Defense for Personnel and Readiness (the office responsible for recruiting and retention) and the Assistant Secretary of Defense for Energy, Installations, and Environment (the office responsible for facility condition).

18. Senator BLACKBURN. Mr. Lowman, for example, what will happen to hypersonic weapons testing programs if the facilities are falling apart and bogged down with copious facility maintenance backlogs?

Mr. LOWMAN. It is my understanding that the FSRM program and its oversight is now in the portfolio of the recently created Assistant Secretary of Defense for Energy, Installations, and Environment (ASD(EI&E)). To the extent any FSRM issues affect programs for which the ASD for Sustainment is responsible, if confirmed, I will work with the ASD(EI&E), and other senior leaders across the Department to advocate for the appropriate level of resourcing to ensure critical missions are not jeopardized due to inadequate FSRM funding.

AFGHANISTAN

19. Senator BLACKBURN. Mr. Lowman, maintaining "over-the-horizon" counterterrorism (CT) mission is logistically taxing as Afghanistan is a landlocked country; therefore, what are the short and long-term logistical challenges for DOD?

Mr. LOWMAN. If confirmed, I will proactively work with the Joint Staff and the DOD Components to ensure sustainment activities are in place to support the logistical requirements of over-the-horizon counterterrorism missions in Afghanistan.

20. Senator BLACKBURN. Mr. Lowman, if confirmed, what are DOD's current sustainment shortfalls?

Mr. LOWMAN. I am not aware of any current sustainment shortfalls with regard to Afghanistan. If confirmed, I will review sustainment requirements with senior leaders in the Department and address as appropriate.

21. Senator BLACKBURN. Mr. Lowman, what innovative perspective and resolve does your background provide in resolving current "over-the-horizon" challenges?

Mr. LOWMAN. Over-the-horizon (OTH) capabilities require near-term readiness be sustained and the necessary personnel and supplies be available on short notice. Over the past 30 years, I've been engaged at virtually every echelon of tactical, operational, and strategic sustainment capability ensuring readiness of U.S. Forces, regardless of location. OTH readiness will require visibility of sustainment requirements and equipment condition to ensure the necessary maintenance, supply, and sustainment capabilities are positioned for rapid response. My work developing and maturing the Condition Based Maintenance capability within the Army has provided a valuable understanding of the of the power of data and prognostic capability to better forecast maintenance and spare part requirements. If confirmed, I will work with the services and CENTCOM to ensure the necessary visibility and resources are available to support the OTH requirement for Afghanistan

22. Senator BLACKBURN. Mr. Lowman, if confirmed, can you commit to exploring the options to assist at risk Afghan allies currently in Afghanistan?

Mr. LOWMAN. Yes. If confirmed, I will work with senior Defense leaders to support the Department of State with their efforts in Afghanistan.

QUESTIONS SUBMITTED BY SENATOR JOSH HAWLEY

INDO-PACIFIC THEATER

23. Senator HAWLEY. Mr. Lowman, Secretary of Defense Lloyd Austin and Deputy Secretary of Defense Kathleen Hicks have testified that the Indo-Pacific is the Department's priority theater and that China is our pacing threat. Do you agree with these designations?

Mr. LOWMAN. Yes, I agree with Secretary Austin's and Deputy Secretary Hicks' assessment that the Indo-Pacific region is strategically vital and China is our pacing challenge.

24. Senator HAWLEY. Mr. Lowman, if confirmed, how will you ensure that the defense logistics enterprise stays focused on the unique logistical challenges posed by the Indo-Pacific theater, particularly given the vast distances our Forces will need to travel to get there and the need for our logistics forces to operate within the Chinese weapons engagement zone once they arrive?

Mr. LOWMAN. If confirmed, I will work with the Joint Staff, INDOPACOM, USTRANSCOM, DLA, and other senior leaders in the Department to ensure that the defense logistics enterprise stays focused on the unique transportation challenges posed by the Indo-Pacific theater and our ability to operate in a contested environment.

25. Senator HAWLEY. Mr. Lowman, Secretary Austin wrote earlier this year in response to my question for the record that a "combat-credible, forward deterrent posture is instrumental to the U.S. Military's ability to deter, and if necessary, deny a fait accompli scenario [*italics added*]." The Deputy Secretary, Under Secretary, and multiple commanders of U.S. Indo-Pacific Command (INDOPACOM) have since reaffirmed the Secretary's emphasis on combat-credible forward forces. Do you share the Secretary's commitment to maintaining combat-credible forward forces in order to deter or if necessary, deny a Chinese fait accompli against Taiwan?

Mr. LOWMAN. Yes, I support Secretary Austin's commitment to maintaining a combat-credible forward force that is postured and resourced to deter or defeat Chinese aggression.

26. Senator HAWLEY. Mr. Lowman, if confirmed, how would you support the logistical requirements necessary to posture "blunt" forces located to the west of the International Date Line, in order to deter or defeat Chinese aggression?

Mr. LOWMAN. I understand posturing forces in Indo-Pacific theater requires unique and significant resources. If confirmed, I will work with the Joint Staff, INDOPACOM, USTRANSCOM, DLA, and other senior leaders in the Department to ensure that Combatant Commanders are resourced to deter or defeat Chinese aggression.

[The nomination reference of Mr. Christopher J. Lowman follows:]

NOMINATION REFERENCE AND REPORT

PN1367

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
November 15, 2021.

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

Christopher Joseph Lowman, of Virginia, to be an Assistant Secretary of Defense, vice William Jordan Gillis.

_____, 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. Christopher J. Lowman, which was transmitted to the Committee at the time the nomination was referred, follows:]

Bio
Christopher J. Lowman

Education:

Monmouth College, BA Business Management, 1995

Monmouth University, MBA, 1996

National War College, MS National Security Strategy, 2007

Employment Record:

- United States Marine Corps:
 - Position - Sergeant/Honorable Discharge
 - 10/1984 – 01/1989:
- United States Army/Communications Electronics Command
 - Position - Logistics Specialist
 - 10/1989 – 07/1998
- HQ Department of the Army/DCS G4
 - Position - Logistics Specialist
 - 07/1998-10/2003
- HQ United States Army – Europe/Heidelberg, Germany
 - Position - Chief, Supply & Maintenance
 - 10/2003-06/2006
- HQ Department of the Army/DCS G4
 - Position: Director of Maintenance Policy (SES)
 - 12/2008-06/2015
- HQ Department of the Army/ASA(ALT)
 - Position - Deputy Assistant Secretary of the Army (Acquisition Policy & Logistics)
 - 06/2015-10/2017
- Combined Security Transition Command – Afghanistan
 - Position - Director, Essential Function 5 (Sustainment)
 - 10/2017-11/2018
- HQ Department of the Army/DCS G3/5/7
 - Position – Deputy Director Operations, Plans, Training
 - 11/2018-01/2021:
- HQ Department of the Army/Pentagon
 - Position: Under Secretary of the Army (PTDO)/Pentagon
 - 01/2021-Present:

Honors and Awards:

- Military Awards:
 - Sea Service Deployment Ribbon
 - Meritorious Unit Citation
 - Good Conduct Medal
- Federal Civilian Awards:
 - Presidential Rank Award
 - Joint Meritorious Civilian Service Award
 - Distinguished Civilian Service Medal
 - Meritorious Civilian Service Medal (2)

[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. Christopher J. Lowman 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): Christopher J. Lowman
2. Position to which nominated: Assistant Secretary of Defense (Sustainment)
3. Date of nomination: November 15, 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):

Monmouth College, BA Business Management, 1995
Monmouth University, MBA, 1996
National War College, MS National Security Strategy, 2007

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):

- HQ Department of the Army/DCS G4
 - Position: Director of Maintenance Policy (SES)
 - 12/2006-06/2015
- HQ Department of the Army/ASA(ALT)
 - Position - Deputy Assistant Secretary of the Army (Acquisition Policy & Logistics)
 - 06/2015-10/2017
- Combined Security Transition Command – Afghanistan
 - Position - Director, Essential Function 5 (Sustainment)
 - 10/2017-11/2018
- HQ Department of the Army/DCS G3/5/7
 - Position – Deputy Director Operations, Plans, Training
 - 11/2018-01/2021
- HQ Department of the Army/Pentagon
 - Position: Under Secretary of the Army (PTDO)/Pentagon
 - 01/2021-Present

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):

Same as 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):

RASARAI, LLC: Family vacation home

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):**
- o Presidential Rank Award
 - o Joint Meritorious Civilian Service Award
 - o Distinguished Civilian Service Medal
 - o Meritorious Civilian Service Medal (2)
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). N/A**

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

7

[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 30 day of Nov, 2021

[The nomination of Mr. Christopher J. Lowman was reported to the Senate by Chairman Reed on March 8, 2022, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on March 18, 2022.]

[Prepared questions submitted to Mr. Peter J. Beshar by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES AND RESPONSIBILITIES

Question. Section 9019 of title 10, U.S. Code, establishes the position of the Air Force General Counsel and provides that the General Counsel shall perform such functions as the Secretary of the Air Force may prescribe.

What is your understanding of the current duties and functions of the Air Force General Counsel?

Answer. The duties and functions of the General Counsel are determined and assigned by the Secretary of the Air Force pursuant to 10 U.S.C. §§ 9013, 9014 and 9019. The General Counsel provides legal advice and guidance to the Secretary, the Under Secretary, the Assistant Secretaries, their staffs, and other offices within the Office of the Secretary, as well as to the Chief of Staff and the rest of the Air Staff and the Chief of Space Operations and the Office of the Chief of Space Operations. The General Counsel also provides legal services throughout the entire Department in a variety of disciplines including fiscal law, ethics, acquisition, dispute resolution, environmental law, international law, intellectual property law, real property law, and personnel law. The General Counsel serves as the Designated Agency Ethics Official, the Dispute Resolution Specialist, and is responsible for providing and supervising the Suspending and Debarring Official for the Department of the Air Force. In addition, the General Counsel exercises oversight of intelligence and other sensitive activities and investigations.

Question. If confirmed, what additional duties and functions would you expect the Secretary of the Air Force to prescribe for you?

Answer. If confirmed, I anticipate Secretary Kendall will expect me to provide sound and timely legal advice, on a wide range of issues, to assist him in carrying out the Air Force's mission to Fly, Fight and Win against all adversaries. Additionally, I anticipate the Secretary will expect me to manage the General Counsel's Office efficiently and effectively, while fostering an atmosphere of professionalism, and will expect me to work collaboratively across the organization, including with The Judge Advocate General, the General Counsel of the Department of Defense and the General Counsels of the other military departments, as well as the legal staffs of other government agencies.

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

Answer. My understanding is that civilian and military personnel in the Department of the Air Force, as well as the entire Department of Defense, respect this foundational principle of our system of government. Civilian control of the Armed Forces is ensured by Article I and Article II of the Constitution. It is also embedded in federal law for the Secretary of Defense and the Secretary of the Air Force. If confirmed, I would confer with Secretary Kendall and others to help ensure the Department is organized and operated to properly reflect this requirement for civilian control.

Question. In your opinion, who is the “client” of the Air Force General Counsel?

Answer. The client of the General Counsel of the Department of the Air Force is the Department of the Air Force.

Question. What is your view of the responsibility and authority associated with the Air Force General Counsel’s designation as the Chief Legal Officer of the Department of the Air Force?

Answer. As the Chief Legal Officer of the Department of the Air Force, the General Counsel serves as the principal legal advisor to the Secretary and other senior officials. The responsibility and authorities of the General Counsel are those prescribed by the Secretary. In discharging those responsibilities, I would, if confirmed, seek out and greatly value the input of The Judge Advocate General.

Question. If confirmed, what would be your responsibility for providing legal advice and services to the Space Force?

Answer. My understanding of the responsibility for providing legal advice and services to the Space Force is that the General Counsel provides legal advice to the Chief of Space Operations and the Office of the Chief of Space Operations, as well as other uniformed and civilian members of the Space Force as needed or directed by the Secretary of the Air Force.

Question. If confirmed, how would you view your role as the Air Force 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 DOD is the Chief Legal Officer and final legal authority for DOD. If confirmed, I anticipate having a close professional relationship with Honorable Krass characterized by continuing consultation, communication, and cooperation. I also look forward, if confirmed, to building strong working relationships with the General Counsels of the Army and Navy.

QUALIFICATIONS

Question. What background and experience do you possess that qualify you to serve as the General Counsel of the Department of the Air Force?

Answer. If confirmed, I respectfully believe that I have the experience, judgment and temperament to serve as the General Counsel of the Department of the Air Force.

First, I have extensive management experience leading a team of over 600 legal, compliance and public affairs professionals. For the past 17 years, I have served as the Executive Vice President and General Counsel of Marsh McLennan, a global professional services firm that specializes in risk management. With the support of our leadership team, I have built a world-class, and diverse, legal and compliance team. I have found that the greatest accomplishments in life are the collective endeavors achieved by a group of individuals pulling together toward a common goal. I have also developed the project management skills to drive policy change across an organization of more than 80,000 employees in 100 countries.

Second, over the past decade, I have developed domain expertise in cybersecurity, with a particular focus on public-private partnerships to enhance the resilience of our nation’s critical infrastructure. I have testified multiple times before Congress on cybersecurity and terrorism matters and had the privilege of participating in the Joint Service Academy’s Cybersecurity Summit at the Air Force Academy in Colorado Springs. As the Department of the Air Force develops its next generation air dominance program, modernizes its nuclear enterprise and communication systems and builds out the Space Force, cybersecurity and technological innovation will be crucial priorities.

Third, early in my career, I had the great privilege of serving as the Special Assistant to former Secretary of State Cyrus Vance in the peace negotiations in the Balkans. It was my first exposure to war, and it sparked a profound respect for our military and a deep interest in our national security. As Chair of the Veteran’s Committee at John Jay College for Criminal Justice and executive sponsor of our veterans’ initiatives at Marsh McLennan, I have spearheaded a series of initiatives to help military students and veterans get jobs and enhanced housing and disability

benefits. As a result of the work that we did on multiple fronts, Marsh McLennan was voted the No. 1 Military-Friendly Employer in the United States.

I have been honored to receive the Military Mondays Pro Bono Award from Legal Services NYC, the Distinguished Leadership Award from John Jay College of Criminal Justice, the Law and Society Award from the New York Lawyers for the Public Interest and the Business Leadership Award from Citizens Union.

Question. Do you believe that there are any actions you need to take to enhance your ability to perform the duties of the Air Force General Counsel?

Answer. If confirmed, I would be eager to meet with the Department's leadership team to learn more about their strategic priorities, including the seven operational imperatives identified by Secretary Kendall, to assess how best the Office of General Counsel can support their goals. I would plan to conduct in depth sessions with the talented career lawyers within the Office of General Counsel to learn more about the most pressing legal and compliance issues facing the Department. Concurrently, I would seek to develop a respectful and cooperative relationship with The Judge Advocate General of the Department and other members of the JAG Corps to understand their perspective on the range of legal and compliance issues that can arise across an organization of nearly 700,000 individuals. In addition, I would be eager to confer with the General Counsel of the Department of Defense to learn about her top priorities and how I can best support her objectives for the entire Department.

MAJOR CHALLENGES AND PRIORITIES

Question. If confirmed, what would be your vision for the Office of the Air Force General Counsel of today? And for the Office of the Air Force General Counsel of the future?

Answer. Before articulating any type of a strategic vision for the Office of General Counsel, I would want, if confirmed, to consult widely to understand the opportunities, and challenges, before the broader Department of the Air Force. This would include senior leaders, such as the Secretary and Undersecretary of the Air Force, the Chief of Staff of the Air Force and the Chief of Space Operations, peers and others throughout the organization. I believe it is important as a general counsel to have a philosophy about what the team is trying to accomplish and how it proposes to do so. After consulting broadly, I would seek, if confirmed, to identify a limited set of strategic priorities. The office can do anything, but it cannot do everything.

The pace of technological change is accelerating exponentially. Moving forward, it will be important for the attorneys and other professionals within the Office of General Counsel to adjust to this changing dynamic. The domains of cyber and space, in particular, will only increase in significance in the years ahead. If confirmed, I would hope to provide, and personally take advantage of, professional development opportunities in an array of emerging areas.

Question. In your view, what are the most significant legal issues facing the Air Force and Space Force today?

Answer. The top priorities of the Office of General Counsel should reflect the top priorities of the Department of the Air Force, and the broader Department of Defense. If confirmed, I would want to consult with the experienced and capable attorneys and compliance professionals within the Office of General Counsel, and with The Judge Advocate General and other members of the JAG Corps, to solicit their views about the most pressing legal issues facing the Department.

Question. What do you consider to be the most significant challenges you will face if confirmed as Air Force General Counsel?

Answer. From reading public reports and Congressional testimony, I would anticipate that key challenges, if confirmed, would include: (1) the implementation of the sexual assault reforms recently passed by Congress and the Independent Review Commission recommendations adopted by the Department of Defense; (2) the modernization of the nuclear enterprise, including the Ground Based Strategic Deterrent; (3) acquisition and sustainment initiatives for accelerating modernization efforts; (4) the build out of the Space Force; (5) the refinement of protocols, particularly around post-strike assessments and investigations, for minimizing civilian casualties; (6) compliance with environmental laws; and (7) efforts to foster a culture of integrity and inclusion.

The overarching challenge for the next General Counsel of the Department of the Air Force will be to advise on legal issues relating to the Department of Defense's number one pacing challenge—China.

Question. What plans do you have for addressing each of these challenges, if confirmed?

Answer. The Office of General Counsel has experienced and capable attorneys who are experts in these areas of the law. If confirmed, I would support these attor-

neys in their efforts to provide the best possible advice to decision-makers throughout the Department. If confirmed, my goal as General Counsel would be to serve as a trusted legal advisor to enable the senior leadership to meet these challenges and execute the mission of the Department.

Question. If confirmed, what broad parameters would you establish as to the types of legal and policy issues on which you and the Office of the Air Force General Counsel must be consulted?

Answer. The legal and policy issues on which the Department of the Air Force General Counsel and the Office of the General Counsel must be consulted are those directed by the Secretary of the Air Force. If confirmed, I would recommend to the Secretary that the General Counsel review every staffing package provided to his office for a decision. If confirmed, I would seek to have senior leaders engage with the Office of General Counsel early on in the process of developing strategies and plans for the Department regardless of operational sensitivity. I would strive to accomplish this in a cooperative and collaborative manner.

Question. If confirmed, are there specific categories of Air Force General Counsel legal opinions that you would expect to reconsider and possibly revise? If so, what categories?

Answer. At this time, I do not anticipate revising any specific category of Department of the Air Force General Counsel legal opinions. If confirmed, I would seek input from others in both the Office of General Counsel and The Judge Advocate General to see what legal opinions, if any, might warrant reconsideration.

Question. If confirmed, what innovative ideas would you consider providing to the Secretary of the Air Force to improve the organization and operations of the Office of the Air Force General Counsel and to improve the delivery of legal services Air Force-wide?

Answer. If confirmed, I would first study the organization and operations more closely, as well as the delivery of legal services across the Air Force. I would also solicit the views of the team regarding the technology available to each attorney in the Office of the Air Force General Counsel. As an example, we established an in-house innovation team at Marsh McLennan that harnessed artificial intelligence and other technology tools to streamline routine processes.

Question. If confirmed, how would you use organizational climate surveys to enhance your leadership and management of the Office of the Air Force General Counsel?

Answer. If confirmed, I would be keenly interested to review organizational climate surveys to better understand any challenges facing personnel in the Office of Air Force General Counsel. These tools can also play an important role in assessing the overall culture of an organization.

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

Answer. Communication is crucial. It is important that the Department of the Air Force has a professional and collaborative partnership with Congress. If confirmed, I would be committed to building and maintaining open lines of communication and working closely with the Secretary of the Air Force and the Office of Legislative Liaison to maintain a productive and transparent relationship with Congress.

RELATIONSHIP WITH THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE

Question. If you are confirmed, how will you work with the Judge Advocate General of the Air Force in carrying out your duties?

Answer. If confirmed, I intend to fully respect the role of The Judge Advocate General as an independent legal advisor. I would strive to maintain a collaborative, respectful and professional relationship with The Judge Advocate General. To that end, if confirmed, I would hope to meet regularly with The Judge Advocate General to exchange information and views about our respective priorities and identify those areas where we can collaborate most effectively. I expect that personnel within the Office of the General Counsel will maintain similar professional working relationships with members of The Judge Advocate General's Corps to ensure consultation and collaboration on matters of mutual interest and to ensure the provision of the highest quality legal support to the Department of the Air Force.

Question. How are the legal responsibilities of the Department of the Air Force allocated between the General Counsel and the Judge Advocate General?

Answer. Subject to the direction and control of the Secretary of the Air Force, the General Counsel serves as the Chief Legal Officer of the Department of the Air Force. The Judge Advocate General is established as part of the Air Staff and is the senior uniformed legal adviser to the Secretary and all officers and agencies of

the Air Force and Space Force. The Judge Advocate General is responsible for the activities of The Judge Advocate General's Corps and is primarily responsible for providing legal advice and services regarding the Uniform Code of Military Justice. I recognize and understand that the law expressly prohibits interference with the ability of The Judge Advocate General to give independent legal advice to the Secretary of the Air Force.

Question. How are the legal responsibilities of the Space Force allocated between the General Counsel and the Judge Advocate General?

Answer. My understanding is that the legal responsibilities of the Space Force are allocated between the General Counsel and The Judge Advocate General similarly to how they are allocated for legal advice to the Air Force. The General Counsel serves as the Chief Legal Officer of the Department of the Air Force and as such, provides legal counsel to the Chief of Space Operations and Space Force. The Judge Advocate General is the senior uniformed legal adviser to the Chief of Space Operations and the Space Force. Per 10 U.S.C. 9037, The Judge Advocate General is entitled to give independent legal advice to the Chief of Space Operations without interference from any other office or employee. If confirmed, I would regularly communicate with the Chief of Space Operations and The Judge Advocate General to ensure all legal needs are met in a timely fashion.

Question. If confirmed, will you seek to revise this allocation of responsibilities?

Answer. If confirmed, I will strive to maintain a collaborative, respectful and professional relationship with The Judge Advocate General and between the Office of General Counsel and the Office of The Judge Advocate General.

Question. What is your view of the authority of the Judge Advocate General of the Air Force to provide independent legal advice to the Secretary of the Air Force and the Chief of Staff of the Air Force and Chief of Space Operations?

Answer. The Judge Advocate General's ability to provide independent legal advice to the Secretary of the Air Force, the Chief of Staff of the Air Force, and the Chief of Space Operations without interference from any other employee, has been statutorily recognized as essential to the delivery of legal services to the Department of the Air Force. Beyond the statutory requirement that The Judge Advocate General be able to provide independent legal advice, I appreciate that military attorneys are in a position to provide a different legal perspective and many insights into key issues, and I believe the ability to share that perspective unhindered ensures the Department of the Air Force receives the most timely and thorough legal advice possible.

Question. What is your view of the responsibility of Air Force judge advocates to provide independent legal advice to military commanders and other Air Force officials and employees?

Answer. Air Force Judge Advocates have a critical responsibility to provide timely and effective legal advice to commanders in the field. My understanding is that The Judge Advocate General's Office takes that responsibility seriously and, if confirmed, I would seek to ensure the General Counsel's Office respects that responsibility as well.

Question. If confirmed, would you propose any changes to the current relationship between the Air Force General Counsel and the Judge Advocate General of the Air Force?

Answer. If confirmed, my top priority will be building on the effective and professional relationship that I understand currently exists between the Acting General Counsel and The Judge Advocate General. If confirmed, I would solicit the views of the Secretary, The Judge Advocate General and others, to discuss the best way to maximize our respective resources to meet the legal challenges facing the Department. Our common goal is to ensure that the Department of the Air Force is receiving the most effective legal advice possible.

Question. If confirmed, would you propose any changes to the current relationships and/or allocation of responsibilities between attorneys in the Office of the Air Force General Counsel and uniformed Air Force judge advocates?

Are legal opinions of the Office of the Air Force General Counsel binding on all Air Force lawyers?

Answer. If confirmed, I plan to discuss the current relationship and allocation of responsibilities with The Judge Advocate General to ensure the Department of the Air Force is receiving effective and timely legal advice. The legal opinions within the areas of responsibility assigned to the Office of the Air Force General Counsel are binding on all Air Force lawyers.

Question. If confirmed, how would you ensure that the legal opinions of your office are available to Air Force attorneys, including judge advocates?

Answer. If confirmed, I would ensure legal opinions are easily accessible through knowledge management systems and disseminated as widely as possible through

email and other means. I expect The Judge Advocate General's Office to assist in this and ensure that all judge advocates are aware of any legal opinions.

Question. How do you view the role and responsibilities of the Air Force General Counsel in the supervision and oversight of military justice matters vis-&-vis the Judge Advocate General of the Air Force?

Answer. My understanding is that The Judge Advocate General has the primary responsibility for providing legal advice and services regarding the Uniform Code of Military Justice and the administration of military discipline. If confirmed, I will recognize The Judge Advocate General's statutory duties and special expertise in military justice and expect to consult on matters of mutual interest. I also recognize the recent changes to the Uniform Code of Military Justice with respect to certain crimes, such as sexual assault, and the creation of the Office of Special Counsel. If confirmed, I would be guided by the views of the Secretary and plan to offer support and advice as these important changes are implemented and carefully review the role of the Air Force General Counsel with respect to military justice matters that will be under the purview of the Office of Special Counsel.

Question. Section 548 of the National Defense Authorization Act for Fiscal Year 2020 required the Secretary of Defense to 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. The needs of victims of domestic violence and victims of sexual assault can be similar in many ways, while also having important differences depending on the particular facts of each case, including living arrangements. As I understand it, a key parameter of the legal counsel program is to ensure that the assigned counsel as well as paralegals receive sufficiently broad training to serve all victims effectively.

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. The sexual abuse of a child of a military member is particularly abhorrent. As above, one of the most important parameters is the specialization and depth of the training for relevant staff.

Question. If confirmed, what role would you establish for yourself in assisting the Secretary of the Air Force to conduct the program required by section 548?

Answer. If confirmed, as with all requests and needs of the Secretary of the Air Force, I will seek to assist the Secretary, with appropriate coordination and deference to The Judge Advocate General.

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 Department of the Navy's 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 have reviewed the report.

Question. Did the Navy's Comprehensive Review yield any findings or recommendations that you believe may be applicable or useful to the Air Force legal community? Please explain your answer.

Answer. A number of the findings of the Comprehensive Review regarding the need for organizational structural improvements, professional development, and better data collection may be applicable or pertinent to the Department of the Air Force legal community. If I were to be confirmed, I would want to consult, and reflect, on these issues, especially regarding the build out of the Space Force, the implementation of the recent Uniform Code of Military Justice amendments, and the creation of the Office of Special Counsel. If confirmed, I would discuss the findings in the Comprehensive Review with The Judge Advocate General to determine if any

of the findings or recommendations may be applicable, and if so, how they may best be implemented.

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. I support the Secretary of Defense's determination that vaccination against COVID-19 disease is necessary to protect and ensure a ready Force. If confirmed, I will seek to ensure that Department of the Air Force's vaccination programs and guidance comply with recent Court rulings, applicable laws, regulations and policies.

Question. What guidance have the Air Force and Space Force given to commanders regarding precautions to limit the spread of COVID-19, and what role has the Office of the Air Force General Counsel played in generating and reviewing such guidance?

Answer. I am not familiar with the specific guidance given to commanders regarding precautions to limit the spread of Covid-19. I understand that the Department, at the direction of Secretary Austin, has committed significant resources and effort to this task.

Question. What role do you believe that the Air Force General Counsel should play in reviewing medical, administrative, and religious accommodation requests from Air Force and Space Force servicemembers and Department of the Air Force civilian employees for an exemption from the Department's COVID-19 vaccine mandate?

The Department of the Air Force General Counsel should play the role directed by the Secretary of the Air Force. The General Counsel has a responsibility for advising senior leaders of any significant legal concerns that have been identified and then work with the leadership to ensure the Department of the Air Force exemption processes comply with applicable court rulings, laws, regulations and policies.

Question. What are your views on the medical, administrative, and religious accommodation processes for Air Force and Space Force servicemembers and Department of the Air Force civilian employees who seek an exemption from the Department's COVID-19 vaccine mandate?

Answer. The publically announced processes appear to appropriately cover the requirements of Federal law and policy. I understand that processes involving civilian employees have been paused based on a U.S. District Court injunction. If confirmed, I would examine the Department's policies with respect to civilian employees so that they comport with the recently-issued court injunction.

CIVILIAN ATTORNEY RECRUITING AND RETENTION

Question. In your view, does the Department of the Air Force have a sufficient number of military and civilian attorneys to perform its many missions?

Answer. I am not currently in a position to have sufficient visibility into the level of resources. If confirmed, I would plan to review the needs of the Department with senior leaders, confer closely with The Judge Advocate General, review legal staffing levels at the other military departments and assess the adequacy of those resources. The demand for legal expertise in the domains of cyber and space will only grow in significance to the Department's evolving mission. If confirmed, I would also be committed to adequate staffing to effectively implement the changes to the Uniform Code of Military Justice and the Independent Review Commission recommendations.

Question. Air Force 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, Air Force 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 Air Force legal community?

Answer. I am a firm believer in the importance of providing opportunities for professional development and career progression. As part of that process for me personally, I have been reading and watching many of the materials recommended by General Brown. If confirmed, I would seek to confer with the members of the Office of General Counsel and others and hope to build on existing programs to develop com-

elling professional development opportunities, particularly around emerging areas of the law relating to technological advances. If confirmed, I will also seek to foster a culture of inclusion so that attorneys and others in the General Counsel's office are able to contribute to the best of their abilities. I would consider it part of my responsibility, if confirmed, to try to support all of the members of the OGC in their career aspirations.

Question. Do you foresee that in the coming years, the Department of the Air Force's demand for civilian attorneys with legal expertise in certain technical fields (e.g., cyber, space, and intellectual property law) will increase, commensurate with the Department's evolving missions and the 2018 National Defense Strategy? If so, in what legal specialties would you expect the Air Force's and Space Force's requirements to increase, and why?

Answer. Yes. The need for legal expertise in the domains of cyber and space in particular will only grow in importance to the Department's evolving missions. I understand the Office of Air Force General Counsel has already set up an Intellectual Property Cadre to tackle challenging intellectual property law issues.

Question. Do you believe the Air Force, including Air Force Office of General Counsel, 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 believe would be helpful?

Answer. At this time, I am not familiar enough with the current incentives and talent management tools that exist. If confirmed, I would look into these matters and determine if enhancements are needed to recruit, develop, sustain and retain a top-flight civilian attorney workforce.

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 the Air Force Office of General Counsel to engage in pro bono work? If not, why not? If so, what would be the parameters of such a program?

Answer. If one does not already exist, I would favor, if confirmed, the creation of a program to permit civilian attorneys in the Air Force Office of the General Counsel to engage in pro bono work. I support the American Bar Association's assertion that all lawyers should aspire to provide legal services for the good of the public. As an example, Marsh McLennan has been a proud sponsor of the Advanced Individual Academic Development program at West Point for over a decade. Furthermore, if confirmed, I will look at any current policies and work with the ethics attorneys to determine appropriate parameters.

ETHICS

Question. If confirmed, what actions would you take to effectuate your duties as the Designated Agency Ethics Official for the Department of the Air Force?

Answer. I consider this a core responsibility of the General Counsel. If confirmed, I would meet with the Alternative Designated Agency Ethics Official and Deputy Designated Agency Ethics Officials, as well as the leaders of the DOD's Standards of Conduct Office, to review the ethics program. I would plan, if confirmed, to build on the excellent work that has already been done and seek, through leadership messaging and impactful training, to foster a culture of integrity and inclusion.

Question. What do you see as the role of the Air Force General Counsel in setting an "ethical tone" for all Air Force and Space Force personnel, military and civilian?

Answer. Every leader has a responsibility to set the right ethical tone. If confirmed, I would seek to enlist the support of senior leaders across the Department, including the Secretary, the Undersecretary, the Chief of the Air Force, the Chief of Space Operations, the Assistant Secretaries and The Judge Advocate General, in reinforcing the importance of fostering an ethical environment that makes everyone feel proud to be associated with the Department of the Air Force.

Question. What actions has the Air Force taken over time to ensure that its military officers and other Air Force and Space Force personnel are trained—throughout their careers—on ethics matters and the Air Force's and Space Force's core values?

Answer. My understanding is that the Air Force has developed a robust training program on ethics. If confirmed, I would review these programs and seek to ensure that all Air Force and Space Force personnel have access to ethics training and understand the core values of the Air Force and Space Force.

Question. What role does the Air Force General Counsel play in ensuring that Department of the Air Force personnel—military and civilian—timely identify and dis-

close potential personal and organizational conflicts of interest and take all appropriate steps to avoid or mitigate them?

Answer. If confirmed, I will work with Air Force and Space Force senior leadership to inform military and civilian personnel within the Department to understand the types of circumstances that can lead to organizational conflicts of interest and how to identify those circumstances at the earliest opportunity. Together with others within OGC, I would also help Department of Air Force personnel assess any conflicts of interests that they may have and when they must recuse themselves.

Question. What training do Air Force lawyers receive to ensure they are competent to provide effective, accurate, and timely guidance to Air Force and Space Force personnel in need of counsel on ethics matters?

Answer. It is my understanding that the Office of Air Force General Counsel employs several attorneys who specialize in ethics and that they provide training to other attorneys. I am not familiar with the specifics of training programs, but would review the trainings if confirmed. I am also not familiar with how The Judge Advocate General ensures judge advocates are properly trained to handle ethics issues. If confirmed, as the Designated Agency Ethics Official for the Department,

I would work with The Judge Advocate General to seek to ensure judge advocates were properly trained.

Question. What resources has the Air Force made available to provide Air Force and Space Force 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. I am not familiar with the specific resources, but I understand that Air Force and Space Force GOs and SESs receive training on the ethical and legal standards regarding travel regulations and ensuring government resources are used only for official purposes. If confirmed, I will review the resources provided to Air Force and Space Force GOs and SESs and seek to ensure Air Force and Space Force all GOs and SESs know about the resources available to them.

Question. What is your understanding of the actions required of a Department of the Air Force civilian attorney or judge advocate who becomes aware of improper activities by an Air Force or Space Force officer or official who has sought, but failed to follow that attorney's legal advice?

Answer. I expect all attorneys to fully comply with applicable rules of professional responsibility. Under those rules, if an attorney becomes aware of improper activity, the attorney should raise the issue to a superior or another appropriate resource. In extreme cases, I understand that the matter may need to be referred to either the Department of the Air Force Inspector General or the Department of Justice.

ENERGY SECURITY AND RESILIENCE

Question. The range of threats against which Air Force and Space Force installations must maintain resiliency is ever-growing.

In your view, how can the Air Force OGC assist the Air Force and Space Force in better integrating energy security and resilience as standard components of its Military Construction (MILCON) programs?

Answer. I understand that the Department of the Air Force has already engaged in exercises to test energy resilience at various installations and will continue to do so. The General Counsel's office has a continuing role in monitoring compliance with statutes related to energy, as well as Administration Executive Orders. If confirmed, in addition to supporting compliance, I will encourage lawyers in the OGC to review programs and policy for opportunities to integrate energy security and resilience.

Question. What is the role of the Air Force Office of General Counsel in advising on the use of these authorities? Has the Air Force's or Space Force's use of one or more of these authorities yielded outcomes of particular promise?

Answer. I do not have working familiarity with all of the authorities mentioned. However, I understand that one division in the Office of General Counsel specializes in installation matters and thus supports the exercise of all of these authorities. I am aware of a few publicly-reported projects such as the large-scale solar array at Edwards Air Force Base, and if confirmed, would seek to have the General Counsel's office continue to support projects and initiatives to enable energy security and resilience.

ENVIRONMENTAL STEWARDSHIP AND CONSERVATION

Question. If confirmed to be the Air Force General Counsel, how would you educate Air Force and Space Force leaders and the forces 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 understand that Department of the Air Force General Counsel personnel already participate in training events for Air Force and Space Force personnel, as well as providing crucial one-on-one advice to senior leaders regarding the Department's obligations to comply with environmental protection laws and regulations. If confirmed, I will encourage Department of the Air Force General Counsel personnel to continue and, if warranted, expand this training and reiterate the importance of complying with environmental protection laws and regulations.

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 Air Force and Space Force installations, while ensuring military readiness?

Answer. If confirmed, in addition to ensuring Department of the Air Force General Counsel staff support Department of the Air Force compliance with applicable environmental laws and regulations relating to such resources, I will encourage them to confer with the Department of the Interior and the U.S. Fish & Wildlife Service on how best to comply with relevant laws and regulations in a manner that strikes the appropriate balance between stewardship of lands within our control and the needs of the military 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 two years or less, from start to finish?

Answer. I recognize that any effort to streamline the preparation of EISs must ensure that federal agencies still give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment. I understand the Council of Environmental Quality (CEQ) is currently reviewing its implementing regulations. If confirmed, I would advise members of the Department of the Air Force strive to respect the intent of National Environmental Policy Act while supporting CEQ's review effort.

MILITARY HOUSING PRIVATIZATION INITIATIVE (MHPI)

Question. If confirmed as Air Force General Counsel, what would be your role in establishing accountability inside the Air Force and Space Force for sustaining the high-quality housing that airmen and guardians and their families deserve?

Answer. Airmen, guardians and their families deserve safe and clean housing under the Military Housing Privatization Initiative (MHPI). I understand that the Department of the Air Force has made significant progress in implementing reforms that increased accountability within the MHPI program so that privatized housing meets the expected quality and conditions established for airmen, guardians, and their families. If confirmed, I would seek to have the General Counsel's office continue to play a key role in the implementation of the MHPI reforms that are contained in the National Defense Authorization Acts, in addition to working with the Office of the Secretary of Defense on policy to improve oversight and 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 Air Force and Space Force?

Answer. I understand that the National Defense Authorization Acts for Fiscal Years 2020–2022 included MHPI reforms designed to improve certain operational aspects of MHPI projects and enhanced accountability in the business practices of MHPI project owners. I believe it is important for the General Counsel's office to help continue efforts to incorporate those reforms into existing contractual agreements, along with identifying other measures that can be negotiated to further strengthen accountability and improve housing services to our military members. In the event that MHPI project owners fail to comply with their contractual obligations, the General Counsel's office would provide legal assistance to the Department of the Air Force for the enforcement of appropriate remedies. In this regard, I note the important enforcement actions recently taken by the Department of Justice. In addition, the General Counsel's Office has the ability, on behalf of the Department of the Air Force, to suspend or debar MPHPI providers and employees who have engaged in fraud or poor performance.

Question. What progress has the Air Force and Space Force made in creating a "Tenant Bill of Rights" and enumerating "Tenant Responsibilities" applicable to military families who reside in privatized housing?

Answer. I understand that the Tenant Bill of Rights was made available to all military tenants of Air Force privatized housing projects last August, as directed by the Department of Defense. If confirmed, I would review the ongoing work with respect to the Tenant Bill of Rights and seek to ensure military tenants in privatized housing projects are aware of their rights.

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.

Question. What role will Air Force Office of General Counsel play in training commanders, their legal counsel, and other participants in the dispute resolution and payment withholding processes?

Answer. My understanding is that, as part of its Acquisition Integrity Program, the Office of the General Counsel, in cooperation with the Judge Advocate General’s Corps, provides training across the Air Force and Space Force on fraud remedies available in response to fraud, corruption and poor performance.

CIVILIAN CASUALTY MATTERS

Question. What is your understanding of the obligations of the Air Force and U.S. Military in seeking to avoid civilian casualties under international law, U.S. law, and Department of Defense policy?

Answer. Secretary Austin recently stated that this is a moral and strategic imperative for the Department of Defense.

Question. What is your understanding of the role of the Air Force General Counsel in advising DOD leadership on policies relating to civilian harm mitigation and investigations into civilian casualty incidents?

Answer. If confirmed, I would closely review the plans recently announced by Secretary Austin and seek to support the Secretary and other senior leaders in any efforts to implement refinements or enhancements to existing protocols, particularly around post-strike assessments and investigations. In coordination with The Judge Advocate General and others, I would also seek to provide appropriate training and guidance regarding the proper reporting of relevant incidents.

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 Air Force General Counsel in ensuring that Air Force and Space Force acquisition programs are executed in accordance with the law and DOD, Air Force, and Space Force acquisition policy?

Answer. As the Chief Legal Officer of the Air Force, the General Counsel has an essential role in seeking to ensure that the Air Force’s acquisition programs complies with the law and DOD, Air Force, and Space Force acquisition policy. If confirmed, I would plan to work closely with the Secretary of the Air Force, the Assistant Secretary for Acquisition, Technology and Logistics, the Assistant Secretary for Space Acquisition and Integration, and other senior leaders to support critical modernization efforts while complying with these responsibilities.

Question. If confirmed, how would you ensure that Air Force and Space Force acquisition officials understand and leverage the flexibilities provided by Congress in the context of acquisition reform?

Answer. The Office of General Counsel should be proactive in providing legal counsel to acquisition officials regarding legal authorities and flexibilities to meet the needs of the warfighter. I understand the OGC has a division of attorneys who specialize in acquisition and partner regularly with acquisition officials at all stages of the acquisition process. If confirmed, I would seek to ensure that acquisition officials receive sound and timely legal advice regarding the full spectrum of acquisition authorities so they understand and can leverage the flexibilities provided by Congress.

Question. What are the legal implications that must be considered when the Air Force and Space Force leverage non-developmental or commercial off-the-shelf solutions to meet Air Force and Space Force requirements?

Answer. It is important that the Air Force and Space Force leverage non-developmental or commercial products to meet warfighter requirements. Determining appropriate technical data and computer software license rights in non-developmental

and commercial products is essential to making the best use of this important acquisition tool.

Question. What is your assessment of the legal issues pertaining to the identification, evaluation, and management of risk in the Air Force's and Space Force's organic and commercial defense industrial base, including the munitions industrial base?

Answer. I expect that there are many nuanced legal issues that pertain to the identification, evaluation, and management of risk in the Air Force's and Space Force's organic and commercial defense industrial base, including "vendor lock", supply chain vulnerabilities, and cyber vulnerabilities. The efforts to innovate in this area are important, but must always follow applicable statutes and regulatory rules.

Question. Do you believe that the Air Force has implemented intellectual property (IP) best practices to ensure that the government has appropriate access to IP and technical data to give proper return on investments in research and development (R&D), retain the ability to re-compete programs to control costs, and exercise better control over program sustainment costs?

Answer. My understanding is that the Air Force has consistently bolstered its intellectual property practices to enable continued access to needed data and software, drive competition in future contracts, and to reduce sustainment costs. I am aware that the Air Force recently created an Intellectual Property Cadre composed of experts in the field to address these issues, and half of the Cadre are part of the General Counsel's office. It is my understanding that the Cadre is continuing to examine new and innovative methods for accomplishing these goals, to include regulatory and administrative methods, and it will implement them as developed.

Question. If confirmed, what adjustments would you make, or work with acquisition officials to make, to the Air Force's practices in negotiating IP and technical data rights for programs to improve its ability to develop, procure, and sustain new systems and technologies affordably?

Answer. I am committed to obtaining and maintaining the ability to develop, procure, and sustain new systems and technologies affordably. However, as each case will be different, a one-size-fits-all approach will not address each matter. I will work with acquisition officials, if confirmed, to continue to innovate in their acquisition approaches.

ROLE IN THE AIR FORCE AND SPACE FORCE OFFICER PROMOTION AND CONFIRMATION PROCESSES

Question. What is your understanding of the role of the Air Force General Counsel in ensuring the integrity and propriety of the statutory officer promotion selection board process?

Answer. I understand that the Office of the Air Force General Counsel reviews all promotion board memoranda of instruction, promotion board results and documentation for officer promotions to ensure conformity with legal and policy requirements and Secretarial guidance. An important component of this process is trying to ensure that any adverse or reportable information is properly considered so that the Secretary can make informed decisions.

Question. Do you perceive any need for change in this role? Please explain your answer.

Answer. Not at this time. If I am confirmed, I will assess whether any change in this role and process might be warranted.

Question. In your view, are the current policies and procedures governing review of the records of Air Force and Space Force 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 Air Force, the Secretary of Defense, the President, and the Senate? Please explain your answer.

Answer. If confirmed, I would familiar myself with the current policies and procedures governing review of the records of Air Force and Space Force officers whose selection for promotion or assignment requires Presidential or Secretary of Defense approval or Senate confirmation. After my review, I would consult with the Secretary of the Air Force to learn whether he feels the current policies and procedures are sufficient to enable him to make informed decisions.

Question. In your view, are these policies and procedures fair to the individual Air Force and Space Force officers proceeding through the promotion or assignment processes?

Answer. If confirmed, I would familiarize myself with the applicable policies and procedures. After my review, if I find the policies and procedures are not fair to indi-

vidual Air Force and Space Force officers proceeding through the promotion or assignment process, I would bring my concerns to the Secretary of the Air Force or the Assistant Secretary of the Air Force (Manpower & Reserve Affairs), to discuss potential solutions.

Question. What is the role, if any, of the Air Force General Counsel in advising senior Air Force, Space Force, 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. If confirmed as the General Counsel, I believe my role in advising senior Air Force, Space Force 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” would be to seek to ensure that adverse or reportable information has been reported and properly investigated in compliance with law, regulation, and applicable records, and provide advice to the Secretary of the Air Force on particularly difficult or unusual cases.

Question. If confirmed, what will be your role in ensuring the Air Force’s and Space Force’s strict compliance with section 502 of the NDAA for fiscal year 2020 and section 505 of the NDAA for fiscal year 2021, regarding the conduct of boards for the selection of officers for promotions requiring Senate confirmation?

Answer. If I am confirmed, I will assess whether the Department of the Air Force has implemented appropriate policies to meet these obligations. The Office of the Air Force General Counsel should provide advice to the Secretary of the Air Force on the need for special selection review boards and review all promotion related board reports, as well as, all Departmental communications to this committee, the President, and the Secretary of Defense, to ensure compliance with law, regulation, and applicable directives.

Question. What is your level of confidence that adverse information derived from Air Force and Space Force administrative investigations is recorded and tracked across an individual airman or guardian’s career, and properly considered by promotion selection boards?

Answer. I am not in the position to provide the committee an assessment of my confidence in the recording and tracking of adverse information. If confirmed, I will assess the state of the Department’s ability to record, track, and furnish such information to promotion selection boards.

OFFICER PERSONNEL MANAGEMENT SYSTEM REFORMS

Question. The John S. McCain National Defense Authorization Act for Fiscal Year 2019 contains several provisions to modernize the officer personnel management system.

How are the Air Force and Space Force implementing these authorities today and to what effect?

Answer. I am not in the position to provide the committee an assessment of my confidence in the recording and tracking of adverse information. If confirmed, I will assess, in consultation with others, the state of the Department’s ability to record, track, and furnish such information to promotion selection boards.

Question. If confirmed, what would be your role in advising and assisting the Air Force and Space Force in further leveraging these new authorities?

Answer. It is my understanding that the Office of the General Counsel works closely with the Secretary of the Air Force, Assistant Secretary of the Air Force, (Manpower and Reserve Affairs), Deputy Chief of Staff of the Air Force, Manpower, Personnel and Services (AF/A1), and Deputy Chief of Space Operations for Personnel (SF/S1), to develop, review, and implement Departmental policy on matters pertaining to officer management and promotion.

Question. Are there other authorities that the Air Force and Space Force need to modernize the management of their officer personnel?

Answer. I am not currently able to offer an opinion on the need for additional legislative or regulatory authority to modernize the management of officer personnel. However, if confirmed, I believe the Office of the General Counsel should be involved in assessing the need and assisting in drafting any legislative proposals.

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 con-

secutive 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 Air Force that the retention of an airman or guardian who has been non-deployable for more than 12 months is “in the best interest of the Service”?

Answer. If confirmed, the main factors I would consider would include the individual circumstances of the airman or guardian, and the overall force needs and readiness capabilities of the Department of the Air Force.

Question. In your view, what legal and legal policy parameters govern how this policy should be applied to airmen and guardians with HIV and to airmen and guardians who identify as transgender?

Answer. I understand the policy with respect to airmen and guardians with HIV continues to be reviewed in light of new medical treatments and HIV prevention methods. I understand the policy for airmen and guardians who identify as transgender has been updated in the past year and continues to be reviewed. However, I am not familiar with the specific details of those policies. If confirmed, I would review those policies and work with senior leaders and medical personnel in the Department of Defense and the Department of the Air Force to better understand the legal and policy parameters around these issues.

SEXUAL ASSAULT, HARASSMENT, AND DISCRIMINATION PREVENTION AND RESPONSE

Question. What is your view of the adequacy of Department of Air Force-level oversight of the implementation of policies for the prevention of and response to sexual assaults and sexual harassment in the Air Force and Space Force?

Answer. I have reviewed the Independent Review Commission’s recommendations and the military justice reforms recently approved by Congress regarding the prevention of and response to sexual assault and sexual harassment in the Air Force and Space Force. I am troubled by the reports that have come out about the prevalence of sexual assault and sexual harassment across the Department of Defense. I am not familiar with the exact contours of the Department of Air Force-level oversight of the implementation of policies for the prevention of and response to sexual assault and sexual harassment in the Air Force and Space Force. If confirmed, I will make this a priority.

Question. In your view, what can the Air Force General Counsel do to ensure improvements in such oversight?

Answer. The goal of these important reforms is to implement effective and lasting change to prevent and, when necessary, respond to instances of sexual assault and sexual harassment. This will require the support and commitment of the senior leadership, military and civilian staff, including commanders across the world and countless others throughout the Department. If confirmed, I will confer with the Secretary, and other senior leaders including The Judge Advocate General about the best way to bolster the implementation and oversight of these reforms.

Question. What is your view of the value of the Air Force’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 Air Force and Space Force?

Answer. I understand the Air Force’s Special Victims’ Counsel program was put in place to provide victim-centered advice and advocacy to sexual assault victims. At this point, I have not closely studied the program and am not aware of any specific effect the program has had on reporting and prosecution of allegations of sexual assault in the Air Force and Space Force. If confirmed, I look forward to learning more about the details and efficacy of this program in collaboration with The Judge Advocate General.

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 Air Force’s program to prevent and respond to sexual harassment in the Air Force and Space Force?

Answer. The IRC Report referenced a “continuum of harm” that can often be traced from sexual harassment to sexual assault. I understand the National Defense Authorization Act for Fiscal Year 2022 added sexual harassment to the Uniform Code of Military Justice. If confirmed, I would plan to confer with The Judge Advocate General about the implementation of new policies related to this amendment to the Uniform Code of Military Justice and review the Department’s program to prevent and respond to sexual harassment in the Air Force and Space Force.

Question. If confirmed, what role would you establish for yourself, in addressing the problem of sexual assault and sexual harassment in the forces?

Answer. If confirmed, I would confer with the Secretary to discuss the best way that the OGC can help address the problem of sexual assault and sexual harassment in the force. If confirmed, I would anticipate working closely with the Secretary, the Undersecretary, the Assistant Secretary for Manpower & Reserve Affairs and The Judge Advocate General to help implement the recommendations from the Independent Review Commission and the changes directed by Congress in the National Defense Authorization Act for Fiscal Year 2022.

Question. In your view, does the Air Force's method for tracking the submission and monitoring the resolution of informal Equal Employment Opportunity complaints of harassment or discrimination provide Air Force and Space Force leaders, supervisors, and managers, with an accurate picture of the systemic prevalence of these adverse behaviors in the civilian workforce?

Answer. I am not familiar with the Department's method for tracking the submission and monitoring the resolution of informal Equal Employment Opportunity complaints of harassment or discrimination. If confirmed, I would review the method of tracking and work with senior leaders in the personnel department to review the number of complaints and determine if it provides an accurate picture of these behaviors in the civilian workforce.

Question. Does the Air Force's method for recording the outcomes of informal Equal Employment Opportunity complaints of harassment or discrimination provide Air Force and Space Force leaders, supervisors, and managers with a means of identifying repeat perpetrators in the civilian workforce?

Answer. I am not familiar with the method for recording the outcomes of informal Equal Employment Opportunity complaints of harassment or discrimination and am not sure if that method provides Air Force and Space Force leaders, supervisors, and managers with a means of identifying repeat perpetrators in the civilian workforce. If confirmed, I will look at the recording method and determine if any changes need to be made.

Question. Do the Air Force's and Space Force's methods for responding to complaints of harassment or discrimination in the civilian workforce provide appropriate care and services for victims?

Answer. I am not familiar with the Air Force and Space Force methods for responding to complaints of harassment and discrimination and cannot evaluate if they provide appropriate care and services for victims. If confirmed, I will review the methods and work with senior leaders in the appropriate offices to determine if they provide appropriate care and services for victims.

Question. If confirmed, what role would you play in shaping policies and processes for the prevention of harassment and discrimination in the Air Force's and Space Force's civilian workforces?

Answer. If confirmed and subject to the guidance of the Secretary, I would strive to play a constructive role in shaping the policies and processes for the prevention of harassment and discrimination in the Department of the Air Force's civilian workforce. I would seek to ensure that any policy or process complies with applicable legal standards takes into account any recent findings about harassment and discrimination in the Air Force and Space Force civilian workforce, and provides appropriate care and services for victims.

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 United States Capitol on January 6.

In your view, are the Department's policies adequate to address, document, and track extremism in the Air Force and Space Force, including in the civilian workforce?

Answer. I understand that the Department of Defense has been reviewing the policies to address, document, and track extremist activities in the Air Force and Space Force, including in the civilian workforce. I read the recent report on the work and believe the new policies provide importance guidance. If confirmed, would want to study that report more carefully. I would also plan, if confirmed, to review the implementation of any new policy as a result of that work.

Question. What is your understanding of how the Air Force and Space Force balance the need to identify and respond to potentially harmful extremist views held by airmen, guardians, and civilian employees against individual privacy and respect for the rights of airmen, guardians and civilians to hold and express personal beliefs?

Answer. I reviewed the recent report on extremist activities and think the Department of Defense has found an appropriate balance between the need to identify and

respond to extremist activities and the rights of individuals to freedom of expression.

Question. Do you see a need for a change in this balance?

Answer. I believe the brave men and women of our armed forces represent the best of America and that the overwhelming majority of airmen, guardians and indeed the total force serve this country with dignity and honor. I am not aware of any need for additional change after the recent review, but, if confirmed, I will examine this policy more closely.

Question. What is your view of the recent revisions made to DOD Instruction 1325.06, and what is your understanding of the role that you would play, if confirmed, in implementing this instruction throughout the Department of the Air Force?

Answer. Though I am aware of the updated DODI guidance from the Countering Extremist Activities Working Group, I am not familiar with the specific recent revisions made to DOD Instructions 1325.06. If confirmed, I would review the recent revisions and see that corresponding revisions were made, as needed, to any Department of the Air Force policies.

Question. In your view, do current DOD, Air Force, and Space Force 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. It is my understanding the Department of Defense reviewed the policy for including information about an individual's extremist views in official records in their recent review of extremist activities. If confirmed, I would review the policy to evaluate this point more closely.

Question. In your view, do current DOD, Air Force, and Space Force 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. It is my understanding the sharing of information is one item that was reviewed this year, but I am not familiar with the details of a new policy. If confirmed, I would review the policy, and any changes to comply with relevant legal requirements.

Question. A recent Department of Defense Inspector General report on activities prohibited under DOD Instruction 1325.06 (supremacist, extremist, and criminal gang activity) found that the Department of the Air Force had the most allegations of prohibited activity in the Department of Defense from January 1, 2021 through September 30, 2021, with 137. Of that total, 102 allegations were for "domestic violence extremism participation." None of the other military departments noted any allegations in this category.

What is "domestic violence extremism participation" and what is your understanding of why the Air Force used this term?

Answer. My understanding of "domestic violence extremism participation" is participation in extremist activities by a person in the United States. I do not have knowledge of why the Department of the Air Force used that particular formulation and why the other Military Departments did not note any allegations in this category. If confirmed, I would seek to understand why the Department of the Air Force used the term and why it recorded this number of allegations in that category.

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 Air Force General Counsel in adjudicating and approving claims under section 731?

Answer. It is my understanding that these claims are filed with a legal office within the Air Force Judge Advocate General's Corps and that the Department of the Air Force General Counsel will not have a direct role in the adjudication or approval of these claims.

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 have the Air Force and Space Force taken to regularize policies and programs for responding to, investigating, adjudicating, and documenting allega-

tions of juvenile problematic sexual behavior on Air Force and Space Force installations?

Answer. I do not have this information at this time, but if I am confirmed I would quickly get up to speed on this important topic.

Question. How do the Air Force and Space Force ensure that the victims of juvenile problematic sexual behavior receive the care, treatment, support, and advocacy services they need?

Answer. I do not have this information at this time, but if I am confirmed I would quickly get up to speed on this important topic.

Question. In your view, do the Air Force and Space Force have mechanisms to hold accountable, as appropriate, and provide treatment to juveniles who engage in problematic sexual behavior?

Answer. I do not have any knowledge of the specifics on this topic. If confirmed, I will support the implementation of appropriate mechanisms if they do not yet exist.

Question. In your view, is retrocession of jurisdiction over juvenile offenses committed on Air Force and Space Force 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 do not have the expertise or knowledge to answer at this time, but if confirmed, I will seek the advice and recommendations of the Air Force's subject matter experts.

Question. Do the Air Force and Space Force require any additional authorities to establish and maintain the centralized database on child and youth problematic sexual behavior required by section 1089 of the John S. McCain NDAA for fiscal year 2019?

Answer. I do not have any insight into the status of a centralized database by the Department, but if I am confirmed, I will look further into this matter.

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 airmen, guardians, and civilian employees of the Department of the Air Force who report fraud, waste, and abuse, or gross mismanagement are protected from reprisal and retaliation, including from the very highest levels of the Air Force, Space Force, DOD, and the Executive Branch?

Answer. If confirmed, I will work with the members of the Office of Special Counsel, Inspector General and The Judge Advocate General to ensure that airmen, guardians, and civilian employees of the Department of the Air Force are properly advised of the whistleblower protections accorded by law and regulation. It is important that all military and civilian staff understand their legal responsibilities to individuals who report fraud, waste, and abuse, or gross mismanagement and that those individuals understand their protections under section 1034 of title 10, U.S. Code and section 2302 of title 5, U.S. Code. In addition, if I become personally aware of any cases involving reprisals, I will take steps to address these matters in an appropriate manner.

Question. What role does the Air Force General Counsel play in ensuring compliance with Office of Special Counsel requests to the Air Force and Space Force for investigations, and in ensuring the legal sufficiency of any such investigation the Air Force or Space Force conducts?

Answer. It is my understanding the Department of the Air Force General Counsel has been delegated the authority to serve as the Senior Management Official on Office of Special Counsel referrals of allegations by the Secretary of the Air Force. The Department of the Air Force General Counsel, in collaboration with the Inspector General and The Judge Advocate General, coordinates recommended findings and actions as a result of investigations for final decision by the Assistant Secretary of the Air Force for Manpower and Reserves Affairs (SAF/MR).

SUPPORT TO THE AIR FORCE INSPECTOR GENERAL

Question. What is the relationship between the Air Force General Counsel and the Air Force Inspector General?

Answer. I understand the Department of the Air Force General Counsel and Air Force Inspector General work closely together on matters of mutual interest. If con-

firmed, I will seek to establish and maintain a close, professional relationship with the Inspector General, and will provide candid, independent, and objective legal advice where appropriate.

Question. In your view, what role, if any, should the Air Force General Counsel have in reviewing and rendering opinions on the legal sufficiency of the investigations and recommendations of the Air Force Inspector General?

Answer. To my understanding, attorneys assigned to the Office of the Air Force Inspector General provide the legal sufficiency reviews for all investigations that the Inspector General conducts involving senior officials. The Office of the Air Force General Counsel provides legal reviews and advice involving cases with substantiated findings regarding senior officials or otherwise brought to the attention of the General Counsel by the Air Force Inspector General [see comment above re: #102].

LITIGATION INVOLVING THE DEPARTMENT OF THE AIR FORCE

Question. What is your understanding of the relationship between the Department of the Air Force and the Department of Justice with respect to litigation involving the Air Force and/or Space Force?

Answer. The Department of Justice represents the Department of the Air Force through its statutory responsibility to represent all agencies, officers, and employees in civil litigation. I understand most litigation matters are handled by The Judge Advocate General's Office, often in collaboration with the Office of the General Counsel of the Air Force. If confirmed, I will work with The Judge Advocate General to ensure the continuation of the current strong collaborative relationship with the Department of Justice with respect to litigation involving the Department of the Air Force.

Question. In your view, should the Department of the Air Force have the independence and resources to conduct its own litigation?

Answer. I understand that there is a strong working relationship between the Department of the Air Force and the Department of Justice.

Question. If confirmed, what factors would you consider in determining whether official Department of the Air Force information should be released in litigation? How would your analysis of Touhy requests differ in cases in which the United States or the Air Force is a party as compared to cases in which the United States or the Air Force is not a party?

Answer. I understand the factors to be considered as to whether official information should be released are decided by the Department of Defense General Counsel and have been laid out in Agency regulations. If confirmed, I would review the regulations to become more familiar with the factors that should be considered when making these decisions, including how the analysis may differ in cases in which the United States or the Air Force is a party.

Question. How is the authority to waive attorney/client privilege allocated within the Department of the Air Force? 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. The authority to waive attorney/client privilege rests with the Secretary of the Air Force. If confirmed, I do not intend to make any changes to the allocation of authority or policies governing the release of information subject to the privilege, but I would discuss the matter with the Secretary of the Air Force and the Department of Defense General Counsel if warranted.

Question. If confirmed, what factors would you consider in approving a request for the representation of an Air Force or Space Force 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 Air Force or Space Force employee is sued, subpoenaed, or charged in their individual capacity?

Answer. If confirmed, the two factors I would consider, based on Agency regulation are: whether the actions for which representation is requested appear to have been performed within the scope of the employee's employment; and whether providing representation would otherwise be in the interest of the United States. I understand that The Attorney General or designee makes the final decision on the second factor. I further understand representation of Department of Air Force personnel by private counsel at Federal expense, or with reimbursement of private counsel fees, may also be provided at the discretion of the Attorney General or designee.

AIR FORCE AND SPACE FORCE CIVILIAN WORKFORCE

Question. In your judgment, what is the biggest challenge facing the Air Force and Space Force in effectively and efficiently managing its civilian workforce?

Answer. A vexing problem that is hopefully receding in significance is the COVID-19 pandemic. In addition, the pace of technological innovation and change is exponential. This presents myriad opportunities and also challenges. A priority would likely be to ensure that civilian positions within the Air Force and Space Force remain competitive with private sector opportunities. If confirmed, I would be interested in conferring with General Brown and General Raymond, the Undersecretary, the Assistant Secretary for Manpower & Reserve Affairs and others to hear their views about the best way to attract, retain and promote outstanding talent within the civilian workforce.

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 Air Force and Space Force military personnel and civilian employees.

Question. In your view, does the Department of the Air Force have in place adequate processes to ensure that contractor employees do not perform inherently governmental functions and that contractor performance of “closely associated” and critical government functions is minimized? Please explain your answer.

Answer. My understanding is the Department of the Air Force has robust processes in place to avoid having contractor employees perform inherently governmental functions and that Department of the Air Force officials also closely monitor contractor performance of “closely associated” and critical government functions. If confirmed, I would review these processes.

DEPARTMENT OF THE AIR FORCE COMPLIANCE WITH ENACTED LEGISLATION

Question. In recent years, the Department of the Air Force has sometimes struggled to implement recently enacted legislation within a reasonable period of time. This applies particularly to areas of military and civilian personnel law.

If confirmed, what would be your role in reviewing newly enacted legislation and how do you plan to ensure the Department of the Air Force complies in a timely manner?

Answer. If confirmed, I would work with the Department of the Air Force’s Office of Legislative Liaison to review newly enacted legislation that applies to the Department of the Air Force and then propose, as appropriate, courses of action to the Secretary of the Air Force for the implementation of new legislation and ensure any timeline developed is appropriate to properly implement the changes.

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 with-

in 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 JEANNE SHAHEEN

TRANSGENDER RIGHTS

1. Senator SHAHEEN. Mr. Beshar, last year the Air Force, along with the Space Force, was the first Service to reissue guidance on transgender servicemembers following the Biden administration's repeal of a ban on allowing servicemembers to pursue gender transition. How will you ensure that the Air Force continues to treat all servicemembers with dignity, respect and equal treatment under law?

Mr. BESHAR. I understand the Department of the Air Force has a Service Central Coordination Cell that is composed of members across the Department of the Air Force who focus on facilitating resolution of transgender issues, whether medical, administrative, or other. If confirmed, I would review the work being done by the Service Central Coordination Cell and confer with its members and others across the Department with the goal of ensuring that all servicemembers are treated with dignity, respect, and equal treatment under the law.

WOMEN'S RIGHTS

2. Senator SHAHEEN. Mr. Beshar, what steps will you take to ensure that anti-harassment and anti-discrimination measures are applied in the Air Force, given that according to the Air Force Office of the Inspector General, more than one-third of female servicemembers in the Air Force and Space Force have experienced harassment and pregnancy-related discrimination and women are consistently underrepresented in leadership positions?

Mr. BESHAR. If confirmed, one of my top priorities would be work with Secretary Kendall, General Brown, General Raymond, Under Secretary Ortiz Jones, and other civilian and military leaders across the Department to reinforce a culture of integrity and inclusion through leadership messaging and training on the importance of an inclusive environment where everyone has the opportunity to achieve their full potential. This includes prioritizing implementation of the key recommendations from the Independent Review Commission on Sexual Assault in the Military. If confirmed, I would review existing policies to make sure appropriate anti-harassment and anti-discrimination measures are in place, including with respect to pregnancy-related discrimination. If confirmed, I would also plan to confer with the Undersecretary, the Assistant Secretary for Manpower & Reserve Affairs, The Judge Advocate General, and members of the Department's Equal Opportunity Office, the Diversity & Inclusion Office and the Women's Initiatives Team, to review the work that the Department has done since releasing two disparity reports, and followup on the root cause analyses that I understand are underway.

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

QUESTION ON NOMINEES' FITNESS TO SERVE

3. Senator HIRONO. Mr. Beshar, 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. BESHAR. No.

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

Mr. BESHAR. No.

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

STATUTORY INTERPRETATION

5. Senator BLACKBURN. Mr. Beshar, what role does legislative history including committee and conference reports have on the interpretation of statutes?

Mr. BESHAR. Legislative history does not overcome the plain language of a statute. However, legislative history, including committee and conference reports, can be helpful in understanding the intent behind a statute and is particularly useful if there is any ambiguous wording in a statute.

6. Senator BLACKBURN. Mr. Beshar, do you commit to discussing with the Senate Armed Services Committee (SASC) any questions or concerns about statutes within committee jurisdiction?

Mr. BESHAR. Yes.

[The nomination reference of Mr. Peter J. Beshar follows:]

NOMINATION REFERENCE AND REPORT

PN1287

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
October 21, 2021.

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

Peter J. Beshar, of New York, to be General Counsel of the Department of the Air Force, vice Thomas E. Ayres.

_____, 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. Peter J. Beshar, which was transmitted to the Committee at the time the nomination was referred, follows:]

Bio
Peter Justus Beshar

Education:

- Yale University
 - 09/1980 – 06/1984
 - Bachelor's degree awarded 05/1984
- Harvard Law School
 - 09/1986 – 06/1989
 - JD awarded 05/1989

Employment Record:

List all jobs held since college including title or description of job, name of employer, location of work, and dates of employment.

- Marsh & McLennan Companies, Inc.
 - Executive Vice President and General Counsel
 - New York City
 - 11/2004 - Present
- Empire State Development Corporation
 - Trustee
 - New York City
 - 2015– 2018
- Gibson Dunn & Crutcher
 - Litigation Partner and Co-Head of Securities Litigation
 - New York City
 - 01/1995 – 11/2004
- New York Attorney General's Office
 - Assistant Attorney General in Charge of the New York Attorney General's Task Force on Illegal Firearms
 - New York City
 - 03/1994 – 12/1994
- Simpson Thacher & Bartlett
 - Litigation Associate
 - New York City
 - 05/1993 – 02/1994 and 09/1990-1992
- United Nations
 - Special Assistant to Secretary Cyrus Vance
 - Geneva, Switzerland and New York City
 - 09/1992 – 05/1993

- United States Judiciary
 - Law Clerk to Judge Vincent Broderick, United States District Court, Southern District of New York
 - 09/1989 – 08/1990
- Davis Polk & Wardwell
 - Summer Associate
 - New York City
 - 06/1989 – 07/1989
- Perkins Coie
 - Summer Associate
 - Seattle, WA
 - 06/1988 – 08/1988
- Mallesons Stephen Jaques
 - Summer Associate
 - Sydney, Australia
 - 06/1987 – 08/1987
- National Democratic Institute for International Affairs
 - Intern
 - Washington, DC
 - 06/1986 – 08/1986
- Secretaria de Planeacion y Presupuesto
 - Unpaid Intern
 - Mexico City, Mexico
 - 01/1986 – 05/1986
- La Fundacion Arturo Illia Para la Democracia y la Paz
 - Unpaid Intern
 - Buenos Aires, Argentina
 - 1985

Honors and Awards: (Military Awards, Federal Civilian Awards, Academic Awards)

- Military Mondays Pro Bono Award, Legal Services NYC, 2019
- Distinguished Leadership Award, John Jay College of Criminal Justice, 2016
- Law and Society Award, New York Lawyers for the Public Interest, 2014
- Business Leadership Award, Citizens Union of New York, 2009
- Burton Award for Leadership in the Law, 2008
- Selected as a David Rockefeller Fellow by the Partnership for the City of New York, 2007-2008
- Harvard Law School – cum laude
- Yale University, magna cum laude, Thomas Bergin Cup for outstanding scholarship in the humanities

[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. Peter J. Beshar in connection with his nomination follows:]

117th CONGRESS, 2020 -- 2021
UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES
ROOM SR228
WASHINGTON, D.C. 205106050
(202) 2243871

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):** Peter Justus Beshar
2. **Position to which nominated:** General Counsel of the United States Air Force
3. **Date of nomination:** October 21, 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):**
 - Hotchkiss School - 09/76 - 06/80
 - Yale University: 09/1980 – 06/1984 (Bachelor's awarded 05/1984)
 - Harvard Law School: 09/1986 – 06/1989 (JD awarded 05/1989)
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):

- Executive Vice President and General Counsel,
Marsh & McLennan Companies, Inc.,
1166 Avenue of the Americas, New York, NY 10036
11/2004 - Present
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):**
- Trustee, Empire State Development Corporation, 2015-2018
 - Assistant Attorney General in Charge of the New York Attorney General's Task Force on Illegal Firearms, New York Attorney General's Office, March 1994 – December 1994.
 - Special Assistant to Secretary Cyrus Vance
United Nations, Geneva, Switzerland and New York City, September 1992 – May 1993
 - Law Clerk to Judge Vincent Broderick, United States District Court, Southern District of New York, September 1989 – August 1990.
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):**
- Executive Vice President and General Counsel, Marsh & McLennan Companies, Inc.
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):**
- CARE USA – Trustee 2019 to November 2021
 - CARE USA -- Chair of Audit and Risk Management Committee, 2020 to November 2021
 - John Jay College of Criminal Justice Foundation Board – Trustee and Chair

of Veterans Committee, 2012 to present

- Council on Foreign Relations, New York New York – Member 1995 to present
- Jackson Institute for Global Affairs at Yale University – Trustee 2016 to present
- Harvard Club New York New York – Member 1994 to present
- New York State Bar – Member 1989 to present
- Empire State Development Corporation – Trustee 2015 to 2018
- Wilson Center for International Scholars – Trustee 2014 to 2020
- Apawamis Club, Rye, New York – Member 2006 to present
- Christ's Church Episcopal, Rye, New York – Parishioner 2004 to present
- Rye Country Day School, Rye, New York – Trustee 2002 – 2011
- St. John's Episcopal Church, Larchmont, New York – Parishioner 1992 -- 2004
- Larchmont Yacht Club -- Member 1996 - 2004

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):

None, other than I was a delegate-candidate for John Edwards in, I believe 2004, but I was not selected.

b. List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years:

I was a member of the National Finance Committee for the Biden-Harris campaign in 2020.

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:

Peter:

Recipient	Joint Fund Recipient(s)	Date	Amount
LATIMER, GEORGE S		10/27/2016	\$ 500
MAYER, SHELLEY B		2/15/2017	\$ 200
NITA LOWEY FOR CONGRESS		3/29/2017	\$ 1,000
NITA LOWEY FOR CONGRESS		4/2/2017	\$ 1,000
MARSH & MCLENNAN COMPANIES, INC. PAC (MMCPAC)		4/3/2017	\$ 5,000
GILLIBRAND FOR SENATE		6/19/2017	\$ 2,500
SCHNEIDERMAN, ERIC TADD		6/20/2017	\$ 2,500
SQUADRON, DANIEL		7/5/2017	\$ 1,000
LATIMER FOR WESTCHESTER		7/11/2017	\$ 1,000
FRIENDS OF JOSH, SARA, JULIE AND BEN		8/15/2017	\$ 250
PERRY GERSHON FOR CONGRESS		8/16/2017	\$ 2,300
PERRY GERSHON FOR CONGRESS		8/16/2017	\$ 2,700
LATIMER FOR WESTCHESTER		9/24/2017	\$ 2,500
VIVEK VISWANATHAN FOR TREASURER 218		2/9/2018	\$ 1,000
OFF THE SIDELINES PAC		2/15/2018	\$ 5,000
SHELLEY MAYER CAMPAIGN CMTE		3/11/2018	\$ 500
JEFF BLEICH FOR LIEUTENANT GOVERNOR 2018		3/12/2018	\$ 500
SCOTT PETERS FOR CONGRESS		6/7/2018	\$ 500
MARSH & MCLENNAN COMPANIES, INC. PAC (MMCPAC)		6/18/2018	\$ 5,000
GILLIBRAND 2020		3/23/2019	\$ 2,800

KAMALA HARRIS FOR THE PEOPLE		3/30/2019	\$ 2,800
BENNET FOR AMERICA		5/3/2019	\$ 2,800
PEOPLE POWERED ACTION		5/20/2019	\$ 2,800
AMY FOR AMERICA		7/25/2019	\$ 2,800
CORY 2020		8/3/2019	\$ 2,800
BIDEN FOR PRESIDENT		9/3/2019	\$ 2,800
DSCC		9/22/2019	\$ 35,500
PERRY GERSON FOR CONGRESS		9/29/2019	\$ 2,800
MARSH & MCLENNAN COMPANIES, INC. PAC (MMCPAC)		10/17/2019	\$ 5,000
WIN THE ERA PAC		11/6/2019	\$ 2,800
BIDEN FOR PRESIDENT		5/1/2020	\$ 2,800
BIDEN VICTORY FUND		6/8/2020	\$ 5,600
	DNC SERVICES CORP / DEMOCRATIC NATIONAL COMMITTEE	6/8/2020	\$ 5,600
BIDEN VICTORY FUND		9/19/2020	\$ 2,800
	DNC SERVICES CORP / DEMOCRATIC NATIONAL COMMITTEE	9/19/2020	\$ 2,800
HARRISON VICTORY FUND 2020		9/21/2020	\$ 1,000
	DEMOCRATIC PARTY OF SOUTH CAROLINA	9/21/2020	\$ 1,000
DOUG JONES FOR SENATE COMMITTEE		9/22/2020	\$ 2,800
BIDEN VICTORY FUND		9/23/2020	\$ 1,000
	DNC SERVICES CORP / DEMOCRATIC NATIONAL COMMITTEE	9/23/2020	\$ 1,000
BIDEN VICTORY FUND		9/27/2020	\$ 1,000
	DNC SERVICES CORP / DEMOCRATIC NATIONAL COMMITTEE	9/27/2020	\$ 1,000
BIDEN VICTORY FUND		10/10/2020	\$ 2,800
	DNC SERVICES CORP / DEMOCRATIC NATIONAL COMMITTEE	10/10/2020	\$ 2,800

CONOR LAMB FOR CONGRESS		10/18/2020	\$ 1,000
JON OSSOFF FOR SENATE		11/30/2020	\$ 1,000
MARSH & MCLENNAN COMPANIES, INC. PAC (MMCPAC)		12/31/2020	\$ 5,000
BENNET FOR COLORADO		3/10/2021	\$ 2,900
FRIENDS OF SCHUMER		6/4/2021	\$ 2,900
FRIENDS OF SCHUMER		6/4/2021	\$ 2,900
BENNET FOR COLORADO		6/10/2021	\$ 2,900

Sarah:

Recipient	Joint Fund Recipient(s)	Date	Amount
HILLARY VICTORY FUND		11/7/2016	\$ 10,000
GILLIBRAND FOR SENATE		3/8/2017	\$ 2,700
GILLIBRAND FOR SENATE		3/8/2017	\$ 2,700
CUOMO, ANDREW M		4/12/2017	\$ 15,000
MCCONNELL FOR MAJORITY LEADER COMMITTEE		4/12/2017	\$ 2,700
	MCCONNELL SENATE COMMITTEE	6/23/2017	\$ 2,700
MCCONNELL FOR MAJORITY LEADER COMMITTEE		4/12/2017	\$ 2,300
	MCCONNELL SENATE COMMITTEE	6/23/2017	\$ 2,300
CMTE FOR A CONSTITUTIONAL CONVENTION		5/9/2017	\$ 2,000
OFF THE SIDELINES PAC		2/15/2018	\$ 5,000
2018 SENATE IMPACT		9/18/2018	\$ 5,000
	ROSEN FOR NEVADA	9/23/2018	\$ 1,250
	DONNELLY FOR INDIANA	9/23/2018	\$ 1,250
	BILL NELSON FOR US SENATE	9/23/2018	\$ 1,250
	SINEMA FOR ARIZONA	9/23/2018	\$ 1,250
GERSHON VICTORY FUND		9/21/2018	\$ 5,000

	PERRY GERSHON FOR CONGRESS	9/24/2018	\$ 2,700
MIKE ESPY FOR SENATE CAMPAIGN COMMITTEE		10/23/2018	\$ 500
GILLIBRAND 2020		3/27/2019	\$ 2,800
KAMALA HARRIS FOR THE PEOPLE		3/30/2019	\$ 2,800
BIDEN FOR PRESIDENT		9/3/2019	\$ 2,800
CORY 2020		9/9/2019	\$ 2,800
WIN THE ERA PAC		11/2/2019	\$ 2,800
SUTTON FOR THE CITY		12/10/2019	\$ 2,500
DAVID BUCHWALD FOR CONGRESS		1/12/2020	\$ 1,000
BIDEN FOR PRESIDENT		5/1/2020	\$ 2,800
CORY BOOKER FOR SENATE		6/29/2020	\$ 2,800
GRAYBILL, RAPH		8/16/2020	\$ 360
DAGA PAC		9/8/2020	\$ 500
MCGUIRE, RAYMOND J		5/31/2021	\$ 2,500
BENNET FOR COLORADO		9/24/2021	\$ 2,900
BENNET FOR COLORADO		9/24/2021	\$ 2,900

10. Honors and awards (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition received for outstanding service or achievements):

- Military Mondays Pro Bono Award, Legal Services NYC, 2019
- Distinguished Leadership Award, John Jay College of Criminal Justice, 2016
- Law and Society Award, New York Lawyers for the Public Interest, 2014
- Business Leadership Award, Citizens Union of New York, 2009
- Burton Award for Leadership in the Law, 2008
- Selected as a David Rockefeller Fellow by the Partnership for the City of New York, 2007-2008

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):

Op-Eds

Fortune – What the First-Ever U.S. National Cyber Director Will Need to Succeed
March 11, 2021

<https://fortune.com/2021/03/11/national-cyber-director-biden-cybersecurity/>

Fortune – The hacker ‘ceasefire’ with hospitals is over – and that should terrify us
December 9, 2020

https://fortune.com/2020/12/09/covid-hospitals-hackers-ransomware/?queryly=related_article

Fortune – Atlanta’s Cyber Attack Shows the New Security Risks the U.S. Needs to Address- and Fast
March 28, 2018

<https://fortune.com/2018/03/28/city-of-atlanta-cyber-attack-cybersecurity-risks/>

Fortune – Why New Regulations Won’t Scare Off Cyber Hacks

November 29, 2016

<https://fortune.com/2016/11/29/donald-trump-cybersecurity/>

Fortune - How Europe Can Fight Cyber Attacks (And Win)

October 19, 2016

<https://fortune.com/2016/10/19/european-parliament-cybersecurity/>

Fortune – How Companies Should Prepare for Europe’s New Cybersecurity Rules
August 3, 2016

<https://fortune.com/2016/08/03/cybersecurity-europe/>

Fortune – The Cybersecurity Challenge Every Business Should Prepare For
January 26, 2016

<https://fortune.com/2016/01/26/davos-cybersecurity-challenge-business/>

Fortune – How Facebook Could Help Stem Cyber Threats

October 28, 2015

<https://fortune.com/2015/10/28/facebook-cisa-cybersecurity-threats/>

Fortune – To Protect Against Cyber Attacks, Companies Need to Address Data Manipulation. Here’s How

September 23, 2015

<https://fortune.com/2015/09/23/how-to-avoid-cyber-attacks/>

Fortune – Cybersecurity's Privacy Problem
August 3, 2015
<https://fortune.com/2015/08/03/cybersecurity-privacy-europe-u-s/>

Fortune – America's secret weapon against cyber attacks: U.S. veterans?
May 26, 2015
<https://fortune.com/2015/05/26/americas-secret-weapon-against-cyber-attacks-u-s-veterans/>

Fortune – 7 Cyber Resolutions Every Company Should Make in 2015
January 2, 2015
<https://fortune.com/2015/01/02/7-cyber-resolutions-every-company-should-make-in-2015/>

Fast Company – We're not doing enough to protect COVID-19 vaccine research from cyber espionage
August 18, 2020
<https://www.fastcompany.com/90540757/were-not-doing-enough-to-protect-covid-19-vaccine-research-from-cyber-espionage>

Washington Post – Opinion: Now is the perfect time for a cyberattack. Here's how to stop one.
May 17, 2020
<https://www.washingtonpost.com/opinions/2020/05/17/how-is-perfect-time-cyberattack-heres-how-stop-one/>

New York Times - A Perfect Target for Cybercriminals
November 19, 2018
<https://www.nytimes.com/2018/11/19/opinion/water-security-vulnerability-hacking.html>

U.S. News – Bring Back a Civil Defense
July 10, 2018
<https://www.usnews.com/news/the-report/articles/2018-07-10/the-solution-to-cyber-attacks-is-a-civil-defense>

Brink News – EU's New Data Regulation Requires Action Now
August 1, 2017
<https://www.brinknews.com/eus-new-data-regulation-requires-action-now/>

GDPR Mandate Requires Sea Change in Corporate Cyber Security Tactics
July 28, 2017
<https://cyberscout.com/en/blog/gdpr-mandate-requires-sea-change-in-corporate-cyber-security-tactics>

CNBC – Who Pays for Catastrophes?
June 1, 2013
<https://www.cnn.com/id/100780508>

Reports

FireEye – Crypto-Assets and Blockchain Technology: On the Brink of Legitimacy?
January 2019
<https://www.fireeye.com/content/dam/fireeye-www/partners/pdfs/rpt-marsh-fireeye-crypto-paper.pdf>

Oliver Wyman – Cyberattacks and the C-Suite: 5 Strategies to Manage Cyber Risk
January 26, 2018
https://health.oliverwyman.com/2018/01/cyber_risk_the_stak.html

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.

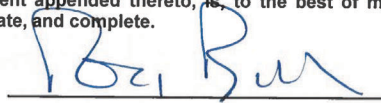
19. Do you agree, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress?

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.



A handwritten signature in blue ink, appearing to read "Peter Beshar", is written over a horizontal line.

This ¹²17 day of November, 2021

[The nomination of Mr. Peter J. Beshar was reported to the Senate by Chairman Reed on March 8, 2022, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on March 10, 2022.]

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