

Senate Armed Services Committee
Advance Policy Questions for Mr. Charles Young
Nominee to be General Counsel of the Department of the Army

Duties and Responsibilities

Section 7019 of title 10, U.S. Code, establishes the position of the Army General Counsel and provides that the General Counsel shall perform such functions as the Secretary of the Army may prescribe.

1. What is your understanding of the current duties and functions of the Army General Counsel?

Answer: Section 7019 of Title 10 provides that the General Counsel of the Army shall perform such functions as the Secretary of the Army may prescribe. Pursuant to this section of Title 10, the Secretary has prescribed the General Counsel's duties through various general orders, regulations, and memoranda. Under these authorities, the General Counsel serves as legal adviser to the Secretary of the Army and is the chief legal officer of the Department of the Army. As such, the General Counsel provides legal advice to the Secretary of the Army, the Under Secretary, the Assistant Secretaries, other officials and officers within the Headquarters, Department of the Army, the Army Secretariat and Army Staff to include the Chief of Staff of the Army, Vice Chief of Staff of the Army and the Director of the Army Staff; and determines the controlling legal position of the Department. The General Counsel's responsibilities extend to any matter of law, and to other matters as directed by the Secretary, including: (1) providing professional guidance to the Army's legal community; (2) overseeing matters in which the Army is involved in litigation; (3) serving as the Designated Agency Ethics Official for the Department; (4) exercising the Secretary's oversight of intelligence and counterintelligence activities; (5) monitoring sensitive activities and investigations for legality and propriety; (6) taking final action on certain claims filed against the Army; and (7) working with The Judge Advocate General to oversee criminal and administrative investigations.

2. If confirmed, what additional duties and functions would you expect the Secretary of the Army to prescribe for you, particularly in light of the Army Transformation Initiative?

Answer: If confirmed, I anticipate that the Secretary of the Army will expect me to lead and manage the Office of General Counsel efficiently and effectively to ensure that the office provides timely and accurate legal advice that assists the Army to comply with both the spirit and letter of the law while it executes Army Transformation initiatives. I am prepared to advise Army leadership and assist in their efforts to modernize the force to ensure a resilient and rapidly innovating force that will compete, deter, and win in the current operating environment.

I anticipate that the Secretary will expect me to build strong, collaborative relationships with

The Judge Advocate General and members of the Secretariat and Army staff, as well as the General Counsels of the Department of War, the Service branches, and other federal agencies.

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

Answer: If confirmed, I will ensure that final decisions on all matters of law and policy are made by members of the civilian Secretariat, following close collaboration and consultation with the uniformed staff of the Department of the Army. Additionally, I will make certain that there is no ambiguity regarding the chains of command between attorneys serving in the Office of the General Counsel and those under The Judge Advocate General of the Army.

4. In your opinion, who is the “client” of the Army General Counsel?

Answer: The Army General Counsel is the senior legal advisor to the Secretary of the Army and to all officers and agencies of the Department of the Army, to include the Chief of Staff of the Army, the Director of the Army Staff and all Army staff elements.

5. What is your view of the responsibility and authority associated with the Army General Counsel’s designation as the Chief Legal Officer of the Department of the Army?

Answer: To my knowledge, the designation of the Army General Counsel as the chief legal officer of the Department is not defined in statute or policy. To me, the designation implies two essential characteristics: 1. The authority to issue legal opinions that are binding on all elements of the Department while appropriately recognizing the statutory role and independence of the Army Judge Advocate General. 2. The authority to control and direct the legal resources of the Department to meet the Secretary’s priorities for the delivery of legal services, in a manner that is consistent with The Judge Advocate General’s statutory authority for the oversight of military legal resources and functions.

6. If confirmed, how would you view your role as the Army General Counsel with respect to the General Counsel of the Department of Defense (DOD) in his role as the DOD Chief Legal Officer?

Answer: If confirmed, I would view the relationship consistent with 10 United States Code (U.S.C.) § 140 which provides that the Department of Defense General Counsel is “the chief legal officer of the Department of Defense.” The Army General Counsel statute, 10 U.S.C. § 7019, does not contain similar “chief legal officer” language and the role of the Army General Counsel as the “chief legal officer” is grounded in Army policy.

I would appropriately recognize the statutory authority of the Department of Defense General Counsel while at the same time giving due regard for the Secretary of the Army’s authority to assign duties and functions to the Army General Counsel. If confirmed, I look forward to

continuing to cultivate the strong working relationships that I am accustomed to from my time as Chief Counsel of the National Guard Bureau. I am committed to working collaboratively on matters of mutual interest to the Department of the Army and the Department of War.

7. What is your understanding of the role of the Army General Counsel in ensuring the integrity and propriety of the statutory officer promotion selection board process? Do you perceive any need for change in this role? Please explain your answer.

Answer: My understanding is that the Army General Counsel plays a critical role in safeguarding the integrity, fairness, and legal compliance of the statutory officer promotion selection board process. This process is foundational to the Army's ability to maintain a merit-based, professional, and ethical officer corps, and the General Counsel's involvement helps ensure that it is conducted in accordance with applicable statutes, Department of War directives, and Army regulations.

Specifically, the General Counsel in partnership with the Office of The Judge Advocate General, provides legal oversight throughout the lifecycle of the board process from the development of board instructions and precepts to the conduct of the board itself, and through the post-board review and approval stages. The General Counsel works with the Office of The Judge Advocate General also to review any allegations of impropriety or irregularity and advises the Secretary of the Army on appropriate corrective actions when necessary.

At present, I do not perceive a need for structural change in this role. However, I do believe that continued vigilance is essential. As promotion boards increasingly rely on data-driven tools and digital systems, the General Counsel must remain proactive in assessing emerging legal and ethical risks—such as algorithmic bias, data privacy concerns, and transparency in evaluation criteria. Strengthening training for board members and legal advisors, and ensuring robust internal review mechanisms, can further reinforce trust in the process.

Conflicts of Interest

Federal ethics laws, to include 18 U.S.C. §208, prohibit government employees from participating in matters where they, or certain family members or organizations with which they have certain relationships, have a financial interest.

8. Do you agree, without qualification, if confirmed, to disclose any potential conflicts of interest, including investments, business ties, family relationships, or other connections that could be perceived as influencing your decision making?

Answer: Yes, I agree to comply with all conflicts of interest disclosure requirements set forth in the Ethics in Government Act and implementing regulations.

9. Do you agree, without qualification, if confirmed, that if a conflict of interest arises, you will recuse yourself from participating in any decisions regarding that specific

matter?

Answer: Yes, I agree to comply with all recusal requirements under 18 U.S.C. § 208 and implementing regulations.

10. Do you commit, without qualification, if confirmed, to decide matters on the merits, and exclusively in the public interest, without regard to private gain or personal benefit?

Answer: Yes, I commit to deciding matters on the merits based on the public interest, without regard to any private gain or personal benefit.

Exercise of Independent Professional Legal Judgment

President Trump’s February 18, 2025, Executive Order entitled “Ensuring Accountability for All Agencies” states in section 7 that “No employee of the executive branch acting in their official capacity may advance an interpretation of the law as the position of the United States that contravenes the President or the Attorney General’s opinion on a matter of law. . . .”

11. What is your understanding of the rules of professional responsibility that apply to civilian attorneys in the Department of Defense, including those that work within the Office of the Army General Counsel?

Answer: Department of War attorneys, including those that work within the Office of the Army General counsel, must be licensed in at least one U.S. state, commonwealth, territory, or the District of Columbia and are subject to the rules of professional conduct for their licensing jurisdiction. Additionally, Department of the Army civilian attorneys are subject to the professional responsibility provisions set forth in DoD Instruction 1442.02 and Army Regulation 27-26.

12. If confirmed, what rules of professional responsibility would apply to you personally in your practice of law?

Answer: I am currently licensed in the Commonwealth of Virginia and would be subject to the Virginia Rules of Professional Conduct under the authority of the Supreme Court of Virginia, as well as DoD Instruction 1442.02 and Army Regulation 27-26.

13. If confirmed, how will you implement section 7 of the above referenced Executive Order and enforce it throughout the Department?

Answer: The Attorney General, through DOJ’s Office of Legal Counsel, interprets how the law applies to the Executive Branch, and that interpretation is binding on the Department of War, including the Department of the Army. For questions where I am unsure about the appropriate interpretation of law, I intend to authorize outreach to both Department of War and the Office of Legal Counsel for formal or informal guidance on the appropriate

interpretation of law and apply that advice to the activities of the Department.

14. What is your view of the applicability of section 7 to you personally, if confirmed as the Army General Counsel?

Answer: Section 7 of Executive Order (EO) 14215 - "Ensuring Accountability for All Agencies" would apply to my activities as General Counsel.

15. If confirmed, how would you address a situation where your independent professional legal judgment differs from the opinion of the President?

Answer: In the unlikely event my professional legal judgment differs from the opinion of the President or his legal advisors, I would seek further guidance from the Department of War General Counsel and, if appropriate, would request a review of my interpretation by the Department of Justice's Office of Legal Counsel.

Qualifications

16. What background and experience do you possess that qualify you to serve as the General Counsel of the Department of the Army?

Answer: For the past 10 months, I have either served as the Principal Deputy General Counsel or Acting General Counsel for the Department of War's Office of General Counsel. In this role, I have served as the chief legal officer of the Department and the principal legal advisor to the Secretary of War. Additionally, I've been responsible for legal determinations and legal policy across the Department of War and its components. I also served as the Acting Director of the Defense Legal Services Agency, which is comprised of the legal staffs assigned to the Defense Agencies and Department of Defense Field Activities.

Before my time at the Department of War, I served as the General Counsel of National Guard Bureau; where I was the principal legal advisor to the Chief, National Guard Bureau; Vice Chief, National Guard Bureau; and the Directors of the Army and Air National Guard in issues pertaining to the utilization and administration of over 436,000 National Guard members. I also served as their representative to officials throughout the Executive and Legislative branches of the Federal government including the Department of Defense, Department of the Army, Department of the Air Force, and The Judge Advocates General.

Prior to my appointment as General Counsel, I served as Chief of the National Guard Bureau's Litigation and Employment Law Division. In that position, I defended the National Guard's interests in all aspects of Department of Defense/National Guard operations and policies worldwide. I served as the National Guard's legal subject matter expert on issues across the spectrum of National Guard matters, such as: the Constitutional, statutory, and regulatory authorities involved in the funding, organization, discipline, and utilization of the National Guard; the National Guard as a reserve component; the organization, functions, and relational authorities of the National Guard Bureau; the National Guard Technician Program; and the Active-Guard Reserve Program.

I was originally commissioned in the United States Army in 1989 in the Aviation branch and served as an AH-64, Apache attack helicopter pilot and platoon leader. I was selected to attend law school at the Marshall-Wythe School of Law at the College of William and Mary under the Army's Funded Legal Education Program. I continued to serve as an active-duty Army Judge Advocate until April 2005 when I transferred to the West Virginia Air National Guard and accepted an active-duty position in the Office of the Chief Counsel, NGB. During my time with NGB, I served as an administrative law attorney; litigation attorney; deployed in response to numerous hurricanes to include hurricane Katrina relief duties; deployed to Iraq to work Rule of Law issues for Multi-National Forces-Iraq; and assisted in the deployments for numerous border security missions.

17. Do you believe that there are any actions you need to take to enhance your ability to perform the duties of the Army General Counsel?

Answer: I believe I have the skills, the experience both in legal practice generally and in national security matters in particular, the leadership, and the values to be successful as the General Counsel if confirmed.

If confirmed, I would make it a priority to quickly gain a deep understanding of the legal issues facing the Department in which I have not previously been involved, drawing on the expertise and institutional knowledge of the Office of General Counsel's career attorneys and the uniformed attorneys working for The Judge Advocate General. I would also seek, if confirmed, to collaborate closely with General Counsel of the War Department as well as the general counsels of the other services and other senior leaders across the Department of the Army and Department of War.

Finally, if confirmed, I would hope to spend time with uniformed and civilian leaders in the Army outside of the Pentagon—and would ensure the attorneys of the Office of General Counsel do so as well—to understand the challenges they face on the frontlines and to ensure that the legal work of the Office of General Counsel is focused on enabling their critical work to restore the warrior ethos, rebuild and enhance our military capabilities, and establish deterrence.

Major Challenges and Priorities

18. In your view, what are the most significant legal issues facing the Army today?

Answer: Revitalizing the acquisition, procurement, and fielding systems to quickly modernize the Army. Aligning Army manpower and personnel policies to enhance soldier readiness and focus on large scale combat operations and war winning.

19. What do you consider to be the most significant challenges you will face if confirmed as Army General Counsel?

Answer: Ensuring that the Department's valuable civilian and military legal resources are used

in the most effective and efficient manner to enhance our ability to win wars. If confirmed, I plan to work collaboratively with The Judge Advocate General to comprehensively assess the delivery of legal services in the Department and to develop and implement a plan to align the legal functions of the Department in a manner that will ensure that military legal resources are prioritized to perform military functions in close proximity to soldiers and commanders.

20. If confirmed, what parameters would you establish as to the types of legal and policy issues on which you and your office must be consulted?

Answer: Based on my experience, the Department of the Army has a culture that values legal input and appears to have robust processes in place to obtain that input on critical issues. If confirmed, I will lead the experienced attorneys in the Office of the Army General Counsel and in the wider Army legal community in their efforts to provide the best possible legal advice to decision-makers throughout the Department. I would ensure I am consulted on any issues potentially impacting the execution of the Secretary's guidance, particularly matters with the potential for significant financial or litigation risk for the Department.

21. If confirmed, what innovative ideas would you consider providing to the Secretary of the Army to improve the organization and operations of the Office of the Army General Counsel?

Answer: It is imperative for the legal resources of the Department to be focused on enhancing the readiness and war-winning capabilities of our Army. If confirmed, I would commit to working collaboratively with the Army Judge Advocate General to identify opportunities for adjustments in the delineation of legal roles and functions between uniformed and civilian legal resources to eliminate redundancies, clarify functions, and best focus our military legal resources on enhancing our ability to win wars.

22. If confirmed, are there specific matters on which your predecessor General Counsels have issued legal opinions that you would expect to reconsider and possibly revise? If so, which opinions, in which practice areas, do you believe might merit reconsideration?

Answer: At this time, I am unaware of any previous legal opinions I expect to revisit. However, if confirmed, I will be open to revisiting prior legal opinions to ensure not only their accuracy, but also their applicability to the Department of the Army's current initiatives to meet the new challenges of a rapidly evolving global, industrial, and technological landscape.

Relations with Congress

23. What are your views on the state of the Army General Counsel's relationship with the Senate Armed Services Committee in particular, and with Congress in general?

Answer: I understand the General Counsel of the Army's relationship with the Senate Armed Services Committee, and with Congress to be overall positive and professional. I am

not aware of specific interactions with Congress that would change my understanding. If confirmed, my intent would be to maintain strong relationships with Congress, including the Senate Armed Services Committee, which is so critical to mission success.

24. If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between this Committee and the Office of the Army General Counsel?

Answer: I am committed to open lines of communication and sustaining a productive and mutually beneficial relationship between the Army, Members of this Committee, its professional staff members, and the Congress as a whole. In order to foster a relationship of dialog and information sharing, I think it is imperative that any such communications or exchanges of information be appropriately safe-guarded by all parties.

25. If confirmed, what factors would you consider in determining whether or not to recommend the invocation of executive privilege in regard to a request from the Senate Armed Services Committee for information under the cognizance of the Army?

Answer: I understand the invocation of executive privilege to be within the President's discretion, as advised by White House Counsel. If questions arise regarding the possible invocation of executive privilege as related to the Department of the Army information, I will work with the Office of White House Counsel, through the Office of the General Counsel of the Department of War on all such matters.

Relationship with The Judge Advocate General of the Army and other Army Senior Counsels

26. How are the responsibilities and authorities for providing legal services to the Department of the Army allocated between the General Counsel of the Army; The Judge Advocate General of the Army; the Command Counsel, U.S. Army Materiel Command; and the Chief Counsel, U.S. Army Corps of Engineers?

Answer: The General Counsel of the Army is the final legal authority for the Department of the Army. Under the authority, direction, and control of the General Counsel there is a Command Counsel for U.S. Army Materiel Command and a Chief Counsel for the U.S. Army Corps of Engineers who provide legal counsel to the Commanding General of their respective organizations. The Judge Advocate General of the Army provides legal advice consistent with his statutory responsibilities under section 7037 of Title 10 in coordination with the Army General Counsel.

27. What is your understanding of the unique role and authority of The Judge Advocate General of the Army vis-a-vis the General Counsel of the Army?

Answer: Based upon my review of the history of the two offices, it is my opinion that the statutory role of the Army General Counsel and the General Counsel's role as "chief legal officer," as contained in Army policy, needs to be definitively reconciled with the statutory

authority of the Army Judge Advocate General under 10 U.S.C. § 7037 as the independent “legal adviser of the Secretary of the Army and of all officers and agencies of the Department of the Army...”

The lack of clarity between the breakpoints in authority, roles, functions, and responsibilities between The Judge Advocate General and the Army General Counsel has long been a source of confusion, inefficiency and, at times, unproductive tension going back as far as 1955. Despite numerous resolution efforts over the ensuing decades in both law and policy, the situation remains unresolved.

If confirmed, I will work collaboratively with the Army Judge Advocate General and the Service Secretary to develop legal policy to provide as much positive resolution as possible to this long-standing ambiguity.

28. What is your view of the authority of The Judge Advocate General of the Army, particularly as regards the provision of independent legal advice to the Secretary of the Army and the Chief of Staff, Army?

Answer: The framework established in the Goldwater-Nichols Act retained separate military and civilian elements within the Department to ensure that defense decision making is assisted by independent and well-developed military perspectives. Having been a Judge Advocate for many years, I recognize and value The Judge Advocate General’s statutory authority to independently advise the Army’s senior uniformed and civilian leadership on military legal matters pertaining to The Judge Advocate General’s areas of statutory responsibility.

29. What is your view of the responsibility of Army judge advocates to provide independent legal advice to military commanders and other Army officials and employees?

Answer: Under section 7037 of Title 10, Army Judge Advocates are entitled to give independent legal advice to military commanders. The statute prohibits any officer or employee of the Department of War from interfering with these duties. In my view, Judge Advocates must be empowered to provide independent legal advice to commanders and their staff, supported by appropriate guidance from their supervising attorneys. It is critical that commanders have access to timely, accurate, and candid legal advice and counsel as they execute their missions.

30. How do you view the role and responsibility of the Army General Counsel in the supervision and oversight of military justice matters vis-à-vis The Judge Advocate General of the Army?

Answer: It is my assessment that the Army Judge Advocate General should be considered the chief legal advisor to the Secretary and other Army officials on military matters related to their areas of statutory responsibility, including the administration of military justice and good order and discipline. The opinions of The Judge Advocate General issued in the context

of the areas of their statutory military responsibilities should be coordinated with the Army General Counsel, as much as is appropriate, and should be binding on Judge Advocates and Department officials.

31. If confirmed, would you propose any changes in the current relationships between the Army General Counsel and The Judge Advocate General of the Army?

Answer: It is my opinion that the statutory role of the Army General Counsel and, as contained in Army policy, the General Counsel's role as "Chief Legal Officer" needs to be definitively reconciled with the statutory authority of the Army Judge Advocate General under 10 U.S.C. § 7037 as the independent "legal adviser of the Secretary of the Army and of all officers and agencies of the Department of the Army..."

The lack of clarity between the breakpoints in authority, roles, functions, and responsibilities between the Service Judge Advocates General and the Service General Counsels has long been a source of confusion, inefficiency and, at times, tension going back as far as 1955.

If confirmed, I will work collaboratively with the Army Judge Advocate General and the Service Secretary to develop policy to provide as much resolution as possible to this long-standing ambiguity.

32. If confirmed, would you propose any changes to the current relationships and/or allocation of responsibilities between attorneys in the OGC and uniformed Army judge advocates?

Answer: It is imperative for the legal resources of the Department to be focused on enhancing the readiness and war-winning capabilities of our Army. If confirmed, I would commit to working collaboratively with the Army Judge Advocate General to identify opportunities for adjustments in the delineation of legal roles and functions between uniformed and civilian legal resources to best focus our military legal resources on enhancing the war fight.

33. Are the legal opinions of the Army General Counsel binding on all Army attorneys?

Answer: It is my assessment that the Army General Counsel should be considered the chief legal advisor to the Secretary and other Army officials on civilian matters and any other area of legal responsibility assigned by the Secretary of the Army. The opinions of the General Counsel should be coordinated with the Army Judge Advocate General and should be binding on all Army lawyers and Department officials.

Support to the Army Inspector General

34. What is the relationship between the Army General Counsel and the Army Inspector General?

Answer: I believe that as members of the Army Secretariat, the General Counsel and the Inspector General should have a strong working relationship to help the Secretary of the Army identify, investigate, and resolve important matters impacting the service. These include individual misconduct by senior officials, systemic non-compliance with law and regulation, or any other matter of sufficient magnitude. The Inspector General furthers this mission by being the eyes, ears, and voice of the Secretary through inspections, assistance, investigations, and teaching and training functions. I believe the Army General Counsel facilitates this mission by ensuring that the Office of the General Counsel stands ready to provide legal advice regarding these processes.

35. In your view, what role, if any, should the Army General Counsel have in reviewing and rendering opinions on the legal sufficiency of the investigations and recommendations of the Army Inspector General?

Answer: In this context, the General Counsel's role is appropriately limited to cases with substantiated findings regarding senior officials or otherwise brought to the attention of the General Counsel. I am told attorneys assigned to the Office of the Army Inspector General provide legal sufficiency reviews for all investigations that the Inspector General conducts involving senior officials, both military and civilian. As these investigations can have significant impacts on senior members of the Army, the Army General Counsel has an interest, on behalf of the Secretary, to ensure the sufficiency of the investigations.

Criminal and Administrative Investigations and Intelligence Oversight

Per Army General Order 2020-01, *Assignment of Functions and Responsibilities Within Headquarters, Department of the Army*, the Army General Counsel is responsible for overseeing criminal and administrative investigations, in coordination with The Judge Advocate General.

36. If confirmed, what role would you establish for yourself in providing advice to the U.S. Army Criminal Investigation Command (CID), including acting on requests for consensual or nonconsensual interceptions of wire, electronic, and oral communications, and pen register operations? What is the role of The Judge Advocate General?

Answer: My understanding is the Army General Counsel coordinates with The Judge Advocate General to provide advice to CID on the development and execution of criminal investigation policy and has delegated approval authority to the Director of CID for consensual interceptions of wire, electronic, and oral communications and pen register operations. The General Counsel oversees the use of these sensitive investigative techniques and is the approval authority for any exceptions to the policy for conducting them. The General Counsel also approves or denies CID requests to seek Attorney General or judicial authorization for nonconsensual interception of wire, electronic, oral communications, and pen register operations. If confirmed, I would ensure that the use of consensual or nonconsensual communications intercepts is not only consistent with the law, but also necessary to the conduct of law enforcement activities.

37. In your view, what limiting practices should guide Army intelligence organizations in determining the types and amount of information that can be collected about U.S. citizens?

Answer: Every President since President Reagan, including President Trump in his first and second terms, has used Executive Order 12333, as amended, to guide the entire intelligence apparatus of the federal government. At its heart, it directs that “Timely, accurate, and insightful information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to the national security of the United States. All reasonable and lawful means must be used to ensure that the United States will receive the best intelligence possible. ... The United States Government has a solemn obligation and shall continue in the conduct of intelligence activities under this order, to protect fully the legal rights of all United States persons, including freedoms, civil liberties, and privacy rights guaranteed by Federal law.” The President has also directed in Executive Order 13462 that a distinguished panel of intelligence experts advise him and create an oversight system. The Department of War implements Executive Order 12333 through DoD Manual 5240.01 and implements Executive Order 13462 through DoDD 5148.13. The Army implements both through Army Regulation 381-10. All together, they require that Army intelligence focus on the foreign threat while acknowledging that our adversaries and competitors reach to U.S. persons, including our citizens and our companies, to gather intelligence on us. By faithfully following the various rules, we can ensure we only gather the types and amount of information on Americans that are necessary to protect America. In addition, the Secretary of the Army has directed the General Counsel in General Order 2025-01 to “administer intelligence oversight on behalf of the SECARMY.” If confirmed, that is a responsibility I will take seriously.

38. In your view, do Army CID special agents have adequate authority and resources to participate in multi-jurisdictional law enforcement task forces?

Answer: My general understanding is that CID agents currently have the appropriate authorities, and with the transformation of CID, will have the proper resourcing to participate more effectively in multi-jurisdictional task forces. If confirmed, however, I will assist the Department in assessing CID’s resourcing and authorities.

39. What is the role of Army OGC in reviewing requests for the provision of DOD physical protection and personal security services to retired DOD officials and the family members of certain DOD personnel?

Answer: Army Office of General Counsel conducts a legal review of nominations involving current or former Department of War officials or their family members for the provision of physical protection and personal security services to ensure the requests address the criteria in law and policy required to justify providing such support. If confirmed, I would continue to oversee the conduct of these legal reviews to provide the Secretary of the Army the legal input he needs to determine whether to forward a nomination to the Deputy Secretary of War for approval.

General and Flag Officer Nominations

Existing law and policy provide that adverse and reportable information pertaining to an officer must be evaluated by senior leaders in the Military Departments and in the Office of the Secretary of Defense prior to the nomination of such an officer for promotion to a general or flag officer grade, or for appointment to a position of “importance and responsibility.”

40. In your view, what is the role of the Army General Counsel in the officer promotion system generally, and more specifically in reviewing the nomination of officers for promotion to general and flag officer grades and positions?

Answer: My understanding is that the Office of General Counsel, in conjunction with the Office of The Judge Advocate General, reviews all promotion board memoranda of instruction, promotion board results, and documentation for officer promotions to ensure that they are properly convened and conducted, any potentially adverse or reportable information is properly considered, and the Secretary is able to certify the exemplary conduct required for promotion.

41. In your view, are the current policies and procedures governing review of the records of officers whose selection for promotion or assignment requires Presidential or Secretary of Defense approval or Senate confirmation, sufficient to enable informed decisions by the Secretary of the Army, the Secretary of Defense, the President, and the Senate? Please explain your answer.

Answer: Yes. In my view, it is essential that the Army promote only the most qualified and exemplary officers. I understand current statutes and policy require a thorough review of each officer’s record, including an examination of any potential adverse or reportable information that might make their promotion inappropriate.

42. In your view, are these policies and procedures fair to the individual officers proceeding through the promotion or assignment processes?

Answer: Yes. My understanding is that officers with potentially adverse information or reportable information are given an opportunity to rebut that information and have that rebuttal fully considered so that the information can be explained or put into proper context.

Civilian Attorney Recruiting and Retention

43. In your view, does the Office of the General Counsel of the Army have a sufficient number of attorneys to perform its many missions? Please explain your answer.

Answer: I am not currently in a position to assess the adequacy of attorney manning levels within the Office of the General Counsel. If confirmed I will evaluate whether the Office of General Counsel is sufficiently staffed to support Army leadership and make appropriate

recommendations on necessary adjustments to manning levels. The legal complexities of multi-domain operations have grown exponentially in recent years, expanding the role of civilian and uniformed attorneys in areas such as intelligence law, space law, cyber law, international law, and acquisitions. Additionally, I understand that current workforce shaping, and acquisition efficiency efforts have required a recent surge of legal expertise to advise on new, significant policy changes, which will drive enduring legal support requirements. If confirmed I will assess whether the Office of General Counsel's current civilian staffing level is sufficient to support these ongoing policy initiatives.

44. Do you believe that the Army legal community needs additional incentives and talent management tools to recruit, develop, and retain a highly talented and competitive career civilian attorney workforce? If so, what sort of incentives and tools do you perceive would be helpful?

Answer: If confirmed, recruiting, developing, and retaining career civilian attorneys will be among my highest priorities. I understand there are several existing options Army organizations can use to recruit and retain their career civilian attorney workforce, to include the use of excepted service hiring authorities and the student loan repayment program. If confirmed, I will explore additional incentives to recruit, develop, and retain talent such as developing a Scholarship for-Service program similar to the Cyber Corps Scholarship-for-Service and considering whether to reestablish the Army General Counsel Honors Program.

45. In your judgment, what is the biggest challenge facing the Army in effectively and efficiently managing its civilian workforce?

Answer: My understanding is that among the Army's biggest challenges in managing its civilian workforce is recruiting and retaining high-demand talent such as engineers, scientists, cybersecurity analysts, data scientists, and other technical positions. If confirmed, I would support policies that enable the Army to attract top talent, quickly and efficiently onboard new hires, and retain and reward exceptional performers in high demand positions.

Risk Aversion

Many attempts at management reform in the Department of Defense, to include personnel reform and acquisition reform, involve allowing senior and local leadership to make maximum use of authorized flexibilities and exceptions to standard practices. It is generally believed that DOD's so-called "risk averse culture" stifles initiative and traps the Department in a set of antiquated and burdensome practices. At times, this culture of risk aversion has been attributed to the legal advice rendered by DOD and component attorneys.

46. In your view, what role should the assessment of "risk" play in an attorney's provision of legal advice?

Answer: In my view, the Department of the Army faces a critical need to foster the adaptive and accountable culture Secretary Driscoll has called for. Excessive caution in the face of

risk must not become an obstacle to progress. In my opinion, attorneys are obligated to provide candid, complete, and accurate advice to clients, including on legal risk associated with courses of action.

If confirmed as the General Counsel, I will ensure attorneys understand that advising on risk entails making sure clients are fully informed not only of their legal obligations, but also the full range of their legal options. My further expectation, if confirmed, will be that attorneys proactively seek ways to mitigate identified legal risks or to find alternative ways to achieve their clients' objectives that do not present those risks. That is not to say attorneys should decide the appropriate risk to be accepted by the clients, particularly those appointed by our duly elected officials. Attorneys are advisors; clients make decisions.

Ethics and Professional Responsibility

47. What is the general prevalence in the Army, and in its civilian workforce, of violations of criminal laws and executive branch and DOD ethics regulations relating to conflicts of interest?

Answer: I believe preventing conflicts of interest is critical to maintaining the public's trust and confidence in the Department's operations. Based on the most recent annual data reported on the Office of Government Ethics website, I understand that there were no statutory or regulatory violations in a Department of over half a million full-time personnel during fiscal year 2024. As the Department of Army Designated Agency Ethics Official, I will, if confirmed, carry out an effective ethics program to prevent and resolve conflicts of interest and the appearance of conflicts of interest.

48. What is the role of the General Counsel of the Department of the Army in ensuring that attorneys under his supervision adhere to Rules of Professional Conduct? If confirmed, how would you approach this critical supervisory duty with regard to the Office of the Army General Counsel?

Answer: The Army General Counsel is the senior qualifying authority for all civilian attorneys in the Department of the Army. The General Counsel has delegated this civilian qualifying authority to The Judge Advocate General, the Army Materiel Command Counsel, and the Chief Counsel for the Corps of Engineers for the civilian attorneys that practice under their supervision (GS-15 and below). The Army General Counsel has overall responsibility for the ethical practice of law for all civilian attorneys in the Department of the Army. If confirmed, I would emphasize the importance of adhering to attorney professional responsibility rules; supervise delegated qualifying authorities to ensure adherence to current Professional Conduct training requirements for all Army civilian attorneys; and review current oversight protocols within the Army. I would quickly address any identified lapses or concerns.

49. Are the laws and regulations relating to the post-government employment of DOD personnel—military and civilian—adequate, coherent, and comprehensible, in your view?

Answer: There is a long-standing framework of Executive Branch-wide ethics statutes and regulations that balance the interests of the public in preventing conflicts of interest with the employment rights of individual employees and the Government's interest in recruiting talent. I understand that a 2021 Government Accountability Office audit report concluded that the Department of War has strong post-government employment training, guidance, and practices for implementing these laws and made no findings of violations. Additionally, a Congressionally mandated Federally Funded Research & Development Center study finalized in 2024 concluded that the proliferation of ethics provisions that address the same or similar issues risks confusion that could undermine compliance and enforcement. The study further found that there was not a strong reason to treat Department of War officials more stringently than officials in other agencies. If confirmed, I would support clear, consistent, and balanced ethics laws, which are essential to maintaining the public's trust.

50. If confirmed, what actions would you take were it brought to your attention that a certain appointment or designation was potentially in violation of the Federal Vacancies Reform Act and associated case law?

Answer: In circumstances where I believe an actual violation may have occurred, I would coordinate closely with the Department of War Office of General Counsel and the Government Accountability Office's Comptroller General who serves as the primary gatekeeper of Vacancies Reform Act issues government wide.

51. If confirmed, what actions would you take if it were brought to your attention that a potential nominee, military or civilian, does not meet statutory prerequisites for the position for which the individual would be nominated?

Answer: The Constitution vests the President with the power to nominate Officers of the United States, and I understand that he executes that power with support from components in the Executive Office of the President and the Department of War. I would anticipate raising any issues with nominees through those appropriate chains of command for their resolution, after advising the Secretary of the Army to the best of my ability.

52. If confirmed, what actions would you take were it brought to your attention that an individual pending nomination or confirmation by the Senate, to a Presidentially appointed, Senate-confirmed office was potentially acting in contravention of the policies of the Senate Armed Services Committee regarding the presumption of confirmation?

Answer: If I am confirmed and it were brought to my attention that an individual pending nomination or confirmation by the Senate, to a Presidentially-appointed, Senate-confirmed office was potentially acting in contravention of the policies of the Senate Armed Services Committee regarding the presumption of confirmation, I would obtain the facts pertaining to the specific circumstances and provide my best legal advice to the Secretary of the Army regarding the situation. The Constitution vests the President with the power to nominate Officers of the United States, and I understand that he executes that power with support from

components in the Executive Office of the President and the Department of War; thus, I would anticipate raising any issues with nominees through those appropriate chains of command for their resolution, after advising the Secretary of the Army to the best of my ability.

Encroachment on Military Installations

Encroachment on military installations by commercial and residential development can negatively impact ongoing operations and significantly delay or halt the construction of new testing and training facilities vital to generating readiness.

53. What would be your role, if confirmed, in engaging with communities surrounding Active Army and Reserve Component training ranges, to address and resolve community concerns, while ensuring the resilience of range capabilities?

Answer: It is my understanding that the Army – along with the Office of Local Defense Community Cooperation – conducts compatible-use studies at installations. These studies are co-sponsored by the local community. The studies include input from the relevant county and state officials to ensure future plans are known and accounted for. If confirmed, I will ensure the Office of the General Counsel is appropriately engaged in the process of obtaining compatible-use buffers to protect Army training missions.

Military Housing Privatization Initiative (MHPI)

54. If confirmed as Army General Counsel, what would be your role in establishing accountability inside the Army for sustaining the high-quality housing that Soldiers and their families deserve?

Answer: I understand the critical importance of providing Soldiers and their Families high-quality housing. If confirmed, I would ensure Army leadership is fully informed about all legal mechanisms available to hold the Army's housing privatization partners to their legal obligations. Furthermore, I will direct the Office of the General Counsel to ensure that the Army has an effective process to actively monitor housing privatization partner performance, to anticipate potential legal challenges, and are prepared to recommend actions that address deficiencies in a timely manner. If Army leadership deems it appropriate to take action to hold a partner accountable, I will ensure the Office of the General Counsel provides not only the necessary legal advice and support for effectively implementing available accountability measures, but also actively explores all possible legal avenues to protect the interests of our Soldiers and their families. My commitment is to ensure the Army has the legal resources it needs to secure safe and suitable housing for those who serve.

55. If confirmed, specifically what would you do to improve business operation constructs and vest accountability in MHPI “contractors” for strict compliance with the terms of their public-private partnership agreements with the Army?

Answer: As stated above, providing Soldiers and their Families high quality housing is an imperative. If confirmed, I will meet with Army leadership to understand where the vulnerabilities or gaps exist in the current business operation constructs and support strengthening accountability within the MHPI program. I will assess the existing performance metrics for MHPI project company, to include how incentive fees are calculated and then actually awarded. Further, I will seek to rigorously enforce all legal obligations including available penalties, and otherwise ensure the Army has the legal support necessary to hold MHPI partners accountable when appropriate.

Acquisition

56. What is your understanding of the role of the Army General Counsel in ensuring that the Army's acquisition programs are executed in accordance with applicable law and policy?

Answer: The Army General Counsel is responsible for advising both the Secretary of the Army and the Assistant Secretary of the Army for Acquisition, Logistics and Technology (ASA(ALT)) to ensure Army acquisition programs are executed in accordance with law and policy. If confirmed, I would stay directly involved in this area and would ensure the Office of the General Counsel continues to provide sound legal and business advice to help Army acquisition programs achieve their cost, schedule, and performance objectives consistent with the principles of acquisition reform.

57. What are your views on the overall effects on the Army of defense acquisition reform to date?

Answer: The objective of the defense acquisition system is to deliver decisive capabilities to Soldiers in a timely manner while ensuring that taxpayer resources are utilized appropriately and efficiently. My understanding is that the Army has implemented a series of acquisition reforms directed by Congress in recent years, which provide greater flexibility in the development of new capabilities and that reduce timelines to field them to Soldiers. Additional reforms are still being finalized and implemented. These reforms appear to be benefiting the Army's efforts to modernize its weapon systems. If confirmed, I would support the Secretary of the Army and the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) in ensuring the Army continues to implement recent reforms expeditiously, in accordance with law and policy, and in a manner consistent with Congressional intent.

58. If confirmed, how would you ensure that Army acquisition officials understand and leverage the flexibilities provided by Congress in the context of acquisition reform?

Answer: Given the rapid pace of technological change and evolving threats in an increasingly complex security environment, it is critical that the Army leverages all of the flexibility and authority provided in law. If confirmed, I would work to ensure that Army acquisition officials understand the full range of these authorities and how they can be implemented in specific acquisition programs. I would also work closely with Army

acquisition leaders to ensure that these authorities are exercised in a manner consistent with Congressional intent and promote public confidence and trust in the acquisition process.

59. If confirmed, how would you deal with contractors that improperly mark technical data, do not deliver technical data under the terms of the contract, or otherwise enforce technical data rights and ordering to ensure the Army is able to maintain competition and its core logistics capabilities?

Answer: If confirmed, I would ensure that Government contracts contain appropriate clauses addressing technical data markings. If improperly marked, I would work with ASA(ALT) to ensure that appropriate contractual remedies are sought.

Sexual Assault and Sexual Harassment Prevention and Response

60. What is your understanding of the role of the Army General Counsel in addressing sexual assault and sexual harassment within the Army?

Answer: Sexual assault and sexual harassment are corrosive to the good order and discipline of the force and have no place in the Army. As such, the Secretary of the Army and senior Army military and civilian leaders must be well advised in legal measures to prevent and address sexual assault and harassment. If confirmed, I would work collaboratively with the Judge Advocate General to advise senior Army leaders on this important issue.

61. What is your assessment of the efficacy of the Department of Defense's sexual assault prevention and response program?

Answer: I do not have sufficient personal knowledge to comment regarding the effectiveness of the Department of the Army's sexual assault prevention and response program. I understand and appreciate that the Army continues working to enhance its programs and policies. If confirmed, I would make it a priority to work with Judge Advocate General determine the efficacy of the program.

District of Columbia National Guard (DCNG)

62. What is the role of the Secretary of the Army with respect to the DCNG?

Answer: The Secretary of the Army plays a unique and critical role with respect to the District of Columbia National Guard (DCNG). Unlike National Guard units in the states and territories, which operate under the authority of their respective governors, the DCNG falls under federal control. Specifically, the President serves as the Commander-in-Chief of the DCNG, and the Secretary of the Army acts as the Department of Defense's executive agent for its administration and oversight. In this capacity, the Secretary of the Army is responsible for ensuring that the DCNG is properly trained, equipped, and prepared to carry out its missions, which include supporting civil authorities, responding to emergencies, and providing security in the National Capital Region. The Secretary also oversees the DCNG's budget, personnel policies, and operational readiness, and ensures that its activities are

consistent with federal law and Department of Defense directives.

In short, the Secretary of the Army serves as the key link between the President and the DCNG through Department of Defense, ensuring that this unique force operates effectively, responsibly, and in alignment with national priorities.

63. How does the Army General Counsel assist the Secretary of the Army in executing this role, particularly as regards activating members of the DCNG in response to severe weather events, in support of National Security Special Events, and to address civil disturbances?

Answer: The Army General Counsel plays a vital role in supporting the Secretary of the Army's responsibilities with respect to the District of Columbia National Guard (DCNG), particularly in complex and sensitive situations such as severe weather emergencies, National Security Special Events, and civil disturbances.

As the chief legal officer of the Department of the Army, the General Counsel provides authoritative legal advice to ensure that any activation of DCNG personnel is consistent with applicable laws, regulations, and constitutional principles. This includes advising on the legal basis for activation—whether under Title 10, Title 32, or other authorities—and ensuring that the scope and nature of the mission are clearly defined and legally sound.

In the context of severe weather events, the General Counsel helps assess the legal framework for emergency response, including coordination with federal and local agencies, and ensures that DCNG support is appropriately authorized and executed. For National Security Special Events, such as presidential inaugurations or major international summits, the General Counsel works closely with the Department of Defense, the Department of Justice, and other stakeholders to ensure that DCNG involvement complies with federal law and respects civil liberties.

64. What is the role of the Secretary of the Army with respect to National Guard from other States in a Title 32 status who are called in to augment the DCNG?

Answer: When National Guard personnel from other states are called in to augment the District of Columbia National Guard (DCNG) under Title 32 status, they remain under the command and control of their respective state governors. However, their operational coordination in the District is subject to the mission parameters established by the federal government, and specifically, the Secretary of the Army plays a critical role in ensuring that this coordination is lawful, effective, and consistent with federal objectives.

The Secretary of the Army serves as the Department of Defense's executive agent for the DCNG, which is unique in that it does not fall under a state governor's authority. When out-of-state National Guard units operate in Title 32 status in support of DCNG missions, the Secretary of the Army ensures that their deployment aligns with federal guidance, that appropriate support and resources are provided, and that unity of effort is maintained across jurisdictions.

Additionally, the Secretary of the Army is responsible for ensuring that all legal, logistical, and operational frameworks are in place to support these Guardsmen, and that their activities are consistent with the Constitution, applicable statutes, and Department of Defense policy. This includes close coordination with the National Guard Bureau, the DCNG Commanding General, and the governors of the contributing states.

Ultimately, while the Secretary does not exercise direct command over Title 32 Guardsmen from other states, the role is pivotal in facilitating their integration into DC operations, ensuring mission clarity, and safeguarding the integrity of civil-military relations.

65. How does the Army General Counsel assist the Secretary of the Army in executing this role?

Answer: The Army General Counsel serves as the chief legal advisor to the Secretary of the Army and plays a critical role in helping the Secretary execute their responsibilities across the full spectrum of Army operations, including oversight of the District of Columbia National Guard (DCNG).

In this capacity, the General Counsel ensures that the Secretary's decisions and actions are grounded in sound legal judgment and consistent with applicable statutes, regulations, and constitutional principles. This includes advising on the legal authorities for activating the DCNG, whether in response to emergencies, National Security Special Events, or civil disturbances, and ensuring that such activations are properly coordinated with federal and local stakeholders.

The General Counsel also provides guidance on the rules governing the use of military personnel in domestic operations, including the Posse Comitatus Act, the Insurrection Act, and Department of Defense directives. This legal oversight helps safeguard civil liberties, clarify chains of command, and ensure accountability in sensitive missions.

Beyond operational matters, the General Counsel supports the Secretary in areas such as ethics, acquisition, legislative affairs, and intelligence oversight ensuring that the Army's actions reflect both legal compliance and institutional integrity.

Whistleblower Protection

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.

66. If confirmed, what role would you establish for yourself in, and what specific actions would you take, ensuring that service members and civilian employees of the Department of the Army who report fraud, waste, and abuse, or gross mismanagement are protected from reprisal?

Answer: The law prohibits taking or threatening to take an unfavorable personnel action against an individual in retaliation for making a protected disclosure. I understand that for reprisal allegations from military personnel, the Department of War Inspector General investigates or oversees such investigations undertaken by Department of War Component IG offices, and forwards to the Service Secretary investigation outcomes for appropriate action. If confirmed, I would be responsible for advising the Secretary of the Army on such investigations. Regarding civilian employee allegations of whistleblower reprisal, if confirmed, I would monitor the Army's program and investigation processes. These processes include referrals from the Office of Special Counsel and the Office of the Inspector General, as well as non-referral allegations, such as an employee raising the matter within his or her management chain. If confirmed, I would ensure that the Army has in place effective programs and processes to protect our military and civilian personnel from reprisal and provides for avenues of relief. I would support taking appropriate corrective action in substantiated cases.

Litigation Involving the Department of the Army

67. What is your understanding of the relationship between the Department of the Army and the Department of Justice with respect to litigation involving the Army?

Answer: I understand that the Department of Justice, under the direction of the Attorney General, has the responsibility to represent the Department of the Army and its officers in civil litigation. However, I understand that Department of Justice requires the assistance of Army attorneys to defend litigation involving the Army, and throughout the course of the litigation Army attorneys work with Department of Justice attorneys to ensure the Army's interests are represented by collaborating on litigation strategy and defenses. If confirmed, I would continue to work collaboratively with The Judge Advocate General and the Department of Justice to protect the Army's interests in litigation.

68. In your view, should the Department of the Army have the independence and resources to conduct its own litigation?

Answer: It is my understanding the Department of the Army Office of the General Counsel has a good working relationship with the Department of Justice. If confirmed, I will review this issue.

Congressional Oversight

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.

69. 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.

70. 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.

71. 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.

72. 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.

73. 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.

74. 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.

75. 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.