

Instructions for the nominees: The Senate Committee on Commerce, Science, and Transportation asks you to provide typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type "None" or "No" if a question does not apply to the nominee. Return printed answers to Committee. Begin each section (i.e., "A", "B", etc.) on a new sheet of paper.

A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used):

Kevin Eugene Lunday

2. Position to which nominated:

Rear Admiral (O-8)

3. Date of Nomination: February 24, 2016

4. Address (List current place of residence and office addresses):

Residences:

Fort Meade, MD 20755 (current residence)

Suffolk VA 23435 (permanent residence, own, currently unoccupied)

Office:

Commander

U.S. Cyber Command

Fort George G. Meade, MD 20755

5. Date and Place of Birth:

10/12/1965 in Columbia (Ft. Jackson), South Carolina, U.S.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

My wife is employed as a part-time professional speech-language pathologist at the following companies:

Holy Cross Hospital, Silver Spring MD (October 2015 – present)

MedStar Visiting Nurses Association, Baltimore MD (October 2015 – present)

Bon Secours Health System (Maryview Medical Center), Portsmouth VA

I have no children.

7. List all college and graduate degrees. Provide year and school attended.

Bachelor of Science in Marine Engineering (1987); U.S. Coast Guard Academy

Certificate (Diploma) (1994); U.S. Naval War College, College of Command and Staff

Juris Doctor (1997); George Washington University Law School

Master of Science in National Security Strategy (2008); National War College

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

I have been solely employed by the U.S. Coast Guard from 1987 until present. My management-level jobs and non-managerial jobs that relate to the position for which nominated are:

1987-1989: Deck watch officer and Operations Officer aboard U.S. Coast Guard Cutter SWEETGUM in Jacksonville, Florida.

1989-1991: Commanding Officer of U.S. Coast Guard Cutter POINT MARTIN in Atlantic Beach, North Carolina.

1991-1994: Intelligence Watch & Warning Officer and Chief, Global Intelligence Branch (Analysis Division) at U.S. Coast Guard Intelligence Coordination Center in Washington, DC.

1994-1997: Over two 3-month summer intern periods (1995 and 1996) during law school, I worked in the Office of Claims and Litigation and Office of Regulations and Administrative Law for the Chief Counsel, U.S. Coast Guard.

1997-1999: Assistant School Chief and Legal Advisor, U.S. Coast Guard Maritime Law Enforcement School, U.S. Coast Guard Training Center Yorktown, Virginia.

1999-2001: Staff Judge Advocate at U.S. Coast Guard Training Center Yorktown, Virginia.

2001-2004: Counsel/Legal Advisor to the Assistant Commandant for Intelligence, U.S. Coast Guard.

2004-2007: Chief of Operational Law for U.S. Coast Guard Atlantic Area and Fifth District Staff Judge Advocate.

2008-2011: Commanding Officer, U.S. Coast Guard Maritime Intelligence Fusion Center Atlantic, Virginia Beach, Virginia.

2011-2014: Executive Assistant to the Commandant, U. S. Coast Guard.

2014-present: Director (J7), Training and Exercises, U.S. Cyber Command, Department of Defense.

From 2006-2007, I served as a Military Judge for Special-courts martial as a part-time assignment in addition to my regular duties.

9. Attach a copy of your resume.

My official Coast Guard biography is attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last five years.

None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last five years.

Member, Advisory Committee to the Standing Committee on Law and National Security of the American Bar Association (August 2015-present).

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

American Bar Association (2005-present)
Maritime Law Association of the U.S. (1998-present)
Hampton Roads Officers' Association (U.S. Coast Guard) (2008-2010)
 Vice President 2009
 President 2010
National Naval Officers' Association (2009-2010, 2013, 2015)
Virginia State Bar Association (2005-present)
Maryland Bar Association (1997-2007)

National Military Intelligence Association (2011)
National War College Alumni Association (2008-present)
U.S. Coast Guard Academy Alumni Association (1983-present)
U.S. Naval Institute (1983-present)
Military Officers Association of America (1989-present)
Army and Navy Club (Washington, DC) (2013-2015)
Armed Forces Communications and Electronics Association (AFCEA) (2014-present)
None of these organizations restricts membership on the basis of sex, race, color, religion, national origin, age or handicap.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

No.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

None.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

Military medals:

Legion of Merit (2)
Meritorious Service Medal (3)
U.S. Coast Guard Commendation Medal (4)
U.S. Coast Guard Achievement Medal (2)

Honors:

Distinguished Graduate, National War College (2008)

National Military Intelligence Assoc. Sherman Kent Strategic Intelligence Writing Award (2008)

American Bar Association Outstanding Military Service Career Judge Advocate Award (2005)

Director of Central Intelligence National Intelligence Certificate of Distinction (2004)

Order of the Coif, George Washington Univ. Law School (1997)

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Armed Forces Communications and Electronics Association (AFCEA) Luncheon – U.S. Coast Guard Academy, New London CT (Speaker) (November 17, 2015) (Official duties).

Kalaris Intelligence Conference 2015 (National Geospatial Intelligence Agency and Georgetown University), Washington DC (Panelist, “Achieving Transparency, the Evolution of Intelligence” (September 24, 2015)) (Official duties).

National Defense Industrial Association (NDIA) Space Conference (U.S. Cyber Command briefing), Reston VA (Speaker, U.S. Cyber Command briefing (August 4, 2015)) (Official duties).

National Naval Officers Association (NNOA) Annual Leadership, Professional Development and Training Conference 2015 (Panelist, “Leadership” (July 29, 2015)); (Speaker “Taking Ownership of the Command Climate” (July 30, 2015)) (Official duties).

AFCEA Coast Guard Industry Day, Washington DC (Panelist, “Achieving Information Governance in the Maritime Domain” (April 2, 2015) (Official duties).

AFCEA Monthly Luncheon and Cybersecurity Panel (Panelist) (November 17, 2014) (Official duties)

“The Coastal Seaspaces Patrol Sector Design and Allocation Problem,” Computational Management Science (Sep 2012)

“Corporate Responsibility in Cybersecurity: Building International Global Standards,” Georgetown Journal of International Affairs (Spring 2011)

“Maritime Domain Awareness,” U.S. Coast Guard Proceedings of the Marine Safety and Security Council (Summer 2009)

“Coast Guard International Training,” U.S. Coast Guard Proceedings of the Marine Safety and Security Council (Summer 2009)

“Due Process is a Strategic Choice: Legitimacy and the Establishment of an Article III National Security Court,” California Western International Law Journal (Fall 2008)

“Repeal the 16 Pound Sledgehammer,” U.S. Naval Institute PROCEEDINGS (Feb 2007)

“Every Coast Guardsman is a Lifesaver,” U.S. Naval Institute PROCEEDINGS (June 2000)

“Where is Courage?” U.S. Naval Institute PROCEEDINGS (Dec 1998)

“Using Financial Markets to Protect the Environment: U.S. Coast Guard Leads Modern Approach,” University of San Francisco Maritime Law Journal (Summer 1998)

“The Coast Guard Must Bridge the Gap,” U.S. Naval Institute PROCEEDINGS (June 1997)

“Permitting Media Participation in Federal Searches: Exploring the Consequences for the United States Following *Ayeni v. Mottola* and a Framework for Analysis,” George Washington University Law Review (January 1997)

“Applying the Discretionary Function Exception,” George Washington University Law Review (June/August 1996)

Speech to U.S. Northern Command Homeland Security Legal Conference (2010)

Veteran’s Day Speech to Pilot Club International, Suffolk, Virginia (Nov 2008)

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

I have not testified orally or in writing before Congress. However, I briefed members of Congress on two occasions:

23 Jul 2015: briefing with RADM Lytle to Chairman Hunter and Ranking Member Garamendi (CG&MT) on U.S. Coast Guard Cyber Command and Coast Guard role within U.S. Cyber Command.

30 Sep 2015: briefing with RADM Gilday (USCYBERCOM J3), RADM Filipowski (OSD Principal Cyber Advisor, Mr. Hale (OSD Deputy CIO for Cybeseurity) to House Armed Services Committee (closed session) on Department of Defense Cyber Mission Force training and operational readiness.

Separately, I have briefed Congressional staffers on multiple occasions since June 2014.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I believe I am affirmatively qualified for appointment to Rear Admiral based on a thorough understanding of Coast Guard operations and mission support activities, successful leadership experience within the Coast Guard at each level, and demonstrated ability to work with interagency partners from Federal, state, and local governments, the private sector and international governments. I have specialized competence through education, training and experience in the fields of law, intelligence, cyberspace operations, cybersecurity and national security strategy. Since June 2014, while serving as the Director (J7) at U.S. Cyber Command, I gained executive experience leading the development of trained and ready Cyber Mission Forces within the Department of Defense (DoD). I led and directed major exercises that improved DoD capability to respond to a major destructive cyberattack on U.S. critical infrastructure. I participated in formulation and execution of DoD policy and budget related to training and readiness of cyberspace forces. I gained experience over the past eighteen months briefing Congressional members and staff on issues related to cyberspace training, readiness and workforce development. While serving as Executive Assistant to the Commandant, I gained executive-level knowledge and experience directly advising the Commandant of the Coast Guard on strategic issues of service-wide impact, including budget, policy, strategy and operations. I have very strong written and oral communication skills.

I wish to serve in the position of Rear Admiral because I believe that I can best continue to serve the Coast Guard, Department of Homeland Security, and the nation in a position of executive leadership. I believe that as a positive leader, I am well prepared to lead Coast Guard men and women to safely and effectively conduct operations and mission support activities under complex, dynamic conditions and challenges, including evolving threats, significant fiscal constraints, and public scrutiny of government functions. I also believe that as a senior government attorney and military officer, I have a thorough understanding of my obligations regarding the authority, roles and responsibilities of Congress, the Executive and the Judiciary, and the critical importance of civilian control of the military to the health of the government.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

If confirmed, I will ensure the Coast Guard has proper management and accounting controls by personally understanding, directing, and ensuring compliance with the full scope of statutory, regulatory and policy requirements governing management of public property and funds and performance of government activities. I will ensure that the Coast Guard, both within my assigned area of responsibility and across the organization, maintains policies and systems for management and accounting controls, trains personnel in their use and application, executes functions in accordance with those controls, and reports failures or violations of controls to appropriate enforcement and oversight authorities.

As the Director (J7) at U.S. Cyber Command, I was responsible for execution of over \$54 million in annual funding for cyberspace training within DoD. As the commanding

officer of a major intelligence unit, I directed and managed property and funds, including information technology systems and applications across three security domains. I directed formulation and execution of the unit budget and oversight of financial accounting systems. At the front-line level, I implemented new personal property accounting procedures as part of service efforts to achieve a qualified audit opinion. In my position as Executive Assistant to the Commandant, I closely observed the Coast Guard's continuing efforts to achieve an unqualified audit opinion, which provided me with insight and perspective on the personal responsibility of executive leaders to carry out this responsibility.

20. What do you believe to be the top three challenges facing the department/agency, and why?

The top three challenges facing the agency are:

1. How does the Coast Guard successfully recruit, develop, lead and retain top talent within a military and civilian workforce during an improving economy and private sector that is increasing competition for specialized talent. People remain our greatest resource. The Coast Guard workforce requires more specialty knowledge and technical proficiency than ever before, meaning increased time and investment to provide employees with technical training and competence in skills that are increasingly perishable and in high demand by the private sector and other government agencies. The Service must improve its ability to attract, develop and retain the best people into a strong, diverse workforce. This requires re-examining current personnel management, training and assignment policies and systems, then adapting them to meet current and future requirements. Further, Coast Guard employees deserve, and the public expects, positive leadership at every level. The Coast Guard must continue to improve leadership training and performance to ensure it meets the high standards and traditions of the Service and the expectations of our employees, the President and Congress.

2. How does the Coast Guard reduce and eliminate sexual assault from within its ranks to restore the confidence of the public? Sexual assault continues to plague the Coast Guard, and every day there are Coast Guard men and women who still live in fear of fellow service members who are sexual predators. The Coast Guard and other military services must continue to place highest priority on policies, leadership and actions prevent and respond to incidents, hold predators accountable, care for victims and eliminate sexual predators from the military. The service must continue to identify and implement solutions to address the problem, including effective prevention through bystander intervention, care for victims and accountability for offenders at all levels.

3. How does the Coast Guard adapt to changes in the strategic environment, most significantly the increasing risks in cyberspace to Coast Guard operations and the maritime transportation system. The threats and vulnerabilities in cyberspace are dynamic and complex. While we benefit from opportunities provided by the internet and

networked technologies, we still struggle to understand and adequately address the risks of our deep reliance on cyberspace. The Coast Guard—working within the Department of Homeland Security and with other agencies—must adapt to operate legally and effectively within cyberspace to defend our own networks and information and protect the security of the maritime transportation system from cyber threats.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

Please see my nominee PFDR.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

Yes. I currently serve as a Member of the Advisory Committee to the Standing Committee on Law and National Security of the American Bar Association (ABA). I was appointed in August 2015 by the President of the ABA and that affiliation expires in July 2016. This is not employment and I am not paid compensation for my service in this capacity. The role involves participating in support for the educational and professional association activities of the Standing Committee on Law and National Security. I have attended one annual board meeting in November 2015, I occasionally attend Standing Committee legal professional development events, and I maintain regular contact with other members of the Standing Committee and Advisory Committee to the Standing Committee on issues related to national security law.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

None.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None.

5. Describe any activity during the past ten years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

In November 2008, I co-authored an article titled "Due Process is a Strategic Choice: Legitimacy and the Establishment of an Article III National Security Court," in the California Western International Law Journal. In that article, I argued for the creation of an Article III National Security Court to address the detention and trial of terrorist suspects, as an alternative to the existing Article III courts and the use of military

commissions. Other than writing the article for publication, I took no action to influence or support the passage of legislation or affect the administration and execution of law or public policy.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

I will obtain advice from a Coast Guard ethics official and follow that advice.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain.

In 2008, I was the subject of a civil complaint in Federal court. I was sued in U.S. District Court in my personal and official capacity (along with the Coast Guard) by an insurance agent who alleged violation of his constitutional rights in 1999 and 2000 for actions that he claimed interfered with his business aboard a Coast Guard installation at which I was assigned as the Staff Judge Advocate. The court dismissed the lawsuit on 12/8/2008. Other than the above matter, I have none.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

No.

6. If you ever served as a general court-martial convening authority involving an offense involving sexual misconduct or assault, have you ever disapproved the findings of a court-martial related to the offense(s) or reduced the sentence adjudged by a court-martial, other than in connection with a pre-trial agreement?

No.

7. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

I am a member in good standing of the Virginia State Bar and U.S. Supreme Court Bar.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees?

Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?

Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?

Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

(Nominee is to include this signed affidavit along with answers to the above questions.)

F. Affidavit

KEVIN E. LUNDAY being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Kevin E. Lunday
Signature of Nominee

Subscribed and sworn before me this 1 day of March, 2016.

[Signature]
Notary Public

STATE OF Maryland
COUNTY OF Anne Arundel

The foregoing instrument was acknowledged before me this 1 day of March 2016 by Kevin Lunday

[Signature] Notary Public's Signature
Notary Name Kevin A. Miller
Personally Known _____ OR
Type of Identification Produced X - Ta Drivers License





Rear Admiral Kevin E. Lunday

J7 Director, Exercises and Training
U.S. Cyber Command
U.S. Coast Guard



Rear Admiral Lunday assumed the duties as Director, Exercises and Training of U.S. Cyber Command in June 2014. Rear Admiral Lunday is responsible for training requirements, certification standards and exercises to enable the military services to build and prepare cyber forces required to execute assigned missions.

He served as the Executive Assistant to the 24th Commandant from 2011 to 2014. Prior to that he served as Commanding Officer of Coast Guard Maritime Intelligence Fusion Center Atlantic where he was responsible for directing all-source intelligence and information collection, analysis, and production to provide decision advantage to Coast Guard operations throughout the eastern U.S. and the Atlantic Ocean.



Rear Admiral Lunday has served in a variety of legal, intelligence and operational assignments in the Coast Guard, including command afloat and ashore.

Rear Admiral Lunday is a Distinguished Graduate of the National War College with a Master of Science in National Security Strategy and a graduate of the Naval War College (College of Command and Staff). He holds a Juris Doctor from George Washington University Law School and Bachelor of Science in Marine Engineering from the U.S. Coast Guard Academy.

He is Judge Advocate and licensed to practice law in Virginia, Maryland, and before the U.S. Supreme Court. He is also certified as a Military Judge under Article 26(b), Uniform Code of Military Justice.

Individual military awards include the Legion of Merit (2), Meritorious Service Medal (3), Coast Guard Commendation Medal (4) with the Operational Distinguishing Device and Coast Guard Achievement Medal (2) with Operational Distinguishing Device. He is the recipient of the 2004 U.S. Intelligence Community National Intelligence Certificate of Distinction. He is also the recipient of the 2005 American Bar Association SCAFL Outstanding Military Service Career Judge Advocate Award.