

16 April 2013

Sir,

First, let me say that I am Veteran and served with the United States Marine Corps in combat, with distinction, during the First Gulf War. I would also like to say that I am a public servant and have provided more than 11 years of faithful and dutiful service to the people of our great nation. I have worked as an employee of the Central Intelligence Agency (CIA), Department of Education (ED), NASA and the Department of Veterans Affairs (VA). I have discharged my duties proudly and I am fortunate that the American people have allowed me to serve them. I have scaled the ranks beginning my career as a General Schedule 6 (GS 6) to my current role as a Senior Executive Service (SES) member. I am forever indebted to our country. Having traveled all over the world, as a civil servant and a Marine I can say unequivocally that there is no greater country than our own.

I have trained formally in all disciplines of security; physical, personnel and cyber. My strengths lie in cyber security and information protection. Until recently, I was the longest serving Chief Information Security Officer (CISO) in the federal government with almost a decade of service at the agency and department levels. My career record speaks for itself. I am one of the most respected thought leaders in cyber security in both government and private industry.

The reason that I am writing to you today is to raise a concern regarding the protection of Veteran information at the Department of Veterans Affairs, where I served as the Deputy Assistant Secretary, Information Security and Privacy (DAS, IS) from late August 2010 through early February 2013.

In January 2013, senior members of the Office of Information and Technology (OI&T), Principle Deputy Assistant Secretary (PDAS) Mr. Stephen Warren, made an unsuccessful attempt to coerce me to sign documents to attest that more than 545 VA systems processing, transmitting or storing Veteran were adequately secure. In my role as the DAS, IS and under VA policy, I had the authority to agree, or not agree that such systems were adequately secure and I strenuously objected to the process and refuse to attest that VA systems were adequately secure. In mid January 2013 I had written a formal memorandum (enclosed) to the former Assistant Secretary, OI&T, Mr. Roger Baker, that the process used to validate the security of Veteran information was faulty and improper and that as the DAS, IS, I could not and would not sign or attest to the security of Veteran Information given the flawed process. I also made a recommendation for a process that I felt would adequately secure Veteran Information. I then transmitted this letter to AS Baker using the official VA internal correspondence system (known as VAIQ). Mr. Baker ultimately never replied to me despite the fact that I was the third most senior member on his team behind himself and Mr. Warren.

January 25, 2013, was supposed to be my last day at VA. I had notified AS Baker in November of 2012 that I had tentatively taken an offer as Chief Information Officer (CIO) at NASA Ames Research Center (ARC) in Mountain View California. PDAS Warren became aware of my appointment at the same time through Mr. Baker. On December 21, 2012, I sent an email to Mr. Baker and Mr. Warren alerting them that I had formally accepted the position from NASA and that I would carry out the remainder of my VA duties for December 2012 and throughout most of January 2013 (with the expectation that I would be departing VA January 25<sup>th</sup>).

However, two weeks prior to my departure (on or about January 11, 2013 and through early February 2013), Mr. Warren rejected and held up my release to NASA, pending that I sign documents in my official capacity as the DAS, IS attesting that Veteran data was adequately secure within more than 545 VA systems. During the course of January, I had several conversations with Mr. Warren indicating to him that the process was improper and that I would not jeopardize the personal information of Veterans, information that we are entrusted to protect and that we had a duty to protect. I strongly believe that the Veterans came first. Despite my promotion with NASA and personal reasons to move to California on the line, I vehemently refused to compromise the personal information of millions of people who have defended our nation at incredible personal cost to include life and limb. I also refuse to compromise my personal and professional integrity and ethics even when it would seem that I would benefit most by just signing the documents and moving on to another agency.

On January 25, 2013, I reluctantly signed 250 plus attestations documents. However, I signed the documents with the words "With Reservations" next to my signature. Several days later I wrote the enclosed letter and required that it be appended to all 250 attestations. I also sent copies of the letter to the VA Office of the Inspector General (OIG). I also copied other members of Congress, the Office of Special Counsel, and the VA Chief of Staff.

I contacted the VA IG for Audits and the IG for Investigations via a phone call to alert them on what had taken place. The IG for Audits and IT Security was contacted as a way to let them know that the security process for ensuring that Veteran data was secure was seriously flawed and put millions of Veteran's data at risk of compromise. I contacted the IG for Investigations to raise a complaint of coercion against me by a senior official.

Ultimately, I provided the IG with sworn testimony on the issue in early February 2013, while still at VA and my transfer to NASA held in abeyance by Mr. Warren. The IG required OI&T leadership to secure all documents that I had signed on January 25, 2012. At some point, the issue regarding my release pending I sign documents that I felt were improper was raised to John Gingrich, former VA Chief of Staff and the VA Office of General Council (OGC). OGC instructed Mr. Gingrich to release me immediately to NASA. I was summarily released on February 8, 2013.

I have checked from time-to-time with my former VA staff to see if the process for ensuring that VA systems were adequately secure has changed and improved. I have heard that it has not changed and that Mr. Warren, who is now the Acting Assistant Secretary OI&T, has put a close friend and former colleague into the DAS, IS role to sign the documents despite this individual's lack of experience in securing information, networks and systems. It is for these reasons that I send you this letter today and the original letter that I had prepared in late January 2013. Veteran data is at serious risk of compromise or misuse.

I would opine that there is a need for a deep and probing investigatory look into the practices used to secure Veterans information by an independent third party. There is also a need for a deep look and investigatory probe into the practices of the most senior officials within the Office of Information and Technology

I am no longer at VA. However, I am forever a Marine and forever a Veteran and forever indebted to the people of our great Nation and particularly our Veterans. If you or members of your staff would like to have further dialog on this issue, please feel free to contact me at the number and email address below.

Sincerely,

Jerry L. Davis

A large black rectangular redaction box covering the signature area.